

BROOKVILLE CITY COUNCIL
REGULAR MEETING
October 19, 2004

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on October 19, 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 Ullery to accept the October 5, 2004 Regular Meeting Minutes as presented. All yeas, motion carried.

Leon Williamson, 130 Cherry Street, thanked the Brookville Soccer Association for their efforts in cleaning Westbrook Park after their soccer events. Mr. Williamson commented he lives near Westbrook Park, and he has never had to pickup trash in his yard.

Manager Wright requested authorization and approval for a Change Order on the Arlington Road Reconstruction Project.

Motion by Ullery, second by Sanders to authorize and approve Change Order #1 on the Arlington Road Reconstruction Project, decreasing the amount by \$17,366.75 for various additions and deductions for concrete, paving fabric and aggregate base, which changes the contract price from \$653,000.00 to \$635,633.25 as recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported the Brookville-Pyrmont Road Reconstruction Project Public Meeting was held on Monday, and it was well attended. The majority of the property owners present expressed no concerns for the possible name change of the roadway and there were no major complaints about the project in general. Manager Wright stated the project will go out to bid in January or February, with construction to begin in March or April, weather permitting. Utility work will begin in November of this year.

Mayor Seagraves commented he likes the simplified approach the Administrative Staff is using for Public Meetings on projects. The property owners in attendance were appreciative and understood the aspects of the project.

Member Ullery asked if Blue Pride Drive will be constructed along with the Brookville-Pyrmont Road Reconstruction Project, and if Blue Pride Drive would have street lights? Manager Wright stated Blue Pride Drive will be constructed at the same time. There will be no street lights per our traffic engineer, but the City will monitor the situation.

Manager Wright reported the Clay Township Fire Levy Committee recently met with the Clay Township Trustees. Member Ullery commented both sides have mutually agreed on a percentage increase to Brookville, but a final decision is still pending. Member Duncan stated the negotiations have brought Brookville closer to where we should be in receiving additional revenue from the fire levy.

Manager Wright reported the 2004 Brookville Optimist Pumpkin Walk will be held on Saturday, November 6 beginning at 6:30 p.m. The walk will start along the bikeway near Golden Gate Park. Everyone is invited to attend.

Manager Wright congratulated Fire Chief Nickel and the Brookville Fire Department on an excellent and well attended Fire Prevention Parade.

Manager Wright reminded Council of all the events that will be taking place around the City this Saturday.

Fire Chief Nickel reported the Fire Prevention Parade was a big success. Fire Chief Nickel thanked Council, Administration, City Employees and Bob and Sally Batz for their participation with the parade and especially the community for the exceptional turnout.

Fire Chief Nickel reported he is currently investigating three arson fires.

Fire Chief Nickel reported the drawings for the new ambulance will be available in January. Once the drawings are approved, it will take one to two months to build the ambulance.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from October 5 - October 18, 2004. Police Chief Preston reported there were 342 calls for service in this time period. The number of reportable incidents are down 32 reports, or 4.9% and the total calls handled are up 1,625 calls or 28% from this same time last year. The average response time was 1.83 minutes.

Police Chief Preston reported Neighborhood Watch programs have begun in the Sterling Meadows and Arlington Woods subdivisions. Other neighborhoods have also expressed an interest in starting this program.

Police Chief Preston reported he attended the October Park Board meeting and he has met with the two individuals who are conducting the band fest this Saturday at Golden Gate Park. Police Chief Preston stated everything should come together for this event.

Law Director Stephan reported he is still working on the pros and cons of withdrawing from the townships, and he should have a presentation at the next Council meeting.

Law Director Stephan reported there are three local options on the November ballot for Brookville residents. The first option involves the residents of Precinct A, and a yes vote would allow Lamplighter, Sunday beer sales. Option two involves the residents of Precinct E, and a yes vote would authorize McMaken's to operate a liquor agency store for the state of Ohio. The third option involves the residents of Precinct E, and a yes vote allows for the sale of beer, wine and mixed beverages by the package for off-premises consumption only, for a portion of the E Precinct in which the status of the sale of beer, wine and mixed beverages as allowed or prohibited is inconsistent with the status of such sale in the remainder of the Brookville Precinct E.

Finance Director/Clerk Keaton reported the Ohio Public Employment Retirement System approved a plan designed to preserve health care options for OPERS members. An important component of the health care plan will be a phased-in increase in contribution rates. Beginning in January 2006, the employer and employee increases will be spread over a three-year period.

Finance Director/Clerk Keaton reported the City had received notice from the Ohio Division of Liquor Control that Brookville Express Inc. had filed an Application for transfer of their C1 and C2 permits to RAQBA, Inc., at the same address of 237 Market Street.

Motion by Ullery, second by Duncan to waive the right to object to the transfer of the C1 and C2 liquor permit from Brookville Express Inc. to RAQBA, Inc., located at 237 Market Street. All yeas, motion carried.

Finance Director/Clerk Keaton requested authorization for the City to pay the registration fee for those interested in attending the 18th Annual Miami Valley Planning & Zoning Workshop.

Motion by Duncan, second by Sanders to authorize the City to pay the registration fee for those members of Planning Commission, BZA and Council who are interested in attending the 18th Annual Miami Valley Planning & Zoning Workshop scheduled for Friday, December 3, 2004 at Sinclair Community College, along with the Administrative Staff and Law Director Stephan. All yeas, motion carried.

Finance Director/Clerk Keaton requested authorization to adopt proposed Resolution No. 04-21. The adoption of proposed Resolution No. 04-21 is a formal approval of the rates and yields for the inside millage for the City. This authorization is required by the County Auditor in order to collect the City's real and personal property tax.

Motion by Ullery, second by Duncan to read proposed Resolution No. 04-21. 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. 04-21 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.

Mayor Seagraves commented he was upset to read the Letter to the Editor in the Brookville Star from the Perry Township Trustees. Mayor Seagraves requested Council Members to speak up tonight, as it is too late to respond to the letter in the Brookville Star, due to the closeness of the election. Mayor Seagraves stated some of the items in the letter are false and misleading. Mayor Seagraves commented the Perry Township Police do assist the Brookville Police Department at times, and we also assist them when needed, this is considered mutual aid. The comment on providing security assistance at football games, is not a city issue, it is contracted through Brookville Schools. Mayor Seagraves commented the City does not approach property owners for annexation, property owners approach the City. Mayor Seagraves stated he does not approve Perry Township's approach to this levy issue. Member Duncan stated the levy affects some of the citizens of the City of Brookville, and Perry Township Trustees did not address that in their letter; they did not tell the whole story. Member Ullery commented if the levy is approved, our citizens will be taxed and they will receive no benefits from the levy. Member Ullery stated he still stands behind Council's previous comments.

Mayor Seagraves recessed the Regular Meeting of Council at 8:03 p.m. for the Public Hearing, which is a combined meeting with Council and Planning Commission, on proposed Ordinance No. 2004-13, which approves and adopts the 2004 Comprehensive Land Plan Update of the City of Brookville, Ohio.

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

Clerk Keaton announced a Legal Notice was published in the October 6 and 13 editions of the Brookville Star advising of the Public Hearing. The City Office did not receive any telephone calls nor did anyone come into the Municipal Office to review the proposed Ordinance. Clerk Keaton turned the Public Hearing over to Assistant Manager Sewert. Assistant Manager Sewert reported the Comprehensive Land Plan Committee has been working on updating the Plan since January 2003. Assistant Manager Sewert thanked Ken LeBlanc, of the Miami Valley Regional Planning Commission, who assisted the committee with this update.

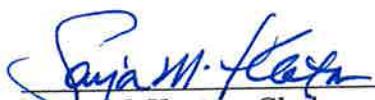
Mr. LeBlanc reported Brookville adopted their first Comprehensive Land Plan in 1970 with an update in 1986. The City began their most recent update in 2003. Mr. LeBlanc presented a draft of the Comprehensive Land Plan update. Mr. LeBlanc commented a survey was sent out this last year, and the results indicated most of the people are very satisfied with the community. Mr. LeBlanc reported an Open House, a Walkable Community Workshop and a presentation to Planning Commission were held throughout the year. The Plan outlines a number of land use concepts. Mr. LeBlanc commented the Brookville Comprehensive Land Plan coordinated with the Clay and Perry Township's Land Use Plan. The Plan is a guide and establishes priorities for the community. It also guides zoning and subdivision decisions, along with providing a framework for capital improvements.

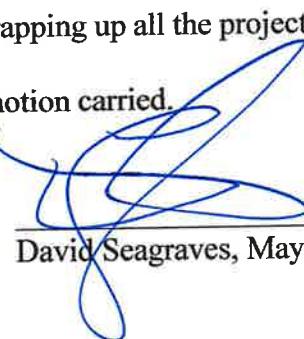
Assistant Manager Sewert thanked Ken LeBlanc and the Comprehensive Land Plan committee for their participation and efforts in updating the Plan.

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

Mayor Seagraves thanked Manager Wright and crew for wrapping up all the projects this year.

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


Sonja M. Keaton, Clerk


David Seagraves, Mayor