

BROOKVILLE CITY COUNCIL
REGULAR MEETING
September 21, 2004

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on September 21, 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, and Director of Finance/Clerk Keaton were present. Police Chief Preston was absent.

Motion by Duncan, second by Sanders to accept the Agenda with an addition. All yeas, motion carried.

Motion by Sanders, second by Reel to accept the September 7, 2004 Regular Meeting Minutes as presented. All yeas, motion carried.

Jessica Malone, representing Brookville High School, requested permission to hold the annual Homecoming Parade on September 30, 2004.

Motion by Duncan, second by Sanders to authorize the Brookville High School Homecoming Parade to be held on September 30, 2004 with the line-up to start at 5:30 p.m. and parade to start at 6:30 p.m. The parade will start on Cusick Avenue and proceed left onto Albert Road, left onto Salem Street, left onto Market Street, left onto Wolf Creek Street, right onto Westbrook Road and left onto June Place. All yeas, motion carried.

Gary Horstman, 11465 Upper Lewisburg Salem Road, congratulated City Council, Manager Wright and Assistant Manager Sewert for a job well done on the Arlington Road Project.

Terry Dunigan, 275 Foothill Drive, commented that he is upset with the way the Terrace Park subdivision is deteriorating. Mr. Dunigan stated there are numerous homes that have junk pickup trucks sitting in their back yards, and siding is coming off quite a few homes. Mr. Dunigan stated he has sent numerous pictures into the City office, and he would like to see action taken. Mr. Dunigan also stated he does not feel there is enough police presence in the Terrace Park area. Manager Wright stated he will speak with Chief Preston on the police presence issue, and the Zoning Officer on the property maintenance matter.

Manager Wright reported the Arlington Road Project is completed, except for a few minor details and the 2004 Street Resurfacing Project is completed.

Manager Wright commented that Chief Preston was not present this evening due to range training, but he wanted to report that the Cops and Kids Fishing Derby was a great success, and congratulated Chief Preston and the Police Department on a job well done.

Mayor Seagraves and Council expressed their congratulations to the Brookville Police Department for an exceptional Fishing Derby that was recently held.

Member Reel inquired if the street addresses could be placed on the Incident Logs? Manager Wright stated that he will check with Chief Preston to see if that is possible.

Manager Wright reported he recently received word and documentation that Perry Township has placed a proposed tax levy on the November ballot for the entire Perry Township taxing district, which includes portions of the Brookville city limits and a portion of the New Lebanon village limits for current operating expenses. Manager Wright commented he spoke with a Perry Township trustee, and the township trustee indicated the trustees received information which stated they had to include the incorporated areas of Perry Township along with the unincorporated area.

Law Director Stephan commented the City has never withdrawn from the Townships; in essence the citizens are still a part of the township.

Mayor Seagraves commented that this is no way to present a tax levy. They are our neighbors. Perry Township should have contacted Brookville before placing the levy on the ballot. Mayor Seagraves stated it is Council's responsibility to educate the citizens of this community, either by a letter in the Brookville Star, or by word-of-mouth.

Member Ullery inquired if Council could make a statement that they are not in favor of this levy because our citizens will not benefit from this levy? Member Ullery also asked if the levy could be withdrawn from the ballot at this time?

Law Director Stephan stated Council can voice their opinion, but not at the taxpayer's expense. Law Director Stephan commented the City could request, from the Montgomery County Commissioner's, to withdraw from the Township. The Commissioner's would have to grant the request, since Brookville is a city. Law Director Stephan stated it may not be a good idea to rush into this withdrawal process, due to the existing fire levy in place.

Member Duncan asked if a Resolution could be prepared to express Council's opposition to the levy proposal, especially for the citizens in the incorporated area of Perry Township?

Law Director Stephan stated Council could pass a resolution or direct the Manager to write a letter to the Perry Township Trustees.

Motion by Duncan, second by Ullery to prepare a resolution and direct Manager Wright to write a letter to the Perry Township Trustees that states Council's opposition to the proposed Perry Township operating levy, which includes the incorporated area of Perry Township, especially since Council was not made aware of the situation prior to placing it on the ballot. All yeas, motion carried.

Gary Horstman commented that as a township resident, he supports Council's position.

Mayor Seagraves swore in Michael Hensley, Jr. as Captain of Station 77.

Fire Chief Nickel thanked Council and Manager Wright for allowing the Fire Department to hold their 9-11 celebration at Station 76. It was a great success with a large turnout.

Mayor Seagraves thanked Fire Chief Nickel and the Brookville Fire Department for a moving memorial.

Fire Chief Nickel reported the Miami Valley Fire/EMS Alliance is giving a presentation on October 27, 2004 on "Unified Command" and what it means in practice. The presentation will address two important issues using Arlington, Virginia Fire Department's response to the Pentagon on September 11, 2001 as a basis for discussion. All Council Members are invited to attend.

Fire Chief Nickel reported five of our Brookville CERT members were deployed to Atlanta to assist with hurricane recovery efforts. This is the first time, in federal history, that persons other than federal employees, have assisted with hurricane recovery efforts.

Fire Chief Nickel reported the third CERT training class will begin soon with more than 25 students.

Law Director Stephan had no report.

Member Duncan commented that in reading the Planning Commission minutes, he was in agreement with the two nay voters, on allowing a Special Use Permit for the proposed model home project behind Gas America. Member Duncan stated this is not his idea of retail use in the Highway Service zoning district. Member Duncan asked Law Director Stephan if we would see any revenue from the model home site that was approved at Planning Commission?

Law Director Stephan commented that he and Finance Director/Clerk Keaton are reviewing the situation. Law Director Stephan stated there was much debate on this issue at Planning Commission. Law Director Stephan pointed out that when Planning Commission approves a Special Use, it is not necessarily setting a precedent. Each site and a Special Use would be looked at individually.

Discussion continued among Council members. Mayor Seagraves commented the area for the proposed project is a little more than $\frac{1}{2}$ -acre, behind Gas America, in a detention area!

Dottie Watkins, Chairperson of the Planning Commission, commented that T. K. Constructors is not a developer. Chairperson Watkins stated when you go to their model homes, you already have your lot purchased somewhere. You are only purchasing the home and they will build the home on your lot. Chairperson Watkins commented that by allowing this project to move forward, this may start up development in this area of Brookville.

Planning Commission Member Williamson stated there is more than 100 acres in the Highway Service zoning district in that particular area. The project only wants $\frac{1}{2}$ -acre; why are we complaining about this small use?

Member Sanders stated he does not feel this project fits the term retail use in Highway Service. It could be taking away from a prime location for something bigger that may come along. Revenue should be generated from whatever we allow in this industrial area.

Manager Wright stated his comments at the Planning Commission Meeting were, the City did not see this project as a detriment, but as economic development. Times have been hard the last few years. Motels and restaurants are counting roof tops and vehicular traffic, which Brookville currently does not have.

Finance Director/Clerk Keaton had no report.

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

Motion by Duncan, second by Reel to accept the third reading and adopt Ordinance No. 2004-07 entitled "AN ORDINANCE ZONING CERTAIN LOTS OF THE REVISED CONSECUTIVE NUMBER OF LOTS OF THE CITY OF BROOKVILLE, OHIO TO A NEW CLASSIFICATION." All yeas, motion carried.

Motion by Sanders, second by Reel to read proposed Ordinance No. 2004-13. All yeas, motion carried.

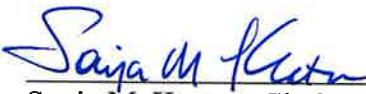
Motion by Sanders, second by Ullery to accept the first reading of proposed Ordinance No. 2004-13. All yeas, motion carried.

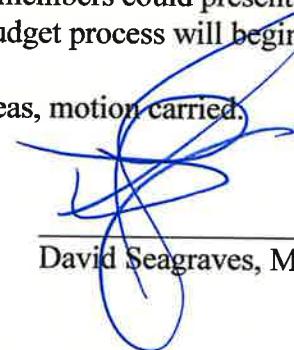
Mayor Seagraves set a Public Hearing for proposed Ordinance No. 2004-13 on October 19, 2004 at 8:00 p.m.

In Old Business, Member Duncan commented that he saw a basketball goal cemented in the roadway in Sterling Homes. Assistant Manager Sewert stated he will speak with Chief Preston.

In New Business, Member Sanders asked when Council members could present 2005 projects for consideration? Clerk Keaton stated any time. The budget process will begin shortly.

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


Sonja M. Keaton, Clerk


David Seagraves, Mayor