

BROOKVILLE CITY COUNCIL
REGULAR MEETING
August 5, 2003

The Regular Meeting of the Brookville City Council was called to order by Mayor Imler at 7:30 p.m. on August 5, 2003 in the City Council Chambers. The Pledge of Allegiance was recited. Members Duncan, Garber, Sanders, Seagraves, Trimble and Ullery; Manager Wright, Assistant Manager Sewert, Law Director Stephan and Police Chief Preston were present. Fire Chief Nickel was absent.

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

Motion by Duncan, second by Sanders to accept the July 15, 2003 Regular Meeting Minutes as presented. All yeas, motion carried.

Tom Wagner, of 321 E. Westbrook Road, commented that he has had a lot of water standing in his rear yard for years from the field behind his house. He asked if his water problem would be eliminated once Lehman Estates is completed?

Manager Wright commented that if his water problem is coming from the field behind his house, it should be taken care once the retention pond is constructed within the Lehman Estates subdivision. Manager Wright explained the majority of the water drains toward Albert Road, and the tile will be replaced on the east side of Albert Road.

Member Seagraves asked if the drainage problem on Sycamore Street comes down from Albert Road?

Manager Wright explained it does some, but there are currently two low points on Sycamore Street that causes the drainage problem there.

Manager Wright presented an update of the various projects throughout the City. Manager Wright stated a lot of the projects are behind schedule due to the wet weather.

Manager Wright presented survey results on square footage requirements from other cities, as requested by Council. Manager Wright commented this is for reference only at this time; it will be submitted to Planning Commission at their next meeting, for further review.

Manager Wright commented that at a recent meeting that was held with downtown businesses, a concern was expressed by the businesses about the number of skateboarders in the downtown area, and how that may be eliminated. Manager Wright commented that he has met with Law Director Stephan on this issue.

Law Director Stephan reported he has researched the issue and indicated the City of Kettering currently has an Ordinance that prohibits skateboarding in two areas in their city. Law Director Stephan indicated it would be possible to restrict skateboarding in certain areas in the City, now that a skate park is available to the public. Law Director Stephan indicated if Council is interested in administering skateboard restrictions, he will start preparing an Ordinance. Law Director Stephan commented private businesses could enforce "No Skateboarding" at their place of business with signage, but the downtown businesses are not able to post such signage, as the right-of-way extends up to their doors. Discussion continued, with the general consensus of Council to have Law Director Stephan draft an Ordinance that would prohibit skateboarding in the area that is currently zoned CC, Community Center, which would encompass the downtown merchants.

Manager Wright requested Council discussion on retail use within the Highway Service zoning district. Manager Wright commented that in the past, it has been our position that retail use is a permitted use, however, there is somewhat of a grey area as to whether or not it is. Manager Wright stated in discussions with Law Director Stephan and Assistant Manager Sewert, we would like some direction as to whether Council wants this to be a Permitted Use, a Special Use, or what we currently have.

Law Director Stephan stated it has always been Planning Commission's interpretation that retail use is included in the Highway Service zoning district. Law Director Stephan indicated the status of retail uses in Highway Service should be clarified, and commented there are other uses not clearly addressed in the Highway Service zoning district, such as office space. Discussion followed, with the consensus of Council to take this back to Planning Commission for review, but Council stated they would be interested in seeing retail use approved as a Special Use.

Manager Wright reported the City has had several meetings with Vandalia and Englewood on the possibility of creating an Income Tax Joint Venture. Manager Wright commented the group is currently working on a contract document that will be presented to Council at a later meeting.

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

Member Seagraves commended the City employees and Brookville Chamber of Commerce on an excellent Community Picnic.

Member Garber inquired if Sycamore Ridge Community Church is still planning to relocate to the building occupied by Black & White Technologies. Assistant Manager Sewert indicated the church will not be moving to that location, as Black & White Technologies will remain there.

Member Garber asked when the trucking company would be constructing their building in the new NorthBrook Industrial Park? Assistant Manager Sewert commented the Purchase Contract stated the company has two years to construct their building.

Police Chief Preston presented an overview of the Incident List and the Brookville Police Department Time Analysis from July 15 - August 4, 2003. Police Chief Preston reported there were 491 calls for service in this time period. Police Chief Preston reported the number of reportable incidents are down approximately 3%, and the total calls handled are up approximately 18% from this same time last year.

Police Chief Preston reported their department has noticed both adults and juveniles riding around town on small electric scooters. Police Chief Preston commented the department has received numerous inquiries from the public on the legal use of this type vehicle. Police Chief Preston indicated he has consulted with Prosecuting Attorney, Jeff Startzman, and was advised that the small electric scooters are by legal definition a motor vehicle and as such they must be operated on a roadway following the same laws that apply to any other motor vehicle. Police Chief Preston indicated motor vehicles must be licensed and the operator must be licensed to operate on public roadways. Police Chief Preston stated the Bureau of Motor Vehicles cannot issue a license on an electric scooter as they cannot be titled; as such, they cannot be used on a public roadway. Police Chief Preston commented the operation of these scooters on a public roadway is subject to police enforcement. Police Chief Preston stated the Ohio Department of Public Safety is considering the issues involved and is working on possible solutions to this problem.

Police Chief Preston announced the Annual Fishing Derby will be held on Saturday, September 6, 2003 from 8:00 a.m. to noon. Police Chief Preston indicated he will receive assistance this year from the Fishing Club at Brookville High School.

Law Director Stephan had no report.

Finance Director/Clerk Keaton reported the 2003 Miami Valley Planning & Zoning Workshop will be held on Friday, September 19, 2003, and the Annual Ohio Municipal League Conference will be held October 1-3, 2003. The registration fee will be paid by the City. If anyone is interested in attending, they should contact Finance Director/Clerk Keaton soon.

Finance Director/Clerk Keaton presented the July Fund Balance for approval.

Motion by Duncan, second by Ullery to accept the July 31, 2003 Fund Balance as presented. All yeas, motion carried.

Mayor Imler reported approximately 30 downtown business owners attended the recent luncheon meeting. Mayor Imler commented one business owner indicated she would take the lead with assistance from another business owner on obtaining information for the downtown merchants on revitalizing the downtown area.

In Old Business, Member Duncan stated he read the Planning Commission minutes and remarked that Subdivision Covenants do not mean anything, and they should not be used as management tools, regarding minimum square footage of homes. Member Duncan also expressed concern on the comments made at the last Planning Commission meeting, on questioning developers on what they would like to see as a minimum square footage on homes. Member Duncan stated it's good to contact, but research it.

Member Trimble agreed that the City should control the town; the developer's covenants should not rule.

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

Mayor Imler called Council back into Regular Session.

Finance Director/Clerk Keaton advised Council the City Health Insurance is up for renewal August 1, and recommended that we renew with our current provider.

Motion by Ullery, second by Seagraves to accept the United HealthCare of Ohio, Plus Plan Oh-E quote at a monthly rate of \$288.02 per single employee; \$576.04 per employee & spouse; \$561.64 per employee & children; and \$892.87 per family for health insurance, with the employee contributing approximately 10% of the monthly cost through a Cafeteria 125 Plan beginning in September; and \$4.50 per month for employee Life Insurance and AD&D through United HealthCare of Ohio; and to include dental insurance through Met Life, beginning in September at a monthly rate of \$17.06 per single employee; \$35.19 per employee & spouse; \$38.89 per employee & children; and \$57.03 per family, which will be paid 100% by the employer. All yeas, motion carried.

Motion by Garber, second by Trimble to authorize Manager Wright to sign the Memorandum of Understanding that amends Article 16, Insurance, of the Agreement between the City of Brookville and the Ohio Patrolmen's Benevolent Association. All yeas, motion carried.

Member Garber reported he had recently noticed a porta-john located on Maple Street, between the curb and sidewalk, and asked if it was permitted to be placed so close to the street? Assistant Manager Sewert stated he will ask the homeowner if they would have the porta-john moved back away from the street.

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


Sonja M. Keaton, Clerk


Carole A. Imler, Mayor