

BROOKVILLE MUNICIPAL COUNCIL
REGULAR MEETING
December 19, 2000

The Regular Meeting of the Brookville Municipal Council was called to order by Mayor Dafler at 7:30 P.M. on December 19, 2000 in the Municipal Council Room. Members Duncan, Garber, Imler, Seagraves, Shellabarger and Trimble; Manager Wright, Assistant Manager Sewert and Law Director Stephan were present.

Motion by Seagraves, seconded by Imler to accept the Agenda as presented. All yeas, motion carried.

Motion by Imler, seconded by Seagraves to accept the December 5, 2000 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Dafler welcomed the High School students that were attending for their American Government class.

Manager Wright gave his report with the following action taken.

Motion by Imler, seconded by Duncan to accept the bid of \$49,460.00 from Bob Miller General Contracting for the Park Shelter-Golden Gate Park Project, as recommended by Manager Wright. All yeas, motion carried.

Motion by Garber, seconded by Imler to authorize and approve Change Order #1 on the New Softball Stadium Electric Service & Lighting Upgrade Project in the amount of \$5,925.00, which is for moving two (2) electrical poles, one on each side of the dugouts on Diamond #1, back approximately 15 feet as recommended by Manager Wright. All yeas, motion carried.

Manager Wright informed Council that he received a petition signed by six homeowners along Rock Street, between Western Avenue and Church Street. The homeowners would like to see parking on both sides of Rock Street from the radius of the curve to Church Street. Discussion followed.

Motion by Garber, seconded by Seagraves to allow parking on both sides of Rock Street, from the radius of the curve just past Western Avenue to Church Street. All yeas, motion carried.

Manager Wright reported that leaf pick-up has ended for this year.

Law Director Stephan had no report, but 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 approve the renewal of our membership with MVRPC, and to reappoint Member Seagraves as Member and Manager Wright as Alternate to the MVRPC and Transportation Committee for 2001. All yeas, motion carried.

There will be a Work Session on Appropriations following the Council Meeting.

Mayor Dafler gave his report with the following action taken.

Motion by Duncan, seconded by Seagraves to reappoint Dorothy Watkins and Dean Sanders to the Planning Commission for a three-year term; David Poynter to the Park Board for a four-year term; and Dorothy Watkins to the Board of Appeals for a five-year term, as presented and recommended by Mayor Dafler, with all terms beginning January 1, 2001. All yeas, motion carried.

Mayor Dafler wanted to thank Belinda Brunner and Kim McCauley for their efforts coordinating the Employee Appreciation Christmas Party.

Motion by Duncan, seconded by Imler to read proposed Resolution No. 00-23. All yeas, motion carried.

Motion by Imler, seconded by Duncan to accept the second reading of proposed Resolution No. 00-23. All yeas, motion carried.

Motion by Duncan, seconded by Seagraves to read proposed Resolution No. 00-24 through Resolution No. 00-29. All yeas, motion carried.

Motion by Imler, seconded by Duncan to accept the first reading, dispense with the second and third reading and adopt the following Resolution Numbers: 00-24 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE MUNICIPAL MANAGER AND DECLARING IT AN EMERGENCY"; 00-25 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE ASSISTANT MUNICIPAL MANAGER AND DECLARING IT AN EMERGENCY"; 00-26 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL AND DECLARING IT AN EMERGENCY"; 00-27 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF FIREMEN AND DECLARING IT AN EMERGENCY"; 00-28 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF POLICE AND DECLARING IT AN EMERGENCY"; 00-29 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF LAW AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

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

Mayor Dafler called Council back into Regular Session.

Mayor Dafler recessed the Regular Meeting of Council at 8:00 P.M. for the Public Hearing, which is a combined meeting with Council and Planning Commission, on the proposed rezoning of part Lot #1495.

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

Clerk Keaton advised that Application #AM-003, an Application for a Zoning Amendment, was filed on November 16, 2000 by Mr. Timothy Schram, Agent for LMS Realty Inc. There is a copy of a contract to purchase real estate between LMS Realty and the current owner of the property on file. An Ordinance was prepared to rezone approximately 3.3 total acres in part Lot #1495, located along the north side of Upper Lewisburg-Salem Road, approximately 1300 feet north of Upper Lewisburg-Salem Road, from its present classification of "HS" to the new classification of "R-3." The Public Hearing was advertised in the Brookville Star on December 6, 2000. Seventeen letters were sent out certified to the adjoining property owners, and the owner of record, with all seventeen receiving their letters. One phone call was received by a homeowner who received a letter, with the same individual coming into the office to view the application and accompanying map. The homeowner was not interested in Calmer Ernst Boulevard extending beyond the current road.

Mayor Dafler asked Council if any member needed to abstain.

Mayor Dafler requested that all those in attendance that felt that they would speak at the Public Hearing, be sworn in, and that they stand and raise their right hand.

Tim Schram, with HLS Surveyors and Engineers, stated that he is representing LMS Realty, the developer that is considering this parcel of ground for development. Mr. Schram stated the main parcel of land that the developer is interested in developing a multiple style development on, is currently zoned R-3. The land is currently in a Trust that is for sale at this time. The surrounding area is currently zoned R-3 which contains single family condominiums and multiple family condominiums, and R-1B which contains single family homes. Part of the zoning request is to look at extension of a public right-of-way into the current land locked ground. The R-3 parcel of ground does not have a dedicated legal access. Their request is to bring in common zoning for this parcel, so that public improvements, such as the extension of Calmer Ernst Boulevard, Sanitary Sewer and Water, could be brought to the R-3 property. Currently the area at the dead-

end of Calmer Ernst Boulevard is zoned HS. The developer is requesting to change approximately 3.3 total acres from HS to R-3 zoning. Mr. Schram stated without proceeding with the rezoning it would be difficult to service the current R-3 property through the HS area.

Mayor Dafler then opened the meeting for the public to ask their questions.

Several citizens went to the podium to voice their questions and opposition to the proposed rezoning. Questions were asked of Tim Schram by Council Members and members of the audience.

Mr. Sam Nobler, with LMS Realty Inc. went to the podium to present his ideas of why this HS area should be rezoned, and the possibilities as to what could occur with this area should it remain with the current HS zoning.

Motion by Duncan, seconded by Imler to adjourn the first Public Hearing. All yeas, motion carried.

Mayor Dafler opened the second Public Hearing which is a combined meeting with Council and Planning Commission, on the proposed rezoning of part Lot #1710.

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

Clerk Keaton advised that Application #AM-002, an Application for a Zoning Amendment, was filed on November 16, 2000 by Mr. Timothy Schram, Agent for LMS Realty Inc. There is a copy of a contract to purchase real estate between LMS Realty and the current owner of the property on file. An Ordinance was prepared to rezone approximately 1.7 total acres in part Lot #1710, located along the northwest side of Calmer Ernst Boulevard, from its present classification of "R-1B" to the new classification of "R-3." The Public Hearing was advertised in the Brookville Star on December 6, 2000. Seventeen letters were sent out certified to the adjoining property owners, and the owner of record, with all seventeen receiving their letters. One phone call was received by a homeowner who received a letter, with the same individual coming into the office to view the application and accompanying map. The homeowner was not interested in Calmer Ernst Boulevard extending beyond the current road.

Mayor Dafler requested that all those in attendance that felt that they would speak at the Public Hearing, be sworn in, and that they stand and raise their right hand.

Tim Schram, with HLS Surveyors and Engineers, stated that this hearing deals with a separate parcel of land. This parcel of land is currently zoned R-1B. The area is currently zoned R-1B and is slated to be a residual parcel once Golden Gate Estates, Section Three, is developed. This area would allow the road to be extended, and then access given through a portion of the existing R-1B and HS area. Mr. Schram stated the reason for the rezoning request is to make all of the area consistent so it is all R-3 zoning, which would eliminate any borders to mixed type use zoning.

Mayor Dafler then opened the meeting for the public to ask their questions.


Several citizens went to the podium to voice their questions and opposition to the proposed rezoning. Questions were asked of Tim Schram by Council Members, Manager Wright and members of the audience.

Motion by Duncan, seconded by Imler to adjourn the second Public Hearing. All yeas, motion carried.

Mayor Dafler called Council back into Regular Session.

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


Sonja M. Keaton, Clerk


Thomas L. Dafler, Mayor