

BROOKVILLE MUNICIPAL COUNCIL  
REGULAR MEETING  
April 4, 2000

The Regular Meeting of the Brookville Municipal Council was called to order by Vice Mayor Shellabarger at 7:30 P.M. on April 4, 2000 in the Municipal Council Room. Members Duncan, Imler, Seagraves, and Trimble; Manager Wright, Assistant Manager Sewert and Law Director Stephan were present. Mayor Dafler and Member Garber were absent.

Motion by Duncan, seconded by Imler to accept the Agenda with an addition and corrections. All yeas, motion carried.

Motion by Seagraves, seconded by Imler to accept the March 21, 2000 Regular Meeting Minutes as presented. All yeas, motion carried.

Citizens Comments: Andrew Hummel, of 55 N. Rock Street, asked if Council would allow him to have a tree lawn between the curb and his sidewalk when construction begins on the Rock Street Project. Manager Wright reported that a Public Meeting was held on Monday, March 27. It was well attended by most of the citizens on Rock Street. Manager Wright read over the February 16, 1999 Council Minutes where he proposed three options for the street width on Rock Street. Option number three was the one Manager Wright recommended and Council concurred. That option was to construct a 34-35 ft. street, sidewalks would remain at their current locations, but tree lawn would be eliminated and the 4 ½ ft. sidewalks installed. Manager Wright stated that many of the residents sidewalks are close to their homes now, and many do not want their sidewalks any closer to their homes, and we are limited on right-of-way. Rock Street is not a heavily-traveled street, or a high-speed area. Members of Council would like to look at the area before they make a decision.

Mike Dull, of 8878 Arlington Road, asked if the third reading of Ordinance Numbers 2000-01 and 2000-02 will be tonight? Vice Mayor Shellabarger stated that it will.

Jean Lathrop, of 222 Maple Street, read a letter that she wrote, of her concerns if Council allowed the Outlet Mall, Aquadrome and Hotel to go in. She also requested if a Council Member voted yes for this development, if they would give their reason(s) for the yes vote.

Manager Wright reported that the Brookville Booster Club is requesting permission to sell street stencils for Clay Street, also known as "Victory Lane." The stencils would be painted onto the street surface. There would be three stencils available. A soccer ball, a football helmet and a football, each stenciled with a name or number. This project would raise money for the Booster Club and support the children. Manager Wright advised that he gave the Booster Club a two-year guarantee that no construction would take place on Clay Street. Discussion followed with the following action taken.

Motion by Imler, seconded by Seagraves to allow the Brookville Booster Club to sell street stencils and to paint the stencils on Clay Street. All yeas, motion carried.

Law Director Stephan gave his report on the annual meeting of the Tax Incentive Review Council that was held on March 23, 2000, and presented Resolution No. 00-13. Discussion followed with the following action taken.

Motion by Seagraves, seconded by Duncan to read proposed Resolution No. 00-13. All yeas, motion carried.

Motion by Imler, seconded by Duncan to accept the first reading, dispense with the second and third reading and adopt Resolution No. 00-13 entitled "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FOR CONTINUATION OF THE ENTERPRISE ZONE AGREEMENT OF GREEN TOKAI CO., LTD., AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Law Director Stephan requested an Executive Session on an Imminent Court Action.

Finance Director Keaton gave her report with the following action taken.

Motion by Imler, seconded by Duncan to accept the March 31, 2000 Fund Balance as presented. All yeas, motion carried.

Finance Director Keaton informed Council that P.E.R.S. adopted a one-year temporary Employer contribution rate rollback of 20%. This reduction in Employer charges will be done with a 40% rollback for a six-month period beginning in July of 2000. We should expect an approximate savings of \$20,000.00 for the six-month 40% rollback period.

Vice Mayor Shellabarger had no report.

Motion by Duncan, seconded by Imler to read proposed Ordinance No. 2000-01. All yeas, motion carried.

Motion by Imler, seconded by Duncan to accept the third reading and adopt Ordinance No. 2000-01 entitled "AN ORDINANCE REZONING 31.911 ACRES FROM ITS PRESENT CLASSIFICATION OF HS HIGHWAY SERVICE AND R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO THE NEW CLASSIFICATION OF PC PLANNED COMMERCIAL DISTRICT." Chuck Neumaier, of 814 Terri Drive, questioned how Council can take a vote on this with two members absent? Law Director Stephan advised that a quorum was present. Mr. Neumaier then asked how two Members of Council can also sit on the Planning Commission? Member Imler stated that it is a provision of our Charter, and being on both Council and Planning Commission gave her more insight to situations. The vote was taken as follows: Trimble yea, Seagraves nay, Duncan yea, Imler yea and Shellabarger yea. Motion carried with four yeas and one nay.

Motion by Imler, seconded by Duncan to read proposed Ordinance No. 2000-02. All yeas, motion carried.

Motion by Duncan, seconded by Imler to accept the third reading and adopt Ordinance No. 2000-02 entitled "AN ORDINANCE REZONING 10.701 ACRES FROM ITS PRESENT CLASSIFICATION OF R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO THE NEW CLASSIFICATION OF PC PLANNED COMMERCIAL DISTRICT." Thomas Gibbons, of 9537 Dayton Greenville Pike, stated that Mrs. Lathrop had requested earlier that the Council Members that were voting yes on the development give their reason(s) for their yes vote. Vice Mayor Shellabarger stated that they did not have to give their reason(s) with their vote. The vote was taken as follows: Seagraves nay, Duncan yea, Imler yea, Trimble yea and Shellabarger yea. Motion carried with four yeas and one nay.

In Old Business, Member Duncan inquired on the status of the tree removal in Arlington Woods along Westbrook Rd. Manager Wright stated that Assistant Manager Sewert had met with Tom McDougal, Developer of Arlington Woods. The tree will come down shortly.

Law Director Stephan presented the proposed changes that will be made to the front yard fence Ordinance.

Vice Mayor Shellabarger recessed Council for the Public Hearing at 8:00 P.M. on proposed Ordinance No. 2000-03 for the amendment of Section 1157.06(a) of the Codified Ordinances of the Municipality of Brookville, Ohio.

Clerk Keaton informed Council that the Public Hearing was published in the Brookville Star on March 22 and March 29, and the front office received one call, asking if the Ordinance would apply to existing fences.

The Public Hearing was recorded and is on file with the Clerk at the Municipal Offices.

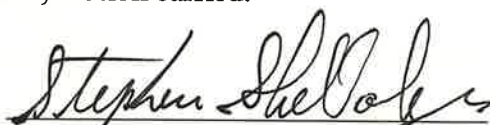
Vice Mayor Shellabarger called Council back into Regular Session.

Motion by Imler, seconded by Duncan to into Executive Session on an Imminent Court Action as requested by Law Director Stephan.

Vice Mayor Shellabarger called Council back into Regular Session.

Motion by Imler, seconded by Duncan to adjourn. All yeas, motion carried.

  
Sonja M. Keaton, Clerk

  
Stephan Shellabarger, Vice Mayor