

**BROOKVILLE CITY COUNCIL
REGULAR MEETING
February 1, 2005**

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on February 1, 2005 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 with an addition. All yeas, motion carried.

Motion by Sanders, second by Duncan to accept the January 18, 2005 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Wright reported bids were recently opened for the Brookville-Pyrmont Road Reconstruction Project.

Motion by Ullery, second by Garber to accept the low bid from Chuck Samples General Contractor of \$636,660.49 for the Brookville-Pyrmont Road Reconstruction Project, as the lowest and best bid as recommended by Manager Wright and City Engineer Schroeder, and contingent upon the approval of the Ohio Public Works Commission. All yeas, motion carried.

Manager Wright reported there will be a joint meeting, between the Brookville Board of Education and Brookville City Council, on Thursday, February 10, 2005 beginning at 7:00 p.m. The meeting will begin with a walk-through of the new school building, and will conclude with a short informational meeting in the Westbrook multipurpose room.

Manager Wright reported Council is invited to attend the Brookville Chamber of Commerce General Meeting scheduled for Friday, February 18, 2005 at the Christina Leiber Center. The meeting/luncheon will begin at noon.

Manager Wright requested an Executive Session on a Real Estate and a Personnel matter.

Fire Chief Nickel presented the Brookville Fire Department Monthly Activity Report for January 2005. Fire runs totaled 33, and ambulance runs totaled 93, for a combined total of 127 runs.

Fire Chief Nickel presented the National Incident Management System (NIMS) packet for Council and the Administrative Staff to complete on their own time. Fire Chief Nickel stated the deadline to adopt NIMS has recently been extended to 2007, but Fire Chief Nickel commented the City needs to move forward in order to receive any federal funding.

Fire Chief Nickel reported the new medic should arrive mid February.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from January 18 through January 31, 2005. Chief Preston reported there were 290 calls for service in this time period. Chief Preston reported the number of reportable incidents are up 22 reports or 44% and the total calls handled were down 23 calls or 3% from this same time last year. The average response time was 1.80 minutes.

Police Chief Preston reported the Brookville Police Department, along with Perry Township Police and the New Lebanon Police Department, recently captured a bank robbery suspect that had just robbed a bank in Englewood. This same subject is also the individual that robbed the Brookville Building and Savings Bank in Brookville and shot at Brookville High School in December. Charges are being filed for both the bank robbery and the shooting incident at the school.

Police Chief Preston reported the Brookville Police Department is conducting a robbery response training program with the local banks this year.

Police Chief Preston requested Council approval to increase the towing rates with those towing companies currently under contract with the City of Brookville. Police Chief Preston indicated the current contract rates were established in 2002, and began in January 2003. The towing companies have indicated due to rising costs, such as fuel and insurance, rates need to be adjusted. Police Chief Preston commented the City's rates are currently the lowest, even with the proposed \$10 increase. Discussion followed.

Motion by Seagraves, second by Duncan to authorize increases in basic tow rates to \$80 per passenger vehicle, \$80 per motorcycle, \$80 per truck 5,000 lbs. or less, \$100 per truck more than 5,000 lbs. but less than 8,000 lbs., and to increase storage rates to \$15 per day for the first four days, and \$12 for each additional day. Garber yea, Hanos yea, Ullery yea, Reel yea, Duncan yea, Sanders yea and Seagraves yea. Motion carried with five yeas and two nays.

Law Director Stephan reported proposed Ordinance No. 2005-03 is designed to amend our property code enforcement procedure on grass and weed control. Law Director Stephan indicated the proposed Ordinance was designed to improve and streamline the notification process. The proposed Ordinance will allow the Property Maintenance Officer to serve one written notice per calendar year upon the owner or occupant, or any other person, firm or corporation, having the care of a lot or parcel. The proposed Ordinance will also allow the City Clerk to certify to the County Auditor those mowing assessments, not paid within thirty days after giving notice, to be placed on the tax duplicate.

Motion by Garber, second by Reel to read proposed Ordinance No. 2005-03. All yeas, motion carried.

Motion by Duncan, second by Sanders to accept the first reading of proposed Ordinance No. 2005-03. All yeas, motion carried.

Law Director Stephan reported FEMA approved the City of Brookville's Flood Plain Ordinance, and the City is in compliance.

Law Director Stephan presented a Memorandum that provides Council with additional information regarding the issues addressed in his previous Memorandum regarding withdrawal from the Townships. The Memorandum provides information and examples of CEDA's and Joint Fire Districts. The Memorandum also provides a comparative analysis between CEDA's, JEDD's, and Annexation Agreements, which was prepared by the Albers and Albers law firm, for Council's review.

Finance Director/Clerk Keaton presented the January 31, 2005 Fund Balance for review and approval.

Motion by Garber, second by Duncan to approve the January 31, 2005 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton reported she recently received notification from the Ohio Division of Liquor Control for a Liquor Agency Contract for McMaken's Market. This is a license to operate a liquor agency within their premises. Council has the authority to either request a hearing on the advisability of issuing the agency contract or waiving the hearing.

Motion by Garber, second by Reel to not request a hearing for McMaken's Market, 1 McMaken Lane, application for a Liquor Agency Contract with the Ohio Division of Liquor Control, and for Police Chief Preston to conduct a point-of-sale training for the employees of McMaken's Market. Garber yea, Hanos yea, Ullery yea, Reel yea, Duncan abstained, Sanders yea and Seagraves yea. Motion carried with six yeas and one abstention.

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. Those dates and times are Friday, April 8, from 8:00 a.m. to 4:00 p.m. and again on Saturday, April 9, from 8:00 a.m. to noon.

Finance Director/Clerk Keaton requested Council authorization for the Administrative Staff to seek three additional resident citizens that would be interested in serving on the Board of Tax Appeals. Finance Director/Clerk Keaton reported she has only received two letters of interest to date, and the Board must consist of five resident citizens.

Motion by Garber, second by Sanders to authorize the Administrative Staff to contact resident citizens to fill the remaining three seats on the Board of Tax Appeals. All yeas, motion carried.

Mayor Seagraves reported the 4th Annual Community Skate will be held on Saturday, February 5 from 4:00 to 9:00 p.m. at Golden Gate Park, weather permitting.

Mayor Seagraves commented there will be a combination Valentine's Day Dance and Breast Cancer Fund Raiser on February 11 from 7:30 p.m. to midnight at the Brookville VFW Post 3288. All proceeds will go to breast cancer awareness.

Mayor Seagraves recognized Police Chief Preston and Detective Duncan for all of their hard work and efforts in the recent apprehension of the individual that shot at Brookville High School and robbed the Brookville Building and Savings Bank. Mayor Seagraves commented that we should also recognize the citizen that assisted with the apprehension of this individual.

Motion by Duncan, second by Sanders to read proposed Ordinance No. 2005-01. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the second reading of proposed Ordinance No. 2005-01. All yeas, motion carried.

Motion by Sanders, second by Duncan to read proposed Ordinance No. 2005-02. All yeas, motion carried.

Motion by Garber, second by Ullery to accept the second reading of proposed Ordinance No. 2005-02. All yeas, motion carried.

Motion by Duncan, second by Sanders to go into Executive Session on a Real Estate and a Personnel matter as requested by Manager Wright. All yeas, motion carried.

Mayor Seagraves called Council back into regular session.

Manager Wright reported the City and the Ohio Patrolman's Benevolent Association recently entered into Mediation on wages and reached an agreement.

Motion by Garber, second by Hanos to accept the Mediation Agreement between the City of Brookville and the Ohio Patrolman's Benevolent Association on Article 21, Wages. All yeas, motion carried.

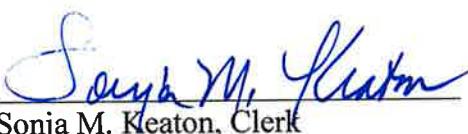
Manager Wright requested approval and authorization to sign the new Police Union Contract.

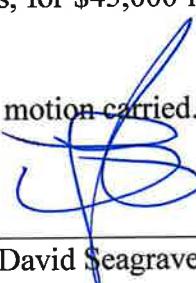
Motion by Garber, second by Reel to approve and authorize Manager Wright to sign the Police Contract Agreement between the City of Brookville and the Ohio Patrolmen's Benevolent Association, which is effective January 1, 2005 through December 31, 2007. All yeas, motion carried.

Manager Wright requested Council approval to enter into a Purchase Agreement on two acres in the NorthBrook Industrial Park.

Motion by Duncan, second by Sanders to authorize Manager Wright to enter into a Purchase Agreement to sell Lot #2281, containing two acres, for \$45,000 in the NorthBrook Industrial Park. All yeas, motion carried.

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


Sonja M. Keaton, Clerk


David Seagraves, Mayor