

BROOKVILLE MUNICIPAL COUNCIL
REGULAR MEETING
December 7, 1999

The Regular Meeting of the Brookville Municipal Council was called to order by Mayor Dafler at 7:30 P.M. on December 7, 1999 in the Municipal Council Room. Members Duncan, Garber, Imler, Seagraves, Shellabarger, and Trimble; Manager Wright and Law Director Stephan were present.

Motion by Seagraves, seconded by Duncan to accept the Agenda as presented. All yeas, motion carried.

Motion by Duncan, seconded by Imler to accept the November 16, 1999 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Wright gave his report with the following action taken.

Motion by Duncan, seconded by Imler to authorize entering into a contract with the Montgomery County Public Defender for 2000, as recommended by Manager Wright. All yeas, motion carried.

Motion by Imler, seconded by Seagraves to approve and authorize entering into the Fire and Emergency Service Agreement with Perry Township for five years, beginning January 1, 2000, as presented by Manager Wright. All yeas, motion carried.

Motion by Garber, seconded by Imler to approve funding of the fireworks display that the Brookville Chamber of Commerce is proposing for the 2000 Community Picnic, per the Contract Agreement with RKM Fireworks Company, contingent on Manager Wright and Fire Chief Nickel reviewing the fireworks display site, and Law Director Stephan reviewing the Contract. All yeas, motion carried.

Manager Wright gave an overview of the Y2K Contingency Plan that has now been finalized. He advised that Brookville, Perry and Clay Townships are participating. There will be three different public service announcements that will be published in the Brookville Star.

Manager Wright stated that the Dream Builders have started their corporate fund-raising efforts for the Golden Gate Castle Playground. Manager Wright recommended that the Municipality demonstrate its commitment to the project in the amount of \$10,000.00 as a kick-off to their efforts since the Municipality will be the owner of the facility.

Motion by Imler, seconded by Shellabarger to pay \$10,000.00 out of the Capital Improvement Fund in 1999, to contribute toward the building of the Dream Builders Castle Playground that will be built at Golden Gate Park. All yeas, motion carried.

Manager Wright stated that leaf pick-up will end December 10, 1999.

There will be a work session following the Council meeting to go over proposed Capital Improvement Projects for 2000.

Law Director Stephan advised Council that RADAR, (Residents Against Development Arlington Road) has obtained the services of Attorney Gary E. Powell. Law Director Stephan stated that he responded to Attorney Powell's letter, by sending a letter advising that we would provide notice to him when the proposed development is on the agenda for Planning Commission or Council, and requesting a meeting with him to discuss this development.

Acting Finance Director Keaton gave her report with the following action taken.

Motion by Imler, seconded by Shellabarger to accept the November 30, 1999 Fund Balance as presented. All yeas, motion carried.

Motion by Duncan, seconded by Seagraves to reappoint Dafler and Imler to the Volunteer Fire Fighter Dependents Fund Board for 2000. All yeas, motion carried.

Motion by Seagraves, seconded by Duncan to accept and authorize the signing of the Agreements for Depositories with Brookville National Bank, Fifth Third Bank and Milton Federal Savings Bank for a two-year period beginning January 1, 2000 for the deposit of public funds, both active and inactive deposits, as recommended by Acting Finance Director Keaton. All yeas, motion carried.

Motion by Seagraves, seconded by Garber to authorize entering into a contract with the City of Dayton to collect Brookville City Income Tax for a period of five years, beginning January 1, 2000. All yeas, motion carried.

A work session to go over appropriations for 2000 is set to follow the December 21, 1999 Council Meeting.

Mayor Dafler gave his report with the following action.

Motion by Duncan, seconded by Imler to reappoint Ron Ullery and Leon Williamson to the Planning Commission for a three-year term; David Monnin to the Park Board for a four-year term and Gary Roberts to the Board of Appeals for a five-year term, as presented and recommended by Mayor Dafler, with all terms beginning January 1, 2000. All yeas, motion carried.

Mayor Dafler received a letter from a Brookville resident expressing concern on a traffic issue on N. Clay Street. Manager Wright will turn this over to the Police Department.

Mayor Dafler recessed Council for the Public Hearing on proposed Ordinance No. 1999-07 for amending Chapter 1139 of the Code of Ordinances at 8:05 P.M.

Law Director Stephan reported that the proposed Ordinance No. 1999-07 would amend Chapter 1139, Highway Service District, to eliminate Truck Service Centers and Repair Facilities as a permitted use in the district. Acting Clerk Keaton reported that notice of the public hearing was published twice in the Brookville Star, and that the front office did not receive any phone calls regarding the Ordinance. Carl Snedeker, a Brookville citizen, inquired as to the effect of this Ordinance on the proposed truck stop in the proposed "Brookville-Retail and Industrial Campus." Law Director Stephan advised that if a zoning application for that use is filed before Ordinance No. 1999-07 takes effect, the application will be considered under the current Highway Service zoning; however, if the application is filed after the proposed Ordinance No. 1999-07 is passed and takes effect, then the application will be considered under the terms of the new Ordinance as a request for a special use. Gary Horstman, a Clay Township resident, inquired regarding the procedure for recommendation by the Planning Commission. Law Director Stephan stated that the proposed Ordinance would be submitted to Planning Commission for a recommendation regarding the Ordinance, and that Planning Commission could recommend approval or disapproval of the Ordinance, or Planning Commission could recommend an amendment to the proposed Ordinance. Law Director Stephan further stated that if the Ordinance is passed without amendment to the text of the proposed Ordinance then the term Truck Service Centers and Repair Facilities would not appear in the zoning text.

Mayor Dafler ended the Public Hearing and called Council back into Regular Session.

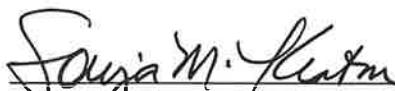
Motion by Seagraves, seconded by Imler to read proposed Ordinance No. 1999-06. All yeas, motion carried.

Motion by Imler, seconded by Duncan to accept the third reading and adopt Ordinance No. 1999-06, entitled "AN ORDINANCE AUTHORIZING THE POLICE DEPARTMENT OF THE MUNICIPALITY OF BROOKVILLE TO DONATE CERTAIN UNCLAIMED PROPERTY TO PUBLIC AGENCIES AND NON-PROFIT ORGANIZATIONS." All yeas, motion carried.

Motion by Duncan, seconded by Garber to go into Executive Session on a personnel matter, as requested by Councilman Duncan. All yeas, motion carried.

Mayor Dafler called Council back into Regular Session.

Motion by Imler, seconded by Seagraves to adjourn. All yeas, motion carried.


Sonja M. Keaton, Acting Clerk


Thomas L. Dafler, Mayor