

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
April 17, 2001

The Regular Meeting of the Brookville City Council was called to order by Mayor Dafler at 7:30 P.M. on April 17, 2001 in the Municipal Council Room. Members Duncan, Garber, Imler, Seagraves and Trimble; Manager Wright, Assistant Manager Sewert and Law Director Stephan were present. Member Shellabarger was present.

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

Motion by Duncan, seconded by Imler to accept the April 3, 2001 Regular Meeting Minutes as presented. All yeas, motion carried.

Goodie Gillispie, with Miami Valley RTA, gave a brief presentation on RTA Operations, RTA Funding, RTA's Capital Plan for Fiscal Years 2000-2005, RTA as a partner in Economic Development and Service Enhancements within Brookville.

Manager Wright gave his report with the following action taken.

Motion by Duncan, seconded by Imler to read the Proclamation of City Status. All yeas, motion carried.

Clerk Keaton read the Proclamation aloud.

*by authority of*

**THE SECRETARY OF STATE  
OF OHIO**

***Proclamation***

As a result of the Federal Census of Two Thousand for the State of Ohio and the various political subdivisions having been officially made known to me, I, J. Kenneth Blackwell, Secretary of State of the State of Ohio, complying with the provisions of the Title VII, Chapter 703, Section 703.06 of the Revised Code of Ohio, do hereby make proclamation that the municipality of

***Brookville in Montgomery County, Ohio***

according to said Federal Census of Two Thousand has a population of

**5,289**

and shall, from and after thirty days from date of this proclamation be known as a **City** by virtue of and in accordance with said Title, Chapter and Section 703.06 of the Revised Code of the State of Ohio.

***In Witness Whereof***, I, J. Kenneth Blackwell, Secretary of State of the State of Ohio do hereby set my hand and affix the official seal of the Secretary of State of the State of Ohio at Columbus, this 30<sup>th</sup> of March, A.D. 2001. ***J. Kenneth Blackwell***

Motion by Duncan, seconded by Imler to accept the Proclamation from the Secretary of State that the Municipality of Brookville will be known as the City of Brookville 30 days from the date of the Proclamation. All yeas, motion carried.

Manager Wright informed Council that there are a few minor changes that will take place in the near future, such as, creating a Civil Service Commission, Collective Bargaining and changes to the Personnel Manual; the Charter addresses a lot of the City status issues already. Discussion followed with no action taken.

Assistant Manager Sewert presented a request to submit a Federal Grant for the Fire Department with the following action taken.

Motion by Duncan, seconded by Imler to authorize Manager Wright to submit a Federal Emergency Management Grant in the amount of \$74,319 for the Brookville Fire Department to assist in purchasing rescue tools and a Fire Prevention Smoke House. All yeas, motion carried.

Assistant Manager Sewert presented a request to enter into an Agreement with Atlantic Technologies with the following action taken.

Motion by Garber, seconded by Seagraves to authorize Manager Wright to enter into an Agreement with Atlantic Technologies to participate and purchase Ortho Maps with Planimetrics and Contours as recommended by Assistant Manager Sewert. All yeas, motion carried.

Assistant Manager Sewert presented a request for approval of the Final Subdivision Plat for "Harvest Wing Development," Section One. Planning Commission granted approval at their March 15, 2001 meeting. Assistant Manager Sewert informed Council that the name of the Subdivision changed from "Walker Commercial Development" to "Harvest Wing Development," and Engineer Schroeder and Administrative Staff have reviewed the latest set of Construction Plans and Final Plat, and it meets and exceeds the requirements of the Municipality of Brookville Subdivision Regulations, Construction Standards and Drawings, and Design Criteria.

Motion by Duncan, seconded by Seagraves to approve and accept the Final Subdivision Plat for Section One of the "Harvest Wing Development," contingent on the posting of a Performance Surety with the Finance Director that meets the requirements of the Brookville Design Criteria and Subdivision Regulations. All yeas, motion carried.

Manager Wright reported that the City received a letter from the Clay Township Trustees showing their support to the Brookville Fire Department for billing insurance providers for EMS transportation services. Manager Wright stated that the Municipality appreciates the support, however, at this time the Municipality is not ready to move on this yet.

Manager Wright reported the 19<sup>th</sup> Annual Government Auction conducted by joint governmental bodies of the area will be held on June 2, 2001 at Englewood, Ohio.

Motion by Seagraves, seconded by Imler to read proposed Resolution No. 01-03. All yeas, motion carried.

Motion by Imler, seconded by Duncan to accept the first reading of proposed Resolution No. 01-03. All yeas, motion carried.

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

Member Duncan expressed concern on allowing vehicles to enter the SK8 Park area. Manager Wright will look into this.

Law Director Stephan reported that Ordinance No. 2001-02 was defeated at the April 3, 2001 Regular Council Meeting due to Section 4.11 (C) of the Charter which states, "A concurring vote of at least two-thirds of the members of Council shall be necessary to pass any zoning ordinance or resolution which differs from the written recommendations of the Planning Commission, but in no event shall an ordinance or resolution be considered as having passed unless it receives at least a majority vote of the members of Council."

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

Motion by Imler, seconded by Seagraves to waive the right to object to the renewal of the yearly permits to sell alcoholic beverages that expire on June 1, 2001. All yeas, motion carried.

Mayor Dafler regretfully informed Council that Member Imler has resigned her position on the Planning Commission effective April 10, 2001. Discussion followed.

Motion by Dafler, seconded by Shellabarger to appoint Bruce Garber to the Planning Commission, as the Council representative. All yeas, motion carried.

Mayor Dafler read a Proclamation to proclaim the week of April 16 - 22, 2001 as "Community Development Week in the Municipality of Brookville."

Mayor Dafler inquired on the possibility of lighting the bikeway within the City limits? Manager Wright will research the possibility.

Member Duncan thanked Member Imler for her many years of service on the Planning Commission.

Motion by Imler, seconded by Seagraves to go into Executive Session on a Real Estate Matter as requested by Manager Wright. All yeas, motion carried.

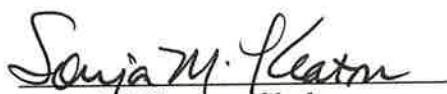
Mayor Dafler called Council back into Regular Session.

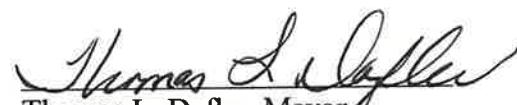
Manager Wright requested Council's approval of two Agreements; with one Agreement relating to the Brookville Retail and Industrial Campus, which the Municipality has negotiated to purchase approximately 60 acres in the area currently zoned I-2, and the other Agreement is an off-site Agreement relating to both the "Brookville Retail and Industrial Campus" and the "Harvest Wing Development." The off-site improvements consist of widening Arlington Road and traffic signalization at the intersection of Arlington Road and Campus Boulevards. Through the negotiations, the developer has agreed to withdraw the current Zoning Application for a truck stop, the developers have also agreed not to request approval for a truck stop on either development in the future and a covenant will be written for both developments that will not permit any form of adult entertainment.

Motion by Seagraves, seconded by Duncan to authorize Manager Wright to enter into a Purchase Agreement with the developers of the "Brookville Retail and Industrial Campus" to purchase approximately 60 acres as recommended by Manager Wright. All yeas, motion carried.

Motion by Duncan, seconded by Garber to authorize Manager Wright to enter into an off-site Agreement with the developers of the "Brookville Retail and Industrial Campus" and "Harvest Wing Development" as recommended by Manager Wright. All yeas, motion carried.

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

  
Sonja M. Keaton, Clerk

  
Thomas L. Dafler, Mayor