

BROOKVILLE CITY COUNCIL
REGULAR MEETING
June 21, 2005

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Ullery at 7:30 p.m. on June 21, 2005 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. Mayor Seagraves was absent.

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

Motion by Duncan, second by Garber to go into Executive Session on a Real Estate Matter as requested by Member Duncan. All yeas, motion carried.

Vice Mayor Ullery called Council back into Regular Session.

Motion by Duncan, second by Reel to accept the June 7, 2005 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Wright reported at the last Council meeting, questions were raised if there was enough right-of-way along West Westbrook Road between Western Avenue and Arlington Road for a future road reconstruction project. Manager Wright reported the right-of-way in this area is 60'. The project would require a 41' street with curbs and sidewalks. Manager Wright commented it would be best to wait and see how the traffic goes with the new school, before preparing plans for a road reconstruction project.

Manager Wright reported the Brookville-Pyrmont Road Reconstruction Project is on schedule. Curbs were installed this week. Sidewalks will be installed over the next two weeks followed by street paving.

Manager Wright reported the new Caretaker Cabin is progressing well. It should be completed soon.

Manager Wright reported the refurbishment of the tennis courts at Golden Gate Park is completed. The courts have been resurfaced, painted and striped, along with new fencing and nets.

Manager Wright reported discussion was held at the last Council meeting, on a vacant house adjacent to the Kuhn's Bros. Log Home Development. Manager Wright reported Chief Nickel applied for a burn permit through the Regional Air Pollution Control Agency (RAPCA). The house should be removed in the very near future.

Member Ullery inquired on the overturned picnic tables within Golden Gate Park, according to the Park Board Minutes.

Assistant Manager Sewert commented this has happened on a couple of occasions. There was no damage to the picnic tables. They were just overturned.

Member Ullery commented he saw a couple of the concrete fence rails along East Upper Lewisburg-Salem Road down.

Member Garber inquired on the results of the NatureWorks Grant for the pond restoration project, which was reported in the Park Board Minutes.

Assistant Manager Sewert stated the City received word from the Ohio Department of Natural Resources that funding for the NatureWorks Grant proposal for the pond restoration at Golden Gate Park was not selected for the eleventh round NatureWorks funding. The proposal will be automatically considered for the twelfth round. If this project is not funded in the twelfth round, the City would have to consider budgeting this project in the future.

Member Duncan commented he also saw in the Park Board Minutes that the Brookville Chamber of Commerce is seeking ideas from Park Board on what they would like to use the profit from the Community Picnic on. Member Duncan mentioned he would still like to see a water feature for children in Golden Gate Park. Member Sanders agreed.

Fire Chief Nickel had no report.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from June 7 through June 20, 2005. Police Chief Preston reported there were 306 calls for service in this time period. The number of reportable incidents are up 24 reports or 6.7% and the total calls handled were down 351 calls or 8.2% from this same time last year. The average response time was 1.61 minutes.

Member Hanos asked Law Director Stephan if there was a noise ordinance that stated when construction noise could begin? Law Director Stephan stated there is, he would look up the regulations.

Finance Director/Clerk Keaton requested Council authorization to adopt an FMLA Policy to be incorporated within the Personnel Manual.

Motion by Duncan, second by Garber to adopt the FMLA Policy as written and to incorporate it within the Personnel Manual. All yeas, motion carried.

Finance Director/Clerk Keaton reported proposed Resolution No. 05-20 amends and supplements the 2005 Appropriations. The proposed Resolution No. 05-20 adds the FEMA line items that the City was awarded for snow removal efforts and increases the Capital Outlay-ED/GE line item for the recent Grant that was awarded to Green Tokai.

Motion by Reel, second by Garber to read proposed Resolution No. 05-20. All yeas, motion carried.

Motion by Reel, second by Duncan to accept the first reading, dispense with the second and third reading and adopt Resolution No. 05-20 entitled "A RESOLUTION AMENDING AND SUPPLEMENTING 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 reported proposed Ordinance No. 2005-05 amends the water tap permit charge, the water meter installation charges, the rates and charges to all water customers and the shut-off and reconnection charges. Finance Director/Clerk Keaton commented with the two separate components for water rates, a base or minimum charge and a consumption charge, there is no fixed percentage increase. The base charge will see an average increase of 28.7% and the consumption charge will see an average increase of 20.35%. Residential customers should see a quarterly increase of \$9.85 to \$20.35, or a monthly increase of \$3.28 to \$6.78 on the water portion of their utility bill, beginning with the September 2005 billing for water consumed from June 1 to August 31. Commercial customer rates will vary by consumption. Water tap in fees will increase \$250 per tap. Residential water meter installation fees will increase \$15.00 per set. Shut-off for nonpayment will increase by \$15.00 during working hours and will increase by \$40.00 after-hours, or anytime on the weekend or a holiday. Discussion followed.

Motion by Garber, second by Sanders to read proposed Ordinance No. 2005-05. All yeas, motion carried.

Motion by Garber, second by Duncan to accept the first reading of proposed Ordinance No. 2005-05. All yeas, motion carried.

Member Duncan commented he would still like to see the surcharge, for water customers living outside the municipal corporation limits, increased from the current 25% surcharge.

Finance Director/Clerk Keaton presented additional information on the constitutional tax and expenditure limitation proposals, proposed by Secretary of State Kenneth Blackwell. The proposed constitutional amendment will limit state and local spending and taxation. The proposed amendment would sharply curtail tax and spending increases by state and local governments. Tax and spending measures that exceed the inflation rate and population growth would need approval from 60 percent of government officials and from a majority of the public before taking effect. Finance Director/Clerk Keaton asked Council if they would like for her to prepare a Resolution to oppose the constitutional tax and expenditure limitation proposals? Member Garber commented he would like to see such a Resolution prepared for the next Council Meeting to express opposition for changes to the Ohio Constitution for local governments only. Member Garber commented the State should probably have limits on their spending.

Finance Director/Clerk Keaton requested Council approval to transfer the remaining \$200,000 from the General Fund to the Capital Improvement Fund as appropriated.

Motion by Garber, second by Reel to authorize the transfer of \$200,000 from the General Fund to the Capital Improvement Fund as requested by Finance Director/Clerk Keaton. All yeas, motion carried.

Finance Director/Clerk Keaton reported the summer-edition of the City Newsletters were mailed out this week.

Law Director Stephan pointed out that Section 531.02 of the Codified Ordinances of Brookville, states the hours for construction and/or repair of buildings, including excavation, is permitted between the hours of 6:00 a.m. and 10:00 p.m. In cases of emergency repairs, and then only with a permit from the Building Inspector, can work be performed between the hours of 10:00 p.m. and 6:00 a.m.

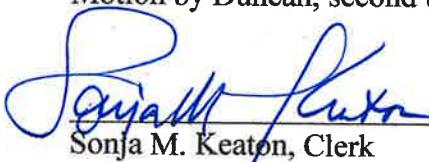
Vice Mayor Ullery asked if any Council Member would be absent from the July 5 Council Meeting? All Council Members will be present.

Vice Mayor Ullery remarked on the recent Letter to the Editor in the Brookville Star from an out-of-state individual who participated the "Run-to-the-Wall" gang. The individual expressed his appreciation for the reception that was afforded the group and he was very impressed with the community and citizens. Vice Mayor Ullery stated that says a lot for the City. Everyone should be commended.

Member Duncan inquired if a letter was forwarded to Frank Williams expressing Council's support for the proposed AAU facility to be located in the City.

Assistant City Manager stated a letter was drafted and signed by the Mayor expressing Council's support for the proposed AAU facility.

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



Sonja M. Keaton, Clerk



Ron Ullery, Vice Mayor