

BROOKVILLE CITY COUNCIL
REGULAR MEETING
August 6, 2002

The Regular Meeting of the Brookville City Council was called to order by Mayor Imler at 7:30 P.M. on August 6, 2002 in the City Council Chambers. The Pledge of Allegiance was recited. Members Duncan, Garber, Sanders, Seagraves, Trimble and Ullery; Manager Wright, Assistant Manager Sewert and Law Director Stephan were present.

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

Motion by Duncan, seconded by Seagraves to accept the July 16, 2002 Regular Meeting Minutes as presented. All yeas, motion carried.

Terri Honnold, Vice President of the Brookville Booster Club, requested permission for the Booster Club to paint stencils on S. Clay Street, also known as "Victory Lane." Ms. Honnold stated it has become a tradition to paint stencils on "Victory Lane" and they would like to continue the tradition. Manager Wright indicated after S. Clay Street was repaved a couple of years ago, he did receive a telephone call from a resident along S. Clay Street indicating they did not want the street painted in the future. Member Garber stated he felt the painted stencils shows community spirit and he would not object to the painting if he lived on that street. Discussion continued.

Motion by Garber, seconded by Seagraves to allow the Brookville Booster Club to paint stencils on S. Clay Street as requested. All yeas, motion carried.

Assistant Manager Sewert requested approval of a Final Plat for the NorthBrook Industrial Park, Phase Two. Phase Two consists of two lots totaling 5.129 acres. Assistant Manager Sewert advised Planning Commission approved the Final Plat at their last meeting. Discussion followed.

Motion by Duncan, seconded by Ullery to approve the Final Plat for NorthBrook Industrial Plat, Phase Two as presented. All yeas, motion carried.

Ron Russell, of 416 Arlington Road, explained he is experiencing sewer backup in his basement on a frequent basis, and asked if the City is going to do anything to correct this problem. Mr. Russell stated Ron Brandt has responded quickly both times his sewer backed up recently, but it is becoming a nuisance. Manager Wright indicated the recent blockage of the sewer was due to a rock falling down from a manhole and lodging in the sewer line. Manager Wright reported the frequent cause of sewer backups occur due to disposal of grease and tree roots. Manager Wright mentioned when the City receives the new sewer jetter it will help to open up the sewer lines. Manager Wright recommended to Mr. Russell that he obtain an expandable plug, which will eliminate the sewer backing up in his basement.

Garnet Buckley, of 31 March Avenue, stated Western Avenue looks nice.

Manager Wright reported bids were opened recently for the "2002 Street Resurfacing Program" and the "2002 Sidewalk Replacement Program" with the following action taken.

Motion by Duncan, seconded by Garber to accept the low bid of \$33.70 per ton for asphalt overlay, and \$1.30 per square yard for pavement removal from John R. Jurgensen Company for the "2002 Street Resurfacing Program" as recommended by Manager Wright. All yeas, motion carried.

Motion by Garber, seconded by Seagraves to accept the low bid of \$6.00 per square foot for removal and replacement of 4" concrete, \$7.00 per square foot for removal and replacement of 6" concrete and \$665.00 per curb ramp (Type 1) as recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported the City has received a copy of the 2001 Annual Report from the Ombudsman's Office. The report indicates Brookville residents contacted them 41 times. Manager Wright reported every three years, the Montgomery County Solid Waste District is required to update its ten-year solid waste plan for submission to the Ohio EPA. As part of the update, approval by jurisdictions representing 60% of the District's population is required.

Discussion followed.

Motion by Seagraves, seconded by Sanders to read proposed Resolution No. 02-21. All yeas, motion carried.

Motion by Duncan, seconded by Sanders to accept the first reading of proposed Resolution No. 02-21. All yeas, motion carried.

Manager Wright gave an update on the various projects underway throughout the City.

Manager Wright reported Council should have a memo from Assistant Manager Sewert, regarding the issues brought forth at the previous Council meeting by Eric Dolan. Manager Wright indicated that both he and Assistant Manager Sewert visited the Mosier Industrial Park on several occasions, and everything was ok. Assistant Manager Sewert will meet with Mr. Dolan to discuss the City's findings.

Manager Wright reported 70 letters were mailed out to citizens, on Mound Street, Caleb Drive and Meadow Glen Avenue, in regards to setting up a Neighborhood Watch area. Manager Wright stated only three people attended the meeting. The three citizens in attendance requested that another meeting be scheduled for some time in September.

Manager Wright requested an Executive Session on a Personnel Matter.

Law Director Stephan commented that charter amendment petitions were circulated and filed with the Clerk of Council on August 1, 2002. Law Director Stephan reported that the petitions were submitted to the Board of Elections for verification of the number of valid signatures on the petitions on August 2, 2002. The Montgomery County Board of Elections replied on August 5, 2002, stating that they found 137 valid signatures out of 153 valid signatures which was a sufficient number of signatures to exceed the 123 valid signatures that are necessary to meet the requirement of the Ohio Constitution, Article XVIII, Section 9 and 14, that 10% of the electorate of the City sign a petition for charter amendment to place the proposed charter amendment on the ballot. Law Director Stephan stated that he had reviewed the petitions and found them to be legally sufficient and in compliance with all of the requirements of the Ohio Revised Code and Ohio Constitution. Law Director Stephan indicated that Ordinance No. 2002-08 was before Council tonight to place the proposed charter amendments on the ballot in the November 5, 2002 election. Law Director Stephan indicated that the ordinance is in emergency form to insure that the proposed charter amendments would be on the ballot for November. He indicated that Council was required to place the charter amendments on the ballot between 60 days and 120 days after the petitions were filed with the Clerk of Council, and that if the ordinance was not passed in emergency form, a special election may have to be scheduled to place the charter amendments on the ballot in the time period of 60 to 120 days. Law Director Stephan stated that upon approval of the Ordinance by Council, a copy would be forwarded to the Montgomery County Board of Elections and that they would forward it to the Ohio Secretary of State for review prior to placing the question on the ballot.

Motion by Duncan, seconded by Garber to read proposed Ordinance No. 2002-08. All yeas, motion carried.

Motion by Duncan, seconded by Trimble to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2002-08 entitled "AN ORDINANCE TO PROVIDE FOR THE SUBMISSION OF PROPOSED CHARTER AMENDMENTS TO THE ELECTORS OF THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY."

Discussion continued with Mayor Imler and Members Garber and Seagraves voicing their objections and concerns to amending the way the Mayor is currently selected.

The vote was taken to adopt Ordinance No. 2002-08. All yeas, motion carried.

Law Director Stephan reported he received a letter from Carl Snedeker indicating the items that were still an issue between the developer of the Arlington Woods Subdivision and the Homeowner's Association. Law Director Stephan reported he will have a response to the letter by the next Council meeting. Discussion continued on whose responsibility it was to enforce covenant restrictions. Law Director Stephan stated the City does not enforce covenants of subdivisions.

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

Motion by Seagraves, seconded by Ullery to accept the July 31, 2002 Fund Balance as presented. All yeas, motion carried.

Gary Horstman, of Clay Township, complimented the City of Brookville and the Brookville Chamber of Commerce for the great fireworks display at the Community Picnic. Everyone in attendance agreed.

Member Seagraves thanked all the City employees for their hard work in making the Brookville Community Picnic a great success. Manager Wright extended a thank you to the service department and the Montgomery County Sheriff's Office for providing work detail for the Community Picnic.

Mayor Imler read a Proclamation to proclaim that the City of Brookville joins in celebrating **"Brookville High School Alumni Association Activities - August 9, 10 & 11, 2002."**

Mayor Imler read a request from the Anvill 88 band. The band would like to put on another show at the S8Park and collect donations for the S8Park. The request stated they are trying to obtain other bands and adult volunteers to supervise and to clean the S8Park after the event. Discussion was held. Mayor Imler will contact the individual who sent the letter and advise him that he needs to contact the City Manager to set up a meeting, with an adult present, to go over all details.

Motion by Duncan, seconded by Garber to read proposed Resolution No. 02-20. All yeas, motion carried.

Motion by Duncan, seconded by Seagraves to accept the first reading, dispense the second and third reading and adopt Resolution No. 02-20 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Member Garber inquired if any of the downtown businesses were interested in participating in renovating their business through a Community Reinvestment Area (CRA) program. Assistant Manager Sewert indicated there is some interest. Discussion continued with no action taken.

Member Duncan stated he recently ran into Lonnie Chambers, a Clay Township Trustee. Mr. Chambers indicated he thought it would be a great idea for Brookville City Council and Clay Township Trustees to hold periodic work sessions, to keep each other abreast. Mayor Imler will contact the Clay Township Trustee President to see if she can set up a work session.

Member Duncan expressed concern, with the number of ponds and water in the area, if the City should look into mosquito control, due to recent reports on the Nile virus. Manager Wright indicated he will obtain information from the Montgomery County Health Department, prior to the next meeting. Manager Wright stated it would be costly for the City to fog the area, since we do not have the equipment to fog.

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

Mayor Imler called Council back into Regular Session.

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


Sonja M. Keaton, Clerk


Carole A. Imler, Mayor