

BROOKVILLE MUNICIPAL COUNCIL
REGULAR MEETING
March 7, 2000

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

Motion by Seagraves, seconded by Imler to accept the Agenda with additions. All yeas, motion carried.

Motion by Seagraves, seconded by Imler to accept the February 15, 2000 Regular Meeting Minutes as presented. All yeas, motion carried.

Citizens Comments: Tim Hopkins, Superintendent of Brookville Schools, introduced himself as the new Superintendent. He stated that he hopes that Brookville Schools and Council can work together in the future.

Dick Baker, representing the Optimist, requested permission to hold their annual Community Picnic Run on the streets of Brookville. Discussion followed.

Motion by Imler, seconded by Seagraves to approve the request for the Optimist to hold their annual Community Picnic Run during the Brookville Community Picnic using the same course, day and time as last year. All yeas, motion carried.

Manager Wright gave his report with the following action taken.

Motion by Imler, seconded by Seagraves to authorize Manager Wright to enter into an Agreement with the City of Eaton for the use of the City's Firing Range. All yeas, motion carried.

Manager Wright reported that he has met with Tim Hopkins on the N. Clay Street school parking issue. Manager Wright recommended that the parking issue be left as is for now, and to look at possible reconstruction of the street at a later date, when the road could be widened. The consensus of Council is to go with Manager Wright's recommendation.

Manager Wright reported that a Public Meeting for the property owners on Rock Street, concerning the reconstruction of Rock Street, will be held on March 27, 2000 at 7:30 P.M. in the Council Chambers.

Motion by Duncan, seconded by Imler to read proposed Resolution No. 00-11. All yeas, motion carried.

Motion by Imler, seconded by Duncan to approve the first reading, dispense with the second and third reading and adopt Resolution No. 00-11 entitled "A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING, REPLACING OR REPAIRING CERTAIN SIDEWALKS, CURBS AND GUTTERS IN THE MUNICIPALITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Wright proposed that Council establish a 41' street width for Western Avenue for future reconstruction, and to look at possible Issue II funding for the project.

Motion by Seagraves, seconded by Duncan to approve a 41' street width for Western Avenue for future reconstruction, and to look at possible Issue II funding for the project. All yeas, motion carried.

Manager Wright requested that Council authorize submission of two grant applications for CDBG funds for construction of the following two projects: 1. Cusick Avenue Relief Sewer for an approximate total cost of the project at \$132,995 and 2. Clay, Orchard & Simmons Street Improvement for an approximate total cost of the project at \$418,845. Discussion followed.

Motion by Duncan, seconded by Imler to authorize Manager Wright to submit a grant application for CDBG funds for construction of the following two projects: 1. Cusick Avenue Relief Sewer for a total cost of the project at approximately \$132,995 and 2. Clay, Orchard & Simmons Street Improvement for a total cost of the project at approximately \$418,845. All yeas, motion carried.

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 31.911 acres south of West Upper Lewisburg-Salem Road, from its present zoning classification of HS and R-3 to the proposed zoning of PC. This area will be referred to as Tract 1.

Law Director Stephan gave a summary of the Public Hearing procedure that would be followed. The Public Hearing will be recorded, and Law Director Stephan asked if those that would like to participate in the Public Hearing either by asking a question, or presenting testimony, will need to go up to the podium. He advised that those individuals that wish to participate in the Public Hearing stand and be sworn in. When an individual goes to the podium, they need to state their name and address and that they have been sworn in, prior to their testimony. The developer will make a presentation. Questions may then be asked by Council members, and then members of the public may ask questions, or present testimony.

Clerk Keaton advised that a Legal Notice was published in the Brookville Star for two weeks. Fourteen letters advising of the Public Hearing were sent out certified. The front office did not receive any calls.

Member Garber questioned the procedure being used; he felt it stifled the free flow of information. He stated that the procedure was never adopted by Council, and asked if it could be modified to allow the individuals wishing to speak to remain at their seats.

Member Seagraves stated to eliminate the complications and confusion that we've had in the past of opposition for or against development, it makes the individual think about what they are going to say, and it's a truthful statement, since they are sworn in. Hopefully this will eliminate the name calling and threats.

Member Imler stated that at a recent meeting that she attended, we are one of very few that do not record their Meetings and/or Public Hearings.

Member Garber stated that Council did not take a vote to adopt this procedure.

Member Duncan stated that it was recommended by our Law Director which we have hired.

Member Garber stated that this was implemented by our Law Director, not recommended.

Manager Wright stated that he and Law Director Stephan have met on this matter, and it is the Law Director's recommendation, and Manager Wright agrees, that Public Hearings need to be recorded. Manager Wright stated that our Public Hearings are the only Public Hearings that he has attended that are not being recorded, and that people weren't sworn in. Manager Wright stated that this was a recommendation from staff, and he highly recommended that Council vote on this procedure. Discussion followed.

Motion by Imler, seconded by Duncan to tape the Public Hearing, and for the people that are sworn in to go to the podium to ask their questions or give testimony. Trimble yea, Garber nay, Imler yea, Duncan yea, Seagraves yea, Dafler yea. Motion carried with five yeas and one nay.

Mayor Dafler asked Council if any member needed to abstain from any decision concerning the Public Hearing. There were none.

Municipal Engineer Schroeder presented a Staff Report. The Preliminary Plans for the Planned Commercial Development has been received, and the staff has reviewed the on-site improvements, only, at this time. We have received revisions and addendums to their original submittal, and we see at this time with the on-site improvements, that they meet the regulations and exceed the PUD regulations for the Municipality of Brookville. For the off-site improvements, we have received the Traffic Study which was sent on to Richard Oaks, the Traffic

Engineer for the Municipality, for his review. He has reviewed it and is requiring additional information from the developer's Traffic Engineer. Before the staff reviews the off-site improvements, we want to get the information back from the developer, and then pass that along to Richard Oaks for final review. Mr. Oaks will then make his comments on the Traffic Study to our staff, which at that time we will be able to review the off-site improvements and make a recommendation at that point.

Member Garber stated that the Traffic Study should be here tonight. He felt that it was a big concern for a lot of the people in attendance.

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.

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

Tim Schram, with HLS Surveyors, presented Preliminary Plans for the proposed Outlet Mall. Mr. Schram's presentation was also done with the overhead projector. After Mr. Schram's presentation, he made an official request to Council to leave the Public Hearing open, and resume the meeting at the regularly scheduled Planning Commission Meeting on March 16, 2000. The Public Hearing will resume at 8:00 P.M. to hear the results of the Traffic Study.

Questions from Council members and those in opposition were heard. Mr. Schram and Manager Wright addressed the questions asked.

Motion by Seagraves, seconded by Imler to continue the Public Hearing for Tract 1 at the March 16, 2000 Planning Commission Meeting. All yeas, motion carried.

Mayor Dafler recessed the first Public Hearing for Tract 1, and opened the Public Hearing for the proposed rezoning of 10.701 acres south of West Upper Lewisburg-Salem Road which is presently zoned R-3 to the proposed zoning of PC. This area will be referred to as Tract 2.

Clerk Keaton advised that a Legal Notice was published in the Brookville Star for two weeks. Fourteen letters advising of the Public Hearing were sent out certified. The front office did not receive any calls.

Mayor Dafler asked Council if any member needed to abstain from any decision concerning the Public Hearing. There were none.

The Staff report was covered earlier in the first Public Hearing.

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.

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

Tim Schram, with HLS Surveyors, and Steve Tieman, with Destination Development, presented Preliminary Plans for the proposed Aquadrome/Hotel. Mr. Schram's presentation was also done with the overhead projector. After Mr. Schram's presentation, he made an official request to Council to leave the Public Hearing open, and resume the meeting at the regularly scheduled Planning Commission Meeting on March 16, 2000. The Public Hearing will resume at 8:00 P.M. to hear the results of the Traffic Study.

Questions from Council members and those in opposition were heard. Mr. Schram, and Manager Wright addressed the questions asked.

Motion by Seagraves, seconded by Imler to continue the Public Hearing for Tract 2 at the March 16, 2000 Planning Commission Meeting. All yeas, motion carried.

Mayor Dafler called Council back into Regular Session.

Manager Wright requested input from Council in reference to a community-wide tree replacement program that would replace any tree removed from the right-of-way with a new tree supplied by the Village. We would use the tree replacement program primarily on street projects.

The consensus of Council is to allow Manager Wright to proceed putting a policy together and to bring it back to Council at a later time.

Manager Wright stated that Resolution No. 00-12 is in reference to participating in the ODOT Co-op Purchasing Program, which allows us to buy equipment at State of Ohio bid prices. Discussion followed.

Motion by Imler, seconded by Duncan to read Resolution No. 00-12. 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. 00-12 entitled "A RESOLUTION AUTHORIZING THE MUNICIPALITY OF BROOKVILLE TO PARTICIPATE IN THE ODOT COOPERATIVE PURCHASING PROGRAM, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Law Director Stephan gave his report with the following action taken.

Motion by Imler, seconded by Seagraves to read proposed Ordinance No. 2000-03. All yeas, motion carried.

Motion by Duncan, seconded by Imler to accept the first reading of proposed Ordinance No. 2000-03. All yeas, motion carried.

Mayor Dafler called for a Public Hearing for proposed Ordinance No. 2000-03 for April 4, 2000 at 8:00 P.M. before a combined meeting of Council and Planning Commission.

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

Motion by Imler, seconded by Seagraves to accept the February 29, 2000 Fund Balance as presented. All yeas, motion carried.

Mayor Dafler requested Council attend the March 16, 2000 Planning Commission meeting, where the continuation of the Public Hearing from tonight's Public Hearing will conclude.

Motion by Seagraves, seconded by Duncan to read proposed Resolution No. 00-09. All yeas, motion carried.

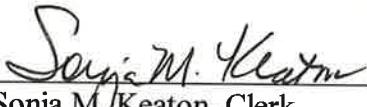
Motion by Imler, seconded by Duncan to accept the seconded reading of proposed Resolution No. 00-09. All yeas, motion carried.

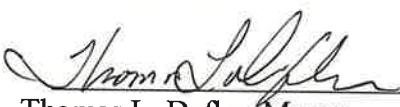
Manager Wright thanked Assistant Manager Jeff Sewert, Finance Director Sonja Keaton, Law Director Rod Stephan, and Municipal Engineer Tony Schroeder for all of the time spent on the various projects and meetings that they have held the last couple of weeks.

Member Garber requested approval for O'Riley's to block off Market Street from Wolf Creek to Mulberry, including Walnut Street from Main Street to Hay Avenue on Sunday, August 20, 2000, from noon to 7:00 P.M. to hold their annual Chili Cookoff and Auction for Muscular Dystrophy.

Motion by Dafler, seconded by Seagraves to authorize the blocking off of Market Street from Wolf Creek to Mulberry, including Walnut Street from Main Street to Hay Avenue on Sunday, August 20, 2000, from noon to 7:00 P.M. to allow O'Riley's to hold their annual Chili Cookoff and Auction for Muscular Dystrophy. All yeas, motion carried.

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


Sonja M. Keaton, Clerk


Thomas L. Dafler, Mayor