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BROOKVILLE CITY COUNCIL
REGULAR MEETING
March 7, 2006

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on March 7, 2006 in the City Council Chambers. The pledge of allegiance was recited. Members Duncan, Garber, Hanos, Reel, Sanders and Ullery; Manager Wright, Assistant Manager Sewert, Law Director Stephan, Police Chief Preston, Service Superintendent Brandt and Director of Finance/Clerk Keaton were present. Fire Chief Nickel arrived later.

Motion by Duncan, second by Sanders to accept the Agenda with an addition. All yeas, motion carried.

Motion by Sanders, second by Garber to accept the February 21, 2006 Regular Meeting Minutes as presented. All yeas, motion carried.

Joe Litvin, Montgomery County Engineer, and Gary Shuppe, Senior Engineer with Montgomery County, gave a brief presentation on Neighborhood Traffic Design and what the City of Brookville needs to consider when approving developments as it relates to traffic. Mr. Shuppe commented the City needs to encourage traffic be limited to local residents and connectivity. Mr. Shuppe stated there are issues resulting from undesirable neighborhood traffic elements, such as angry residents, strains on limited resources and increased risk of pedestrian and vehicle conflicts. Mr. Shuppe commented research has shown that motorists drive at speeds perceived to be safe and comfortable regardless of the speed limit unless strong police enforcement occurs. Mr. Litvin stated the Ohio Revised Code requires those speed limits for all County and Township Roads be approved by the Ohio Department of Transportation.

Mayor Seagraves commented he spoke about reducing the speed limit along Westbrook Road just east of the bikeway with Mr. Litvin and Mr. Shuppe. Mayor Seagraves mentioned the County is not able to reduce the speed limit on this stretch of roadway, as they are governed by the Ohio Revised Code.

Mr. Litvin commented City's are able to adjust speed limits. An option the City can look into is to annex that section of roadway. Mr. Litvin stated the County can post signs to slow drivers down before they enter the City limits.

Law Director Stephan indicated that he had done some preliminary research on an Expedited Type 2 annexation of Westbrook Road to permit the City to reduce the speed limit of Westbrook Road in the area of Meadows of Brookville. To complete an annexation of the road, property owners adjacent to Westbrook Road will need to sign the petition.

Police Chief Preston recognized Tom Simon as "Officer of the Year" for 2005, due to his day-to-day work ethic in his daily patrols, while presenting a positive attitude toward fellow employees and the public. Chief Preston commented Officer Simon was the leading officer in all statistics, such as calls handled, cases solved and arrests made.

Karen Braund, of 15 Heckathorn Road, stated she did not receive any notice from the City prior to Meadows of Brookville, Section Five being approved with a variance. Mrs. Braund commented she received notices from Perry Township on their proposed rezoning project just across the street from her. Mrs. Braund stated when they were looking at purchasing a home, the realtor showed them a map that indicated an approximate six plus acre green space directly behind 15 Heckathorn Road. Mrs. Braund stated there were no lots up against Westbrook Road on this Preliminary Plat Map. Mrs. Braund mentioned they do have a Covenant that states signatures are required from the majority of homeowners prior to making changes to the size of the lots.

Law Director Stephan stated the Brookville City Charter requires notices to be mailed to surrounding property owners for rezoning; the City is not required to send notices to property owners for Final Plat approval. The approval of the Meadows of Brookville Section Five Final Plat did not involve a rezoning of the property. Law Director Stephan indicated covenants are rights between a property owner and the developer. Law Director Stephan commented that a Preliminary Plat can be revised by approval of a Final Plat. Final Plats can be changed from the

Preliminary Plat that was approved. Law Director Stephan also indicated that there is no green space requirement in R-1C zoning. Law Director Stephan indicated that he would review the issue of whether the approval of Section Five of Meadows of Brookville violated the existing covenants and restrictions in Meadows of Brookville.

Mrs. Braund commented there are a lot of unhappy citizens in the Meadows of Brookville Subdivision due to the approval of Section Five, and they will be present at the next Planning Commission meeting.

Del Braund, of 15 Heckathorn Road, stated with the approval of Meadows of Brookville, Section Five, kids will not be able to play in their front yards. Mr. Braund commented the selling point for them to purchase their house, was the green space directly behind the house. Mr. Braund expressed concern for the safety of citizens that will live along Westbrook Road. Mr. Braund commented there have been numerous accidents over the last few years from drivers turning off of Wellbaum Road onto Westbrook Road. Mr. Braund also expressed concern with the approval that was given to this section, especially with the size of the homes.

Jean Lathrop, of 222 Maple Street, stated she received a letter from the City that indicated she needed to move her trash pickup location from the alley to the front of her home. Mrs. Lathrop commented that Mr. Brandt explained the reasons for this change, but she has a specific area built next to the alley to store her trash containers. Mrs. Lathrop mentioned she has no where else to store her trash containers that would be convenient. She would have to drag her trash through her grass to the front of her property.

Manager Wright asked Clerk Keaton to read aloud the memorandum he addressed to Council on changes in trash collection in alleys, which listed the pros and cons of moving the trash pickup location from the alleys to the front of properties.

Ron Brandt, City Service Superintendent, indicated the change in refuse pickup location was initiated because of the wear and tear on alleys. Mr. Brandt indicated Brookville is getting larger, and with that the City began using larger refuse trucks. Mr. Brandt stated with the refuse truck going down the roadway, it streamlines the pickup, as both sides of the street can be picked up at once.

Mrs. Lathrop commented the City should fix the alleys. Mrs. Lathrop stated she does not see the point in changing the trash pickup location, she wants to go back to alley pickup.

Steve Williams, of 237 Maple Street, stated he wanted to go on record that he is the individual who wanted to see change in the trash pickup location. Mr. Williams expressed concerns for the alley maintenance along with the wear and tear of the new sidewalks and aprons, which are now breaking up. Mr. Williams stated a gas line was also severed in the alley, he is not sure if that was done by a refuse truck, but it is dangerous. Mr. Williams mentioned the whole City should place their trash and recycling in the front.

Elaine Hummel, of 232 Maple Street, stated she bought her property 39 years ago, and she thought her house had a real asset in that they would not have to set trash out front.

Mrs. Lathrop commented she won't argue if the City implements city-wide pickup in front of the properties, but she does not care for her block being the only area to change.

Manager Wright indicated he informed Council previously of the City wanting to move trash pickup from the alley to the front, which will be phased in. Manager Wright also indicated the City can continue to maintain the alleys, but refuse trucks are much larger than they used to be. Manager Wright mentioned the City used to have smaller trucks, but it was taking longer for trash pickup, and they would have to drive down to the incinerator twice each day, versus one time as we do now, which saves on fuel.

Garnett Buckley, of 31 March Avenue, stated she has to put her trash and recycling out front of her home each week, and she has no problem with it.

Member Garber commented with the homes along Maple Street that do not have a driveway on Maple Street, they may have trouble bringing their trash from the rear of the property to the front, especially in the winter.

Manager Wright stated it all boils down to a convenience issue on both sides, both for the homeowners and the City.

Member Ullery stated he lives on Vine Street and most of the homeowners along Vine Street have driveways. There are a lot of elderly people that live in this area of Brookville and he has concerns for the elderly being able to move their trash from the alley to the front of their homes. Member Ullery commented he can see it as a safety hazard for those individuals. Member Ullery stated he is all in favor of saving the City money, but he does have concerns for the elderly and their safety.

Mr. Williams commented maybe the City should fix the alleys so they can accommodate larger trucks.

Manager Wright stated the City does not ignore alley maintenance. Alleys are handled the same way as paved streets. They are maintained on an as needed basis.

Ralph Hummel, of 232 Maple Street, stated once trash collection is the same city wide, then he will join in.

Member Reel stated we need to notify the citizens sooner to allow more time for the change and to make comments, if necessary.

Motion by Ullery, second by Hanos to postpone refuse and recycling pickups from the alleys to the front of properties until a city wide analysis can be made by the Administrative Staff. All yeas, motion carried.

Allen Thrush, of 30 Gaines Street, commented alleys are a problem. He has tenants that place their trash in the alleys, and he has seen trash strewn throughout the alleys. He prefers to see all refuse placed out front.

Member Sanders commented he does not want to make a decision the evening of the Council meeting where the city wide analysis will be presented. Member Sanders indicated he does want to make the public aware this city wide analysis will be discussed, so they can have input.

Member Hanos inquired on what Council can do in the future and how can we avoid approving a Final Plat that deviated from the Preliminary Plat.

Law Director Stephan stated that Planning Commission and Council could have rejected Meadows of Brookville, Section Five on the basis that the preliminary plat should be followed instead of the new plan. However, in most instances, if a final plat complies with all applicable zoning requirements, it is difficult to deny approval of the final plat.

Member Sanders commented maybe we are being too lenient.

Fire Chief Nickel arrived.

Manager Wright reported Council should have a copy of the 2005 Annual Report for review. The Annual Report presentation will be held at the next Council Meeting due to the full Agenda tonight.

Manager Wright reported Council should have a Memorandum and copies of the survey results on the downtown restricted parking. The Police Department hand delivered and retrieved the written surveys from each of the businesses on Market Street. Twenty-three businesses responded to the survey.

Member Garber commented it looks like quite a few of the business owners along Market Street use Market Street for their own parking along with their employees. It looks to him that would

hurt their business. Member Garber also mentioned several of those surveyed indicated quite a few of the tenants along Market Street seem to abuse the parking more.

Member Duncan commented from the surveys completed, there doesn't seem to be an issue with parking in the first block of Market Street off of Wolf Creek Street. The second block looks like it is 50-50 and the majority of those surveyed in the third block are in favor of restricted parking.

Discussion continued about implementing a 3-hour parking limit during daytime hours only. Chief Preston commented it is impossible to enforce parking if a 3-hour restriction were applied between the hours of 8:00 a.m. and 4:00 p.m. You could possibly have an individual park their vehicle on Market Street some time after 1:00 p.m., and essentially leave their car parked there until 11:00 a.m. the following day.

Manager Wright stated if we restrict parking for a 3-hour period, why wouldn't we restrict parking 24/7?

Member Sanders commented if we do not restrict parking on all three blocks, all we would be doing is transferring traffic from one block to another; he can see this becoming an enforcement problem.

The general consensus of Council is to implement a 3-hour parking limit in the City parking lot on Sycamore Street only.

Member Duncan suggested we place directional signs on Market Street indicating where the municipal parking lots are located.

Manager Wright reported there is much discussion currently about the possibility of a regional communication or dispatch system within Montgomery County for 9-1-1 services. Therefore, he has instructed Police Chief Preston to participate with this county wide study to determine the feasibility of such a system for this area. Manager Wright commented he will keep Council informed. Manager Wright stated the County is paying for this study.

Manager Wright reported Council should have a copy of a letter that he received recently from the Montgomery County Animal Resource Center. The letter urges each governmental entity within Montgomery County to consider passing legislation to make perpetual tethering illegal.

Manager Wright reported the City took delivery on a new cruiser and a new pickup for the Service Department. Both vehicles are in service.

Fire Chief Nickel reported there have been numerous fire and EMS calls since the last Council meeting. One of the EMS calls during this period involved a fatality of an individual who was a large contributor of vehicles for the Fire Department, which were used for extrication simulations.

Fire Chief Nickel commented the Brookville Fire Department has experienced a lot of overdoses recently in this area, especially with Meth.

Fire Chief Nickel reported Brookville CERT will be conducting their annual disaster simulation at Golden Gate Park on Saturday, March 11, beginning at 9:00 a.m. There are now 74 CERT members. Council is invited to attend.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from February 20 to March 6, 2006. Police Chief Preston reported there were 316 calls for service in this time period. The number of reportable incidents are down 50 reports or 30.5% and total calls handled are down 188 or 12.4% from this same time last year. The average response time was 1.09 minutes.

Police Chief Preston reported part time Officer Kevin Sink submitted his resignation with the Brookville Police Department. Patrolman Sink has accepted a full time position with Butler Township.

Member Duncan asked Police Chief Preston what can citizens look for if they suspect Meth?

Police Chief Preston and Fire Chief Nickel both responded the smell. Meth has a very strong urine smell.

Law Director Stephan had no report.

Member Garber asked for an update on the log cabin next to Interstate 70.

Law Director Stephan stated the City is moving forward with litigation, and that we may have a court date scheduled by the next Council meeting.

Finance Director/Clerk Keaton presented the February 28, 2006 Fund Balance for review and approval.

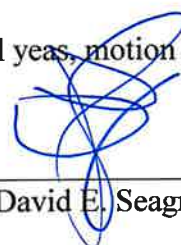
Motion by Duncan, second by Reel to approve the February 28, 2006 Fund Balance as presented. All yeas, motion carried.

Mayor Seagraves reported there was a ribbon cutting for the Little Angels Daycare and a ribbon cutting for the new Keller-Williams building recently.

Motion by Duncan, second by Garber to adjourn. All yeas, motion carried.



Sonja M. Keaton, Clerk



David E. Seagraves, Mayor