

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
January 17, 2006

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on January 17, 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, Law Director Stephan, Fire Chief Nickel, Police Chief Preston 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 Reel to accept the January 3, 2006 Public Meeting Minutes as presented. All yeas, motion carried.

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

Michelle DeVilbiss, representing Brookville Park Board, commented she understands Council is interested in a water feature within our parks system, and she wanted to hear what they would like.

Mayor Seagraves stated Brookville Park Board, and the other Boards and Commissions are a valuable asset to both Council and the community. Mayor Seagraves stated Park Board should be involved with input regarding any proposed activities that Council would like to see within our parks.

Park Trustee DeVilbiss stated all of the Park Trustees are open-minded and very active within Park Board. Park Board has discussed for years long range goals, and installing a water feature is not one of the goals. Park Board is interested in seeing repairs done to the parks, especially Golden Gate Park. They would like to see repairs made to the pond, which is a focal point when entering Golden Gate Park, along with pavement repair, and they would also like to see the wooded area cleaned up for walking trails. Trustee DeVilbiss commented Golden Gate Park is filled to capacity, and parking is a problem in the spring and summer.

Member Sanders commented he would like to take a look at Park Board's priority list.

Member Duncan thanked all of the Trustees for serving on Park Board. Their work is very much appreciated. Member Duncan stated he would like to see a water feature somewhere in Brookville. Member Duncan stated he personally feels we need to invest in a feasibility study.

Park Trustee Hart commented Englewood has a water feature, and it is only 15 minutes away.

Member Sanders stated he understands Englewood has a water feature just down the road, but he would also like to see a water feature in Brookville. It would be a great addition to the community, and it may also attract families from other communities, which in turn would stop and eat in our restaurants and spend additional time within our community. Member Sanders stated he thought the best location for a water feature would be somewhere in Golden Gate Park.

Park Trustee Monnin stated, he has never had the first citizen attend a Park Board Meeting requesting a water feature. Trustee Monnin asked if Council wants a water park and Park Board doesn't, what happens?

Member Hanos apologized to the Park Board Members for not involving Park Board sooner in this decision on wanting a water feature. Member Hanos stated Council needs to keep in mind that Park Board is the Board. Member Hanos asked if Park Board is resistant to the idea, why are we going to spend \$5,000 for a feasibility study?

Mayor Seagraves apologized to Park Board for Council and himself, for not involving Park Board initially on the idea of a water feature.

Park Trustee Hoover mentioned every square inch of Golden Gate Park is currently used. We are at maximum capacity, which is great for our parks. Trustee Hoover stated he thought we currently attract a wide variety of outside people to our parks, with the Castle Playground, playing fields and various events held within our parks. Trustee Hoover stated there seems to be a lack of communication between Council and Brookville Park Board.

Member Hanos volunteered to be the Council liaison for Brookville Park Board.

The general consensus of Council is to obtain the priority, or goal list from Park Board in order to consider moving forward with the water feature feasibility study.

Mayor Seagraves recessed the Regular Meeting of Council at 8:00 p.m. for the Public Hearing, which is a combined meeting with Council and Planning Commission, on proposed Ordinance No. 2005-13, which considers the zoning of the recently annexed territory along the south side of West Westbrook Road, west of Arlington Road, 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 proposed classification of R-1A, Suburban Residential.

**The Public Hearing was recorded and is on file with the Clerk at the Municipal Offices.**

Clerk Keaton advised a Legal Notice was published in the January 4<sup>th</sup> and 11<sup>th</sup> -editions of the Brookville Star advising of the Public Hearing. Four letters were mailed out to the surrounding property owners. The front office had one individual who stopped in to review the proposed Ordinance, and we received one telephone call. Clerk Keaton asked Law Director Stephan for a Staff report.

Law Director Stephan commented at the December 15, 2005 Planning Commission meeting, he indicated the annexation of the 7.245 acres was effective October 20, 2005. Law Director Stephan indicated the Administrative Staff met with the property owners, and the primary reason for this annexation was the residential property owners were having problems with their septic systems and they asked for sanitary sewer. The City is currently in the process of providing sanitary sewer to those property owners. The Administrative Staff indicated to the property owners that zoning would be a high level residential zoning. Law Director Stephan commented there are three residential dwellings and one business in this area. Two of the lots comply with the R-1A zoning requirements. However, two of the lots have a 79' frontage, which is slightly below the frontage requirement for R-1A zoning. As far as overall size, they are probably similar to R-1A lots, as they are very long and deep lots. With respect to the business, if we use the R-1A zoning, it will be a non-conforming use. The Staff would work with the business to assist them if they would need to sell or refinance the property in the future. At that Planning Commission meeting a motion was made by Williamson, seconded by Boose to recommend to Council the zoning of R-1A, Suburban Residential to the recently annexed 7.245 acres along West Westbrook Road. All yeas, motion carried.

There were no citizens present who wished to speak at the Public Hearing.

Motion by Duncan, second by Garber to close the Public Hearing. All yeas, motion carried.

Manager Wright requested an Executive Session on Contract Negotiations.

Motion by Duncan, second by Reel to go into Executive Session on Contract Negotiations as requested by Manager Wright. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Manager Wright requested approval to enter into a two-year contract with the Montgomery County Animal Shelter at a cost of \$7.50 per day for boarding of cats and \$10.00 per cat disposal in 2006 and \$8.75 per day for boarding of cats and \$10.00 per cat disposal in 2007. There will be a \$30.00 charge for each cat picked up by the Board for each service fee per call.

Motion by Duncan, second by Ullery to authorize Manager Wright to enter into the two-year contract with Montgomery County Animal Shelter as presented and recommended by Manager Wright. All yeas, motion carried.

Manager Wright requested authorization to enter into a three-year renewal (2006-2008) Fire/EMS Service Contract with Perry Township.

Motion by Garber, second by Ullery to authorize Manager Wright to enter into a three-year renewal contract with Perry Township for Fire/EMS Service as recommended by Manager Wright. All yeas, motion carried.

Manager Wright requested authorization to sign Amendment #1 to the Water Service Agreement between the City of Dayton and the City of Brookville, dated May 16, 2001, which reduces the surcharge from 25% to 10% for water supplied under the Agreement. Manager Wright thanked Allen Moe and Bill Zilli, Directors of the City of Dayton Water Department and Jim Dinneen, Dayton City Manager for their involvement during this negotiation process.

Motion by Duncan, second by Garber to authorize Manager Wright to sign Amendment #1 to the Water Service Agreement between the City of Dayton and the City of Brookville as recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported Council and the public are invited to attend one of four upcoming Community Stakeholder Meetings sponsored by the Miami Valley Regional Planning Commission. At these meetings critical issues will be identified and shared about the future of land use and transportation in our community and Western Montgomery County. One of the meetings is scheduled for January 25, 2006 at the Christina Leiber Center at Golden Gate Park from 7:00 to 8:30 p.m.

Fire Chief Nickel reported the Brookville Fire Department has experienced two structure fires and 54 EMS calls so far in 2006.

Fire Chief Nickel reported a new CERT training class has begun, and 22 students have registered.

Fire Chief Nickel reported a Technical Resource Team has been formed, encompassing the northern communities of Montgomery County. This team will work together sharing dispatch procedures and equipment to target various hazards they may face, such as water, heavy rescue, mass casualty, trench, machine, line, structure collapse, lost person search and confined space rescue.

Fire Chief Nickel presented a report on the number of backup medic calls in 2005, as requested by Member Duncan. The report indicates the backup ambulance was dispatched 124 times in 2005, while the primary ambulance was on a medic call. Forty-two percent of the backup ambulance calls happened Monday through Friday, between 6:00 a.m. and 6:00 p.m., with part-time staffing. Fifty-eight percent of the backup ambulance calls were during the hours typically covered by paid-on-call employees. Of the backup ambulance calls covered by the paid-on-call employees, 32% were covered by Brookville paid-on-call employees, 50% were covered by mutual aid crews and 18% were no removals. Discussion followed.

Fire Chief Nickel commented he is gathering additional staffing information for Manager Wright, and a more detailed report will be provided at a later date.

Member Sanders inquired on the status of the Disaster Plan.

Fire Chief Nickel reported work is still in progress on the Disaster Plan. Fire Chief Nickel stated he is currently working on evacuation plans and procedures.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from January 3 to January 16, 2006. Police Chief Preston reported there were 266 calls for service in this time period. The number of reportable incidents are down 12 reports or 30% and total calls handled are down 56 or 15.8% from this same time last year. The average response time was 2.08 minutes.

Police Chief Preston reported the Brookville Police Department hosted a training program for surrounding police departments last week, and it was very successful. This is the third training session the Brookville Police Department has sponsored in the last three years.

Law Director Stephan had no report.

Member Garber asked Law Director Stephan to comment on impending Senate Bill 82, the anti-residency requirement bill, which is scheduled for a House floor vote this week.

Law Director Stephan commented he attended a seminar recently, where the Ohio Municipal League thought the bill had a good chance of passing. The bill attempts to overturn the home rule power of cities to establish residency requirements for employees. The Ohio Municipal League opposes Senate Bill 82. Law Director Stephan indicated if the bill is passed, it will probably be challenged in the courts.

Finance Director/Clerk Keaton requested authorization to transfer \$125,000 to the Street M&R Fund and \$30,000 to the Park Fund from the General Fund, which represents 50% of what was appropriated to transfer into each Fund in 2006.

Motion by Reel, second by Garber to authorize the transfer of \$125,000 to the Street M&R Fund and \$30,000 to the Park Fund from the General Fund as appropriated and requested by Finance Director/Clerk Keaton. All yeas, motion carried.

Finance Director/Clerk Keaton requested authorization to receipt 50% of the revenue from EMS Billing into the General Fund for operating costs and 50% of the revenue from EMS Billing into the Fire Capital Improvement Fund for major equipment purchases.

Motion by Garber, second by Ullery to authorize and direct Finance Director/Clerk Keaton to receipt 50% of the revenue from EMS Billing into the General Fund for operating costs and 50% of the revenue from EMS Billing into the Fire Capital Improvement Fund for major equipment purchases. All yeas, motion carried.

Finance Director/Clerk Keaton requested authorization to set the labor rate for the Service Department Mechanic at \$40 per hour for 2006, for work performed on the City fleet.

Motion by Garber, second by Duncan to authorize the labor rate of \$40 per hour for the Service Department Mechanic to charge for work performed on the City Fleet in 2006. All yeas, motion carried.

Finance Director/Clerk Keaton requested approval for the renewal of our membership with the Miami Valley Regional Planning Commission (MVRPC) for 2006.

Motion by Duncan, second by Hanos to approve the renewal of our membership with the MVRPC, and to appoint Mayor Seagraves as Member and Manager Wright as Alternate to the MVRPC Board and Manager Wright as Member and Assistant Manager Sewert as Alternate to the Technical Advisory Committee for 2006. Duncan yea, Reel yea, Sanders yea, Garber nay, Hanos yea, Ullery yea and Seagraves yea. Motion carried with six yeas and one nay.

Mayor Seagraves had no report.

Motion by Reel, second by Garber to read proposed Resolution No. 05-31 through Resolution No. 05-36. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the third reading and adopt Resolution No. 05-31 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE CITY MANAGER," Resolution No. 05-32 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE ASSISTANT CITY MANAGER," Resolution No. 05-33 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL," Resolution No. 05-34 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF FIRE," Resolution No. 05-35 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF POLICE," and Resolution No. 05-36 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF LAW." All yeas, motion carried.

In New Business, Member Duncan inquired if anyone knew about the meeting, or would be attending the meeting Clay Township scheduled to discuss JEDD's.

Nobody knew anything about the meeting, except for what was advertised in the Brookville Star. Assistant Manager Sewert commented he would obtain information and he and/or Manager Wright, may attend the meeting.

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



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Senja M. Keaton, Clerk



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David E. Seagraves, Mayor