

**BROOKVILLE CITY COUNCIL
REGULAR MEETING
March 16, 2004**

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on March 16, 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, Fire Chief Nickel, Police Chief Preston and Director of Finance/Clerk Keaton were present.

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 March 1, 2004 Special Meeting Minutes as presented. All yeas, motion carried.

Motion by Sanders, second by Reel to accept the March 2, 2004 Regular Meeting Minutes as presented. All yeas, motion carried.

Janet Malone, President of the Brookville Chamber of Commerce, requested Council support to hold a Mardi Gras on Saturday, May 22, 2004. Garage sales will be held along Market Street from 9:00 a.m. to 5:00 p.m., food booths and a beer garden will be setup at the corner of Walnut and Market Streets from 6:00 until 11:00 p.m. A Band will be staged on Market Street, near Walnut Street. Market Street will be barricaded between the Spitler House and Booher Insurance and Walnut Street will be barricaded from Main Street to just east of Market Street. Ms. Malone also stated a Farmer's Market will be held every Saturday from 9:00 a.m. to 1:00 p.m. beginning on May 29 and continuing to October 9. The Farmer's Market will be held in the municipal parking lot on Walnut Street and in the old Weaver's Plumbing building on Market Street. The Farmer's Market's will be monitored by various Board Members and the Mardi Gras event will have a minimum of 20 volunteers working in shifts. Discussion followed.

Motion by Garber, second by Hanos to support the Brookville Chamber of Commerce Mardi Gras event to be held on Saturday, May 22, 2004 from 9:00 a.m. to 11:00 p.m. with Market and Walnut Streets to be barricaded for the evening event as presented, and with the Police and Fire Departments to receive details of the event. All yeas, motion carried.

Motion by Ullery, second by Sanders to allow the Brookville Chamber of Commerce to hold a Farmer's Market every Saturday from 9:00 a.m. to 1:00 p.m. in the municipal parking lot on Walnut Street and in the old Weaver's Plumbing building on Market Street beginning on May 29 and continuing to October 9. All yeas, motion carried.

Mike Oxner, with Professional Associates, requested Final Plat approval for Sterling Meadows, Section Seven, consisting of 29 lots.

Motion by Garber, second by Ullery to approve and accept the Final Plat for Sterling Meadows, Section Seven as presented, and as approved by the Brookville Planning Commission and as recommended by City Engineer Tony Schroeder, contingent on the posting of a Performance Surety with the Finance Director that meets the requirement of the Brookville Design Criteria and Subdivision Regulations. All yeas, motion carried.

Garnett Buckley, of 31 March Avenue, commended Council for their control of the last Council meeting. Mrs. Buckley commented when she first moved to Brookville she did not want to see growth, but a city needs some growth in order to survive. Mrs. Buckley stated Council has done a good job with growth in the community and both Council and the Administrative Staff has done a good job with what the City has to work with. Mrs. Buckley commented citizens should show courtesy to Council, the Administrative Staff and speakers during Council meetings.

Christa Novicki, of 40 Urban Lane, stated she did not agree with the proposed Ordinances on skateboarding, rollerblading and in-line skating. Ms. Novicki stated she in-line skates and it is sometimes unsafe to skate on sidewalks due to the conditions of some of the sidewalks, so she skates in the streets. Ms. Novicki commented that in-line skating and rollerblading should be allowed in the streets, especially in cul-de-sacs. Ms. Novicki asked people to be aware when backing out of their driveways for people on roller blades or in-line skates on sidewalks.

Treva Price, of 867 Dorothy Lane, stated she has been in contact with Mr. Baxter in Florida. Ms. Price commented that the Miller-Valentine Group still has a contract on the 20+ acre property behind Golden Gate Estates. Ms. Price commented that various citizens, of the three Homeowners' Association's in Golden Gate Estates, would like to purchase and rezone the property.

Mayor Seagraves commented that he received a telephone call from Dick Bernstein, following the last Council meeting, and Miller-Valentine is listening to the residents concerns.

Manager Wright reported the Albert Road Project is moving along well, and should be completed within two to three weeks, weather permitting.

Manager Wright reported the bus shelter at Brookside Plaza has been installed. The City will be reimbursed 80% of the total cost from an RTA Grant that was approved in 2003. Manager Wright stated the City was recently notified that the RTA Board approved to replace the Brookville Park-N-Ride shelter on Market Street. RTA will reimburse the City 80% of the total cost of the Park-N-Ride shelter.

Manager Wright commented that construction has begun on Arlington Road.

Manager Wright requested authorization to submit a Solid Waste Recycling Grant.

Motion by Duncan, second by Ullery to authorize Manager Wright to apply for a Solid Waste Recycling Grant as requested. All yeas, motion carried.

Manager Wright requested authorization to submit a Public Safety Grant to upgrade the 9-1-1 system in the Communication Department to be able to obtain the caller's wireless phone number and the latitude and longitude of the location of the caller.

Motion by Garber, second by Hanos to authorize Manager Wright to apply for a Public Safety Grant to upgrade the 9-1-1 system in the Communication Department as requested. All yeas, motion carried.

Manager Wright requested authorization to advertise for bids on the Salem Street Reconstruction Project, from Main to Market Streets.

Motion by Garber, second by Sanders to authorize Manager Wright to advertise for bids on the Salem Street Reconstruction Project as requested. All yeas, motion carried.

Manager Wright reported there has been some discussion on renaming Brookville-Pyrmont Road, from Westbrook Road to Johnsville-Brookville Road, to Western Avenue. Manager Wright commented that we need to name the new road, between Brookville-Pyrmont and Johnsville-Brookville Road, soon. Discussion followed. Member Hanos suggested we receive input from the school children and the public, before deciding on a name.

Motion by Duncan, second by Reel to rename Brookville-Pyrmont Road, from Westbrook Road to Johnsville-Brookville Road, to Western Avenue. All yeas, motion carried.

Manager Wright reported he will hold a skateboard meeting on Monday, March 22 at 5:00 p.m. for all users and parents to discuss plans to upgrade the City's SK8 Park.

Manager Wright announced the 4th Annual Community Park Cleanup Day will be held on April 3, 2004 from 9:00 a.m. to noon, with a rain date the following day from 1:00 to 3:00 p.m. at all City parks.

Fire Chief Nickel presented the Fire and EMS runs for January 2004, which total 159.

Fire Chief Nickel presented a copy of several reports that the new EMS reporting computer software can produce.

Fire Chief Nickel reported CERT will hold their final exercise, a mock disaster at the former Carris Reels site, with graduation to follow on March 27, 2004.

Police Chief Preston recognized three police officers of the Brookville Police Department. Part-time Patrolman Frank Graci was recognized for his dedication to the Police Department and the police profession. Patrolman Graci received the award for his work performance and his willingness to help out when needed for staffing purposes. Full-time Patrolman Greg Lightcap was recognized for his performance this past year in the area of evidence collection, which helped solve seven felony cases in 2003. Full-time Patrolman Joe Cox received the "Officer of the Year" award for 2003, due to his day-to-day work ethic in his daily patrols, while presenting a positive attitude toward fellow employees and the public.

Police Chief Preston presented an overview of the Incident List and the Brookville Police Department Time Analysis from March 2 through March 15, 2004. Chief Preston reported there were 391 calls for service in this time period. Chief Preston reported the number of reportable incidents are up 13 reports and total calls handled are up 829 from this same time last year. The average response time is 1.27 minutes.

Law Director Stephan commented there are three Resolutions on the Agenda that pertain to the proposed annexation that was filed on March 4, 2004, containing approximately 68 acres along E. Westbrook Road and adjacent to the Wolf Run subdivision, in Perry Township.

Motion by Duncan, second by Sanders to read proposed Resolution No. 04-05. All yeas, motion carried.

Motion by Duncan, second by Hanos to accept the first reading, dispense with the second and third reading and adopt Resolution No. 04-05 entitled "A RESOLUTION REGARDING MUNICIPAL SERVICES TO BE PROVIDED TO THE AREA CONTAINED IN A PROPOSED ANNEXATION OF 68.552 ACRES, MORE OR LESS, IN 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." Duncan yea, Reel yea, Sanders yea, Garber nay, Hanos yea, Ullery yea and Seagraves yea. Motion carried with six yeas and one nay.

Motion by Sanders, second by Duncan to read proposed Resolution No. 04-06. All yeas, motion carried.

Motion by Duncan, second by Sanders to accept the first reading, dispense with the second and third reading and adopt Resolution No. 04-06 entitled "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 68.552 ACRES, MORE OR LESS, FROM PERRY TOWNSHIP, TO THE CITY OF BROOKVILLE, OHIO IS APPROVED, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Sanders, second by Reel to read proposed Resolution No. 04-07. All yeas, motion carried.

Motion by Duncan, second by Sanders to accept the first reading, dispense with the second and third reading and adopt Resolution No. 04-07 entitled "A RESOLUTION CONSENTING TO THE PROPOSED ANNEXATION OF 68.552 ACRES, MORE OR LESS, FROM PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY." Sanders yea, Duncan yea, Reel yea, Ullery yea, Hanos yea, Garber nay and Seagraves yea. Motion carried with six yeas and one nay.

Law Director Stephan requested an Executive Session on a Real Estate Matter.

Member Garber inquired on what is deemed acceptable for displaying adult reading material in retail stores?

Law Director Stephan commented this is a gray area of the law, but he will review the statute.

Member Garber commented that he has seen a lot of children playing with portable basketball goals in the streets. Manager Wright stated he saw quite a few of the basketball goals in the streets when they plowed snow recently.

Law Director Stephan commented that if a basketball goal is in the street and it causes problems, we could move it.

Finance Director/Clerk Keaton reported she recently spoke with a Dayton Daily News representative regarding the throwing of ad packs in Brookville. Ad packs, delivered on rural carrier routes, are to be placed beneath the mailbox, city carrier routes are to be delivered on the porch near the front door. The representative will speak with the ad pack carriers, and if the problem persists, Clerk Keaton is to contact the representative again.

Finance Director/Clerk Keaton reported the City recently received income tax checks totaling \$43,000 from the City of Dayton, for accounts they were asked to research.

Finance Director/Clerk Keaton reported she received a hearing request from the Ohio Division of Liquor Control for Amvets Constitutional Post 1789, 715 N. Market Street, for a D-4 liquor permit.

Motion by Garber, second by Ullery to not request a hearing for Amvets Constitutional Post 1789, 715 N. Market Street, application for a D-4 private club permit with the Ohio Division of Liquor Control. All yeas, motion carried.

Finance Director/Clerk Keaton reported representatives from the Vandalia Income Tax Department will assist residents in completing their city income tax returns, at no charge, on Saturday, March 27 from 8:00 a.m. to 1:00 p.m. and again on Friday, April 2 from 8:00 a.m. to 4:30 p.m. at the City Building.

Finance Director/Clerk Keaton reported the spring-edition of the City Newsletter will be mailed out later this week.

Mayor Seagraves reported City Council and the Brookville School Board recently held a work session to update each other on various projects. Mayor Seagraves commented there is an excellent working relationship among both Boards.

Mayor Seagraves thanked the Brookville Chamber of Commerce for their hard work in chairing the Business Expo.

Motion by Duncan, second by Sanders to read proposed Ordinance No. 2004-01. All yeas, motion carried.

Motion by Duncan, second by Reel to accept the second reading of proposed Ordinance No. 2004-01. Discussion followed; the vote was not taken.

Motion by Hanos, second by Reel to withdraw the motion to accept the second reading of proposed Ordinance No. 2004-01. Garber yea, Hanos yea, Ullery nay, Reel yea, Duncan yea, Sanders yea and Seagraves yea. Motion carried with six yeas and one nay.

Motion by Reel, second by Duncan to amend proposed Ordinance No. 2004-01 to restrict skateboarding on any street, except when crossing a street on a crosswalk and to allow rollerblading and in-line skating on any street as long as they obey the traffic rules currently in place in Chapter 377 of the Code of Ordinances of the City of Brookville. All yeas, motion carried.

Motion by Duncan, second by Sanders to amend proposed Ordinance No. 2004-02 to prohibit rollerblading and in-line skating, along with skateboarding, on certain public rights of way in the City of Brookville. All yeas, motion carried.

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

Motion by Duncan, second by Reel to accept the first reading, dispense with the second and third reading and adopt Resolution No. 04-04 entitled "A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING, REPLACING OR REPAIRING CERTAIN SIDEWALKS, CURBS AND GUTTERS IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

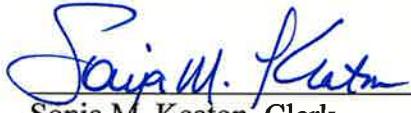
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Manager Wright commented the 2003 Annual Report will be presented at the next Council meeting.

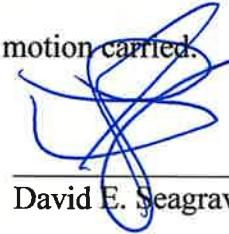
Motion by Duncan, second by Garber to go into Executive Session on a Real Estate Matter as requested by Law Director Stephan. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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



Sonja M. Keaton, Clerk



David E. Seagraves, Mayor