

BROOKVILLE CITY COUNCIL
REGULAR MEETING
September 2, 2003

The Regular Meeting of the Brookville City Council was called to order by Mayor Imler at 7:30 p.m. on September 2, 2003 in the City Council Chambers. The pledge of allegiance was recited. Members Duncan, Garber, Seagraves, Sanders, Trimble and Ullery; Manager Wright, Assistant Manager Sewert, Law Director Stephan, Police Chief Preston, Fire Chief Nickel and Deputy Clerk Brunner were present. Director of Finance/Clerk Keaton was absent.

Motion by Seagraves, second by Imler to accept the Agenda as amended. All yeas, motion carried.

Motion by Duncan, second by Seagraves to accept the August 19, 2003 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Wright reported bids were recently opened for the "2003 Street Resurfacing Project" and recommended that Council accept the lowest and best bid from The Shelly Company.

Motion by Seagraves, second by Garber to accept the low bid of \$33.70 per ton for asphalt overlay, and \$1.40 per square yard for pavement removal from The Shelly Company for the "2003 Street Resurfacing Program" as recommended by Manager Wright. All yeas, motion carried.

Manager Wright requested an Executive Session on a Personnel Matter.

Member Duncan inquired about the new building at the Industrial Park. Assistant Manager Sewert stated that we are to receive building plans next week. Groundbreaking, excavation and site work should start soon, with a spring completion date.

Member Garber commended the office staff on their pleasant phone manners. He recently had to call another City Office only to be transferred by a voice mail system and kept on hold. Mayor Imler also commended the office staff.

Chief Nickel had no report.

Chief Preston reminded everyone of the "Cops & Kids Fishing Derby" this Saturday at 8:00 a.m. Chief Preston invited everyone to attend.

Member Garber asked if there were flyers passed out with items of interest? Will there be a cruiser available to look at?

Chief Preston stated that he has advertised in the Brookville Star, and this is the first year that Brookville Police Department will be doing the Fishing Derby without help from Montgomery County and the township police departments.

Chief Preston reported total calls of 285 for August 19 to September 2, 2003, with an average response time of 2.14 minutes.

Law Director Stephan reported Clerk Keaton received a hearing request from the Ohio Division of Liquor Control for Patricia Ann Riley, D.B.A. O'Riley's Drive Thru and Carry-out, 11 Market Street, for a C2 liquor permit.

Motion by Garber, second by Seagraves to not request a hearing for Patricia Ann Riley, D.B.A. O'Riley's Drive Thru and Carry-out, 11 Market Street, application for a C2 carry-out permit with the Ohio Department of Liquor Control. All yeas, motion carried.

Law Director Stephan explained that a number of the Resolutions pertain to the annexation of the Grace Brethren Church on Westbrook Road. The Church is trying to obtain sanitary sewer from the City. Law Director Stephan stated that the townships have been notified and Perry Township is in agreement with the annexation. He has spoken with Clay Township and believes that Clay Township will be in agreement with the annexation.

Law Director Stephan explained that there are many new procedures to follow for annexation now, and went over the purposes of the resolutions.

Member Garber had questions on the zoning of the Church; will it be compatible? Will it require a buffer? Law Director Stephan stated he needs to look at Perry Township's Zoning text to determine the best zoning, and if it requires a buffer, the buffer will be at the owner's expense.

Motion by Duncan, second by Seagraves to read proposed Resolution No. 03-18. All yeas, motion carried.

Motion by Duncan, second by Seagraves to accept the first reading, dispense with the second and third reading and adopt Resolution No. 03-18 entitled "A RESOLUTION REGARDING MUNICIPAL SERVICES TO BE PROVIDED TO THE AREA CONTAINED IN A PROPOSED ANNEXATION OF 8.157 ACRES, MORE OR LESS, IN CLAY TOWNSHIP AND PERRY TOWNSHIP, IF ANNEXATION OF SAID AREA TO THE CITY OF BROOKVILLE IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Duncan, second by Seagraves to read proposed Resolution No. 03-19. All yeas, motion carried.

Motion by Duncan, second by Ullery to accept the first reading, dispense with the second and third reading and adopt Resolution No. 03-19 "A RESOLUTION REQUIRING THE ESTABLISHMENT OF A BUFFER WHEN MANDATED BY OHIO REVISED CODE SECTION 709.023 IN THE EVENT THAT THE PROPOSED ANNEXATION OF 8.157 ACRES, MORE OR LESS, FROM CLAY TOWNSHIP AND PERRY TOWNSHIP, TO THE CITY OF BROOKVILLE, OHIO IS APPROVED, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Duncan, second by Seagraves to read proposed Resolution No. 03-20. All yeas, motion carried.

Motion by Duncan, second by Ullery to accept the first reading, dispense with the second and third reading and adopt Resolution No. 03-20 entitled "A RESOLUTION CONSENTING TO THE PROPOSED ANNEXATION OF 8.157 ACRES, MORE OR LESS, FROM CLAY TOWNSHIP AND PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Law Director Stephan added that we are required to notify adjacent property owners and that there was clarification that the annexation is the church only. He also said the new format for annexation will save money on publications.

Mayor Imler reminded everyone of the Planning & Zoning Workshop on September 19th at Sinclair Community College.

Member Garber asked if there are any updates on set backs and side yard requirements from Planning Commission?

Assistant Manager Sewert stated more information will be presented to Planning Commission at their next meeting. They are currently working on this.

Motion by Duncan, second by Garber to read proposed Ordinance No. 2003-05. Discussion followed.

Discussion followed. Manager Wright commented that Englewood is on their second reading and Vandalia has not had a first reading yet.

Law Director Stephan said he hopes that Council will give Manager Wright the authority to make minor changes.

Motion by Seagraves, second by Duncan to accept the second reading of proposed Ordinance No. 2003-05. All yeas, motion carried.

Motion by Seagraves, second by Duncan to read proposed Resolution No. 03-17. All yeas, motion carried.

Motion by Duncan, second by Seagraves to accept the first reading, dispense with the second and third reading and adopt Resolution No. 03-17 entitled "RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

In Old Business, Member Sanders asked if Park Board has considered the recommendation from Council to possibly develop a water feature at one of its parks? Manager Wright stated that the Park Board's first priority is to improve the existing pond (bank enhancement) at Golden Gate Park. Wright also advised Council that if they want something for next year, we need to start the preliminary work soon.

Manager Wright and Assistant Manager Sewert will work on cost estimates.

In New Business, Member Ullery commented on the ground breaking for the new school.

Motion by Duncan, second by Sanders 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, second by Sanders to approve changes to the personnel manual to amend Section XXIII of the Brookville Employee Personnel Manual to add section (B) in reference to employee health insurance coverage. A copy of this section is on file in the City Office. All yeas, motion carried.


Belinda Brunner, Deputy Clerk


Carole A. Imler, Mayor