

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
March 4, 2014

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 6:33 p.m. on March 4, 2014 in the Brookville Local Schools Auditorium. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Kirklin and Letner; Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan, Manager Wright and Assistant Manager/Finance Director/Clerk Keaton were present.

Motion by Duncan, second by Apgar to accept the Agenda as presented. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to accept the February 18, 2014 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Wright advised there will be a Community Garden Workshop meeting on March 5 at the former Westbrook School multi-purpose room from 6:00 until 8:00 p.m.

Manager Wright reported Council is invited to an Ohio Grocers Association Award presentation for McMakens IGA on Thursday, March 6 at noon. The award will be presented to store owner Bill Price at the IGA store in Brookville.

Manager Wright advised the Chamber of Commerce is holding their General Meeting and Networking Breakfast on March 11, 2014 and encouraged Council and staff to attend.

Manager Wright asked Fire Chief Fletcher to report on the used fire engine that he and Service Department Foreman Mike Landis traveled to Texas to inspect for purchase.

Fire Chief Fletcher reported the trip went well and presented a photograph of the 2000 Pierce Quantum pumper/tanker that was selected for purchase. Fire Chief Fletcher stated in addition to having the same pumping and water-carrying capacities as the vehicle it is replacing, this vehicle has a 10kw generator and light tower, Class A & B foam capabilities, and an all steer-chassis, making it maneuverable. Fire Chief Fletcher reported a deposit has been made on the equipment and delivery is anticipated in April.

Member Letner asked if the pumper/tanker will be driven back to Brookville?

Manager Wright advised arrangements are being made to have the pumper/tanker trucked back to Brookville.

Manager Wright advised we have been asked by the American Association of State Highway and American Association of State Highway and Transportations Officials (AASHTO) to endorse the development of the cross country bike trail US Bike Route 50 by adopting proposed Resolution No. 14-12.

Member Garber commented it is fortunate for Brookville that the area is all along our bike path.

Motion by Garber, second by Kirklin to read proposed Resolution No. 14-12. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the first reading, dispense with the second and third reading and adopt Resolution No. 14-12 entitled "A RESOLUTION SUPPORTING THE DEVELOPMENT OF THE UNITED STATES BIKE ROUTE 50 THROUGH THE STATE OF OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Wright advised there are 16 days until Spring and as of last Thursday we were out of salt. A large shipment of salt was delivered on Friday, but hopefully the winter weather is over and we will not have to use it.

Mayor Seagraves complimented the Service Department on their quick and efficient snow removal this past weekend.

Manager Wright commented it has snowed eight out of the past ten weekends.

Fire Chief Fletcher presented the Brookville Fire Department Operations Report for the month of February, which shows the Fire Department handled 86 EMS incidents and 30 Fire incidents for a total of 116 incidents. Fire Chief Fletcher reported the new paramedics have already been challenged and are doing everything they are supposed to do. The hospital has even called to compliment the new paramedics on the fine job they are doing.

Fire Chief Fletcher reported Wolf Creek shows no remnants of the accidental gasoline line breach that occurred at the Speedway several weeks ago.

Police Chief Jerome reported the Brookville Police Department has handled 89 Reportable Incidents year-to-date, compared to 108 during this same time period last year. Citations are down 5 for a total of 72 Citations and 133 Traffic Stops year-to-date.

Police Chief Jerome reported the Brookville Police Department will be serving breakfast to local veterans and members of the VFW on Sunday, March 9 from 8:30 a.m. until 11:00 a.m.

Police Chief Jerome advised he will be the keynote speaker at a community Bullying Presentation at Salem Church of God on March 12, 2014 at 6:30 p.m.

Assistant Manager/Finance Director Keaton presented the February 28, 2014 Fund Balance for Council review and approval.

Motion by Duncan, second by Garber to approve the February 28, 2014 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton advised Council should have a copy of the new utility bill layout and reported the new bills will be mailed to residents and businesses the second week of April. Assistant Manager/Finance Director Keaton requested Council authorization to issue SmartBill a check in March in the amount of \$3,642 to purchase a one-year supply of forms and envelopes and postage for two billings.

Motion by Cantrell, second by Apgar to authorize Assistant Manager/Finance Director Keaton to issue SmartBill a check in the amount of \$3,642 to purchase a one-year supply of forms and envelopes and postage for two billings. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council authorization to accept the third readings and adopt proposed Ordinance No. 2014-04 and proposed Ordinance No. 2014-05.

Motion by Garber, second by Letner to read proposed Ordinance No. 2014-04. All yeas, motion carried.

Motion by Garber, second by Kirklin to accept the third reading and adopt Ordinance No. 2014-04 entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 3, SECTION 931.20(a), FIXING THE RATES AND CHARGES TO ALL WATER CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO. All yeas, motion carried.

Motion by Garber, second by Kirklin to read proposed Ordinance No. 2014-05. All yeas, motion carried.

Motion by Garber, second by Kirklin to accept the third reading and adopt Ordinance No. 2014-05 entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 3, SECTION 935.13(f) DEFINITIONS AND 935.14(c)(1), FIXING THE RATES AND CHARGES TO ALL SEWER CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO. All yeas, motion carried.

Under Old Business, Member Garber commented it has come to his attention that some Council members have asked for reports and things on their own from department heads rather than at consent of Council or as directed by the City Manager. Member Garber stated he does not think this should occur because the rest of Council is unaware of it and it puts undue burden on staff thinking that they have to perform that study or that paperwork. Member Garber stated questions or making copies of existing reports are fine but for any individual Council Member to request and require a report and extra work should not happen unless by consent of the entire Council.

Mayor Seagraves advised he has spoken with Manager Wright about this issue and Manager Wright did express concern. Mayor Seagraves reminded everyone if they have concerns or want to work with any of the staff they should filter themselves through Manager Wright and he will gladly retrieve the information requested.

Motion by Cantrell, second by Garber to recess the Regular Meeting of Council for the Public Hearing.

Mayor Seagraves began the Public Hearing at 7:30 p.m. on proposed Ordinance No. 2014-03.

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

Assistant Manager/Finance Director Keaton announced this Public Hearing tonight is to consider Ordinance No. 2014-03, which rezones Part of Lot 2173 of the revised and consecutive numbers of lots of the City of Brookville, Ohio, from its present zoning classification of I-2, General Industrial District, and HS, Highway Service District, to the new classification of PI, Planned Industrial District and to consider approval of the Planned Development Preliminary Plan for the Montgomery County Fair Facility.

A Legal Notice was published in the February 5th and 12th editions of the Brookville Star and it was also posted on the City's website advising of this Public Hearing. Notices of this Public Hearing were also mailed out to the abutting landowners.

Planning Commission held their Regular Meeting on Thursday, February 20 following the February 18 Public Hearing and the following is Planning Commission's recommendation to City Council:

On proposed Ordinance No. 2014-02: Motion by Claggett, second by Henderson to recommend to Council to adopt proposed Ordinance No. 2014-02, amending Section 1143.02(a) Permitted Uses in the I-1, Light Industrial District, and Section 1139.02(a) Permitted Uses in the HS, Highway Service District, for governmentally owned or operated parks and recreation facilities, and specifically for the Montgomery County Fair facilities. All yeas, motion carried.

On proposed Ordinance No. 2014-03: Motion by Claggett, second by Henderson to recommend to Council to adopt proposed Ordinance No. 2014-03, which is an Ordinance rezoning a part of Lot 2173 of the revised and consecutive numbers of lots of the City of Brookville, Ohio from its present classification of I-2, General Industrial District, and HS, Highway Service District, to the new classification of PI, Planned Industrial District, and to approve the Planned Development Preliminary Plan and Development Agreement for the Montgomery County Fair Facility, and subject to Planning Commission making the following determinations and recommendations: (1) Planning Commission specifically finds that the general standards for Planned Development in Section 1151.03 and specific standards in Section 1151.14, Planned Industrial District, have been met; (2) Planning Commission specifically recommends extending the revocation date as set forth in Section 1151.08 of the Code of Ordinances for this plan to a period of two consecutive years from the effective date of rezoning to the Planned Industrial District; (3) Planning Commission recommends that the applicant revise the Planned Development Preliminary Plan to provide for the extension of West Campus Blvd. to the south boundary of the paved parking area and that improvement be made prior to the commencement of fair operations; on the property and the applicant would be responsible for all costs related to extending West Campus Blvd. to the south boundary of the paved parking area; (4) Planning Commission specifically waives

any paving requirements for the overflow parking area shown on the Site Plan; and (5) Planning Commission recommends that all internal access roads and all other internal streets and pedestrian walkways be made of pavement, concrete or pavers as required by City Ordinance. Boose nay, Henderson yea, Claggett yea, Cantrell nay and Swabb yea. Motion carried with three yeas, and two nays.

Assistant Manager/Finance Director Keaton asked if any Council Member needed to abstain from participating in this Public Hearing? There were none.

Assistant Manager/Finance Director Keaton administered the Oath of Witness to those who expressed an interest in speaking or asking a question during the Public Hearing.

Alan Schaeffer of Pickrel, Schaeffer and Ebeling, responded to questions raised at the February 18, 2014 Public Hearing regarding the proposed Montgomery County Fair Facility Project.

A complete transcript of the Public Hearing was made by Kimberly C. Causlin Gwinn, of Mike Mobley Reporting; the transcript of the Public Hearing is available in the City Office.

Motion by Cantrell, second by Kirklin to close the Public Hearing. All yeas, motion carried.

Motion by Kirklin, second by Cantrell to go back into the Regular Council Session.

Law Director Stephan stated he would like to review some procedural options for City Council regarding proposed Ordinance No. 2014-02 and proposed Ordinance No. 2014-03. Law Director Stephan stated Planning Commission has recommended that Council adopt the proposed Ordinances with certain recommendations regarding the Planned Development Plan. Law Director Stephan advised after completion of the second Public Hearing tonight, Council has the following procedural options with respect to the Montgomery County Fair Facility Planned Development Plan. First, City Council can adopt proposed Ordinance No. 2014-02 and proposed Ordinance No. 2014-03 and can accept the recommendations of Planning Commission with respect to the Preliminary Development Plan. Second, City Council can adopt proposed Ordinance 2014-02 and proposed Ordinance No. 2014-03 but can amend the recommendations of Planning Commission with respect to the Preliminary Development Plan by a two-thirds vote of City Council. There are five specific recommendations made by Planning Commission in their motion to approve the Planned Development Plan, which was read by Assistant Manager/Finance Director Keaton with those recommendations at the beginning of the Public Hearing. Third, City Council can also adopt additional recommendations and/or conditions for the Planned Development Plan by a two-thirds vote of City Council. Fourth, City Council could reject proposed Ordinance No. 2014-02 and proposed Ordinance No. 2014-03 and deny approval of the Planned Development Plan of the Montgomery County Fair Facility. Finally, City Council could table proposed Ordinance No. 2014-02 and proposed Ordinance No. 2014-03 if Council desires additional time to consider the Planned Development Plan. Under our Planned Development process, City Council must make a final decision within 60 days from this hearing. After the vote tonight, the Planned Development Plan and the Development Agreement will be updated to reflect any additional changes or amendments required by City Council. The revised documents will be submitted to City Council prior to the third reading of proposed Ordinance No. 2014-02 and proposed Ordinance No. 2014-03 on March 18, when there will be a final reading and final approval or denial of the proposed Ordinances.

An audience member asked where the March 18 meeting will be held?

Law Director Stephan replied that meeting will be held at City Council Chambers, located at 301 Sycamore Street at 7:30 p.m.

Member Garber asked Law Director Stephan to go over the recommendations made by Planning Commission.

Law Director Stephan stated Planning Commission recommended approval of the Planned Development Preliminary Plan and the Development Agreement for the Montgomery County Fair Facility and made the following determinations and recommendations. Law Director

Stephan stated Planning Commission specifically finds that the general standards for the Planned Development in Section 1151.03 and specific standards in Section 1151.14, Planned Industrial District have been met. Second, Planning Commission specifically recommends extending the revocation date as set forth in Section 1151.08 of the Code of Ordinances for this plan to a period of two consecutive years from the effective date of rezoning to the Planned Industrial District. Third, Planning Commission recommends that the applicant revise the Planned Development Preliminary Plan to provide for the extension of West Campus Boulevard to the south boundary of the paved parking area and that the improvement be made prior to the commencement of fair operations on the property and that the applicant would be responsible for all costs related to extending West Campus Boulevard to the south boundary of the paved parking area. Four, Planning Commission specifically waives any paving requirements for the overflow parking area shown on the site plan<sup>3</sup>. Five, Planning Commission recommends that all internal access roads and all other internal streets and pedestrian walkways be made of pavement, concrete or concrete pavers as required by our ordinance.

Member Cantrell asked Mr. Schaeffer to show what portion of the access roads, if any, will be constructed in Phase I?

Mr. Schaeffer indicated the access roads on the south side and the west side will be constructed in Phase I.

Member Duncan said Council's copy of the Preliminary Site Plan shows the emergency access road as being paved, and asked if that is what Mr. Schaeffer is indicating?

Mr. Schaeffer stated that is correct.

Member Duncan stated that Law Director Stephan indicated that Council can amend it so that the road is put through. Member Duncan stated if Council does pass the Ordinances, he wants to make sure that this happens and the road does go in. Member Duncan asked if this is two different recommendations, and two different votes?

Law Director Stephan replied as far as making sure the road is actually built, the City will require a Performance Bond for the street, as we do with every development. If there was some default with respect to construction of the street, we could take action against the Performance Bond.

Mr. Schaeffer stated because it is a public street, and the City will be accepting it for maintenance at some point in time.

Law Director Stephan stated that is correct. Law Director Stephan stated with respect to the action tonight, what is needed is direction from City Council on whether they are going to require that West Campus Boulevard be extended all the way to Upper Lewisburg Salem.

Motion by Kirklin, second by Garber to read proposed Ordinance No. 2014-02. All yeas, motion carried.

Motion by Garber, second by Apgar to accept the second reading of proposed Ordinance No. 2014.02. Cantrell yea, Garber yea, Letner yea, Kirklin yea, Apgar yea, Duncan nay and Seagraves yea. Motion carried with six yeas and one nay.

Motion by Kirklin, second by Cantrell to read proposed Ordinance No. 2014-03. All yeas, motion carried.

Law Director Stephan commented that as part of this motion, the proposed recommendations from Planning Commission either need to be accepted or amended.

Member Cantrell asked Manager Wright if he foresees a way that the City can contribute to the construction of the road, either by the City or by outside sources?

Manager Wright replied that is a good possibility. Manager Wright clarified that this roadway is part of a traffic plan that was designed about 15 years ago, for the entire industrial

park. It is not something that we just threw on the map when the Fairgrounds decided to come out here. It has been on the maps since the industrial park was designed 15 years ago. It is a traffic plan for the industrial park which was put together by our engineers and approved by our Planning Commission and Council. The road is not constructed yet because there is nothing in that area of the industrial park. Now that we have a proposal for that area, the road needs to be built. Manager Wright advised Payless was required to build a road when they built in the industrial park. Manager Wright stated his point is that this is not something that is new, it has been on the books for a long time. Manager Wright asked if this addressed Member Cantrell's question?

Member Cantrell stated she is trying to determine if there is a way that we can work co-operatively with the Fair Board, Miller Valentine and the seller to come up with the funds to get the road built if Council amends the motion to have this road be included in Phase I.

Manager Wright stated he thinks it is a possibility as there are some other avenues of funding for the road. The original figure of \$800,000 was derived from our engineers and Manager Wright stated he feels it is a high estimate. We have already taken 45% of that, so it is down to \$400,000 and he thinks the city, the property owner, and one or two other parties that are involved in the sale of the property should be able to work something out.

Member Cantrell stated that if Council amends the motion to require this road, that does not mean that Council does not want the fairgrounds, it is saying that Council is willing to work with the applicant to get the road built to satisfy what was originally the master plan for this area.

Member Duncan asked how we are going to work with them?

Member Cantrell replied the way we always do it, we have a good City staff that will handle it.

Member Duncan said Council was told at the first meeting that the applicant did not want any money from the City and the citizens would not be contributing to this project. Member Duncan stated he does not have a problem with getting a grant, but are we going to put the City's money toward the road?

Member Cantrell replied that whenever we secure a grant we are required to ante in some money. This is our City and our road, so we should be spending some money on it. We cannot expect the applicant to pay for all of it.

Motion by Cantrell, second by Kirklin to accept the second reading of proposed Ordinance No. 2014-03, approving the Preliminary Development Plan for the Montgomery County Fair Facility as submitted and accepting the Planning Commission recommendations with the modification that the applicant be required to construct and extend West Campus Boulevard from its current terminus to Upper Lewisburg Salem Road, to be completed no later than the commencement of operations of the fairgrounds in Phase I and with the additional recommendation that staff cooperates with the applicant to seek funding for the project and to facilitate construction of the road. Garber yea, Letner yea, Kirklin yea, Apgar yea, Duncan nay, Cantrell yea and Seagraves yea. Motion carried with six yeas and one nay.

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

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Sonja M. Keaton, Clerk

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David E. Seagraves, Mayor