

BROOKVILLE CITY COUNCIL
REGULAR MEETING
June 7, 2005

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30PM on June 7, 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, Police Chief Preston, Fire Chief Nickel, and Deputy Clerk Brunner were present. Director of Finance/Clerk Keaton was absent.

Motion by Duncan, second by Sanders to approve the Agenda with additions. All yeas, motion carried.

Motion by Sanders, second by Reel to approve the May 26, 2005 Special Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves announced that this meeting was being recorded so that Deputy Clerk Brunner could properly detail the minutes.

Mayor Seagraves welcomed everyone.

Margo Cantrell, President of the Chamber of Commerce, thanked Council, Manager Wright, Assistant Manager Sewert, Police Chief Preston and staff for their involvement and hard work with the downtown block party. Everyone seemed to be pleased with the results. She stated that this could not have happened without all the help from the City staff.

Mayor Seagraves also thanked everyone and commented on how well things went, and commended the City staff.

Member Garber asked Police Chief Preston if he had any comments or suggestions on the event. Chief Preston replied that they have already met and will meet again to discuss a few procedural changes.

Mayor Seagraves commended Chief Preston and his staff.

Mayor Seagraves introduced Montgomery County Judge James Manning, and Dan Foley, Clerk of Courts.

As the County has received a 20% cut in funding, Judge Manning presented a proposal for the combination of Huber Heights and New Lebanon Courts to consolidate to a County Municipal Court. The New Lebanon location would be open Monday, Wednesday, and Friday; the Huber Heights location on Tuesday & Thursday. Both locations will still include a drop box for payment of traffic violations. They are also looking at an internet payment by credit card process for traffic violations. Judge Manning added that this can provide better service with less resource. Both locations will remain open Monday through Friday to police agencies and domestic violence victims; and continue to run probable case operations on the weekends.

Judge Manning reminded Council that this was a first draft proposal, and asked for input.

Manager Wright stated that he and Chief Preston have reviewed the proposal and would support it, assuming that they can handle the case load, and feels it is a good idea.

Judge Manning replied that this proposal would be mailed out again in July with any changes, and at that time would be asking for some statement of support.

Mayor Seagraves thanked Judge Manning and Clerk Foley for attending.

Don Shellabarger with Kuhn's Brothers Log Homes attended Council to address a letter he received from the Council about the incomplete structure close to the highway in his development. Mr. Shellabarger introduced his family. He stated that they have increased business 2-3 times since moving to the interstate and they are extremely content. In the beginning they planned to spend 1.5-1.8 million dollars and they are over 2 million dollars

already, which is over their budget. Mr. Shellabarger stated that he is pleased that the City has purchased a log cabin from them for Golden Gate Park.

Mr. Shellabarger read aloud a letter he prepared for Council. The letter states that this is not an incomplete structure, rather a completed foundation for a log building, and that they are "working aggressively with a lending institution to secure the needed funding" and will then follow to "be aggressive in the construction of the project."

Mr. Shellabarger then shared pictures of his development.

Mayor Seagraves stated that the front of the complex is absolutely spectacular. Our concern was no movement of the particular site by the highway, the expired building permits, and complaints from citizens. Mayor Seagraves thanked Mr. Shellabarger for coming forward and asked Mr. Shellabarger to focus in some direction of a time frame.

Mr. Shellabarger then shared a picture of the foundation and felt it was not a "public nuisance" since it is completed and mowed on a regular basis.

Mr. Shellabarger then shared a picture of a neighboring property which he feels is a "public nuisance" and he states is infested with raccoons, rats and swallows. He stated this house was supposed to be removed 3 years ago.

Member Duncan stated that he is happy that Kuhn's Brothers is here in Brookville, but we have received many negative comments about the old trailer that used to be there and since removed, and now the foundation. He also asked for clarification on some parts of the letter.

Mrs. Shellabarger asked when the property next door would be taken care of. Manager Wright stated that the building has been out of sight and out of mind, and that the City has not received any complaints on the property. Manager Wright stated that he will have the building taken down.

Member Sanders questioned if things were still going as originally planned, including the "Bed and Breakfast". Mr. Shellabarger stated that things have changed over the years, and that he is not doing the "Bed and Breakfast", he feels he can not meet motel restrictions. He stated Mrs. Shellabarger does not want to do a "Bed and Breakfast" now. Mr. Sanders stated that without communication, the only thing they have to go on is the approved plans in the office. Mr. Shellabarger stated that Mike Oxner has a set of the new plans that they did last year, which deleted the bed and breakfast and there is a new format, along with site numbers that have been changed.

Member Hanos questioned Law Director Stephan on the zoning of the project. Law Director Stephan stated that the zoning is Highway Service. It was never presented as a residential project; it was presented in the original application that family members would be operating a business and residing there during times of operation. Shellabargers' did present up front that they would be living there and they were informed that this area could never be subdivided in the future and sold as residential units and that it would always be a commercial project. Original plans are for a bed and breakfast and a sales location for model homes. Planning Commission approved all as presented above in Highway Service.

Mayor Seagraves thanked Mr. Shellabarger for attending.

Mayor Seagraves thanked Jim Hoffman for the coverage of last week's activities. Mr. Hoffman praised Bob Apgar on his photos.

Manager Wright reported that the Western Avenue Project is still progressing well, and are now excavating the street. Hopefully by the end of next week we should be putting in curbs. Then will move along with paving.

Member Duncan stated that he has been asked by citizens why we don't have sidewalks on the rest of Westbrook Road, from Western Avenue to Arlington Road, and if this would be a good time to do it as well.

Manager Wright stated that we can not do it with this project, it would be a separate project, and very similar to this project.

Member Hanos stated that she was also concerned, especially with the new school starting.

Manager Wright stated clarification of the area in question, which is the north side of Arlington Road and the south side of Johnsville-Brookville Road.

Manager Wright stated that coming from the north on Arlington Road they have a walk way through Westbrook Park and there will be cross walks at Westbrook Road & Western Avenue.

Manager Wright reported that we will definitely be ahead of our August deadline on the Western Avenue Project unless something major happens. He added we will be working around the date of July 16th, as the school is moving that day. If not paved, we will make special arrangements for them.

The Caretaker log cabin project is going well and seems to be getting bigger as they proceed.

The other projects we have for this year are the Albert Road Storm Sewer Project, an Issue II Project, which will bid on June 28th and the downtown Street Scape Project will bid on the same day.

Good news to report is that we have been approved for an ED/GE Grant on the Green Tokai Project in the amount of \$200,000. Manager Wright commended Asst. Manager Sewert for putting that grant together, and thanked Mayor Seagraves for taking the time to meet with them on the tour. This Grant will provide for 50 new jobs.

Manager Wright stated we like to make it a point to spend a lot of time with our existing businesses for job retention. As we spend a lot of time attracting new businesses we need to continue to work with our existing businesses. Manager Wright shared an interesting fact that "nationwide, 80% of new industrial growth comes from existing businesses within a community".

Manager Wright recommended to Council that they need to put together an Issue II Grant for next year with the deadline approaching. He has had some input from citizens. The project would be the Salem Street Project from Market Street to just shy of Albert Road.

Motion by Garber, second by Ullery to apply for an Issue II Grant for Phase 3 of the Salem Street Improvement Project. All yeas, motion carried.

Manager Wright reminded Council that they have a memo from Finance Director/Clerk Keaton, concerning the FMLA, which is a standard policy that we need to approve to implement.

Motion by Garber, to adopt the FMLA policy, and implement. There was no second. Discussion followed.

Member Garber withdrew his motion.

Consensus is to continue discussion after Council has reviewed the policy.

Chief Nickel presented material on a "SAFER Grant" which is a grant to fund the hiring of personnel, and asked for Council approval to apply. Discussion followed.

Motion by Duncan, second by Hanos to allow Chief Nickel to apply for the SAFER Grant. All yeas, motion carried.

Chief Nickel reported that the fire alarms & sprinkler systems are ready to go for the new school and Brookhaven's new addition.

Chief Preston presented the Police Department time analysis for May 26, 2005 to June 6, 2005. Total calls handled during this period were 297, with the average response time 1.75 minutes.

Chief Preston also reported that he has hired Kevin Sink, a new part time officer.

Law Director Stephan reported an annexation was filed yesterday for approximately 7.245 acres. This area includes four properties and Westbrook Road in front of the properties. The citizens there are in need of sanitary sewer. Law Director Stephan went over the three necessary Resolutions for annexation. The annexation was filed under the expedited process.

Motion by Duncan, second by Garber to read proposed Resolution No. 05-17. All yeas, motion carried.

Motion by Duncan, second by Sanders, to accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 05-17 entitled "A RESOLUTION REGARDING MUNICIPAL SERVICES TO BE PROVIDED TO THE AREA CONTAINED IN A PROPOSED ANNEXATION OF 7.245 ACRES, MORE OR LESS, IN PERRY AND CLAY TOWNSHIPS, IF ANNEXATION OF SAID AREA TO THE CITY OF BROOKVILLE IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, AND DECLARING IT AN EMERGENCY". All yeas, motion carried.

Motion by Sanders, second by Garber, to read proposed Resolution No. 05-18. All yeas, motion carried.

Motion by Sanders, second by Duncan, to accept the first reading, dispense with the second & third reading and adopt proposed Resolution No. 05-18 entitled "A RESOLUTION REQUIRING THE ESTABLISHMENT OF A BUFFER WHEN MANDATED BY OHIO REVISED CODE SECTION 709.023 IN THE EVENT THAT THE PROPOSED ANNEXATION OF 7.245 ACRES, MORE OF LESS, FROM PERRY AND CLAY TOWNSHIPS, TO THE CITY OF BROOKVILLE, OHIO IS APPROVED, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Duncan, second by Sanders to read proposed Resolution No. 05-19. All yeas motion carried.

Motion by Duncan, second by Garber to accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 05-19, entitled "A RESOLUTION CONSENTING TO THE PROPOSED ANNEXATION OF 7.245 ACRES, MORE OR LESS, FROM PERRY AND CLAY TOWNSHIPS TO THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Deputy Clerk Brunner presented the Fund Balance of May 31, 2005 for approval.

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

Mayor Seagraves thanked Manager Wright and staff for their hard work this weekend on the Chamber event.

Mayor Seagraves mentioned at the last Planning Commission meeting. Frank Williams presented a proposed Community Center at the Brookville School Site on Hill Street. This did not involve the proposed AAU Center and he would like to send a letter to clarify that Council is very supportive of the AAU Center. Consensus of Council is to send Mr. Williams a letter showing Council support of the AAU Center.

Motion by Duncan, second by Reel to read proposed Ordinance No. 2005-04. All yeas, motion carried.

Motion by Duncan, second by Reel to accept the third reading and adopt proposed Ordinance No. 2005-04 entitled "AN ORDINANCE CHANGING THE NAME OF BROOKVILLE-PYRMONT ROAD TO WESTERN AVENUE IN THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

In Old Business, Member Duncan stated he feels that the water surcharge to properties outside the city limits should be increased anywhere from 50% on up. After much discussion, Member Duncan stated that he would agree to a large increase in increments.

Manager Wright reported that the water rate increase Ordinance will be presented at the next Council Meeting.

After much discussion, Law Director Stephan stated that it would take a lot of research to see how the surcharge was originally initiated.

Mayor Seagraves reminded everyone the next meeting will be June 21, 2005 at 7:30PM.

Manager Wright suggested that the FMLA be tabled until the next meeting to give Council a chance to review. If there are any concerns, call him or put them in writing and he will discuss with Finance Director/Clerk Keaton and he will then address at the next meeting.

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


Belinda Brunner, Deputy Clerk


David E. Seagraves, Mayor