

BROOKVILLE MUNICIPAL COUNCIL
REGULAR MEETING
October 17, 2000

The Regular Meeting of the Brookville Municipal Council was called to order by Mayor Dafler at 7:30 P.M. on October 17, 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 Duncan, seconded by Imler to accept the October 3, 2000 Regular Meeting Minutes as presented. All yeas, motion carried.

Citizens Comments: Mike Dull, of Clay Township, inquired if the Municipality had received a response from Richard Oaks on the traffic study questions that were asked at the previous meeting? Manager Wright indicated that he would bring that up in his report.

Manager Wright reported that Hull and Pryor Courts have been eliminated from the 2000 Street Resurfacing Project. The bids came in higher than what was appropriated for the project. These two courts will be addressed in next year's resurfacing project.

Manager Wright reported that Richard Oaks responded, by a letter addressed to Mr. Jeffrey A. Sewert, to the questions concerning the difference in the "numbers" for trip generation of the retail uses in the two separate traffic reports. In his letter he stated "The north report used averages while the south used one specific land use type." "I assume since the south use was "known" they could be more specific, while the north report was trying to be more general." Discussion followed, with no action taken.

Manager Wright reported that our Agreement with the Montgomery County ED/GE program expires at the end of this year. Manager Wright stated that we have received Economic Development grants amounting to \$574,000 since its inception in 1991, and the total Government Equity the Village has contributed to, totals \$182,181 since 1993. Discussion followed.

Motion by Duncan, seconded by Seagraves to authorize Manager Wright to sign a new participation agreement for the period 2001-2010 with the Economic Development/Government Equity (ED/GE) Program between Montgomery County and the Village of Brookville as requested by Manager Wright. All yeas, motion carried.

Law Director Stephan had no report, but requested an Executive Session on an Imminent Court Action.

Finance Director/Clerk Keaton presented the final cost of the Special Election that was held in August. The final cost was \$2,738.14.

Finance Director/Clerk Keaton reported that the 2000 Miami Valley Planning & Zoning Workshop will be held on December 1, at Sinclair Community College. Any Council or Planning Commission member interested in attending should contact the Municipal Office. The \$35.00 registration fee will be paid by the Municipality.

Mayor Dafler had no report.

Motion by Duncan, seconded by Garber to read proposed Resolution No. 00-22. All yeas, motion carried.

Motion by Imler, seconded by Seagraves to accept the third reading and adopt Resolution No. 00-22 entitled "A RESOLUTION ENDORSING THE FIVE RIVERS METROPARKS LEVY." All yeas, motion carried.

Motion by Seagraves, seconded by Duncan to read proposed Ordinance No. 2000-07. All yeas, motion carried.

Motion by Imler, seconded by Seagraves to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2000-07 entitled "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION, REPAIR AND REPLACEMENT OF SIDEWALKS, CURBS AND GUTTERS IN THE MUNICIPALITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Imler, seconded by Garber 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 Lot #1207, the former Dairy Queen.

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.

Clerk Keaton advised that the Public Hearing was advertised in the Brookville Star on October 3, 2000. Five letters were sent out certified to the adjoining property owners, and the owner of record. One phone call was received, asking what was currently on the property located at 715 Market Street. Amvets Constitutional Post #1789 has requested to rezone Lot #1207, 715 Market Street (the former Dairy Queen) from "CB," Convenience Business, to "GB," General Business. The Amvets would like to use this building as a "general meeting hall" and "snack bar," similar to a VFW. The Convenience Business zoning regulations state that business activity is open to the public only between the hours of 6:00 A.M. and 11:00 P.M. The Amvets would like to have their place stay open beyond 11:00 P.M. The Amvets would eventually like to obtain liquor permits. This type of establishment is not a Permitted or Special Use under the current Convenience Business zoning. The change to General Business zoning, would permit this type of establishment to be considered for a Special Use under the General Business zoning. Amvets is leasing this property from Dale Myers, the owner of the property located at 715 Market Street. Clerk Keaton advised that she has a letter on file from Dale Myers that states that he recently signed an Agreement with the Amvets Organization to sell the property to Amvets on a lease to purchase. Mr. Myers also stated he is in agreement with the rezoning request, and understands that if the property reverts back to him, the zoning will remain General Business. Mr. Willard L. Norvell, of Eaton, Ohio, stated that all of the members of Amvets are from Brookville, and that 90% belong to the Brookville VFW. The reason for forming Amvets is that anyone can become a member as long as you were enlisted in the Service. With the VFW, you are not eligible for membership unless you fought in a war. Mr. Norvell stated that he supports the Amvets and what they do for the community. Mr. Norvell reported on activities that the Amvets do for the schools and community. He also stated that the Amvets are just getting started here in Brookville. They would like to have a snack bar to provide food to the people that work across the street at McGregor's. Mr. Norvell requested Council's support, and in turn Amvets will help the community down the road, as soon as Amvets is able to raise money. Member Imler asked if Amvets has addressed the parking issue? Mr. Norvell stated there would be enough parking, and that Mr. McGregor has told him if Amvets had an overflow of vehicles, his parking lot could be used. They are also trying to purchase the lot where the car wash is currently located, which is adjacent to Lot #1207, but Mr. Norvell has not been able to contact the present owner. Member Garber inquired if they plan on expanding the current building? Mr. Norvell stated they would eventually.

Mayor Dafler called Council back into Regular Session.

Manager Wright informed Council that we may have to review our tree limb chipping policy in the near future. Discussion followed with no action taken.

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

Sonja M. Keaton
Sonja M. Keaton, Clerk

Thomas L. Dafler
Thomas L. Dafler, Mayor