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BROOKVILLE CITY COUNCIL
REGULAR MEETING
February 7, 2006

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

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

Motion by Sanders, second by Garber to accept the January 17, 2006 Regular Meeting Minutes as presented. All yeas, motion carried.

Margo Cantrell, President of the Brookville Chamber of Commerce, presented the Chamber of Commerce Downtown Brookville Block Party, scheduled for Saturday, May 20, 2006 from 6:00 p.m. until 11:00 p.m. The event will be held on Market Street between Mulberry and Sycamore Streets. Preliminary events scheduled for that date include garage sales, food vendors, live music, beer sales and other miscellaneous events. The event will be similar to the "70's Celebration" held in 2005. The band will be staged just in front of the bikeway on Market Street. Beer sales will take place in the new City parking lot on Sycamore Street. Food vendors will be set up on both sides of Market Street, between Mulberry and Sycamore Streets. Ms. Cantrell stated she has met with the Police Chief on the details of the event.

Motion by Duncan, second by Reel to allow the Brookville Chamber of Commerce to hold their downtown block party on Saturday, May 20, 2006 from 6:00 p.m. until 11:00 p.m., with Market Street to be barricaded from Mulberry Street to the bikeway, including Sycamore Street to Hay Avenue with the Police and Fire Departments to continue to receive details of the event. All yeas, motion carried.

Jeff Puthoff, of Choice One Engineering, presented a request for approval of a Final Plat for Hunter's Run, Section One, consisting of 45 residential lots. Mr. Puthoff stated the entrance into the development is off of East Upper Lewisburg Salem Road. The developer will be donating green space adjacent to Golden Gate Park and the bikeway which will be deeded to the City. Mr. Puthoff stated the area is zoned R-1B and the lots meet the zoning regulations.

Motion by Garber, second by Seagraves to approve the Final Plat for Hunter's Run, Section One, as presented and approved by Planning Commission, with the posting of a Performance Surety to meet the requirements of the Brookville Design Criteria and Subdivision Regulations. All yeas, motion carried.

Mike Oxner, of Professional Associates, presented a request for approval of a Final Plat for Meadows of Brookville, Section Five, which is zoned R-1C. Mr. Oxner commented this Final Plat follows the Preliminary Plat, which was approved by Planning Commission in October. Mr. Oxner stated this is the final section of the Meadows of Brookville Subdivision. Section Five consists of 45 lots on approximately 14.755 acres. The houses along Westbrook Road will front Westbrook Road. Mr. Oxner requested a variance on the rear yard setbacks for those homes along Westbrook and Brooke Parke Avenue, and a variance on the side yard setbacks for the homes along the curve on Brooke Parke Avenue. Mr. Oxner stated Westbrook Road will be widened from Brooke Woode Drive to Heckathorn Road, which will create an additional 12' for the homeowners along Westbrook Road to back into and out of their driveways and it will also allow for parking along the curb on Westbrook Road.

Member Duncan expressed concern for those homeowners along Westbrook Road backing out onto Westbrook Road. Member Duncan commented he would like to see some type of roadway to the rear of those properties that face Westbrook, so they do not have to enter and exit onto Westbrook Road.

Discussion continued.

Manager Wright pointed out the City could request Montgomery County Engineers to reduce the speed limit in this area.

Motion by Hanos, second by Seagraves to approve the Final Plat for Meadows of Brookville, Section Five, as presented with a variance on the rear yard setbacks from 40' to 30' on Lot Numbers 2412 through 2433, and a variance on the side yard setbacks from 10' to 7½' on Lot Numbers 2434 through 2438, contingent on City Manager Wright's and City Engineer Schroeder's final review and approval of the Construction Plans, all proper permits being completed and a Performance Surety shall be posted to meet the requirements of the Brookville Design Criteria and Subdivision Regulations. All yeas, motion carried.

Margo Cantrell, President of the Golden Gate Homeowners Association, commented the residents of Golden Gate Estates expressed an interest in the City pursuing planning policies that mandate the use of clay brick.

Member Garber commented he hopes in the future all subdivision sections are reviewed closely by Council and that the Final Plat matches the approved Preliminary Plat.

Manager Wright reported the City received seven bids on the water tower painting and they range from \$68,900 to \$107,802. The lowest bid submitted was deemed non-responsive as they were not in compliance with the bid specifications. Manager Wright recommended Council approve the bid submitted by the George Kountoupes Painting Company in the amount of \$72,800.

Motion by Garber, second by Reel to reject the bid submitted by Fedewa, Inc. as non-responsive per Article 15.02 of the Bid Specifications, and to accept the bid from George Kountoupes Painting Company for the Brookville, Ohio 500,000 Gallon Spheroid Exterior Overcoat & Repairs Project as the best bid as recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported the City is looking into moving trash and recycling collection from those residents who currently set their refuse and recycling in the alleys to the front of their homes. Over the years, the trucks have gotten much larger and with two trucks driving through the alleys, there is more wear-and-tear on those alleys. Manager Wright commented we will be reviewing this change in collection on a case-by-case basis, and he will keep Council informed.

Fire Chief Nickel arrived.

Manager Wright requested Council approval for proposed Resolution No. 06-03, which allows him to dispose of a 1998 Wilderness Travel Trailer the City purchased last year for the Caretaker to live in, while the new Caretaker Cabin was being constructed.

Motion by Duncan, second by Garber to read proposed Resolution No. 06-03. 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. 06-03 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF SURPLUS PROPERTY AT A PRIVATE SALE, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Wright reported the City received a letter from RKM Fireworks Company, requesting the show date and budget for the fireworks display during the Brookville Community Picnic.

Motion by Hanos, second by Garber to approve an expense not to exceed \$6,000 for the annual fireworks display by RKM Fireworks Company for the Brookville Community Picnic to be held on July 29, 2006. All yeas, motion carried.

Manager Wright reported it has been brought to his attention that there is an issue with several vehicles that currently park in the new City parking lot on Sycamore Street, for days at a time without moving their vehicles, which has created a problem allowing other cars to park in this area. Does Council want to place a time restriction on parking in this parking lot? Manager Wright asked Council if they are interested in placing a time restriction in this parking lot, do they want to place a time restriction on parking along all of Market Street, as we had years ago?

Manager Wright stated if Council adopts a time restriction, signs will be posted.

Discussion followed.

Motion by Reel, second by Hanos to limit parking along Market Street from Wolf Creek Street to Sycamore Street, and the City owned parking lot on Sycamore Street to a two-hour limit. All yeas, motion carried.

Member Reel inquired on the status of the log cabin next to Interstate 70.

Assistant Manager Sewert commented there has been no additional work done on the cabin.

Law Director Stephan commented he is scheduling a follow-up meeting with Mr. Shellabarger prior to the February 15, 2006 deadline for the completion of the exterior of that cabin.

Member Hanos inquired if we have a fine system in place.

Law Director Stephan stated the Ordinance provides for a fine that may be imposed by a court. Law Director Stephan stated the existing Agreement that was entered into with Mr. Shellabarger, states that the City can terminate the Agreement if the exterior of the cabin is not completed within the time specified in the Agreement. The City would issue a stop work order and then proceed into the court system. The court may issue a fine and allow additional time for him to complete that log cabin. The City will be seeking a court order that will require either completion of the log cabin or its removal as a public nuisance.

Member Garber stated he was ready to go through the legal system.

Discussion continued.

The consensus of Council is to have Law Director Stephan issue a stop work order and proceed in the court system, if the exterior of the log cabin, next to Interstate 70, is not completed by the February 15 extension date.

Member Reel inquired if BP has agreed to sell their building yet.

Assistant Manager Sewert stated he just recently received a contact name for BP and he will be in touch with that individual soon. The BP highway sign will be covered up soon.

Chief Nickel reported he is still working on the City's disaster plan.

Sergeant Jerome had no report.

Law Director Stephan had no report.

Finance Director/Clerk Keaton presented the January 31, 2006 Fund Balance for review and approval.

Motion by Duncan, second by Reel to approve the January 31, 2006 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton reported she received confirmation that the City of Brookville will be a contributor in the amount of \$9,478 toward the Government Equity (GE) portion of the ED/GE Program in 2006.

Finance Director/Clerk Keaton reported beginning with the 2005 tax year, taxpayers will be able to use an **Online Filing Tool** on the City of Vandalia's website, which you are able to access through our website, www.brookvilleohio.com. For 2005 the Tool will do all calculations and confirm your estimated tax payments to date; the return can then be printed and mailed with supporting documents and additional payment, if any. This is meant as the first step to actual online filing that is expected to be available for the 2006 tax year.

Finance Director/Clerk Keaton reported the Vandalia Income Tax Department will once again assist citizens with their local income tax return, free of charge, here at the Municipal Building located at 301 Sycamore Street. Those dates and times are Friday, April 7 from 8:00 a.m. to 4:30 p.m. and again on Saturday, April 8 from 8:00 a.m. to noon. Finance Director/Clerk Keaton reported since April 15, 2006 is on a Saturday, the due date for filing 2005 tax returns will be extended to Monday, April 17, 2006.

Finance Director/Clerk Keaton reported the City of Brookville's website, www.brookvilleohio.com, now has a link to all of the City's Codified Ordinances.

Mayor Seagraves announced he recently received a letter from a concerned citizen regarding a safety issue of not having sidewalks on Westbrook Road between the bikeway and Wolf Creek Street.

Manager Wright commented Council has had discussions previously on installing curb and sidewalk along Westbrook Road. Manager Wright reminded Council the City is unable to do this project this year, as we did not budget for this project. Manager Wright also reminded Council the homeowners would be assessed for those improvements. Manager Wright commented the City will have to install storm sewer if curbs are installed along Westbrook Road. Manager Wright stated he will provide additional information on projected costs at a future Council meeting.

Chairperson Watkins, of the Brookville Planning Commission, read the Planning Commission's recommendation that Council accept and adopt proposed Ordinance No. 2005-13, which provides the territory recently annexed to the City of Brookville consisting of 7.245 acres, being Lots 2348, 2349, 2350, 2351, 2352, 2353 and 2354 of the revised consecutive number of lots of the City of Brookville, Ohio to the zoning classification of R-1A, Suburban Residential. Further, Planning Commission hereby determines that the proposed zoning is not clearly incompatible with existing Perry Township zoning, and therefore, a buffer is not required. All yeas, motion carried.

Motion by Duncan, second by Garber to read proposed Ordinance No. 2005-13. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the second reading of proposed Ordinance No. 2005-13. All yeas, motion carried.

In Old Business, Member Garber commented he saw that SB82, which allows contiguous county residency requirements for public employees, but bans all other residency requirements for such employees, was recently signed by the Governor. Member Garber asked Law Director Stephan if he had any additional information on this Bill?

Law Director Stephan stated he is still researching and reviewing the City Charter, and hopes to report back at the next Council Meeting.

In Old Business, Member Duncan commented since reviewing the Memorandum and the copies of the various Council and Park Board minutes provided by Manager Wright that showed Park Board was aware of Council's interest in a water feature, he would like to move forward with the water feature feasibility study.

Member Sanders agreed. Member Sanders commented he is more in favor of a water feature than the pond restoration.

Discussion continued.

Motion by Duncan, second by Sanders to proceed with the water feature feasibility study. Garber nay, Hanos nay, Reel abstains, Duncan yea, Sanders yea and Seagraves nay. Motion denied due to three nays, two yeas and one abstention.

In Old Business, Member Duncan inquired if Council wants to move forward with adopting a brick/masonry ordinance or pursuing adopting planning policies that mandate the use of clay brick.

Member Garber expressed concern if surrounding community's start adopting these kinds of masonry ordinances, will the remaining communities end up with all the remaining building materials?

Mayor Seagraves stated additional discussions, on the exterior building material proposals that were presented at the last Planning Commission, should take place at the next Planning Commission Meeting.

Alan Thrush, who was in attendance, asked if the City has considered the registration of contractors?

Mayor Seagraves asked how do you control such a registration process?

Discussion continued.

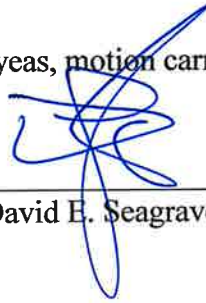
Member Duncan commented maybe we need to form a committee to research this registration process.

Assistant Manager Sewert commented he has obtained information from the surrounding communities that currently register contractors, and he will prepare a packet for a future Council meeting.

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



Sonja M. Keaton, Clerk



David E. Seagraves, Mayor