

BROOKVILLE CITY COUNCIL
REGULAR MEETING
August 7, 2001

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Shellabarger at 7:30 P.M. on August 7, 2001 in the City Council Chambers. The Pledge of Allegiance was recited. Members Duncan, Garber, Imler, Seagraves and Trimble; Manager Wright, Assistant Manager Sewert and Law Director Stephan were present. Mayor Dafler arrived later.

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

Motion by Seagraves, seconded by Duncan to accept the July 17, 2001 Regular Meeting Minutes as presented. All yeas, motion carried.

Mike Oxner, with Professional Associates, requested approval of Sterling Meadows, Section Five, consisting of 11 lots. Mr. Oxner stated Section Six, the final section, has been submitted to the Administrative staff for review. Discussion followed.

Motion by Garber, seconded by Duncan to approve the proposed Sterling Meadows, Section Five Construction Plans as presented and approved by the Brookville Planning Commission, contingent on the final review of plans by the City Engineer and City Manager and a Performance Surety shall be posted to meet the requirements of the Brookville Design Criteria and Subdivision Regulations, and the Performance Bond on Section Five shall not be released until surface water drainage and maintenance of common areas are addressed in proposed Section Six. All yeas, motion carried.

Mayor Dafler arrived.

Thomas McDougall, President of Arlington Woods Development Inc., requested approval of Arlington Woods, Section Two, consisting of 17 lots. Mr. McDougall stated the number of lots has been reduced from the Preliminary Plans, due to the demand for larger lots. Discussion was held with Council members and citizens of Arlington Woods, Section One. One letter, with questions for Mr. McDougall, was submitted by a citizen of Arlington Woods, Section One since he was unable to attend.

Motion by Garber, seconded by Trimble to approve the proposed Arlington Woods, Section Two Construction Plans as presented and approved by the Brookville Planning Commission, contingent on the final review of plans by the City Engineer and City Manager and a Performance Surety shall be posted to meet the requirements of the Brookville Design Criteria and Subdivision Regulations. Garber yea, Trimble yea, Shellabarger yea, Seagraves yea, Duncan abstains, Imler yea and Dafler yea. Motion carried with six yeas and one abstention.

J.B. Edwards asked who owned the pond at Parker Hannifin, in the Industrial Park, because it needed cleaned out? Manager Wright thought the pond was located on city property, and he will research the issue.

Steve McNew, of Western Avenue, asked for the definition of an arterial street? Manager Wright stated an arterial street is a major street that holds a lot of traffic. Mr. McNew then asked if the city has a traffic count on file for Western Avenue. Manager Wright reported that we do. Mr. McNew inquired where the grant money for the Western Avenue Reconstruction Project was coming from? Manager Wright reported the grant is coming from the State of Ohio, it is an Ohio Public Works grant.

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 proposed Ordinance No. 2001-03, to consider amending Section 1161.05(c) Political Signs of the Code of Ordinances of the City of Brookville.

The Public Hearing was recorded and is on file with the Clerk at the City Office.

Clerk Keaton advised the Public Hearing was advertised in the Brookville Star on July 23 and July 30. The City office did not receive any calls pertaining to the Public Hearing notice, nor did anyone come in to review the proposed Ordinance. Law Director Stephan went over the current language and the proposed new language. The proposed change is to extend the period for Political Signs from 30 days to 45 days, and to eliminate the language "prior to an election." This is in response to an Ohio Supreme Court case. These proposed changes are designed to place the City of Brookville in compliance with that decision.

Mayor Dafler called Council back into Regular Session.

Manager Wright gave his report including an update on the various projects with the following action taken.

Manager Wright reported the Community Picnic was a great success. The cleanup of the park was completed by noon on Sunday.

Manager Wright reported the total dollar amount of the storm damage on May 24, 2001 to the City Building was \$9,343.00.

Motion by Imler, seconded by Shellabarger to authorize Manager Wright to submit an application for a Montgomery County Solid Waste Recycling Grant as requested by Manager Wright. All yeas, motion carried.

Manager Wright reported the new 95-gallon toters are in. Citizens can call the city office to either buy a toter for \$50.00, or rent a toter for \$2.00 per month. There is a 100% warranty on the toters for five years.

Manager Wright informed Council they have a memo regarding the recently passed Senate Bill 5, also known as the Annexation Bill, that he had received from the Mayors and Managers Association. Manager Wright stated there is currently a statewide effort to place a referendum on the ballot concerning this new legislation. Manager Wright stated he needs to know if council wishes to lend their support to this effort. Discussion followed.

Motion by Shellabarger, seconded by Duncan, to show that the Brookville City Council supports the statewide effort to place a referendum on the ballot concerning Senate Bill 5, also known as the Annexation Bill. Shellabarger yea, Trimble yea, Garber nay, Imler yea, Duncan yea, Seagraves yea and Dafler yea. Motion carried with six yeas and one nay.

Member Garber inquired who is responsible for keeping the gutters, between the street and cement curb, weed free? Manager Wright indicated the city is responsible, but it would be a monumental task to spray all of the gutters in the city. Manager Wright stated it would be helpful if citizens could help with this effort.

Member Garber inquired on what is going to happen with the oversized storage shed that was built on Hay Avenue, since the Board of Zoning Appeals voted that he was not permitted to keep the shed at the current size? Assistant City Manager Sewert indicated he is to take the shed down to the allowable 10' x 12', and it would be done soon.

Member Duncan commented on directional schools signs that he had seen recently while traveling. Member Duncan inquired if "No Parking" signs could be placed on the ramps along the interstate? Manager Wright indicated the state controlled that area.

Law Director Stephan had no report.

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

Motion by Duncan, seconded by Imler to accept the July 31, 2001 Fund Balance as presented. All yeas, motion carried.

Finance Director Keaton reported the financial audit for the city is done, and it was a good audit. The audit this year was conducted by an independent accounting firm that was awarded the bid by the State Auditor's office, to perform our audit this year and the next two audits. A copy of the audit is on file in the city office.

Mayor Dafler had no report, but thanked Vice Mayor Shellabarger for starting the Council meeting tonight so he could swear in the fourth generation Dafler firefighter.

Motion by Duncan, seconded by Imler to read proposed Ordinance No. 2001-05. All yeas, motion carried.

Motion by Imler, seconded by Duncan to accept the first reading of proposed Ordinance No. 2001-05. All yeas, motion carried.

Mayor Dafler set the Public Hearing for proposed Ordinance No. 2001-05 for September 4, 2001 at 8:00 P.M.

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


Sonja M. Keaton, Clerk


Thomas L. Dafler, Mayor