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BROOKVILLE CITY COUNCIL
REGULAR MEETING
December 6, 2005

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Ullery at 7:30 p.m. on December 6, 2005 in the City Council Chambers. The pledge of allegiance was recited. Members Duncan, Garber, Reel and Sanders; Assistant Manager Sewert, Law Director Stephan, Fire Chief Nickel, Police Chief Preston and Director of Finance/Clerk Keaton were present. Mayor Seagraves was absent. Manager Wright and Member Hanos arrived later.

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

Motion by Sanders, second by Duncan to accept the November 15, 2005 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Wright arrived.

Manager Wright requested authorization and approval for a Change Order on the Market Streetscape Project, which completes the project.

Motion by Sanders, second by Garber to authorize and approve Change Order #1 on the Market Streetscape Project, increasing the amount by \$2,577.35 for additional paving along Columbia Street, changing the contract price from \$266,058.35 to \$268,635.70 as recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported handicap ramps, or truncated domes, are being installed along Arlington Road. Work will begin shortly on extending sanitary sewer to those residents along West Westbrook Road that recently annexed to the City.

Manager Wright requested authorization, for Dick Baker of the Brookville Optimist Club, for the Optimist to hold their annual Community Picnic Run through the streets of Brookville. It will be held on the Saturday morning of the Community Picnic, beginning at 8:00 a.m.

Motion by Duncan, second by Garber to approve the request for the Brookville Optimist to hold their annual Community Picnic Run on Saturday, July 29 beginning at 8:00 a.m. using the same course as in previous years. All yeas, motion carried.

Manager Wright reported leaf collection will end this week or next.

Manager Wright reported the water tower was recently inspected and the interior of the tower looks great. The exterior of the water tower is scheduled to be painted in 2006.

Manager Wright commented that this is the season for water main breaks and asked citizens to be patient if a break occurs in their neighborhood. The City has experienced two breaks so far this season.

Manager Wright reported proposed Resolution No. 05-28, which is on the Agenda, allows the Ohio Department of Transportation to resurface Interstate 70 between the Preble/Montgomery County line to the junction of State Route 49 in Montgomery County. Manager Wright commented there is no cost to the City. This is strictly a formality.

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

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

Manager Wright commented Council should have a Memorandum from him, recommending a 3% cost of living pay increase for all salaried personnel effective January 1, 2006, which is based on the Consumer Price Index and budget consideration. Discussion followed.

Motion by Garber, second by Sanders to authorize the preparation of pay resolutions for salaried employees granting a 3% wage increase, based on the Consumer Price Index and as recommend by Manager Wright. All yeas, motion carried.

Manager Wright reported bids were recently opened for the pickup of recyclables. Rumpke is the low bidder. Manager Wright commented the Administrative Staff recommends that we go with the one-day per week pickup or a drop-off location. Discussion followed.

Motion by Duncan, second by Garber to accept the low bid from Rumpke of Dayton for the curbside pickup and disposal of commingled recyclable materials one-day per week at a unit cost of \$2.20 per 1,500 participating households per month for a total monthly cost of \$3,300. All yeas, motion carried.

Vice Mayor Ullery thanked Manager Wright and the Service Department for their efforts in salting the streets this past weekend during the freezing rain.

Chief Nickel presented the year-to-date statistics for Fire and Ambulance runs. Chief Nickel reported the number of runs are up approximately 7½% compared to this same time period last year.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from November 15 to December 5, 2005. Police Chief Preston reported there were 358 calls for service in this time period. The number of reportable incidents are up 41 reports or 5.7% and total calls handled are down 1,226 or 14.5% from this same time last year. The average response time was 1.93 minutes.

Member Hanos arrived.

Police Chief Preston reported the Brookville Police Department responded to a domestic situation in Brookville on Friday, November 25, 2005, where the owner of the home was shot by the officers that responded, when he advanced toward the retreating officers and pointed a gun at one of the officers. This incident was turned over to the Montgomery County Sheriff Department for investigation.

Police Chief Preston reported officers responded on a report of an underage drinking party in Brookville. Upon the completion of the investigation, four juveniles are being charged with alcohol violations.

Law Director Stephan had no report.

Finance Director/Clerk Keaton presented the November 30, 2005 Fund Balance for review and approval.

Motion by Reel, second by Duncan to approve the November 30, 2005 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to designate two of its members to sit on the Volunteer Fire Fighters' Dependents Fund for 2006. In 2005, Members Duncan and Ullery were appointed to this Board. If there are no objections, Finance Director/Clerk Keaton recommended Members Duncan and Ullery continue to serve on this Board for 2006.

Motion by Garber, second by Sanders to appoint Members Duncan and Ullery to sit on the Volunteer Fire Fighters' Dependents Fund for 2006. All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to adopt proposed Resolution No. 05-29, which is on the Agenda tonight. This Resolution amends the 2005 Appropriations. The Ohio Revised Code provides that "transfers may be made, within each fund, by resolution from one appropriation item to another." Any change in the amount appropriated by Council can only be changed by a resolution approved by Council. By law an entity cannot exceed their legal level of control on appropriations.

Motion by Sanders, second by Reel to read proposed Resolution No. 05-29. All yeas, motion carried.

Motion by Duncan, second by Reel to accept the first reading, dispense with the second and third reading and adopt Resolution No. 05-29 entitled "A RESOLUTION AMENDING THE 2005 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 reminded Council there will be a work session on 2006 Appropriations following the December 20, 2005 Regular Council Meeting.

Vice Mayor Ullery announced the 3rd Annual Mayor's Prayer Breakfast will be held on Thursday, January 5, 2006 at Rob's Restaurant from 7:30 to 8:30 a.m.

Motion by Duncan, second by Garber to read proposed Resolution No. 05-27. All yeas, motion carried.

Motion by Duncan, second by Sanders to accept the second reading of proposed Resolution No. 05-27. All yeas, motion carried,

Motion by Reel, second by Garber to read proposed Resolution No. 05-28. 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. 05-28 entitled "A RESOLUTION TO CONSENT AND COOPERATE WITH THE DIRECTOR OF TRANSPORTATION TO COMPLETE THE RESURFACING OF THE EXISTING ROADWAY ON INTERSTATE 70 FROM THE PREBLE/MONTGOMERY COUNTY LINE TO THE JUNCTION OF STATE ROUTE 49 IN MONTGOMERY COUNTY, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

In Old Business, Member Duncan distributed literature from "The Brick Industry Association" on how communities benefit from planning policies that mandate the use of clay brick, masonry ordinance case studies and examples of planning policies, ordinances, overlay districts and design guidelines from various communities throughout the United States. Member Duncan commented he is looking out for the community and we, as a City, need to look ahead. Member Duncan commented brick guarantees structures will be built to last, requires less maintenance and ensures that buildings will remain an asset, not a liability, to a community. Member Duncan stated brick homes increase the property tax base for communities. Member Duncan mentioned he has an individual that would like to speak to Council and Planning Commission on how communities benefit from these planning policies. Member Duncan stated he thought by implementing such a policy it may slow growth in the community.

Allen Thrush, owner of Thrush & Son Complete Home Improvement Company, commented he is not in favor of Member Duncan's proposal to limit or eliminate siding in Brookville. There is nothing wrong with good quality vinyl. Brick requires maintenance also, but most people don't do it. Mr. Thrush stated the City should be more concerned with workmanship and suggested the City should look into implementing a registration process for contractors and builders that work in the City of Brookville.

Discussion continued.

Manager Wright commented if Council wants to hold such a meeting, contractors and builders should be invited to attend, so all sides can be heard.

The general consensus is to have Member Duncan schedule the speaker for the January Planning Commission Meeting.

Member Hanos inquired on the status of the Kuhn's Brothers Log Home.

Law Director Stephan stated an inspection of the log cabin is scheduled for December 15, 2005. The City needs to inspect how far along they are with what was required by the Agreement to be completed by that date. Law Director Stephan commented there are two options if the log cabin is not completed by that date. The first option is to issue a stop work order and proceed in court. The second option is to grant a short extension, which would be determined on what work is left to be completed on the exterior items specified in the Agreement.

Member Garber stated he is in favor of an extension if they are continuing to work, barring bad weather.

The consensus of Council is they are in favor of an extension with stipulations, versus issuing a stop work order and proceeding in court.

Member Garber stated in a recent Dayton Daily News Editorial, there was an article that Montgomery County has tried for years to entice a few holdout communities to join the emergency communication collective that's already in place and failed. The article stated stubborn local officials have put turf ahead of public safety. Member Garber commented they must have been referring to Brookville Council since a decision was made in 2004 not to participate with Montgomery County on their 800 MHZ Digital Radio system.

Discussion continued. Manager Wright commented the 800 MHZ system is not a fool proof system. It is foolish to invest \$300,000+ into a system that is probably already outdated.

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



Sonja M. Keaton, Clerk



Ron Ullery, Vice Mayor