

BROOKVILLE MUNICIPAL COUNCIL
REGULAR MEETING
March 21, 2000

The Regular Meeting of the Brookville Municipal Council was called to order by Mayor Dafler at 7:30 P.M. on March 21, 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 Imler, seconded by Seagraves to accept the Agenda with additions. All yeas, motion carried.

Motion by Seagraves, seconded by Imler to accept the March 7, 2000 Regular Meeting Minutes and March 16, 2000 Special Meeting Minutes as presented. All yeas, motion carried.

Manager Wright gave his report with the following action taken.

Motion by Shellabarger, seconded by Imler to authorize Manager Wright to purchase a Crafcro EZ Pour 100 Crack Sealer for \$25,999 and a Kelco Hot Air Lance for \$1,995 for a total price of \$27,994 under ODOT's Cooperative Purchasing Program. All yeas, motion carried.

Manager Wright requested an Executive Session on a Real Estate matter.

Law Director Stephan had no report.

Finance Director Keaton had no report.

Mayor Dafler and Member Garber will be absent for the April 4, 2000 Regular Council Meeting. Vice Mayor Shellabarger will chair the meeting.

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

Motion by Duncan, seconded by Imler to accept the third reading and adopt Resolution No. 00-09 entitled "A RESOLUTION APPOINTING A DELEGATE AND ALTERNATE DELEGATE TO THE VOTING BOARD OF THE MIAMI VALLEY FIRE/EMS ALLIANCE." All yeas, motion carried.

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

Discussion was held among members of Council.

Chairperson Watkins, of the Planning Commission, read the Planning Commission's recommendation that Ordinance Number 2000-01 be adopted by Council.

Motion by Imler, seconded by Duncan to accept the second reading of proposed Ordinance No. 2000-01, and to accept and approve the written recommendation of Planning Commission, and subject to the following conditions and requirements:

- (A) USE: The specified use of the Planned Commercial Development is as a "Retail Outlet Mall."
- (B) PRELIMINARY PLAN: The Preliminary Plan is approved as submitted with the addendum letter of HLS of March 6, 2000 addressing the requests of the Municipal Engineer for additional information also approved and considered incorporated into the Preliminary Plan.
- (C) UTILITIES: The developer shall install all onsite utilities at the developer's expense pursuant to the phasing schedule set forth in the addendum letter of HLS of March 6, 2000. Storm water drainage and detention shall remain the ongoing responsibility of developer through the establishment of a common maintenance agreement.

- (D) **OFFSITE IMPROVEMENTS:** The traffic study of Burgess and Niple and the review of that traffic study by Richard Oaks indicates the need for roadway improvements and signalization and reconfiguration of certain intersections.

The developer shall be responsible for the costs of roadway improvements and signalization required by the traffic study recommendations for this project, and shall execute an agreement for the installation and phasing of these offsite improvements with the Municipality prior to final action by the Municipal Council approving this rezoning application.

- (E) **APPROVAL OF FINAL PLANS FOR PHASE 2 AND 3:** Prior to the approval of the final plans for Phase 2 and Phase 3, a reevaluation would be made by an additional or supplemental traffic study that will be provided by the developer and reviewed by Richard Oaks, with Phase 1 and Phase 1A implemented. Before the final plans will be approved for Phase 2 and Phase 3, the developer shall agree to pay for the costs of roadway improvements and signalization required by the traffic study's recommendations made by Richard Oaks, in his review of the additional or supplemental traffic study.

The vote was taken as follows: Shellabarger yea, Trimble yea, Garber nay, Imler yea, Duncan yea, Seagraves nay and Dafler nay. Motion carried with four yeas and three nays.

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

Chairperson Watkins, of the Planning Commission, read the Planning Commission's recommendation that Ordinance Number 2000-02 be adopted by Council.

Motion by Imler, seconded by Duncan to accept the second reading of proposed Ordinance No. 2000-02, and to accept and approve the written recommendation of Planning Commission, and subject to the following conditions and requirements:

- (A) **USE:** The specified use of the Planned Commercial Development is as an "Aquadrome and a Hotel."
- (B) **PRELIMINARY PLAN:** The Preliminary Plan is approved as submitted with the addendum letter of HLS of March 6, 2000 addressing the requests of the Municipal Engineer for additional information also approved and considered incorporated into the Preliminary Plan.
- (C) **UTILITIES:** The developer shall install all onsite utilities at the developer's expense pursuant to the phasing schedule set forth in the addendum letter of HLS of March 6, 2000. Storm water drainage and detention shall remain the ongoing responsibility of developer through the establishment of a common maintenance agreement.
- (D) **OFFSITE IMPROVEMENTS:** The traffic study of Burgess and Niple and the review of that traffic study by Richard Oaks indicate the need for roadway improvements and signalization and reconfiguration of certain intersections.

The developer shall be responsible for the costs of roadway improvements and signalization required by the traffic study recommendations for this project, and shall execute an agreement for the installation and phasing of these offsite improvements with the Municipality prior to final action by the Municipal Council approving this rezoning application.

- (E) **APPROVAL OF FINAL PLANS FOR PHASE 2 AND 3:** Prior to the approval of the final plans for Phase 2 and Phase 3, a reevaluation would be made by an additional or supplemental traffic study that will be provided by the developer and reviewed by Richard Oaks, with Phase 1 and Phase 1A implemented. Before the final plans will be approved for Phase 2 and Phase 3, the developer shall agree to pay for the costs of roadway improvements and signalization required by the traffic study's recommendations made by Richard Oaks, in his review of the additional or supplemental traffic study.

The vote was taken as follows: Imler yea, Duncan yea, Seagraves nay, Garber nay, Trimble yea, Shellabarger yea and Dafler nay. Motion carried with four yeas and three nays.

Motion by Imler, seconded by Seagraves to read proposed Ordinance No. 2000-04. All yeas, motion carried.

Motion by Imler, seconded by Duncan to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2000-04 entitled "AN ORDINANCE ESTABLISHING A POLICY FOR THE ASSESSMENT OF CORNER LOTS OF THE MUNICIPALITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Wright requested authorization to apply for the Spring 2000-ED/GE Program that is due April 3, 2000, with the following action taken.

Motion by Imler, seconded by Shellabarger to authorize Manager Wright to submit an ED/GE Application for the proposed Brookville Outlet Mall Development, which would be located on West Upper Lewisburg-Salem Road, to assist with off-site improvements. Seagraves yea, Duncan yea, Imler yea, Garber nay, Trimble yea, Shellabarger yea and Dafler yea. Motion carries with six yeas and one nay.

Motion by Duncan, seconded by Imler to into Executive Session on a Real Estate matter as requested by Manager Wright.

Mayor Dafler called Council back into Regular Session.

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


Sonja M. Keaton, Clerk


Thomas L. Dafler, Mayor