

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
October 17, 2006

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Ullery at 7:30 p.m. on October 17, 2006 in the City Council Chambers. The pledge of allegiance was recited. Members Duncan, Garber, Hanos, Reel and Sanders; Manager Wright, Assistant Manager Sewert, Fire Chief Nickel, Police Chief Preston, Law Director Stephan and Director of Finance/Clerk Keaton were present. Mayor Seagraves was absent.

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

Motion by Sanders, second by Reel to accept the October 3, 2006 Regular Meeting Minutes as presented. All yeas, motion carried.

Margo Cantrell, representing the Brookville Chamber of Commerce, requested Council approval to change the days the Brookville Community Picnic from Thursday, Friday and Saturday to Friday, Saturday and Sunday. The dates for the Picnic would be July 27, 28 and 29, 2007. Ms. Cantrell indicated the rational behind the change is to provide for more activities for those people that work a 6-day work week and to increase the number of craft vendors. Ms. Cantrell indicated the proposed Picnic hours would be from 6:00 p.m. to 10:00 p.m. on Friday, 10:00 a.m. to 10:00 p.m. on Saturday and noon to 6:00 p.m. on Sunday. Ms. Cantrell indicated that some of the vendors, in past years, don't like to participate on Thursdays. This year the gate and ride receipts were down on Thursday. They may possibly increase by implementing Sunday afternoon activities. Ms. Cantrell stated Friday would continue as a "Community Night," Saturday would continue to hold the drawings and fireworks display and Sunday they are proposing to hold a "Headliner Venue." Discussion followed.

Motion by Duncan, second by Reel to allow the Brookville Chamber of Commerce to change the days of the Brookville Community Picnic to Friday, July 27, Saturday, July 28 and Sunday, July 29, 2007 as requested. All yeas, motion carried.

Manager Wright reported annual leaf collection commenced this week. Leaves will be picked up daily, weather permitting, beginning at one end of the city and working completely through all of the streets before starting the route over. Leaf collection should continue for the next six weeks.

Manager Wright reported the curb was installed on the Salem Street Project this week. The pavement will be installed next week, weather permitting. The Project is pretty much on schedule.

Manager Wright reported RTA recently held a public meeting, which was attended by Assistant Manager Sewert, where RTA summarized proposed changes in the RTA route system that was brought about by public input at various public hearings.

Assistant Manager Sewert distributed a copy of a report that summarized the proposed changes that the RTA staff is recommending to their Board of Trustees, and if approved, will take effect January 2007. The recommendations include a number of proposed route revisions, as well as new proposed services, to better connect residents of greater Dayton to their travel destinations. Route 40, which serves the Brookville area, will continue with one A.M. and one P.M. trip, which RTA commented was added in response to public input they received.

Member Hanos reported the RTA Director called her and informed her that he personally rode the Route 40 bus and spoke with the riders to see what they wanted. The consensus of those riders is they would like to see a morning and an evening route.

Vice Mayor Ullery thanked all who supported and spoke on behalf of the riders of Brookville.

Manager Wright reported he recently received a letter from Green Tokai requesting the City of Brookville submit an ED/GE Grant to assist Green Tokai with the acquisition of necessary funds

to expand their strategic operation in the Global Automotive Market with their extremely innovative TPO paint film products, which are environmentally friendly, recyclable and patented. The letter reads that Green Tokai has made the financial decision to continue to expand their TPO paint film technology and production at the Brookville location if aligned with ED/GE Grant funds. The facility upgrades being contemplated will enhance the company's ability to attract technically oriented injection mold paint film sales and continue with and strengthen Green Tokai's strong customer base, Honda and Toyota, thus fostering employment growth in the City of Brookville. Manager Wright indicated infrastructure improvements would create 50 to 75 new jobs.

Motion by Garber, second by Hanos to authorize Manager Wright to apply for a Montgomery County ED/GE Grant for infrastructure improvements for Green Tokai. All yeas, motion carried.

Member Garber stated he saw in the Planning Commission Minutes that the property on the corner of Orchard and Church Streets will not be built on, which he then commented he wouldn't mind seeing that property used as green space.

Assistant Manager Sewert commented Mr. Shafner has indicated there would be high costs associated with digging the ground further in order to construct a building on the lot. Assistant Manager Sewert indicated he is meeting soon with Mr. Shafner to see what his plans may be for this particular lot.

Fire Chief Nickel thanked everyone for their participation during the Annual Fire Prevention Parade, which was a great success. Fire Chief Nickel thanked Bob and Sally Batz for organizing the parade.

Fire Chief Nickel reported the Fire Prevention activities conducted at the schools is almost complete.

Police Chief Preston had no report.

Law Director Stephan had no report.

Finance Director/Clerk Keaton reported the 20<sup>th</sup> Annual Miami Valley Planning & Zoning Workshop will be held on December 1, 2006 at Sinclair Community College. Any Council, Planning Commission and Board of Zoning Appeals Member interested in attending should contact Finance Director/Clerk Keaton by November 10, 2006. The \$45 registration fee will be paid by the City.

Finance Director/Clerk Keaton reported the City received 101 initial requests to mail out the Senior Citizen/Permanently & Totally Disabled Utility Discount Application form. Fifty-nine Applications were completed and returned with 56 of those qualifying for the discount on this most recent utility billing.

Finance Director/Clerk Keaton announced the City of Brookville will be participating with the distribution of radon kits from January 8-12, 2007. Information, on how to reserve the free radon kits, will be available soon on the City's website and in the Brookville Star.

Finance Director/Clerk Keaton announced Council should have a copy of a letter she received from BSA Troop 47. The letter indicated Troop 47 has a new scoutmaster, Rev. William Schwochow. The letter also indicated that in January, Troop 47 will be celebrating their ninetieth anniversary as the oldest continuing service troop in the Great State of Ohio. The City will recognize this occasion with a Proclamation.

Finance Director/Clerk Keaton reported Council is invited to attend the Brookville Chamber of Commerce 2006 Fall Banquet and General Meeting scheduled for Friday, November 17. The City will pay the reservation for Council Members and Staff. If Council is interested in attending, please contact the City Offices by November 10, 2006.

Vice Mayor Ullery commented the City received a letter from a resident whose house was hit by a motorist recently. The letter thanked the Police Department for their quick response to the scene and for their quick apprehension of the individual. Vice Mayor Ullery congratulated the Brookville Police Department in their efforts during this recent incident.

Motion by Reel, second by Garber to read proposed Resolution No. 06-18. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the first reading of proposed Resolution No. 06-18. All yeas, motion carried.

Manager Wright commented that Council previously passed a Resolution for the draft of the Montgomery County Natural Hazard Mitigation Plan, now they are asking for approval of the Final Plan.

In Old Business, Member Duncan commented that he read the Planning Commission Minutes and agrees with both Members Sanders and Swabb on their comments they made during the decision process for the Special Use permit for Bible Baptist Fellowship Church on Market Street. Member Duncan stated he would also like to see commerce in the downtown area. We need to be careful what we do and how we address our zoning.

Member Hanos asked Member Duncan if he read Law Director Stephan's comments on the possible litigation.

Law Director Stephan stated there is a federal law that prohibits us from discriminating against religious uses within zoning districts if there are other uses in the district which permit congregations of people for some purpose. In other words, if there are meeting halls, or theaters, or dance studios, or other uses which permit groups of people to come into a particular entity, then our zoning district cannot prohibit a church in that district. Other communities have faced litigation on this issue. Law Director Stephan stated that Section 1141.02(a)(14) permits Planning Commission to approve in the Community Center District other uses, which in the opinion of the Planning Commission, are similar to the listed permitted uses in the district. Law Director Stephan stated that 1141.02(a)(10) permits non-profit professional, charitable, service and labor organizations, and it is his legal opinion, that the Planning Commission, in its discretion, may determine that churches are a similar use to the permitted uses specified in 1141.02(a)(10). Law Director Stephan stated there was a legal basis in the zoning ordinance for the decision of Planning Commission.

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

  
Sonja M. Keaton, Clerk

  
Ron Ullery, Vice Mayor