

BROOKVILLE CITY COUNCIL
REGULAR MEETING
November 5, 2002

The Regular Meeting of the Brookville City Council was called to order by Mayor Imler at 7:30 p.m. on November 5, 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 with an addition. All yeas, motion carried.

Motion by Seagraves, seconded by Sanders to accept the October 15, 2002 Regular Meeting Minutes as presented. All yeas, motion carried.

Linda Surber, representing the Realty Group, requested approval for a replat of Lot #2018 and .323 acres of Part Lot #1897 of Arlington Woods, Section IA. The replat involves the first lot to the east when you enter the subdivision off of Westbrook Road, on the corner of Flanders Avenue and Kimmel Trail. Mrs. Surber stated the front of the house will face Flanders Avenue and at this time the placement of the driveway has not been determined. Discussion followed.

Motion by Garber, seconded by Seagraves to approve the replat of Lot #2018 and .323 acres of Part Lot #1897 contingent on the replatted lot being subject to the covenants and restrictions currently in place for Arlington Woods, Section I, by incorporation of said covenants and restrictions in this replat. Garber yea, Trimble yea, Ullery yea, Seagraves yea, Duncan abstains, Sanders yea and Imler yea. Motion carries with six yeas and one abstention.

Manager Wright requested approval of NorthBrook Industrial Park, Section Three. Section Three consists of two lots totaling 4.018 acres, extension of NorthBrook Drive and a portion of Gateway Drive. Assistant Manager Sewert advised Planning Commission approved the Final Plat at their last meeting. Discussion followed.

Motion by Seagraves, seconded by Sanders to approve the Final Plat for NorthBrook Industrial Park, Section Three as presented. All yeas, motion carried.

Manager Wright requested authorization to hold an Open House on Monday, November 18 for the Western Avenue Reconstruction Project, Phase II from 3:00 to 5:00 p.m. and again from 6:00 to 8:00 p.m. at the City Building. Manager Wright indicated this is an Issue II project and will run between Clay Street and Westbrook Road. Discussion followed.

Motion by Garber, seconded by Duncan to schedule an Open House on November 18, 2002 from 3:00 to 5:00 p.m. and again from 6:00 to 8:00 p.m. at the City Building for the Western Avenue Reconstruction Project, Phase II. All yeas, motion carried.

Manager Wright reported Agreements have been issued with three towing companies that met the specifications. Manager Wright stated these three towing companies will be placed on a rotating schedule.

Manager Wright stated Council should have a copy of a letter from Chief Papanek which outlines the Bike Patrol Program from 1998 through September of 2002. The letter states there are currently four full-time bike officers and one part-time bike officer. Discussion followed. Member Duncan stated he thought when the Bike Patrol was first implemented an officer was assigned to bike patrol for the whole shift, the chart equates to an approximate two-hour shift now. Member Duncan stated he would like to see citizens patrols implemented like Riverside has done. Member Trimble stated he want's to see two patrolman on the street at all times.

Mayor Imler 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. 2002-12, to consider adding Section 1159.05 and to consider amending Sections 1103.03 and 1159.03(a)(3)(A)(2)(second paragraph) of the Codified Ordinances of the City of Brookville.

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

Clerk Keaton advised the Public Hearing was advertised in the Brookville Star on October 23 and 30. The administrative staff received two inquires on the proposed Ordinance. Law Director Stephan reported the proposed new Ordinance was a result of several months of study by the Planning Commission, and is based on their recommendation. Law Director Stephan stated the first item that was done was to put everything in one section, to make it more user friendly for the public as well as for our zoning enforcement officer. Law Director Stephan went over the changes that were made in the definition section. Law Director Stephan highlighted the rule changes. There were questions by Council and several citizens that were present. One concern expressed by a citizen was what would happen if a citizen parks their trailer and they have problems and they are waiting on a part to come in order to fix it? Another concerned citizen stated a recreational vehicle may be parked in a driveway for loading and unloading purposes for a period of not more than 72 hours in any seven-day period, what if he would want to work on the vehicle, such as fixing it up as required in subsection (j) which states all recreational vehicles, camping and recreational equipment, and trailers, shall be maintained in good working repair and condition. The citizen stated when he is maintaining the recreational vehicle in his driveway, he is not loading or unloading it, so how much time is he permitted to keep it in his driveway? Maybe additional language should be implemented in the proposed Ordinance to also allow for temporary maintenance, or washing of vehicles within a 72-hour period. Another concerned citizen asked if this Ordinance is going to be grandfathered? The citizen stated he has had a camper for six years now and his camper is within three feet of his property line. The citizen stated a former city employee allowed him to place his camper where it is currently parked, which does not meet the regulation of the current Ordinance of no less than three feet from the side property line. The citizen stated his concrete pad goes right to his property line. Discussion continued. Member Garber stated the law is the law. Law Director Stephan stated the rule on no less than three feet from the side property line is not changing. It has been in place since 1994. Another concerned citizen from the Meadows of Brookville Subdivision expressed concern on the existing Ordinance and how it is enforced. Law Director Stephan stated anything parked on the street is addressed with the parking ordinance and it is a Police issue. This proposed Ordinance addresses on the property itself and is a zoning issue.

Motion by Seagraves, seconded by Duncan to close the Public Hearing. All yeas, motion carried.

Manager Wright requested authorization to amend the amount of Change Order #1 on the Cusick Avenue Sanitary Sewer Relief Project, which was approved at the August 20, 2002 Council meeting, and to approve Change Order #2 on the Cusick Avenue Sanitary Sewer Relief Project.

Motion by Duncan, seconded by Ullery to authorize and amend Change Order #1 on the Cusick Avenue Sanitary Sewer Relief Project to read increasing the amount by \$4,285.00, changing the contract price to \$127,452.00 and to authorize and approve Change Order #2 on the Cusick Avenue Sanitary Sewer Relief Project increasing the amount by \$1,543.72, changing the contract price from \$127,452.00 to \$128,995.72 for additions and adjustments to the project as recommended by Manager Wright. All yeas, motion carried.

Manager Wright informed Council there will be a Command Officer Training on November 15, 2002 from 1:00 to 4:00 p.m. sponsored in part by Brookville and Phillipsburg Fire Departments. The informational session is open to all Elected Officials, City Manager and Administrators.

Manager Wright requested an Executive Session on a Real Estate and Personnel matter.

Law Director Stephan had no report.

Finance Director/Clerk Keaton presented the October 31, 2002 Fund Balance. Discussion followed.

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

Finance Director/Clerk Keaton reminded Council about the 16th Annual Miami Valley Planning and Zoning Workshop that will be held on Friday, December 6, 2002 at Sinclair Community College.

Mayor Imler had no report but reminded everyone about the upcoming Veterans Day parade that will be held on November 9 beginning at 2:00 p.m.

Motion by Duncan, seconded by Garber to read proposed Ordinance No. 2002-13. All yeas, motion carried.

Motion by Seagraves, seconded by Duncan to accept the first reading of proposed Ordinance No. 2002-12 and to set a Public Hearing for December 3, 2002 at 8:00 p.m. All yeas, motion carried.

Member Seagraves thanked the Service Department on the good job they are doing with the leaf pickup program.

Member Duncan inquired on the status of Carris Reels? Manager Wright reported they are in the process of moving things out of the plant and they will be closing their doors on November 27, 2002. Manager Wright stated he and Asst. Manager Sewert will be meeting with the owners to possibly assist in discarding their debris.

Member Ullery asked who and what is going in behind Dr. Studebaker's building? Manager Wright stated the owner is building a spec building at this time.

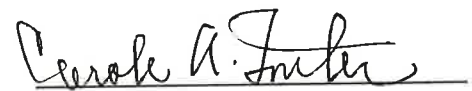
Manager Wright reported one to two private lights will be installed soon in the Westbrook Park Soccer Complex.

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

Mayor Imler called Council back into Regular Session.

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


Sonja M. Keaton, Clerk


Carole A. Imler, Mayor