

BROOKVILLE CITY COUNCIL
REGULAR MEETING
January 7, 2003

The Regular Meeting of the Brookville City Council was called to order by Mayor Imler at 7:30 p.m. on January 7, 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 and Law Director Stephan were present.

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

Motion by Seagraves, seconded by Sanders to accept the December 17, 2002 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Wright gave his report with the following action taken.

Motion by Ullery, seconded by Garber to accept the low bid from Finfrock Construction of \$165,000.00 for the Western Avenue Reconstruction Project, Phase II, as the lowest and best bid as recommended by Manager Wright and City Engineer Schroeder. All yeas, motion carried.

Manager Wright announced the 2nd Annual Skate at Golden Gate Park will be held on January 18, 2003 from 4:00 to 8:00 p.m. at the Dream Builders ice-skating rink located in the outfield of Diamond One. Free hot dogs and hot chocolate will be provided compliments of the Brookville Park Board in cooperation with the Brookville Chamber of Commerce, Optimist, Rotary and Kiwanis Club's. In case of inclement or nonfreezing weather, the event will be held on February 1, 2003 from 4:00 to 8:00 p.m.

Manager Wright announced there will be a Comprehensive Land Plan update meeting on January 8 beginning at 7:00 p.m. The meeting is open to Council and the public.

Law Director Stephan had no report.

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

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

Motion by Garber, seconded by Seagraves to read proposed Resolution No. 03-01. 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. 03-01 entitled "ANNUAL APPROPRIATION RESOLUTION AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Duncan, seconded by Ullery to approve the renewal of our membership with the Miami Valley Regional Planning Commission, and to appoint Member Seagraves as Member and Manager Wright as Alternate to the MVRPC and Transportation Committee for 2003. All yeas, motion carried.

Mayor Imler had no report but acknowledged the recent passing of Bill Mills who served the Brookville Fire Department and the citizens of Brookville for 25 years.

Chairperson Watkins, of the Planning Commission, read the Planning Commission's recommendation that Council adopt proposed Ordinance No. 2002-13, which provides the territory recently annexed to the City of Brookville consisting of 5.963 acres, being Lots 2225, 2226, 2227 and 2228 of revised consecutive number of lots of the City of Brookville to the zoning classification of "HS" Highway Service.

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

Motion by Duncan, seconded by Seagraves to accept the second reading of proposed Ordinance No. 2002-13. All yeas, motion carried.

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. 2002-15, to consider the zoning of the recent annexation of 75.522 acres along Arlington Road, north of I-70, to the proposed classifications as follows: Lot 2222 shall be divided into two zoning districts. The boundary line between the two zoning districts in Lot 2222 shall be 1156.7 feet from the centerline of Arlington Road. The area of Lot 2222 that lies west of this boundary line shall be zoned Highway Service (HS), and the area of Lot 2222 that lies east of this boundary line shall be zoned General Industrial (I-2). Lots 2223 and 2224 shall be zoned General Industrial (I-2).

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

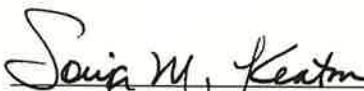
Clerk Keaton reported a Legal Notice was published in the December 24 and 31-editions of the Brookville Star advising of the Public Hearing. Twenty certified notices about the hearing were mailed out. The Administrative Staff received one phone call from Mr. Hoelsher of 9800 Pleasant Plain Road from the article that appeared in the Brookville Star. Mr. Hoelsher and his neighbor attended the December Planning Commission meeting.

Clerk Keaton reported at the October 17, 2002 Planning Commission meeting, Planning Commission discussed the possible zoning of the 75.522 acres along the east side of Arlington Road. During discussions a motion was made to table a recommendation to Council until the November Planning Commission meeting in order to further review which zoning classifications are in the best interest for both the land owner and the City. At the November 21, 2002 Planning Commission meeting discussion continued on the proposed zoning. Curt Long, whose wife owns the 75.522 acres, requested the following proposed zoning: Lot 2222 shall be divided into two zoning districts. The boundary line between the two zoning districts in Lot 2222 shall be 1156.7 feet from the centerline of Arlington Road. The area of Lot 2222 that lies west of this boundary line shall be zoned Highway Service (HS), and the area of Lot 2222 that lies east of this boundary line shall be zoned General Industrial (I-2). Lots 2223 and 2224 shall be zoned General Industrial (I-2). A motion was made to recommend to Council this proposed zoning. The motion carried with four yeas and two nays.

The following individuals presented testimony and expressed concern on water runoff, water tables, water drainage, pollution, grading, buffer zone and noise from the proposed Commercial zoning of the 75.522 acres onto their properties: John Hoelscher of 9800 Pleasant Plain Road, Brian Torgeson of 9566 Pleasant Plain Road and David Bohannon of 9770 Pleasant Plain Road. Curt Long, whose wife owns the 75.522 acres, responded to Mr. Hoelscher's concern on the water drainage and the assessment of a drainage project that directed the water from approximately 12 to 15 acres of his property, north. Manager Wright commented that any time a development is submitted to the City, regardless of the type of zoning, a requirement is to submit a grading and drainage plan, which is reviewed by our Engineers. Manager Wright stated water cannot be drained onto a neighboring property. Carl Snedeker, of 827 Shaney Lane, asked what the definition is of the Highway Service zoning district? Law Director Stephan indicated a truck service center or a truck repair facility is a Special Use in Highway Service, which requires approval by the Brookville Planning Commission and Council. Law Director Stephan stated it was his understanding that the landowner is willing to specify, through a signed Agreement with the City, that no truck stop will be built in the Highway Service area. Law Director Stephan stated if the zoning moves forward, we will be executing that Agreement. Mike Dull, of 8870 Arlington Road, stated he agreed with Member Sanders comments, at previous Planning Commission meetings, of zoning the 75.522 acres Conservation until the evaluation and update of the City's Comprehensive Land Use Plan is complete. Member Duncan commented that one of our responsibilities is to look out for the legal rights of the community. Kathy McDowell, of 7719 Arlington Road, expressed concern over the City of Brookville surrounding her home, and the change of use that is taking place around her. She also expressed concern of her property value decreasing so low, because of her home being surrounded by commercial property.

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