

BROOKVILLE CITY COUNCIL
REGULAR MEETING
November 1, 2005

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on November 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 Reel, second by Garber to accept the October 18, 2005 Regular Meeting Minutes and the October 27, 2005 Special Meeting Minutes as presented. All yeas, motion carried.

Jeff Puthoff, of Choice One Engineering, presented a request for approval of a Final Plat for Meadow Glen Subdivision, consisting of 17 lots on approximately 24.024 acres along Meadow Glen Avenue, which is zoned R-3, Multi-Family Residential. Sixteen of the lots would contain 14 three-family and two four-family units. The one large lot, which contains approximately 14.876 acres, would contain 16 four-family townhouse-style rental units and 18 two-family townhouse-style rental units. The area that contains the approximate 14.876 acres would have private streets. Rona Parkway will become a through street. Each unit is required to have a one-car garage, including the townhouse units. The exterior of development will be a combination brick and vinyl. The majority of the tree line that runs along the creek, north of the Sterling Meadows Subdivision, will remain. Some trees will be removed for construction.

Jeff Bruns, the Developer/Owner of the property, indicated the average rental would be approximately \$700 per month, and the development would be constructed over two or three phases, depending on need.

Manager Wright stated the lift station currently in the Sterling Meadows Subdivision, near Meadow Glen Avenue, will be eliminated once the sanitary sewer is connected from the Meadow Glen Subdivision to the Sterling Meadows Subdivision.

Law Director Stephan commented this proposal was submitted to Planning Commission at their October meeting. Law Director Stephan indicated the developer was asked to provide some restrictions and covenants governing the lots that are to be marketed separately and requested that these include some wording governing the type of building material used to provide for consistency. Law Director Stephan commented he has reviewed those initially. They are quite extensive and will provide for controlled growth on these lots.

Motion by Garber, second by Ullery to approve the Meadow Glen Subdivision Final Plat, contingent on City Manager Wright's and City Engineer Schroeder's final review and approval of the Construction Plans to include the restrictions and covenants submitted with the subdivision plat, all proper permits being completed and a Performance Surety shall be posted to meet the requirements of the Brookville Design Criteria and Subdivision Regulations. Garber yea, Hanos yea, Ullery yea, Reel nay, Duncan yea, Sanders yea and Seagraves yea. Motion carried with six yeas and one nay.

Manager Wright requested approval to enter into a contract with the Montgomery County Public Defender for 2006.

Motion by Garber, second by Duncan to authorize Manager Wright to enter into a contract with the Montgomery County Public Defender for 2006, at a cost of \$122.46 per case for which the Public Defender provides representation, as recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported the Annual Repaving Program is complete and the Contractor did an excellent job.

Manager Wright reported the leaf pickup program is going well. Currently leaves are picked up on an as needed basis; next week we will be picking up leaves on a daily basis.

Manager Wright went over the results of the recycling survey to-date and requested direction from Council on the future of recycling.

Member Hanos commented that it looks like everyone wants to continue recycling, and a lot of people are leaning toward a one day per week pickup for all of Brookville.

Member Sanders commented he was amazed at the number of citizens that stated they would be interested in a drop-off center. He would like to see an option in the recycling bid for a drop-off center.

Discussion continued.

Motion by Garber, second by Hanos to authorize Manager Wright to advertise for bids for the pickup and disposal of commingled recyclable materials in the City of Brookville. All yeas, motion carried.

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

Fire Chief Nickel announced that he will not be attending the next Council Meeting, due to a scheduled vacation.

Fire Chief Nickel reported he has a draft of the City of Brookville Emergency Disaster Plan on discs if anyone is interested in reviewing it.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from October 18 to October 31, 2005. Police Chief Preston reported there were 272 calls for service in this time period. The number of reportable incidents are up 47 reports or 7.1% and total calls handled are down 1,060 or 13.9% from this same time last year. The average response time was 2.93 minutes.

Police Chief Preston reported Halloween went smooth, there were no problems.

Law Director Stephan had no report.

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

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

Finance Director/Clerk Keaton reported five Board and Commission positions are set to expire December 31, 2005. Finance Director/Clerk Keaton stated she has contacted the five individuals whose terms expire, and all five indicated they are interested in serving additional terms.

Motion by Garber, second by Sanders to reappoint Leon Williamson and Brent Boose to Planning Commission for three-year terms, Dottie Watkins to the Zoning Board of Appeals for a five-year term, Michelle DeVilbiss to Park Board for a four-year term and Treva Price to the Board of Tax Appeals for a three-year term, with all terms beginning January 1, 2006. All yeas, motion carried.

Finance Director/Clerk Keaton reported Time Warner Cable will be performing system upgrade maintenance in Brookville over the next several weeks, replacing older equipment with state of the art technology. The work will be completed primarily between midnight and 6:00 a.m. Monday thru Friday.

Finance Director/Clerk Keaton requested Council adopt proposed Ordinance No. 2005-12, which approves and adopts current replacement pages to the Codified Ordinances.

Motion by Duncan, second by Sanders to read proposed Ordinance No. 2005-12. All yeas, motion carried.

Motion by Duncan, second by Reel to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2005-12 entitled "AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton requested an Executive Session on a Personnel Matter.

Mayor Seagraves expressed thanks and appreciation to the Board and Commission Members for their continued participation.

Mayor Seagraves reported Brookville Schools will be holding a Veterans Day assembly in the auditorium on November 9 at 10:00 a.m. and encouraged all Council Members and the Administrative Staff if they can attend, to do so.

Mayor Seagraves reported the Brookville Optimist Club will be holding the 2005 Pumpkin Walk on Saturday, November 5 beginning at 6:30 p.m. The walk will take place on the Rail Trail from Golden Gate Park to the Albert Road crossing and back to Golden Gate Park for a bonfire, hot dogs, apple cider and a story teller.

Mayor Seagraves reminded everyone to vote next Tuesday.

Chairperson Watkins, of the Brookville Planning Commission, read the Planning Commission's recommendation that Council adopt proposed Ordinance No. 2005-08, which rezones a certain property located at 19 N. Orchard Street from its present zoning classification of GB, General Business, to the new classification of R-2, Urban Residential. All yeas, motion carried.

Chairperson Watkins, of the Brookville Planning Commission, read the Planning Commission's recommendation that Council adopt proposed Ordinance No. 2005-09, which amends Section 1103.03 of the Code of Ordinances to include definitions related to the regulation of sexually oriented businesses and amends the definition of adult entertainment facilities; amends Section 1145.02 of the Code of Ordinances to make sexually oriented businesses a Permitted Use in I-2 General Industrial District; establishes sexually oriented business development standards Section 1145.03(g); amends Section 1137.02(b)(12) to delete adult entertainment facilities as a Special Use within the General Business District; and deletes the Special Use requirements for adult entertainment facilities in Section 1163.03(b)(1). All yeas, motion carried.

Motion by Reel, second by Duncan to read proposed Ordinance No. 2005-08. All yeas, motion carried.

Motion by Duncan, second by Reel to accept the second reading of proposed Ordinance No. 2005-08. All yeas, motion carried.

Motion by Duncan, second by Garber to read proposed Resolution No. 05-26. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the third reading and adopt Resolution No. 05-26 entitled "RESOLUTION ENDORSING THE GREATER DAYTON COMPACT PRINCIPLES AS APPROVED BY THE BOARD OF DIRECTORS OF THE MIAMI VALLEY REGIONAL PLANNING COMMISSION." All yeas, motion carried.

Motion by Sanders, second by Garber to read proposed Ordinance No. 2005-09. All yeas, motion carried.

Motion by Duncan, second by Hanos to accept the second reading of proposed Ordinance No. 2005-09. All yeas, motion carried.

In Old Business, Member Garber asked Mary Hill, who was in attendance, if she has noticed any change in vehicles slowing down along Wolf Creek Street?

Mary commented that yes, she has noticed a change and thanked the Brookville Police Department.

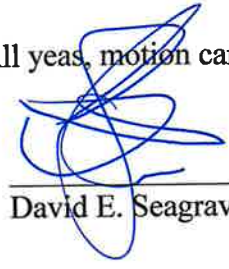
Motion by Duncan, second by Sanders to go into Executive Session on a Real Estate and a Personnel Matter as requested by Manager Wright and a Personnel Matter as requested by Finance Director/Clerk Keaton. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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



Sonja M. Keaton, Clerk



David E. Seagraves, Mayor