

BROOKVILLE CITY COUNCIL
REGULAR MEETING
February 21, 2006

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on February 21, 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, Fire Chief Nickel, Police Chief Preston and Director of Finance/Clerk Keaton were present. Member Ullery was absent.

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 7, 2006 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves administered the Oath of Office to EMT Ashley Sibila.

Pat Riley, of O'Riley's located at 10 Market Street, voiced her concern for the two-hour parking limitation that was recently adopted by Council for Market Street. Ms. Riley commented this two-hour parking limitation would hurt her business, and currently there are very few active businesses in this first block of Market Street.

Larry Mills, of Blue Tiger Graphics located at 109 Market Street, voiced his concerns for the two-hour parking limitation. Mr. Mills stated he was not notified of the new two-hour parking limitation, prior to Council approval. Mr. Mills commented the City should have contacted all of the businesses along Market Street with some form of a generic letter. Mr. Mills mentioned he pays his taxes and he should be allowed to park in front of his business. Mr. Mills stated at times some of his customers will be inside his shop in excess of two hours and he is not in favor of this new rule.

Member Garber commented he was hasty in his decision to implement the two-hour parking limitation for all of Market Street.

Mr. Mills stated he hopes Council can reverse their decision.

Mayor Seagraves stated that he does not want to hurt any of the businesses on Market Street. City Council thought we did a good thing by limiting parking on Market Street. Mayor Seagraves commented he rushed to judgement and apologized for not asking all of the businesses along Market Street. Mayor Seagraves stated we should continue to limit parking on the east end of Market Street, from Mulberry to Sycamore Streets and the Sycamore Street parking lot.

Manager Wright stated the first block of Market Street, beginning at Wolf Creek Street, is not an issue, there are very few businesses located in this block. The middle block is questionable if we should implement limited parking. The third block has the most businesses and the majority of those questioned previously indicated they would prefer some form of limited parking.

Member Duncan stated maybe we should limit parking in the Sycamore Street parking lot at this time and survey all the businesses prior to implementing time restrictions on Market Street.

Member Hanos commented she is not in favor of singling out anyone, she just wants to make a sound decision on what is fair for everyone.

Discussion continued.

The general consensus of Council is to survey all of the businesses along Market Street, including El Greco's on Sycamore Street, to see if they are in favor of implementing limited parking on Market Street and if they are interested, what time restriction would they prefer to see.

Richard Berry, of 109 Osage Street, expressed concern for the way Rumpke picked up his recycling this week. Mr. Berry stated he set out two cardboard boxes, similar in size, and Rumpke took one and left the other.

Mr. Berry also commented he thought it was ridiculous for City Council to require people to place a certain exterior facade on their homes. We are not Oakwood or Springboro.

Member Duncan asked why can't we be looked at as an Oakwood or as a Springboro. Many communities are looking at implementing masonry exterior facades within their zoning regulations. Brookville should not always be behind the times.

Member Hanos mentioned to Mr. Berry that not everyone on Council is in favor of setting this type of standard.

Mayor Seagraves commented Planning Commission is presently reviewing the information on exterior facades, which was provided at the January Planning Commission Meeting. A Public Meeting will be held prior to implementing any new standards.

Andy Luther, of Boy Scout Troop 48, introduced himself and stated he was in attendance to see how a City Council Meeting and City government is run to earn a merit badge.

Manager Wright reported the 2005 Annual Report presentation will be held during the next Council Meeting.

Fire Chief Nickel reported two 12-lead Defibrillator's have been put into service. Fire Chief Nickel stated the Brookville Fire Department Medical Director required we purchase these Defibrillator's as they provide better service to our citizens.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from February 7 to February 20, 2006. Police Chief Preston reported there were 313 calls for service in this time period. The number of reportable incidents are down 20 reports or 18% and total calls handled are down 43 or 3.7% from this same time last year. The average response time was 1.82 minutes.

Police Chief Preston reported the case involving our Patrol Officers that were involved in a shooting in November was presented to the Grand Jury on February 10, 2006 and both Officers were cleared by the Grand Jury. The next step is to conduct an internal review of the incident to make sure our policies and procedures and rules and regulations were followed. This review should be completed by March.

Mayor Seagraves asked Police Chief Preston to explain the procedures used when an individual is pulled over for a traffic violation and their Social Security number is aired over the radio frequency.

Police Chief Preston stated this procedure of tracking an individual by their Social Security number is used by all Law Enforcement Agencies. Using Social Security numbers has become an issue in recent years due to identity theft. The Brookville Police Department is curtailing the use of Social Security numbers and will begin using drivers license numbers along with dates-of-birth to identify an individual. Police Chief Preston commented the Brookville Police Department has cut back using Social Security numbers by 93%.

Law Director Stephan presented a brief update report on Senate Bill 82. Law Director Stephan stated SB82 generally prohibits any political subdivision from requiring its employees, as a condition of employment, to reside in the political subdivision. The bill does not apply to volunteers. The bill also authorizes citizens of any political subdivision to propose a local law by initiative, or the legislative authority of any political subdivision to adopt an ordinance or resolution, to require any employee of the political subdivision, as a condition of employment, to reside either in the county where the political subdivision is located or in any adjacent county to the county where the political subdivision is located. Law Director Stephan stated the Ohio Municipal League conducted a survey which found 125 cities and 13 villages have some requirement for residency in their Charter or employment agreements. Almost all City Manager-

Cities (62cities) have a requirement that the City Manager reside inside the City during his or her tenure in office, which the Brookville City Charter currently requires. Senate Bill 82 takes effect May 1, 2006. Law Director Stephan indicated that a number of cities may challenge this bill in the court system.

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

Law Director Stephan reported that he and Assistant Manager Sewert had a follow-up meeting with Mr. Shellabarger, and that they expressed to Mr. Shellabarger that City Council had directed that no additional extensions be granted, and that legal action be taken. Law Director Stephan stated that Mr. Shellabarger indicated that the primary reason for the stoppage in work on the cabin was a lack of available labor. Mr. Shellabarger indicated that he would have a crew available to work on the log cabin on or about March 8, 2006. Law Director Stephan commented that the City has asked the Building Inspector to issue a stop work order, and that he is preparing the paperwork for commencement of legal action in this matter.

Member Garber commented he is still interested in moving forward through the court system.

Mayor Seagraves agreed.

Finance Director/Clerk Keaton had no report.

Mayor Seagraves reported the Breast Cancer Awareness Dance raised \$7,000.

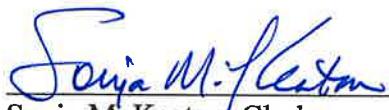
Mayor Seagraves announced the Brookville Chamber of Commerce is holding their General Meeting this Friday, February 24, 2006 at 5:30 p.m. at Brookhaven, and Council is invited to attend.

Member Duncan reported the Contractor Registration Committee has met on two separate occasions to discuss Contractor Registration. The next step is to notify contractors that do work within the City of this proposed program. A follow-up meeting is scheduled for March and a report to Council will follow that meeting.

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

Motion by Sanders, second by Garber to accept the third reading and adopt Ordinance No. 2005-13 entitled "AN ORDINANCE ZONING CERTAIN LOTS OF THE REVISED CONSECUTIVE NUMBER OF LOTS OF THE CITY OF BROOKVILLE, OHIO TO A NEW CLASSIFICATION." All yeas, motion carried.

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


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor