

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
September 7, 2004

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:33 p.m. on September 7, 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 August 17, 2004 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves administered the Oath of Office to Police Officer Albert Ross.

Darrell Reel reported the Arlington Woods Homeowner's Association is requesting approval to block off Randy Sue Court for a Homeowner's Association picnic.

Motion by Reel, second by Garber to allow the Arlington Woods Homeowner's Association to block off Randy Sue Court at Shaney Lane for a Homeowner's Association picnic to be held on October 2, 2004 from 5:30 to 10:30 p.m. All yeas, motion carried.

Manager Wright reported bids were recently opened for the "2004 Asphalt Resurfacing and Pavement Removal Project" and recommended that Council accept the lowest and best bid from Butler Asphalt Company, Inc.

Motion by Garber, second by Ullery to accept the low bid of \$34.80 per ton for asphalt overlay, and \$1.23 per square yard for pavement removal, Contractor keeps materials from Butler Asphalt Company, Inc. for the "2004 Asphalt Resurfacing and Pavement Removal Project" as recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported Council should have a copy of a letter from the Freedom to Decide committee, which invites Council members to attend Freedom Fest 2004 on September 22, 2004 at Golden Gate Park. Freedom Fest 2004 is organized by Freedom to Decide for the sole purpose of encouraging young nonpartisan Christian adults to register to vote and to educate them on the Candidates that will lead our nation into the future. The festival will focus on registering voters and highlighting Christian values. The program begins at 6:00 p.m. Manager Wright stated the City is providing Golden Gate Park for the rally. Member Reel commented the City should be reimbursed for any expenses the City may incur. Manager Wright stated any expenses that the City may see from this rally, will be invoiced.

Manager Wright reported he recently attended a Clay Township Zoning meeting, in which a residential development, containing 123 homes, received approval. The development is located along Lewisburg-Salem Road, near Diamond Mill Road. The project still needs to obtain approval from the Clay Township Trustees. The proposed development is within the Brookville Fire District and the Northmont School district.

Manager Wright reported the Administrative Staff is reviewing the probability of increasing utility rates for 2005. Manager Wright stated the City also received word that the City of Dayton will be increasing their water rates effective January 2005. Utility, or Enterprise Funds, should be self-supporting. In the past few years, transfers have been made out of the General Fund to supplement the Water, Sewer and Refuse Funds. The General Fund carry-over has declined in the past two years, due to the economy and low interest rates, and we need to look at ways to reverse this trend. Manager Wright suggested that we look at minimal increases over several years, versus a large increase at once. The consensus of Council is to have the Administrative Staff continue to work on rate increase proposals and find out what Dayton's water rate increase will be, then bring back to Council for discussion and possible action.

Manager Wright reported the Arlington Road Project is near completion. The traffic signals at both intersections have been installed and paving of the roadway will take place later this week.

Member Duncan asked Law Director Stephan if the Perry Township General Fund levy, would be before the residents that live within Perry Township in the City of Brookville limits at the November election? Law Director Stephan indicated he did not know, but we could find out.

Gary Horstman, of 11465 Upper Lewisburg-Salem Road, suggested the City look into creating a right-turn only out of E. Parkview Drive onto Arlington Road, due to the difficulty of turning left. Manager Wright stated Richard Oaks, Traffic Engineer for the City, will review the situation.

Chief Nickel reported Saturday, September 11, 2004 is Patriot's Day, and the Brookville Fire Department will have a memorial service to remember those who gave their lives in the 2001 terrorist attacks on The World Trade Center and the Pentagon. The service will be held at Station 76 beginning at 10:00 a.m. and is open to the public. Chief Nickel requested that Main Street, between Mulberry and Walnut Streets be blocked off for this event.

Motion by Garber, second by Ullery to authorize the Brookville Fire Department to block off Main Street, between Mulberry and Walnut Street on Saturday, September 11, 2004 from 9:30 a.m. to 10:45 a.m. All yeas, motion carried.

Fire Chief Nickel reported CERT will be conducting their third training session, which will begin this month.

Fire Chief Nickel reported the Department of Homeland Security/FEMA is requesting assistance with hurricane recovery efforts in Florida. FEMA is requesting to tap our State and local Citizens Corps Councils, to find volunteers who could serve. The commitment will be for a two-week field assignment. The assignment is temporary and is a paid assignment by the Federal Government.

Fire Chief Nickel presented the year-to-date Monthly Activity report for 2004. Through August, Fire and EMS runs have totaled 993.

Police Chief Preston presented an overview of the Incident List and the Brookville Police Department Time Analysis from August 17, through September 6, 2004. Chief Preston reported there were 520 calls for service in this time period. Chief Preston reported the number of reportable incidents are down 31 reports or 5% and total calls handled are up 1,450 or 29% from this same time last year. The average response time was 1.68 minutes.

Chief Preston reported the Public Safety Foundation of America recently approved a grant, in the amount of \$8,496, for the upgrade of our 9-1-1 wireless system for the Brookville Communication Department.

Chief Preston reported a robbery took place recently in the McMaken's parking lot. The Brookville Police Department has obtained warrants for three individuals involved in the robbery. To date, two of the individuals have been arrested.

Chief Preston reminded Council of the Brookville Police Department Fishing Derby scheduled for Saturday, September 11 from 8:00 to 11:00 a.m.

Manager Wright commended the Brookville Police Department for their excellent efforts toward solving the recent robbery that took place in McMaken's parking lot.

Law Director Stephan reported proposed Ordinance No. 2004-12, is requesting that Council vacate a portion of Upper Lewisburg-Salem Road. Council previously approved the Brookwoode Subdivision, and as part of that request, the developer requested that the City vacate the right of way along the southern side of Upper Lewisburg-Salem Road. Brookville National Bank, the new property owner adjacent to this right of way, desires to use this right of way area as a storm detention area for the proposed Brookwoode Subdivision. Law Director Stephan commented that Council also needs to authorize Manager Wright to transfer by deed a small tract of land at the corner of Upper Lewisburg-Salem and Arlington Roads.

Motion by Ullery, second by Duncan to read proposed Ordinance No. 2004-12. All yeas, motion carried.

Motion by Duncan, second by Ullery to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2004-12 entitled "AN ORDINANCE VACATING A PORTION OF UPPER LEWISBURG-SALEM ROAD IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Duncan, second by Garber to authorize the City Manager to transfer by deed a 0.136 acre tract at the corner of Upper Lewisburg-Salem Road and Arlington Road to R.F.K. & K. Group LLC, and to execute any and all documents necessary to complete this transfer. All yeas, motion carried.

Finance Director/Clerk Keaton presented the August 31, 2004 Fund Balance for review and approval.

Motion by Reel, second by Duncan to approve the August 31, 2004 Fund Balance as presented. All yeas, motion carried.

Mayor Seagraves thanked Vice Mayor Ullery for running the last Council meeting in his absence.

In Old Business, Member Duncan requested an Executive Session to discuss Contract Negotiation on the Clay Township Fire Levy.

Chairperson Watkins, of the Brookville Planning Commission, read the Planning Commissions's recommendation that Council accept and adopt proposed Ordinance No. 2004-07, which provides the territory recently annexed to the City of Brookville consisting of 65.552 acres, being Lots 2313 and 2314 of the revised consecutive number of lots of the City of Brookville to the zoning classification of "R-1A" Suburban Residential. All yeas, motion carried.

Motion by Sanders, second by Duncan to read proposed Ordinance No. 2004-07. All yeas, motion carried.

Motion by Duncan, second by Sanders to accept the second reading of proposed Ordinance No. 2004-07. All yeas, motion carried.

Motion by Duncan, second by Garber to read proposed Ordinance No. 2004-09. All yeas, motion carried.

Motion by Duncan, second by Ullery to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2004-09 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 Sanders, second by Reel to read proposed Ordinance No. 2004-10. 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. 2004-10 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." Reel, yea, Duncan yea, Sanders yea, Ullery yea, Hanos yea, Garber yea and Seagraves abstained. Motion carried with six yeas and one abstention.

Motion by Duncan, second by Garber to read proposed Ordinance No. 2004-11. All yeas, motion carried.

Motion by Sanders, second by Duncan to accept the first reading of proposed Ordinance No. 2004-11. All yeas, motion carried.

Mayor Seagraves set a Public Hearing for proposed Ordinance No. 2004-11 on October 5, 2004 at 8:00 p.m.

Member Duncan inquired if Planning Commission is looking at implementing restrictions on look-a-like homes within subdivisions. Member Williamson, of the Planning Commission, asked how they should phrase and enforce such an Ordinance?

Member Ullery stated he is not in favor of implementing this type of restriction.

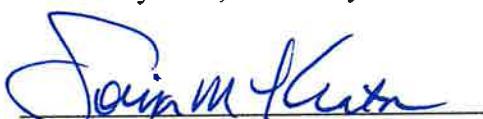
Member Sanders agreed with Member Duncan. Member Sanders commented subdivisions should be appealing; he does not care for subdivisions that have similar looking homes.

Member Hanos asked how we could enforce such an Ordinance, and how do you prevent people from wanting to build a particular home that is similar to their neighbors?

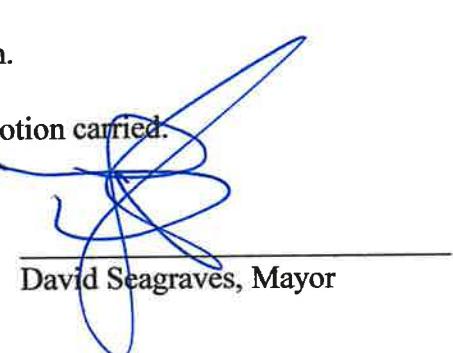
Motion by Duncan, second by Garber to go into Executive Session on Contract Negotiations as requested by Member Duncan. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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



Sonja M. Keaton, Clerk



David Seagraves, Mayor