

BROOKVILLE CITY COUNCIL
REGULAR MEETING
December 2, 2014

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on December 2, 2014 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber and Letner; Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan, Manager Wright and Assistant Manager/Finance Director/Clerk Keaton were present. Member Kirklin was absent.

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

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

Dick Baker, representing the Brookville Optimist Club, requested permission to hold the Annual Picnic Run on Saturday, July 25, 2015. The event will begin at 8:00 a.m. and follow the usual route.

Motion by Letner, second by Cantrell to allow the Brookville Optimist Club to hold the 25th Annual Picnic Run on Saturday, July 25, 2015 at 8:00 a.m. following the traditional route, with the details to be coordinated with Police Chief Jerome. All yeas, motion carried.

Manager Wright reported we received notification from the Montgomery County Engineer's Office that our application for a Permissive Grant to repave Arlington Road between Westbrook Road and Wolf Creek Street has been approved. The grant is for a maximum of \$93,000 and is funded by license plate tax to be used for thoroughfare roads only.

Manager Wright reported we will be wrapping up our annual leaf pick-up program early next week. Residents can put leaves in the trash after the program is complete.

Manager Wright announced the Chamber of Commerce Christmas Tree Lighting Event will be held in front of the Spitler House on Market Street tomorrow night. The Service Department has put up all of the Christmas lights on Market Street and will finish up with the decorations at Gateway Park in time for tomorrow's event. Manager Wright advised the Chamber has several activities planned for the event, such as horse carriage rides and the Optimists will be selling their infamous waffles. Santa Claus will also be making an appearance. Manager Wright encouraged Council to attend this fun-filled event.

Member Cantrell commented on another recent serious accident at Rt. 49 and Brookville Salem Road and inquired whether we could send a letter to Clay Township asking if something can be done at this intersection.

Manager Wright replied the appropriate thing to do would be to send a letter to Clay Township and to ODOT explaining the situation and stating we have a concern with that intersection because our citizens use it so much.

Member Duncan commented he thinks there was a recent survey of that intersection.

Fire Chief Fletcher advised that Montgomery County and the State of Ohio recently conducted a traffic count at that intersection. Fire Chief Fletcher agreed it is a bad intersection and he has responded to significant accidents there for over 25 years. Fire Chief Fletcher commented that section of roadway is limited access highway, which is notorious for serious crashes.

Mayor Seagraves commented that the State does not want to stop any interstate movement, however, the intersection is pretty far off the highway. Mayor Seagraves

stated he will be with our ODOT Director on Friday and will share his thought process with him.

Fire Chief Fletcher stated with the number of accidents that have occurred, it cannot be denied that it is a dangerous intersection.

Gary Horstman, a Clay Township resident, commented that Clay Township has been talking to the State for years about the intersection of Route 49 and Brookville Salem Road and every time a serious accident occurs, they talk to them again. Mr. Horstman stated his impression is that the State does not plan on stopping the traffic on Route 49 so Clay Township has been trying to think of what they could do at that intersection.

Member Cantrell stated maybe if the State gets a little more pressure something can be done.

Fire Chief Fletcher reported the Brookville Fire Department responded to 134 EMS and 31 Fire Incidents during the month of November, for a total of 165 Incidents. This number is up significantly compared to the 120 Incidents handled in November of 2013.

Fire Chief Fletcher reported the Fire Department responded to a barn fire in Clay Township in November, with a dollar loss of \$87,500. Fire Chief Fletcher stated the wind was in their favor helping them to limit the damage to other structures and prevent any injuries.

Fire Chief Fletcher announced that Santa will arrive at the Christmas Tree Lighting Event tomorrow via Engine 76.

Member Duncan commented as a former Fire Department member, he is aware that the Fire Department made a really good stop at the recent barn fire on Wellbaum Road. Member Duncan stated the wind may have been in their favor, but it took a lot of skill to stop the fire from spreading to the other structures on the property.

Member Letner inquired whether our second medic is back in service yet?

Fire Chief Fletcher advised it is still being repaired and will hopefully be back in service this week.

Gary Horstman complimented Fire Chief Fletcher and his employees, who recently transported him to the hospital, for responding quickly and getting him where he needed to go quickly.

Police Chief Jerome reported the Brookville Police Department has handled 615 Reportable Incidents year-to-date, compared to 684 during this same time period last year. Citations are up 11 for a total of 510 Citations year-to-date. The Brookville Police Department made 148 traffic stops during the month of November, which is a decrease of 29 traffic stops over this same time period last year.

Police Chief Jerome advised the Police Department will assist with the Tree Lighting tomorrow by blocking the streets and making sure there are no problems.

Police Chief Jerome reported on Saturday, December 13, the Police Department will help with the Breakfast with Santa Event put on by the Rotary Club.

Police Chief Jerome reported the Toys for Tots Program is going extremely well with monetary donations as well as toys. Police Chief Jerome advised on Saturday night one of our Police Officers will be at McMakens, Family Dollar and Dollar General from 6:00 to 9:00 p.m. encouraging people to donate to the program.

Police Chief Jerome reported members of the Police Department will be cooking breakfast for the veterans at the Brookville VFW on Sunday, December 14, 2014.

Law Director Stephan advised proposed Ordinance No. 2014-13 is before Council tonight for a first reading at the recommendation of Planning Commission. Law Director Stephan stated at the last Planning Commission Meeting, there was discussion regarding our Wireless Telecommunication Facility Ordinance and a presentation regarding the possible location of a tower at the site of Brookville Rental, located on West Upper Lewisburg Salem Road and owned by Bill Wissinger, who was present along with his attorney John Chamber from Coolidge Law. Under the current zoning code, cell towers are a Special Use in Industrial Zoning, I-1 and I-2 and PI, but cell towers are not permitted in Highway Service, which is the current zoning for the proposed location on Upper Lewisburg Salem Road. Law Director Stephan advised Planning Commission heard a presentation from Mr. Chamber proposing a mixed use planned development ordinance that would allow uses from different districts to be combined and then using that tool to potentially approve a cell tower at the site. After reviewing the presentation, it was Planning Commission's recommendation for staff to prepare proposed Ordinance No. 2014-03 to be adopted by Council to amend the zoning code text to permit cell towers as a Special Use in Highway Service. Law Director Stephan advised Section I of the proposed Ordinance would create Wireless Telecommunication Facilities as a Special Use in Highway Service and Section II would amend the construction standards for Wireless Telecommunication Facilities to add in references to the Highway Service District. Law Director Stephan stated the reason for the change is that Planning Commission feels the proposed location for a cell tower facility may be a good site for the location of a cell tower and other Highway Service sites may also be good locations for a cell tower facility. Law Director Stephan advised with our new regulations, we have greater control over the process and the location of towers and can potentially either approve or not approve a cell tower at a particular Highway Service site. Law Director Stephan stated based on that discussion and recommendation, there is a proposed Ordinance before Council tonight for a first reading.

Motion by Garber, second by Cantrell to read proposed Ordinance No. 2014-13. All yeas, motion carried.

Member Garber asked if items one through four in Section II of the proposed Ordinance are the same as discussed before?

Mayor Seagraves replied yes and the unique thing about this site is that it is off the beaten path and any additional cell companies would have to tie into the existing tower.

Law Director Stephan commented that the proposed Ordinance is exactly the same as the regulations that were just adopted, other than adding in the term Highway Service District.

Member Duncan stated he read in the Planning Commission Minutes that there was some concern about opening the door for more cell towers but from what he is reading that can be controlled. Member Duncan asked if that is correct?

Law Director Stephan stated that under Special Use there are certain factual determinations that need to be made to approve a cell tower as a Special Use. We have additional regulations now that are going to limit the available location sites in the Highway Service District.

Member Duncan asked if there is any thought to be given to requiring cell towers to be taken down if they become obsolete once technology evolves.

Law Director Stephan stated we have a whole section dealing with abandonment in the last regulations that we adopted.

Motion by Garber, second by Apgar to accept the first reading of proposed Ordinance No. 2014-13. All yeas, motion carried.

Assistant Manager/Finance Director Keaton presented the November 30, 2014 Fund Balance for Council review and approval.

Motion by Cantrell, second by Apgar to approve the November 30, 2014 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton advised five Board and Commission seats are set to expire on December 31, 2014. Four of the five individuals are interested in serving additional terms. Assistant Manager/Finance Director Keaton stated Wayne Ward is stepping down from the Board of Tax Appeals, so that position will be advertised. Assistant Manager/Finance Director Keaton recommended that Council re-appoint Leon Williamson and Brent Boose to Planning Commission for three-year terms, Darrell Reel to Zoning Board of Appeals for a five-year term and Erich Haupt to Park Board for a four-year term, with all of the terms beginning January 1, 2015.

Motion by Apgar, second by Garber to appoint Leon Williamson and Brent Boose to Planning Commission for three-year terms, Darrell Reel to Zoning Board of Appeals for a five-year term and Erich Haupt to Park Board for a four-year term, with all of the terms beginning January 1, 2015. All yeas, motion carried.

Assistant Manager/Finance Director Keaton invited Council to the employee Christmas carry-in luncheon that is scheduled for Wednesday, December 10 at 11:30 a.m. in the Council Chambers.

Assistant Manager/Finance Director Keaton reminded Council of the 2015 Budget Work Session scheduled for Monday, December 8 beginning at 6:30 p.m. here in the Council Chambers and advised this meeting is open to the public.

Mayor Seagraves set the Public Hearing on proposed Ordinance No. 2014-13 for January 6, 2015 at 8:00 p.m.

Mayor Seagraves encouraged everyone to attend the Christmas Tree Lighting Event tomorrow night sponsored by the Chamber of Commerce, stating there are a lot of different groups putting quite a bit of effort into this.

Mayor Seagraves announced his Annual Prayer Breakfast will be held on January 8, 2015 at 7:30 a.m. and invited all to attend.

Motion by Duncan, second by Garber to read proposed Ordinance No. 2014-11. All yeas, motion carried.

Motion by Garber, second by Cantrell to accept the third reading and adopt Ordinance No. 2014-11 entitled "AN ORDINANCE AMENDING THE PROVISIONS OF THE MUNICIPAL INCOME TAX ORDINANCE TO PROVIDE FOR A PERMANENT INCREASE IN THE INCOME TAX RATE IN THE AMOUNT OF ONE-FOURTH OF ONE PERCENT (0.25%), EFFECTIVE JANUARY 1, 2016 FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT AND EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES OF THE CITY OF BROOKVILLE." All yeas, motion carried.

Motion by Duncan, second by Garber to read proposed Resolution No. 14-29. All yeas, motion carried.

Motion by Garber, second by Cantrell to accept the third reading and adopt Resolution No. 14-29 entitled "A RESOLUTION SPECIFYING MAY 5, 2015 AS THE DATE FOR SUBMITTING TO THE ELECTORATE OF THE CITY OF BROOKVILLE A PROPOSAL TO PROVIDE FOR A PERMANENT INCREASE IN THE CITY OF BROOKVILLE MUNICIPAL INCOME TAX OF ONE-FOURTH OF ONE PERCENT (0.25%) EFFECTIVE JANUARY 1, 2016 AND DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY, OHIO TO PLACE THE ISSUE ON THE BALLOT." All yeas, motion carried.

Motion by Garber, second by Apgar to read proposed Resolution No. 14-22 through proposed Resolution 14-28. All yeas, motion carried.

Motion by Apgar, second by Garber to accept the third reading and adopt Resolution No. 14-22 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR FULL-TIME HOURLY CITY EMPLOYEES"; Resolution No. 14-23 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR PERMANENT PART-TIME, SEASONAL AND/OR TEMPORARY HOURLY CITY EMPLOYEES"; Resolution No. 14-24 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CITY MANAGER." Resolution No. 14-25 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE ASSISTANT CITY MANAGER/DIRECTOR OF FINANCE/CLERK OF COUNCIL"; Resolution No. 14-26 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FIRE"; Resolution No. 14-27 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF POLICE"; and Resolution No. 14-28 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF LAW." All yeas, motion carried.

There was no Old Business.

There was no New Business.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor