

BROOKVILLE CITY COUNCIL
REGULAR MEETING
April 2, 2002

The Regular Meeting of the Brookville City Council was called to order by Mayor Imler at 7:30 P.M. on April 2, 2002 in the City Council Chambers. The Pledge of Allegiance was recited. Members Duncan, Garber, Sanders, Trimble and Ullery; Manager Wright, Assistant Manager Sewert and Law Director Stephan were present. Member Seagraves was absent.

Motion by Duncan, seconded by Ullery to accept the Agenda with the addition of Resolution No. 02-14. All yeas, motion carried.

Motion by Duncan, seconded by Trimble to accept the March 19, 2002 Regular Meeting Minutes as presented. All yeas, motion carried.

Chief Papanek presented the "Optimist Club Law Enforcement Award" for the year 2001, to Patrol Officer David Jacoby for his outstanding contributions and commitment to the Brookville Police Department and the community.

Chief Papanek presented the "Officer of the Year Award" for the year 2001, to Detective Donald Duncan for his outstanding service and dedication to the Brookville Police Department and the community.

Manager Wright gave his report with the following action taken.

Motion by Duncan, seconded by Garber to accept the low bid from Tom's Construction, Inc. of \$123,167.00 for the Cusick Avenue Sanitary Sewer Relief Project, as the lowest and best bid as recommended by Manager Wright. All yeas, motion carried.

Motion by Garber, seconded by Sanders to accept the low bid from Kinnison Excavating, Inc. of \$365,757.65 for the NorthBrook Industrial Park Project, as the lowest and best bid as recommended by Manager Wright. All yeas, motion carried.

Motion by Duncan, seconded by Sanders to amend the motion of March 5, 2002 authorizing Manager Wright to submit a Federal Emergency Management Grant in the amount of \$45,000 in lieu of \$35,000 for the Brookville Fire Department. All yeas, motion carried.

Motion by Duncan, seconded by Garber to authorize Manager Wright to enter into a contract with the Dayton Human Rehabilitation Center for prisoner keep at \$65.00 per day as presented. All yeas, motion carried.

Manager Wright reported the Ohio Public Works Commission (OPWC) has approved an Issue II Grant in the amount of \$162,010 for the Western Avenue Reconstruction-Phase II Project. A Grant Agreement will be released by the Commission on July 1, 2002.

Manager Wright gave an update on the Western Avenue Reconstruction Project and the Diamond #1 Concession Stand Project.

Manager Wright reported the ice storm, which the City received last week, created a lot of tree damage throughout Brookville. The City Service Department will be picking up tree limbs on a daily basis for the next two weeks. The charge for limb pickup will be waived during this time. Manager Wright thanked all the Departments for their cooperation through the ice storm.

Manager Wright presented Chief Papanek who gave his review on Citizens Patrols. Chief Papanek stated Citizens Patrols are designed to provide volunteer citizen assistance to sworn police officers in non-law enforcement related details. Chief Papanek stated it was his opinion that a Citizen Patrol is not needed at this time due to the adequate personnel, the call volume that Brookville handles and the assistance that Clay and Perry Townships provides. Discussion continued with no action taken.

Manager Wright requested authorization to enter into a Federal Equitable Sharing Agreement with the U.S. Department of Justice and U.S. Department of the Treasury. Chief Papanek stated the Agreement needs to be in place prior to the City receiving any property and/or cash proceeds from drug related forfeitures and/or seizures. Discussion continued with the following action taken.

Motion by Duncan, seconded by Garber to authorize Manager Wright to enter into a Federal Equitable Sharing Agreement with the U.S. Department of Justice and U.S. Department of the Treasury as requested by Manager Wright. All yeas, motion carried.

Manager Wright reported the City of Brookville has received a signed Consent to Order of Closure for the property located at 238 Market Street. The consent allows the City of Brookville, its employees, agents and assigns to enter the property to perform various tasks to the building.

Manager Wright presented Chief Papanek who gave a brief presentation on an Internet Child Pornography program that will be implemented in the Brookville Police Department in the near future. Chief Papanek reported another program, Identity Theft, will be implemented in the Brookville Police Department also in the near future. Both programs will be presented in a public forum at a later date.

Manager Wright reported that the respective Department Heads were present to give a presentation of their section of the 2001 Annual Report.

Assistant City Manager Sewert presented highlights of the Service Department, Planning, Community Development, Economical Growth, Grants, Zoning, Property Maintenance and Building portion of the 2001 Annual Report with questions and discussion.

Finance Director/Clerk Keaton presented highlights of the Finance and Administration, Personnel, Enterprise Funds and Clerk of Council portion of the 2001 Annual Report with questions and discussion.

Police Chief Papanek presented highlights of the Police Department's portion of the 2001 Annual Report with questions and discussion. Chief Papanek also gave a brief presentation on the CANE and SWAT programs that will be implemented in the Brookville Police Department this year.

Fire Chief Nickel presented highlights of the Fire Department's portion of the 2001 Annual Report with questions and discussion.

Manager Wright and Council thanked the City staff for their reports and presentation.

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

Law Director Stephan reported Resolution No. 02-14 is accepting the recommendation of the Tax Incentive Review Council for continuation of the Enterprise Zone Agreement of Green Tokai Company, Ltd.

Motion by Duncan, seconded by Garber to read proposed Resolution No. 02-14. All yeas, motion carried.

Motion by Duncan, seconded by Garber to accept the first reading dispense with the second and third reading and adopt Resolution No. 02-14 entitled "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FOR CONTINUATION OF THE ENTERPRISE ZONE AGREEMENT OF GREEN TOKAI CO. LTD., AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

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

Motion by Duncan, seconded by Trimble to accept the March 31, 2002 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton reported the Federal Communication Commission (FCC) adopted a ruling finding cable modem services, such as Roadrunner, is an interstate information service and not a cable service. With that ruling, Time Warner Cable will cease the collection and payment of franchise fees collected on cable modem service.

Finance Director/Clerk Keaton reported Brookville City Council and the Brookville Board of Education will hold a combined work session on Monday, April 8, 2002 at 6:00 p.m. at Rob's Restaurant. The work session will include a presentation by Eric Collins, Economic Development Manager for Montgomery County, on Tax Incentives.

Mayor Imler reported she had received a letter from the Municipal Manager of New Lebanon, stating their Municipal Council unanimously passed a Resolution opposing the encouragement, placement and construction of landfill facilities in and around the western Montgomery County area. The letter encourages the City of Brookville to sponsor similar legislation. She informed Council that they will have a copy of the Resolution at the next Council meeting for their review.

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

Mayor Imler called Council back into Regular Session.

Director of Finance/Clerk Keaton reported there is an opening on the Brookville Board of Zoning Appeals. Several citizens expressed an interest in the open position.

Motion by Duncan, seconded by Trimble to appoint Kathleen Dafler to fill the unexpired term of Richard Swabb on the Brookville Board of Zoning Appeals ending on December 31, 2002. All yeas, motion carried.

Manager Wright requested approval to enter into a Purchase Agreement with Protran Systems, Inc., a transportation company currently located in Troy, Ohio, to purchase five acres in the NorthBrook Industrial Park, with an option to purchase an additional five acres within the next two years.

Motion by Duncan, seconded by Ullery to authorize Manager Wright to enter into a Purchase Agreement with Protran Systems, Inc. to purchase five acres in the NorthBrook Industrial Park, with an option to purchase an additional five acres within the next two years. All yeas, motion carried.

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


Sonja M. Keaton, Clerk


Carole A. Imler, Mayor