

BROOKVILLE CITY COUNCIL
REGULAR MEETING
September 20, 2005

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Ullery at 7:30 p.m. on September 20, 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 Deputy Clerk Duncan were present. Director of Finance/Clerk Keaton was absent. Mayor Seagraves arrived later.

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

Motion by Sanders, second by Duncan to accept the September 6, 2005 Regular Meeting Minutes as presented. All yeas, motion carried.

Dan Foley, Montgomery County Clerk of Courts, gave a brief presentation about the Clerk of Courts office and what their office handles. He advised the number of home foreclosures in Montgomery County has increased 225% since 1997 and wanted Council to be aware of how foreclosures affect neighborhoods and property values. Mr. Foley reported the Auto Title Division of Montgomery County collected more than 60 million in sales taxes last year. He and his staff are working to provide the best customer service possible, as Ohio residents can now go to any county within the State of Ohio to get an auto title, and asked Council's help in referring citizens and businesses to one of the Montgomery County Auto Title offices in order to keep the business within the county.

Jeff Jordan, Director of the Montgomery County Emergency Management Association, gave a brief presentation about emergency planning and preparedness within Montgomery County. Discussion followed. Fire Chief Nickel advised the City of Brookville does have a plan which will be presented to Council for their approval in the near future.

Mayor Seagraves arrived.

Assistant Manager Sewert reported the Administrative Staff has reviewed the Brookhaven Retirement, Section Three, Final Plat and recommended Council approval.

Motion by Duncan, second by Garber to approve the Final Plat for Brookhaven Retirement Community, Section Three, contingent on City Manager Wright's and City Engineer Schroeder's final review and approval of the Construction Plans, all proper permits being completed and a Performance Surety shall be posted to meet the requirements of the Brookville Design Criteria and Subdivision Regulations. All yeas, motion carried.

Steve Butler, HLS Engineer, presented the plans for Wenger Woods, Final Plat. Assistant Manager Sewert advised the plan had been reviewed and approved by Planning Commission with minor changes and recommended Council's approval based on the conditions that the final plan is approved by the City Manager and City Engineer, and the proper bonds are posted as required by the City.

Motion by Garber second by Hanos to approve the Final Plat for Wenger Woods as submitted, contingent on City Manager Wright's and City Engineer Schroeder's final review and approval of the Construction Plans to include the installation of sidewalks within the development and along Johnsville Brookville Road, all proper permits being completed and a Performance Surety shall be posted to meet the requirements of the Brookville Design Criteria and Subdivision Regulations. All yeas, motion carried.

Mike Moran, representing the Kiwanis Club, requested permission to hold a Texas Hold'em Fund Raiser after the Fire Prevention parade on Saturday, October 8, 2005 from 3:00 p.m. to approximately 7:00 p.m. The event will be the same as the one held in the spring, in a 20' by 30' tent erected in the city parking lot along Walnut Street, with a limit of 48 paid players over 21 years of age. All proceeds from the event will be used to fund Brookville Kiwanis projects.

Motion by Duncan, second by Ullery to allow the Kiwanis Club to hold a Texas Hold'em Fund Raiser on Saturday, October 8, 2005 from 3:00 p.m. to approximately 7:00 p.m. and to have a signed contract between the City and the Kiwanis Club prior to the scheduled event. All yeas, motion carried.

Manager Wright advised the fall issue of the city newsletter was mailed out this week and that copies were available if anyone was interested in reviewing it this evening.

Manager Wright stated a representative from the Montgomery County Board of Elections would be in the Council Chambers on October 4, 2005 from 4:00 to 7:00 p.m. to give a demonstration of the new electronic voting machine, and invited the public to attend.

Manager Wright gave an update on the various projects throughout the City. All of the sidewalk, curb and gutter have been installed on the Market Street project and the completion date goal is prior to the Fire Prevention Parade on October 8, 2005. The Upper Lewisburg Salem Road widening project is complete as far as widening the road. The work left to be done is behind the curb, and the asphalt will be overlaid during our street resurfacing project. The Western Avenue line removal and restriping have been completed, as well as a "cross traffic does not stop sign" has been installed for inbound traffic at the intersection of Brookville Pyrmont and Brookville Johnsville Roads. The Caretaker Cabin project is now complete and the keys have been turned over to the Caretaker. Manager Wright advised the City did 80% of the work in-house and he is proud of the way it turned out. The preliminary estimate on the cost of the cabin is \$80,000. Finance Director/Clerk Keaton will have the final numbers on the cost of the cabin as soon as all the invoices come in.

Manager Wright requested authorization and approval for a Change Order on the Albert Road Storm Sewer Replacement Project due to realignment of the storm sewer where it runs through Brookville Roadster's property to allow them the opportunity for future development.

Motion by Garber, second by Sanders to authorize and approve Change Order #1 on the Albert Road Storm Sewer Replacement Project increasing the amount by \$9,208, half of which will be paid by OWPC, and increasing the total contract price of the project from \$138,221.50 to \$147,429.50 as recommended by City Manager Wright. All yeas, motion carried.

Manager Wright reported two recycling bids were received last week. Rumpke submitted a bid for one day a week pickup at a cost of \$2.00 per household based on 2,300 households that we have within the city. The second bid was from Waste Management, whom we currently contract with, at a cost of \$2.40 per household with daily pickup and a gas surcharge of 3-9%. Discussion followed on the various options that were brought up, such as having several drop off areas for recyclables in the City rather than curbside pickup, having our City crews pick up recyclables either with a separate truck or using saddlebags, or discontinuing the recycling program altogether. The consensus was to reject the bids as recommended by City Manager Wright as neither one met the bid specifications. Manager Wright commented he will bring additional information and other options to Council at a later meeting.

Member Ullery commented he received a letter from a citizen in reference to a zoning issue which Zoning Officer Snedeker was in the process of resolving, and commended him for the good job he is doing as the Zoning Officer for the City.

Fire Chief Nickel reported the average number of fire and medic calls are staying about the same. Fire Chief Nickel distributed a Family Disaster Supplies Kit brochure which he advised is currently being updated in light of the Hurricane Katrina disaster.

Police Chief Preston presented the Brookville Police Department Time Analysis from September 5 through September 19, 2005. Chief Preston reported there were 268 calls for service in this time period. Chief Preston reported the number of reportable incidents are up 57 reports or 10.1% and total calls handled are down 876, or 13.1% from this same time last year. The average response time was 2.86 minutes.

Chief Preston reported the 10th Annual Cops and Kids Fishing Derby held on September 17, 2005 was a huge success, with 101 kids participating and a record number of 258 fish caught. Chief Preston thanked the sponsors for their generosity.

Member Garber mentioned the parking issue, discussed at the last Council Meeting, has been resolved and thanked Chief Preston for his help in resolving the issue.

Law Director Stephan reported Council can now take action on proposed Ordinance No. 2005-07, which has been before the Board of County Commissioners and the 60 days has expired.

Motion by Reel, second by Sanders to read proposed Ordinance No. 2005-07. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2005-07 entitled "AN ORDINANCE ACCEPTING THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY CONTAINING 7.245 ACRES, MORE OR LESS, IN CLAY TOWNSHIP AND PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Law Director Stephan presented proposed Ordinance No. 2005-08, which rezones the property at 19 N. Orchard Street that Planning Commission reviewed and recommended be presented to Council and requested Council set a Public Hearing. Law Director Stephan indicated the City has entered into an Agreement with the owner, Doug Shafner, which provides that he applies for rezoning of the property from "GB" General Business to "R2" Urban Residential. If the rezoning is approved, the property owner will demolish the existing building at the property owner's expense, and will propose to construct a two-family residential unit on approval of a Special Use Permit by Planning Commission. The City will be acquiring some additional right of way pursuant to that Agreement from the property owner.

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

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

The Mayor set the Public Hearing for October 18, 2005 at 8:00 p.m.

Law Director Stephan presented proposed Ordinance No. 2005-09, which changes the zoning code regarding sexually oriented businesses that Planning Commission reviewed and recommended be presented to Council and requested Council set a Public Hearing. Law Director Stephan also presented proposed Ordinance No. 2005-10, which will create a licensing procedure for sexually oriented businesses.

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

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

Motion by Garber, second by Reel to read proposed Ordinance No. 2005-10. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the first reading of proposed Ordinance No. 2005-10. All yeas, motion carried.

The Mayor set the Public Hearing for October 18, 2005 at 8:00 p.m., or as soon thereafter.

Law Director Stephan reported the November ballot will include a local liquor issue for Brookville Precinct "A" to assist in the attraction of restaurants and hotels in the Highway Service area of the Brookville Commercial Campus, which would change the status of the area north of Interstate 70 on the west side of Arlington. Mayor Seagraves commented it was a very important item that he felt Council should take a good look at as the outcome could have a big economic impact on our City. Member Duncan commented that many citizens have asked why we are not getting nice restaurants like an "Outback," and the reason is due to the alcohol issue. Mayor Seagraves stated if the local issue is defeated, it would be several years before the issue can be put back on the ballot.

Deputy Clerk Duncan had no report.

Mayor Seagraves commended Chief Preston for the excellent fishing derby. It was a nice focus on the community and the children and parents thoroughly enjoyed themselves.

Member Duncan commented work needs to begin on updating some of our zoning ordinances which are outdated. Mayor Seagraves asked for several Council members to consider volunteering to help with this task.

Member Duncan requested Council's permission, on behalf of the Arlington Woods Homeowners' Association, to block off Randy Sue Court from Shaney Lane to the west.

Motion by Hanos, second by Garber to allow the Arlington Woods Homeowners' Association to block off Randy Sue Court from Shaney Lane to the west for a Neighborhood Block Party. Sanders yea, Duncan abstained, Reel abstained, Ullery yea, Hanos yea, Garber yea, and Seagraves yea. Motion carried with five yeas and two abstentions.

In New Business, Member Duncan requested an Executive Session on a Real Estate Matter.

Manager Wright advised Member Duncan that the Arlington Woods Homeowners' Association needs to remove the screen placed over the outflow of the retention pond, as it is causing a drainage problem.

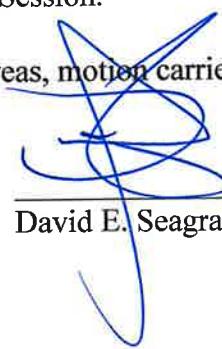
Motion by Duncan, second by Garber to go into Executive Session on a Real Estate Matter as requested by Member Duncan. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Motion by Reel, second by Hanos to adjourn. All yeas, motion carried.



Kimberly Duncan, Deputy Clerk



David E. Seagraves, Mayor