

BROOKVILLE CITY COUNCIL
REGULAR MEETING
December 21, 2004

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on December 21, 2004 in the City Council Chambers. The pledge of allegiance was recited. Members Duncan, Garber, Hanos, Reel, Sanders and Ullery; Manager Wright, Assistant Manager Sewert, Law Director Stephan and Director of Finance/Clerk Keaton were present. Fire Chief Nickel and Police Chief Preston were absent.

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

Motion by Sanders, second by Duncan to accept the December 7, 2004 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Wright reported a follow-up meeting was held with the Mayor, Assistant Manager Sewert, Fire Chief Nickel, Police Chief Preston, Montgomery County Sheriff Vore and himself on the 800-MHz Digital Radio Proposal. Manager Wright commented Sheriff Vore understands the City's position on not upgrading to the 800-MHz system at this time. Manager Wright stated the Police Department currently has two 800-MHz capable radios in the cruisers. Two additional 800-MHz radios will be purchased in 2005 so there will be an 800-MHz radio in each cruiser. This will allow the Brookville Police Department to communicate with the Montgomery County Sheriff's office, should the need arise. Manager Wright commented the 800-MHz system will be undergoing changes in the next three to five years, and the City will continue to monitor the situation.

Manager Wright reported Council should have a copy of a letter from Brookville National Bank requesting consideration for a name change to Upper Lewisburg-Salem Road between Arlington Road and the Interstate 70 overpass. The developer and bank would like to see the name changed to Brookwoods Falls Drive. Discussion followed, with no action taken. Discussion will continue at a later Council meeting.

Manager Wright distributed a Memo, copies of Invoices and literature concerning 2005 membership dues to the Ohio Municipal League and the annual fee for the Regional Alliance for Mobility Priorities (RAMP-up). Council should review the information, so we can discuss the information further at the next Council Meeting.

Manager Wright reported Fire Chief Nickel is absent tonight and he did not have a report to distribute. Manager Wright stated Police Chief Preston is also absent, but Council has a copy of his Incident Report. Manager Wright reported the Brookville Police Department is working along with the FBI on the recent bank robbery that took place in Brookville. Manager Wright reported three construction trailers, at the Brookville School site, were broken into. The Brookville Police Department is working on that case also.

Law Director Stephan reported the final reading of proposed Ordinance No. 2004-16, which amends the Income Tax Ordinance, is before Council tonight with the revisions Council requested at the last Council Meeting. The threshold for filing a declaration has been increased to \$100 and the word willfully has been inserted in Section 193.99, Penalties.

Law Director Stephan commented proposed Ordinance No. 2004-20, replaces Chapter 1331, which regulates flood damage prevention, as required by the National Flood Insurance Program (NFIP). The required floodplain management regulations must be adopted by January 6, 2005 to prevent suspension from the National Flood Insurance Program.

Law Director Stephan went over his Memo on withdrawing from the townships. Law Director Stephan stated the procedure for withdrawing from a township is set forth in Ohio Revised Code Section 503.07. Council, by a majority of its members, may petition the Board of County Commissioners for a change of township lines. The Board of County Commissioners must comply with the petition of a city to make the township boundaries conform to the boundary of the city. Removal of the City from the Townships will eliminate the imposition of new township

levies on the taxpayers of the City of Brookville. It is possible for a township to establish taxing districts consisting of a portion of the township for the purpose of providing certain services to the area within each district, such as a Waste Disposal District, Fire District, Police District and Road District within the unincorporated areas of the township. A levy for current operating expenses of the entire township, must be imposed on the entire township, including the incorporated area of the city. If the City of Brookville withdraws from both townships, it would be possible to seek an increase in the inside millage of the city as a result of the township millage being removed from the taxing district. The withdrawal of the City from the townships would not immediately terminate the township fire levies. The township levies would continue to be paid by city property owners until the expiration of the levy. Law Director Stephan presented options for continued cooperation on Fire and EMS coverage between the City and the Townships after removal of the City from the Townships. The first option is that the townships could each establish, pursuant to O.R.C. Section 503.37(C), a fire district in the unincorporated area of the township, and then contract with the City of Brookville or another jurisdiction to provide Fire and EMS services to this area. The second option is for the Townships and the City to form a joint fire district under O.R.C. Section 505.371. The district could include one or more townships, and one or more municipal corporations. The governing body of the joint fire district shall be a board of township trustees, and one representative from the legislative authority of the municipal corporations in each district. A third option for continued cooperation between the City of Brookville and the Townships on Fire and EMS services may be established as a part of an agreement regarding economic development and annexation. For example, a Cooperative Economic Development Agreement (CEDA) under O.R.C. Section 701.07, could be entered into between the City and the Townships to define an area of cooperation for economic development. Discussion continued with no action taken. Member Hanos commented that she would like to see more specifics on the three options.

Finance Director/Clerk Keaton reported the winter-edition of the City Newsletter was mailed out this week. If anyone does not receive a copy, please call the Municipal Offices.

Finance Director/Clerk Keaton requested Council approval to transfer \$20,000 into the Street M&R Fund, \$10,000 into the Water Fund and \$10,000 into the Refuse Fund as appropriated.

Motion by Duncan, second by Seagraves to approve the transfer of \$20,000 into the Street M&R Fund, \$10,000 into the Water Fund and \$10,000 into the Refuse Fund as appropriated and as requested by Finance Director/Clerk Keaton. All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to adopt proposed Resolution No. 04-23, which amends the 2004 Appropriations.

Finance Director/Clerk Keaton reminded Council there will be a work session on 2005 Appropriations following the Council Meeting.

Mayor Seagraves thanked the Administrative Staff, Employees, and the Boards and Commissions for a great year, and wished everyone Happy Holidays.

Mayor Seagraves announced the 2nd Annual Mayor's Prayer Breakfast is scheduled for January 6, 2005 beginning at 7:30 a.m. at Rob's Restaurant. The Prayer Breakfast is open to the public.

Motion by Duncan, second by Reel to read proposed Ordinance No. 2004-16. All yeas, motion carried.

Motion by Duncan, second by Reel to accept the third reading and adopt Ordinance No. 2004-16 entitled "AN ORDINANCE AMENDING CHAPTER 193 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Sanders, second by Reel to read proposed Ordinance No. 2004-17, Ordinance No. 2004-18 and Ordinance No. 2004-19. All yeas, motion carried.

Motion by Sanders, second by Reel to accept the second reading of proposed Ordinance No. 2004-17, Ordinance No. 2004-18 and Ordinance No. 2004-19. All yeas, motion carried.

Motion by Garber, second by Ullery to read proposed Resolution No. 04-23. 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. 04-23 entitled "A RESOLUTION AMENDING AND SUPPLEMENTING THE 2004 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Sanders, second by Garber to read proposed Ordinance No. 2004-20. All yeas, motion carried.

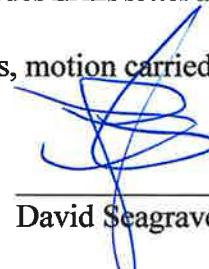
Motion by Duncan, second by Garber to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2004-20 entitled "AN ORDINANCE REPLACING CHAPTER 1331 (ORD. 1993-07, PASSED 7-6-93) OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE REGULATING FLOOD DAMAGE PREVENTION FOR THE SPECIAL PURPOSE OF FLOOD HAZARD REDUCTION, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

In Old Business, Manager Wright commented that Council has a copy of a letter from Thomas Noland, of Arlington Woods. Manager Wright stated the issues in his letter are being addressed.

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



Sonja M. Keaton, Clerk



David Seagraves, Mayor