

BROOKVILLE CITY COUNCIL
REGULAR MEETING
January 6, 2004

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on January 6, 2004 in the City Council Chambers. The pledge of allegiance was recited.

Joseph Litvin, Montgomery County Engineer, administered the Oath of Office for Mayor to David Seagraves, who assumed the Mayor's seat.

Law Director Stephan administered the Oath of Office to the newly elected Council Members, Michael Duncan, Rhonda Risner Hanos, Dean Sanders and Ron Ullery.

Motion by Duncan, second by Hanos to appoint Darrell Reel to fill the unexpired term of David Seagraves as Council Member. All yeas, motion carried.

Law Director Stephan administered the Oath of Office to newly appointed Council Member, Darrell Reel.

Motion by Sanders, second by Duncan to name Ron Ullery as Vice Mayor. Garber yea, Hanos yea, Ullery abstains, Reel yea, Duncan yea, Sanders yea and Seagraves yea. Motion carries with six yeas and one abstention.

Members Duncan, Garber, Hanos, Reel, Sanders and Ullery; Manager Wright, Assistant Manager Sewert, Law Director Stephan, Police Chief Preston and Director of Finance/Clerk Keaton were present. Fire Chief Nickel arrived later.

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

Motion by Sanders, second by Garber to accept the December 16, 2003 Regular Meeting Minutes and the January 5, 2004 Special Meeting Minutes as presented. All yeas, motion carried.

Manager Wright requested approval to adjust the ambulance transportation fees for 2004. Manager Wright reported the Federal government has issued cost of living increases to the allowable reimbursements for ambulance transport.

Motion by Garber, second by Duncan to adjust the ambulance transportation fees for 2004 as recommended by Manager Wright and MBI Solutions. All yeas, motion carried.

Manager Wright requested approval to purchase a replacement cruiser, pickup truck and a chipper.

Motion by Garber, second by Ullery to authorize Manager Wright to purchase a 2004 Ford Crown Victoria cruiser for \$19,871, to replace a cruiser presently used in the Police Department and a 2004 Ford F-250 pickup truck, not to exceed \$14,500, to replace a pickup truck presently used in the Service Department under ODOT'S Cooperative Purchasing Program as recommended by Manager Wright. All yeas, motion carried.

Fire Chief Nickel arrived.

Motion by Duncan, second by Sanders to authorize Manager Wright to purchase a Vermeer Brush Chipper for \$26,396, to replace a chipper currently used in the Service Department under the State of Ohio pricing. All yeas, motion carried.

Manager Wright reported a Community Ice Skate Night, sponsored by the City of Brookville and Brookville Park Board, is scheduled for January 17, 2004 from 4:00 to 9:00 p.m. at Golden Gate Park. A second date, in case of inclement or nonfreezing weather, is set for February 7, 2004 from 4:00 to 9:00 p.m.

Manager Wright requested authorization to go out to bid on the Arlington Road Reconstruction Project.

Motion by Garber, second by Duncan to authorize Manager Wright to advertise for bids on the Arlington Road Reconstruction Project as recommended by Manager Wright. All yeas, motion carried.

Fire Chief Nickel reported CERT training is on schedule, and the first training session will be held shortly with 20 applicants.

Police Chief Preston presented an overview of the Incident List and the Brookville Police Department Time Analysis from December 16 through January 5, 2004. Chief Preston reported there were 447 calls for service in this time period. Chief Preston reported the number of reportable incidents are up eight reports, or less than 1% and total calls handled are up 1,695, or 29% for 2003 compared to 2002.

Law Director Stephan had no report.

Mayor Seagraves 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. 2003-08, to consider amending Section 1157.05(a) of the Codified Ordinances of the City of Brookville regulating swimming pools as an Accessory Use.

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

Clerk Keaton advised the Public Hearing was published in the December 17th and 24th -editions of the Brookville Star. The City Office did not receive any phone calls, nor did anyone come into the office to review the Ordinance. In July, Planning Commission enforced the fence requirements and other provisions of Section 1157.05(a) on all swimming pools, including portable swimming pools, which contain 1½' depth of water or more, regardless of the width or size of the swimming pools, due to safety factors. At the August Planning Commission meeting, numerous citizens were present to comment on the swimming pool regulations that are in place and being enforced. The consensus, from the citizens present, is the city should not enforce the rule of a 6' fence around portable/temporary pools. The consensus of Planning Commission members is that changes are needed, especially in light of the new portable/temporary type pools.

There were no citizens present who wished to speak at the Public Hearing.

Motion by Duncan, second by Sanders to close the Public Hearing. All yeas, motion carried.

Mayor Seagraves opened the second Public Hearing, which is a combined meeting with Council and Planning Commission, on proposed Ordinance No. 2003-10, to consider amending Chapter 1139 Highway Service District of the Codified Ordinances of the City of Brookville.

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

Clerk Keaton advised the Public Hearing was published in the December 17th and 24th -editions of the Brookville Star. The City Office did receive one phone call inquiring what changes were involved in the proposed Ordinance. There was no objection from the individual who called. No one came into the office to review the Ordinance. Clerk Keaton went over the current ordinance text and the proposed new ordinance text. Under the proposed new Ordinance, banks including drive-through facilities, research and development offices and laboratories, administrative offices of any kind, including corporate, public, semi-public, civic, religious, and charitable organizations, post offices and governmental buildings; convenience food stores that primarily provide products and services for interstate travelers will be added as a permitted use in the Highway Service District. Retail establishments engaged in the retail trade of pharmacies, book and stationary stores, apparel stores, florist shops, antique stores, sporting good stores, jewelry stores, optical good stores, furniture, home furnishings, camera-photo supplies, electronic or computer sales and service, sporting goods, groceries, department stores, including department stores that offer a variety of retail goods and groceries, and other retail uses that are similar in character to those retail uses listed above will be added as a Special Use in the Highway Service District.

There were no citizens present who wished to speak at the Public Hearing.

Member Reel asked if video stores are included in Highway Service? Law Director Stephan commented video stores that rent and sell videos would fall under retail use. Law Director Stephan stated if the video store sells adult videos, it would not be a Permitted or a Special Use in Highway Service. It is specifically excluded. Law Director Stephan indicated it currently is a Special Use in the General Business zoning district. Member Hanos asked if that also pertains to adult book stores? Law Director Stephan indicated adult book stores would not fall under a Permitted or a Special Use in Highway Service. Law Director Stephan stated any type of adult book store would be a Special Use in the General Business zoning district. Law Director Stephan stated we could amend the text, if Council desires, to specifically exclude any type of adult book and/or adult video store in the proposed Ordinance. Planning Commission can make a formal recommendation to Council to include such language.

Motion by Duncan, second by Reel to close the Public Hearing. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Finance Director/Clerk Keaton presented the December Fund Balance for review and approval. Finance Director/Clerk Keaton reported the total unexpended balance ended the year approximately \$10,000 higher than the beginning balance, but the General Fund ended the year approximately \$158,000 less than the beginning of the year. Income tax revenue exceeded two million dollars in 2003, the first time since the year 2000.

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

Finance Director/Clerk Keaton requested approval to adopt the 2004 Appropriations.

Motion by Garber, second by Sanders to read proposed Resolution No. 04-01. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the first reading, dispense with the second and third reading and adopt Resolution No. 04-01 entitled "ANNUAL APPROPRIATION RESOLUTION AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Mayor Seagraves had no report but thanked all of the people who had voted for him in the November election and congratulated both new Council Members.

Motion by Duncan, second by Sanders to read proposed Resolution No. 03-24 through Resolution 03-29. All yeas, motion carried.

Motion by Duncan, second by Ullery to accept the third reading and adopt Resolution No. 03-24 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE CITY MANAGER," Resolution No. 03-25 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE ASSISTANT CITY MANAGER," Resolution No. 03-26 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL," Resolution No. 03-27 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF FIRE," Resolution No. 03-28 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF POLICE" and Resolution No. 03-29 entitled "A RESOLUTION FIXING THE COMPENSATION OF THE DIRECTOR OF LAW." All yeas, motion carried.

Motion by Sanders, second by Duncan to read proposed Resolution No. 03-30. All yeas, motion carried.

Motion by Garber, second by Sanders to accept the third reading and adopt Resolution No. 03-30 entitled "A RESOLUTION AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS FOR CERTAIN AMENITIES." All yeas, motion carried.

In New Business, Member Duncan asked for the Administrative Staff to review the current Fire Levy Contracts between the City of Brookville and Clay and Perry Townships and to bring back updated figures for the next Council meeting. A work session will follow the next Council meeting, to discuss the review.

Member Garber stated he would like to see an annual meeting set up with the Brookville School Board and Brookville City Council, to keep both boards abreast of current happenings. Mayor Seagraves stated he is currently setting up a combined meeting for the near future.

Member Reel thanked Council for their vote and trust in him.

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



Sonja M. Keaton, Clerk



David E. Seagraves, Mayor