

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
December 5, 2006

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on December 5, 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, Fire Chief Nickel, Police Chief Preston, Law Director Stephan and Director of Finance/Clerk Keaton were present.

Motion by Duncan, second by Sanders to accept the Agenda as presented. All yeas, motion carried.

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

Manager Wright commented he was pleased to announce the City of Brookville was awarded funding for a \$250,000 ED/GE Grant that was recently submitted for Green Tokai for their Strategic Long Term Expansion and Customer Growth Project.

Manager Wright requested authorization and approval for a Change Order on the Salem Street, Phase Three Reconstruction Project.

Motion by Duncan, seconded by Ullery to authorize and approve Change Order #1 on the Salem Street, Phase Three Reconstruction Project, decreasing the amount by \$2,670.65 for miscellaneous credits and extras on the Project, changing the contract price from \$499,563.00 to \$496,892.39 as recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported the Christmas lights have been installed in the downtown area and at Gateway Park.

Manager Wright reminded Council, and those in attendance, that there will be a Work Session on December 14, 2006 and Council should have a packet on consolidated dispatching.

Fire Chief Nickel announced the Brookville Fire Department has lost a Firefighter/Paramedic to the City of Dayton.

Fire Chief Nickel announced Council should have copies of a "Brookville Special Needs Registry" that the Brookville Fire Department is distributing around the community. The voluntary registry is for senior citizens and persons with disabilities so the Brookville Fire Department can offer assistance in times of a disaster or emergency situations.

Fire Chief Nickel distributed a CERT training schedule with classes beginning on January 25, 2007 at the Brookville firehouse located on Mulberry Street.

Fire Chief Nickel reported work has begun on next years Fire Prevention Parade that is scheduled for October 6, 2007. The Antioch Shriners will appear again for the fourth straight year.

Fire Chief Nickel reported the Brookville Fire Department performed a live animal rescue from a pond.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from November 21 to December 4, 2006. Police Chief Preston reported there were 270 calls for service in this time period. The number of reportable incidents are down 131 reports or 17% and total calls handled are up 191 or 2.6% from this same time last year. The average response time was 1.48 minutes.

Law Director Stephan requested Council authorization to sell approximately .53 acres of property owned by the City of Brookville that abuts Hunters Run Drive for \$40,000 to Building By Design, LLC. Law Director Stephan stated Building By Design would be seeking rezoning of this property from Conservation to R-1B, Urban Residential, so Building By Design, LLC can use the parcel for residential use.

Motion by Ullery, second by Reel to authorize Manager Wright to enter into an Agreement for the sale of approximately .53 acres that abuts Hunters Run Drive for \$40,000 to Building By Design, LLC. All yeas, motion carried.

Finance Director/Clerk Keaton presented the November 30, 2006 Fund Balance for review and approval.

Motion by Duncan, second by Garber to approve the November 30, 2006 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton requested Council authorization to transfer \$10,000 into the Park Fund and \$15,000 into the Refuse Fund as appropriated.

Motion by Garber, second by Ullery to transfer \$10,000 into the Park Fund and \$15,000 into the Refuse Fund as appropriated and requested by Finance Director/Clerk Keaton. All yeas, motion carried.

Finance Director/Clerk Keaton reported she received two letters from Time Warner Cable advising their Agreements with WHIO, Dayton Channel 7 and with the Miami Valley Channel are set to expire on December 31, 2006. Time Warner Cable is still negotiating an Agreement with WHIO, and the Miami Valley Channel will cease effective January 1, 2007.

Finance Director/Clerk Keaton requested Council adopt proposed Resolution No. 06-24, which allows an advance on taxes collected by the Treasurer of Montgomery County in 2007 for tax year 2006.

Motion by Garber, second by Hanos to read proposed Resolution No. 06-24. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the first reading, dispense with the second and third reading and adopt Resolution No. 06-24 entitled "A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2007 FOR TAX YEAR 2006, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton requested Council adopt proposed Ordinance No. 2006-09, which approves and adopts the 2006 Replacement Pages to the Codified Ordinances.

Motion by Reel, second by Sanders to read proposed Ordinance No. 2006-09. All yeas, motion carried.

Motion by Duncan, second by Sanders to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2006-09 entitled "AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton presented an overview of a Municipal Tax Exempt Lease for the purchase of the Fire Tanker.

The consensus of Council is to allow Finance Director/Clerk Keaton to prepare a Resolution to enter into a Municipal Tax Exempt Lease for the next Council Meeting.

Finance Director/Clerk Keaton reported at the last Council Meeting, Council took action to continue curbside pickup and disposal of recycled materials with Rumpke at a rate of \$2.45 per unit for 700 units. Finance Director/Clerk Keaton reported Rumpke now indicates that this was a misunderstanding and they cannot continue recycling pickup for less than \$3,675 per month. Finance Director/Clerk Keaton stated Rumpke submitted two additional options to consider. One option is for Rumpke to provide a 36-cubic yard drop-box recycling container that can be set at a site to be determined by the City for the sum of \$45.00 per month rental, \$160.00 per haul and a \$14.00 per ton processing fee. Another Option is for Rumpke to process all recyclable materials collected by the City of Brookville for the sum of \$14.00 per ton. Finance Director/Clerk Keaton announced if we continue with the existing recycling program at the cost

of \$3,675 per month, we need to seriously consider increasing the refuse rates due to the increase in tipping fees that the City has seen since August 2005. Finance Director/Clerk Keaton reported tipping fees will increase to \$36.00 per ton in January 2007, which is a \$3.00 per ton increase since July 2005. Discussion continued.

The consensus of Council is to table making a decision tonight on how we will continue with the recycling program until Manager Wright meets with a representative of the Montgomery County Solid Waste District.

Motion by Duncan, second by Reel to rescind the motion that was made at the November 21, 2006 Council Meeting to accept Rumpke's proposal for curbside pickup and disposal of commingled recyclable materials at a unit cost of \$2.45 per 700 participating households per month. All yeas, motion carried.

Mayor Seagraves commented that the leaf collection program was very successful this year.

Mayor Seagraves announced the 4<sup>th</sup> Annual Mayors Prayer Breakfast will be held at Rob's Restaurant on Thursday, January 4, 2007 from 7:30 to 8:30 a.m. RSVP's need to be made by December 21, 2006 to the City Offices.

Motion by Duncan, second by Seagraves to read proposed Resolution No. 06-19. All yeas, motion carried.

Member Reel stated the reason he was voting no is because he did not want MVRPC to be able to come up with a plan in the future that might affect the Brookville citizens in some adverse fashion and be able to say that the Brookville City Council gave their approval to their conceptual plan via a resolution of support.

Motion by Duncan, second by Seagraves to accept the third reading and adopt Resolution No. 06-19 entitled "A RESOLUTION IN SUPPORT OF THE CONCEPTUAL DEVELOPMENT PLAN DEVELOPED FOR THE WESTERN MONTGOMERY COUNTY TRANSPORTATION AND LAND USE STUDY." Reel nay, Duncan yea, Sanders yea, Garber nay, Hanos yea, Ullery yea and Seagraves yea. Motion carried with five yeas and two nays.

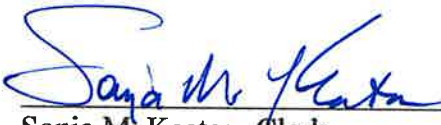
Motion by Sanders, second by Duncan to read proposed Resolution No. 06-21. All yeas, motion carried.

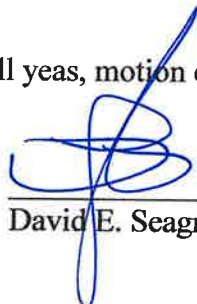
Motion by Sanders, second by Reel to accept the second reading of proposed Resolution No. 06-21. All yeas, motion carried.

Motion by Duncan, second by Sanders to read proposed Resolution No. 06-22. All yeas, motion carried.

Motion by Reel, second by Garber to accept the second reading of proposed Resolution No. 06-22. All yeas, motion carried.

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

  
Sonja M. Keaton, Clerk

  
David E. Seagraves, Mayor