

BROOKVILLE CITY COUNCIL
REGULAR MEETING
July 2, 2002

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

Motion by Duncan, seconded by Sanders to accept the Agenda with an addition. All yeas, motion carried.

Motion by Duncan, seconded by Sanders to accept the June 18, 2002 Regular Meeting Minutes as presented. All yeas, motion carried.

Assistant Manager Sewert presented a letter from the trustees of the Golden Gate Condominium Owner's Association where they are requesting the City of Brookville to place sidewalks on both sides of Upper Lewisburg Salem Road to enable their senior citizens to safely cross the road to Golden Gate Park. Member Duncan indicated the homes on the south side of Upper Lewisburg Salem Road are not in town. Member Ullery stated there are other areas within the city, which currently don't have sidewalks, are we setting a precedent if we build sidewalks here? The consensus of Council is to review the area in question, and address the request at a later meeting.

Assistant Manager Sewert gave an update on the Western Avenue Reconstruction and the NorthBrook Industrial Park Roadway Extension projects. Assistant Manager Sewert also reported the Montgomery County Commissioners were to approve the bid on the Western Avenue bridge replacement this week.

Assistant Manager Sewert reported twelve vandalism and theft crimes, dating back to January, have been solved. Assistant Manager Sewert also reported an effort to set up a Neighborhood Watch Program, in the area of Edgebrook, Flanders and Mound is under way.

Assistant Manager Sewert reported at the last Planning Commission meeting, Ken LeBlanc, a representative from the MVRPC, gave a presentation on Comprehensive Land Development Plans. Member Sanders stated it was a good presentation with a lot of new technology in place. Member Duncan stated he was in attendance and he would like to see if it would be a benefit to the city to update our current Comprehensive Land Development Plan and involve Clay and Perry Townships at the same time.

Assistant Manager Sewert requested an Executive Session on a Real Estate Matter.

Member Ullery stated he recently witnessed a wood canopy structure that is pulling away from the main building on Market Street. Assistant Manager Sewert said he will contact our city building inspector to inspect the situation.

Member Ullery reported he noticed the backs of the commercial buildings on Market Street are in poor condition. He felt the owners of these commercial buildings should keep their buildings in good working order, just as residential owners have to. Assistant Manager Sewert said he will look into this.

Member Ullery reported several years ago when the Wall Street Reconstruction project was under way, it was decided to not permit vehicles to park on the north side of Wall Street from the alley to Vine Street. He stated the curb has never been painted and there is a problem with vehicles parking in that area. Assistant Manager Sewert said he will look into the situation.

Law Director Stephan reported the City recently closed on their first lot in the NorthBrook Industrial Park. Law Director Stephan stated construction of a building should begin in the very near future.

Law Director Stephan gave a report on the direct election of a Mayor upon the request of Council. Law Director Stephan stated the City Charter may be amended or repealed by the voters as provided by the Constitution of Ohio. Amendments to a home rule charter may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority or upon a petition signed by 10% of the electorate. Law Director Stephan advised that communities such as Vandalia, Kettering, Englewood, New Lebanon and Trotwood elect their Mayor by the electorate. Oakwood provides selection of their Mayor by its council. Law Director Stephan advised to place a proposed charter amendment on the ballot for November, the amendment would need to be approved as described in the Ohio Constitution

and submitted to the Montgomery County Board of Elections 60 days prior to the election. Discussion followed. Law Director Stephan recommended that the Amendment be drafted and reviewed by himself. Members Duncan and Trimble asked Law Director Stephan to proceed with preparing an appropriate Amendment to the Charter and to present it at the next Council meeting. Mayor Imler stated she would like the Amendment prepared in a timely manner, but she wants to make sure that it is done right. She asked if the members could review the copies of the charters that were provided by Law Director Stephan, and bring back the excerpts that they like at the next Council meeting. Law Director Stephan advised that every community that was surveyed selects the Vice Mayor as we currently do.

Law Director Stephan reported he is still reviewing the Supreme Court decision on door-to-door solicitation.

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

Motion by Duncan, seconded by Trimble to accept the June 30, 2002 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton reported the presentation by the Ohio Consumers Counsel on Utility Deregulation will be moved to August 20, 2002 from July 16, 2002.

Finance Director/Clerk Keaton reported the Montgomery County Budget Commission voted 3-0 to eliminate adopting Tax Budgets for municipalities effective immediately per the recent passage of House Bill 129. Finance Director/Clerk Keaton stated our Charter states annual budgets and appropriation measures required by the general laws of Ohio shall be applicable to the Municipality. Finance Director/Clerk Keaton recommended that Council eliminate the adoption of Tax Budget's in the future, due to the passage of House Bill 129 and the County Budget Commission eliminating the adoption of Tax Budgets.

Motion by Duncan, seconded by Trimble to eliminate the adoption of Tax Budgets for the City per passage of House Bill 129 and the Montgomery County Budget Commission voting to eliminate adoption of Tax Budgets by municipalities and to cancel the Public Hearing that was scheduled for July 16, 2002 at 8:00 p.m. for the 2003 Tax Budget as recommended by Finance Director/Clerk Keaton. All yeas, motion carried.

Mayor Imler had no report, but commented that the Western Avenue Reconstruction project looks great.

Ruth Schick, of 714 Mound Street, requested permission to block off Meadow Glen Avenue at Mound Street for a block party to be held on July 20, 2002. She advised that flyers will be distributed to all of the neighbors making them aware of the block party, and directions to get out of the development if they need to. Discussion followed.

Motion by Duncan, seconded by Trimble to allow Meadow Glen Avenue to be blocked off at Mound Street for a block party on July 20, 2002 from 5:00 to 11:00 p.m. as requested. All yeas, motion carried.

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

Mayor Imler called Council back into Regular Session.

Law Director Stephan presented a proposal, from American Hydrovac & Excavation, to purchase two acres in the NorthBrook Industrial Park, with an option to purchase an additional three acres within the next five years.

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

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


Sonja M. Keaton, Clerk


Carole A. Imler, Mayor