

BROOKVILLE CITY COUNCIL
REGULAR MEETING
October 5, 2004

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on October 5, 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 with an addition. All yeas, motion carried.

Motion by Sanders, second by Duncan to accept the September 21, 2004 Regular Meeting Minutes as presented. All yeas, motion carried.

Terry Dunigan, 275 Foothill Drive, stated he was present tonight to see if any progress had been made on the property maintenance issues that he presented at the last Council meeting. Assistant Manager Sewert stated six letters were sent in September and three so far in October for the Terrace Park plat. Manager Wright stated forty-one property maintenance notices have been mailed out so far this year, with 17% of those notices belonging to property owners of the Terrace Park plat. Mr. Dunigan commented that a junk truck is still sitting behind a house, near his and there are several homes that have siding coming off. Manager Wright stated there is a process in mailing out these type of notices; it does take awhile. If anyone is aware of property maintenance issues, they need to contact the city office with specific addresses. We are not able to see everything, especially junk vehicles sitting behind homes. We are unable to enter properties.

Member Garber asked if Police presence increased in this area since the last Council meeting? Police Chief Preston commented the Terrace Park plat is patrolled every day on all three shifts.

Manager Wright announced there will be a Public Meeting on October 18, 2004 for the property owners along the Brookville-Pyrmont Road Reconstruction Project from 5:00 to 7:00 p.m. in the Council Chambers. Information will be provided to those property owners during that meeting.

Manager Wright reported leaf collection will commence this week. Leaves will be picked up daily, beginning at one end of the city and working completely through all of the streets before starting the route over.

Manager Wright reported the demolition of Doc's Pub is complete. The area will be free of demolition debris before the Fire Prevention Parade.

Manager Wright reported he has been in negotiations with the Montgomery County Sheriff's Office on leasing space on the radio tower at the rear of the City Building, which will allow the County to expand their 800-megahertz system in this area of the county. This lease agreement will take the remainder of the allowed space on the radio tower.

Manager Wright reported Council should have a copy of a proposed Resolution and a letter addressed to the Perry Township Trustees which states that Council is in opposition to the proposed 1.5 mill tax levy on the November ballot. Manager Wright requested Council approval to forward the letter onto the Perry Township Trustees.

Motion by Garber, second by Ullery to submit the signed letter to the Perry Township Trustees, which reads that Brookville City Council is in opposition to the proposed 1.5 mill tax levy of Perry Township. All yeas, motion carried.

Motion by Duncan, second by Garber to read proposed Resolution No. 04-20. 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. 04-20 entitled "A RESOLUTION IN OPPOSITION TO THE PROPOSED 1.5 MILL TAX LEVY OF PERRY TOWNSHIP, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Member Ullery asked if the property owner, next to Doc's Pub, will finish the outside wall once everything is cleaned up? Assistant Manager Sewert commented he spoke with the property owner, and the property owner will be painting and siding his building soon.

Member Duncan asked Manager Wright where the City is with the formation of the Income Tax Collection Agency? Manager Wright commented there is nothing new to report at this time.

Fire Chief Nickel reminded everyone about the Fire Prevention Parade and activities for Saturday.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from September 21 - October 4, 2004. Police Chief Preston reported there were 316 calls for service in this time period. The number of reportable incidents are down 28 reports, or 4.5% and the total calls handled are up 1,582 calls or 29% from this same time last year. The average response time was 1.50 minutes.

Police Chief Preston reported the equipment for the wireless 9-1-1 upgrade has been installed.

Mayor Seagraves recessed the Regular Meeting of Council at 8:01 p.m. for the Public Hearing, which is a combined meeting with Council and Planning Commission, on proposed Ordinance No. 2004-11, which amends Sections 1121.03(c)(2), 1123.03(c)(2), 1125.03(c)(2) and 1127.03(c)(2) of the Code of Ordinances of the City of Brookville, Ohio regulating minimum floor areas for certain residential districts.

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

Clerk Keaton advised a Legal Notice was published in the September 22 and 29-editions of the Brookville Star advising of the Public Hearing and letters were mailed out to numerous developers. The City Office received one response from a developer, and his comments were favorable. Clerk Keaton stated there has been much discussion over the last year on amending the minimum floor area by Council and Planning Commission. Survey data has been provided to Planning Commission over the last year from numerous communities. At the August 19, 2004 Planning Commission meeting, discussion continued on amending the minimum square footage for the remaining residential zoning districts, especially since the minimum square footage was recently amended and adopted for the R-3, Multi-Family zoning district. A motion was made by Claggett and seconded by Williamson to recommend to Council to amend Section 1121.03(c)(2) of the R-1A zoning district to a minimum floor area of 1,800 square feet, to amend Section 1123.03(c)(2) of the R-1B zoning district to a minimum floor area of 1,600 square feet, to amend Section 1125.03(c)(2) of the R-1C zoning district to a minimum floor area of 1,400 square feet, and to amend Section 1127.03(c)(2) of the R-2 zoning district to a minimum floor area of 1,300 square feet, effective upon all subdivision sections obtaining final plat approval after passage of the Ordinance. All yeas, motion carried.

Clerk Keaton administered the Oath of Witness to Mike Watkins of 911 N. Johnsville Road.

Mr. Watkins asked if the proposed zoning change excluded basements and garages, or is it living area only? Law Director Stephan stated it would be the living area in the home itself. Mr. Watkins asked if that would include a finished basement? Assistant Manager Sewert stated a finished basement is currently calculated in the total floor area. Discussion continued between Mr. Watkins and Council Members if finished basements should be included in the calculation of total floor area. Member Duncan stated that would be an awful small home if we included a finished basement in the floor area; it should only include the main living area of the first and second floors. Mr. Watkins commented that we may want to address this issue now, to exclude basements and garages, while we are amending the minimum floor area now. Law Director read the two definitions of floor area, gross and net. Law Director Stephan stated right now, it may be an open issue of whether we are including basements or not. The consensus of Council is to address the floor area definition now to clarify the proposed Ordinance. Law Director Stephan commented it was his understanding of the way it had been done in the past that we were looking at the minimum floor area of the first and second floors, and it did not include basements and garages. Law Director Stephan stated we need to address the definition section and refer to the definition section within the proposed Ordinance.

Mr. Watkins asked if his 90-lot layout in the Sterling Meadows Subdivision, which already received preliminary plat approval, would fall under the new Ordinance, or would it be grand fathered under the old Ordinance? Law Director Stephan stated the way the Ordinance is drafted, the new rules are intended to apply to any lot that is platted through the final subdivision process after these rules are adopted. Law Director Stephan stated he thought Mr. Watkins question is, Mr. Watkins has a preliminary plat concept, which has been previously approved, are these rules going to be grand fathered into those sections in the preliminary plat? Law Director Stephan stated his answer, the way the Ordinance is drafted, is no. The new rules would apply to lots platted through the final subdivision process after the adoption of this ordinance even though a preliminary plat was previously approved.

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

Police Chief Preston continued his report.

Police Chief Preston reported he recently received a flyer about a proposed band concert scheduled at Golden Gate Park on Saturday, October 23. The concert is scheduled to have eight bands, and a local radio station that will be promoting and broadcasting at the event. Chief Preston expressed concerns with the probable turnout this event may see, especially since there is a Brookville High School Band Fest scheduled at the football stadium and a sectional volleyball tournament scheduled at the high school at same time. Fire Chief Nickel also expressed concern with providing coverage since all three events would be going on at the same time. Manager Wright stated Park Board gave approval for the band concert to be held at Golden Gate Park. When the group of young men requested approval, only several bands were to play and the proceeds (donation only) would go to the American Cancer Society. Manager Wright recommended that we allow the group to continue the band concert since Park Board has granted permission. The group did not request assistance from the Police and Fire Departments. Member Ullery asked where are we going to park everyone, should they have a large turnout of people? Manager Wright commented they could only use the allowed parking spaces within Golden Gate Park. Discussion continued. Manager Wright commented that the next Park Board meeting is scheduled for October 12. He will contact the organizers of the band concert and request their attendance at that meeting to bring everyone up to date on the proposed event. Council is invited to attend. Manager Wright will then ask a representative of Park Board to attend the next Council meeting, to update Council on the event.

Member Garber asked if we should have a formal contract in place for events within our parks? Law Director Stephan commented that it would be a good idea to have a contract or permit, one for larger and one for smaller events. It would be helpful to have such a contract should anything get out of control for any event.

Police Chief Preston stated, if things get out of control during this band concert, he will shut it down.

Law Director Stephan had no report.

Member Sanders asked Law Director Stephan if he could prepare a presentation on the advantages and disadvantages of seceding from the townships. Law Director Stephan commented that he would prepare this for the next Council meeting. Basically Council would have to pass an Ordinance, with a map attached, that states we would be withdrawing from the townships. The County Commissioners would have to grant the request, now that we are a city. Law Director Stephan commented that most cities do withdraw from the township, but reminded Council that there are fire levy issues that need to be addressed.

Finance Director/Clerk Keaton presented the September 30, 2004 Fund Balance for review and approval.

Motion by Duncan, second by Reel to approve the September 30, 2004 Fund Balance as presented with transfers as appropriated. All yeas, motion carried.

Mayor Seagraves stated it is time once again to meet with our local school board, to keep each other abreast. Mayor Seagraves will check with Superintendent Tim Hopkins on a date.


Motion by Sanders, second by Duncan to read proposed Ordinance No. 2004-14. 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. 2004-14 entitled "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION, REPAIR AND REPLACEMENT OF SIDEWALKS, CURBS AND GUTTERS IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

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



Sonja M. Keaton, Clerk



David Seagraves, Mayor