

BROOKVILLE CITY COUNCIL
REGULAR MEETING
December 19, 2006

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on December 19, 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, Sergeant Miller, Law Director Stephan and Director of Finance/Clerk Keaton were present. Member Ullery and Police Chief Preston were absent.

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

Motion by Sanders, second by Reel to accept the December 5, 2006 Regular Meeting Minutes as presented. All yeas, motion carried.

Cindy Tucci, Brookville High School Science and Ecology Club Advisor, stated she was present tonight for several reasons. Ms. Tucci thanked the City for their assistance in bringing their outdoor education site to realization. Ms. Tucci commented that she saw an article in the winter-edition of the City Newsletter that the City promotes the Low Impact Development at the newly constructed Wenger Woods subdivision. The article goes on to say that this Brookville subdivision will be the “poster child” on how communities and developers can work together to provide for better development, while protecting our precious water resources. Ms. Tucci then expressed concern on the City’s possibility of eliminating curbside recycling. Ms. Tucci stated recycling reduces waste. Ms. Tucci stated the students of the Science and Ecology Club hope the City considers the continuance of curbside recycling.

Member Duncan asked how do we encourage recycling since our number of participants is down considerably?

Ms. Tucci stated one of her students mentioned to her that he thought the drop in the number of participants could be attributed to changing from five-day per week curbside pickup to one-day per week curbside pickup.

Mayor Seagraves commented that our current hauler, Rumpke, submitted a bid for one-day pickup only. They did not submit a bid for five-day pickup. Our hands are tied.

Member Hanos stated recycling should be taken seriously. Member Hanos stated she distributed a flyer that lists twenty reasons to recycle.

Mayor Seagraves indicated when Council makes a decision on recycling, we need to be accountable to all of our citizens, not just a few.

Member Hanos stated she spoke with a representative of the Montgomery County Solid Waste District, and there are grants available to assist with producing literature that can be distributed to our citizens to encourage recycling.

Discussion continued with no action taken at this time.

Garnett Buckley, of 31 March Avenue, commented that when Rumpke took over, there were numerous items that were no longer acceptable for recycling that the former hauler did pick up. This probably can be attributed to the reduction in participants.

Manager Wright reported the Centers for Medicare and Medicaid publish an Ambulance Inflation Factor near the end of each year to adjust allowable Medicare payments for the following calendar year. The Ambulance Inflation Factor for 2007 has been released and it has been set at 4.3%. Manager Wright requested approval to adjust the ambulance transportation fees for 2007.

Motion by Duncan, second by Hanos to adjust the ambulance transportation fees for 2007 as recommended by Manager Wright and MBI Solutions. All yeas, motion carried.

Fire Chief Nickel had no report.

Sergeant Miller had no report.

Law Director Stephan addressed questions that were raised at previous Council Meetings on pending legislation at the state level.

Law Director Stephan reported proposed Ordinance No. 2006-10, which is before Council tonight, amends several Planned Development Sections of the Codified Ordinances and addresses concerns that were expressed at the Public Hearing that was held during the August 1, 2006 Council Meeting on the Planned Development Overlay District. Law Director Stephan stated Planning Commission recommended these changes at their November Meeting. Law Director Stephan stated he will go into more detail on this proposed Ordinance during the Public Hearing that will be held in January.

Motion by Garber, second by Sanders to read proposed Ordinance No. 2006-10. All yeas, motion carried.

Motion by Reel, second by Sanders to accept the first reading of proposed Ordinance No. 2006-10. All yeas, motion carried.

Mayor Seagraves set a Public Hearing on proposed Ordinance No. 2006-10 for January 16, 2007 at 8:00 p.m.

Finance Director/Clerk Keaton reported the City of Brookville will be a contributor toward the 2007 Government Equity in the amount of \$5,648. The Government Equity, or GE is the other half of the ED/GE Program.

Finance Director/Clerk Keaton commented Council should have another copy of a letter from Time Warner Cable where they indicate that their Agreements with Encore, HGTV, Fox Sports Ohio and Showtime is soon to expire, and they may be required to cease carrying these channels in the near future.

Finance Director/Clerk Keaton requested Council approval to designate two of its Members to sit on the Volunteer Fire Fighters' Dependents Fund for 2007. In 2006, Members Duncan and Ullery were appointed to this Board. Finance Director/Clerk Keaton indicated both Members are interested in sitting on this Board again.

Motion by Garber, second by Hanos to appoint Members Duncan and Ullery to serve as the Legislative Board Members on the Volunteer Fire Fighters' Dependents Fund for 2007. Garber yea, Hanos yea, Reel yea, Duncan abstained, Sanders yea and Seagraves yea. Motion carried with five yeas and one abstention.

Finance Director/Clerk Keaton reported she received notification from the Ohio Division of Liquor Control that there is an Application for Change of Corporate Stock Ownership for Gas America located at 926 Arlington Road. Council, by motion, can either request or waive a hearing on the advisability of issuing this permit.

Motion by Duncan, second by Garber to waive a hearing on the advisability of issuing the permit for Gas America located at 926 Arlington Road. All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to adopt proposed Resolution #06-25, which authorizes the execution of a Municipal Tax-Exempt Lease/Purchase Agreement for the new fire tanker.

Motion by Sanders, second by Garber to read proposed Resolution No. 06-25. 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. 06-25 entitled "A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER TAX-EXEMPT LEASE/PURCHASE AGREEMENT, PROPERTY SCHEDULE #1, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Garber, second by Hanos to set up the Municipal Tax-Exempt Lease Financing for a five-year term, with the Lease to be set up with an Arrears structure with payments beginning on November 30, 2007. All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to adopt proposed Resolution #06-26, which amends the 2006 Appropriations.

Motion by Duncan, second by Reel to read proposed Resolution No. 06-26. All yeas, motion carried.

Motion by Reel, second by Duncan to accept the first reading, dispense with the second and third reading and adopt Resolution No. 06-26 entitled "A RESOLUTION AMENDING THE 2006 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton reported the winter-edition of the City Newsletter was mailed out today.

Mayor Seagraves announced the Merry Mailbox Contest is down to five finalists. Council Members are asked to drive to the five addresses and rank the mailboxes by Friday morning. The winner will be announced in the Brookville Star next week.

Mayor Seagraves commented the City experienced a great year and thanked all of the Board and Commissions for all of their efforts throughout the year and thanked the Administrative Staff, City Employees and Council for a great year.

David Monnin, President of Park Board, thanked Council for all of their assistance and support this year at Golden Gate Park. A lot of good things took place this year and Park Board appreciates it.

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

Motion by Sanders, second by Duncan to accept the third reading and adopt Resolution No. 06-21 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR CITY EMPLOYEES." All yeas, motion carried.

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

Motion by Duncan, second by Hanos to accept the third reading and adopt Resolution No. 06-22 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR PART-TIME, PAID-ON-CALL, SEASONAL AND/OR TEMPORARY CITY EMPLOYEES." All yeas, motion carried.

In Old Business, Member Garber inquired on the status of the former BP Station.

Assistant Manager Sewert stated he recently spoke with someone at BP and they indicated they are hoping to close on the property with an oil company by the end of the year.

Member Garber inquired on the status of the log cabin near Interstate 70.

Law Director Stephan commented that Mr. Shellabarger has substantially completed the exterior of the log cabin. Mr. Shellabarger is currently working on completing the interior of the log cabin, so an Occupancy Permit can be issued.

Member Hanos asked how they will use the building?

Law Director Stephan stated it will be used as a model home.

Member Duncan reported that Member Ullery and he toured the Montgomery County Dispatch Center recently and they were very impressed. The rest of Council should make a point of touring the facility.

Mayor Seagraves encouraged all Council Members to tour the facility.

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



Sonja M. Keaton

Sonja M. Keaton, Clerk



David E. Seagraves

David E. Seagraves, Mayor