

BROOKVILLE CITY COUNCIL
REGULAR MEETING
March 17, 2009

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Ullery at 7:30 p.m. on March 17, 2009 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, Duncan, Garber, Letner and Reel; Manager Wright, Assistant Manager Sewert, Law Director Stephan, Fire Captain Hensley, Police Chief Preston and Director of Finance/Clerk Keaton were present. Mayor Seagraves and Fire Chief Nickel were absent.

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

Vice Mayor Ullery commented that Mayor Seagraves recently underwent surgery and asked everyone to pray for his speedy recovery.

Motion by Reel, second by Duncan to accept the March 3, 2009 Regular Meeting Minutes as presented. All yeas, motion carried.

Police Chief Preston recognized Detective Don Duncan as "Officer of the Year" for 2008. Police Chief Preston commented Detective Duncan is one of the best interrogator he knows. Detective Duncan's investigative techniques in a child rape, robbery and multi agency drug incidents during 2008 led to 16 arrests and convictions.

Bob Behnken, owner of Arlington Arms apartments, stated he keeps his rent low in these apartments as they are mostly occupied by the elderly. Mr. Behnken stated he is interested in building something similar to these apartments on the vacant land once occupied by Brookville Schools. Mr. Behnken indicated the Arlington Arms apartments have a minimum floor area of approximately 600 square feet each. Mr. Behnken stated Brookville's zoning regulations require that he construct multi-family units with a minimum floor area of 900 square feet for a two-bedroom apartment. Senior citizens cannot afford to pay \$900 a month rent. Mr. Behnken stated he has a hard time finding someone to rent his duplexes for \$795 a month. Mr. Behnken commented he would like to construct four-family units because he can be more competitive. Mr. Behnken commented that Planning Commission advised him at their last meeting that if he wants to build units smaller than our zoning regulations, he needs to discuss this with Council. Mr. Behnken stated he was present tonight to see if Council will allow him to rezone the property along Hill Street to some form of a multi-family zoning and to allow him to construct units smaller than our current zoning regulations allow.

Member Garber inquired what the current zoning was for that property.

Law Director Stephan indicated the current zoning, for this vacant ground, is R-1C and the minimum floor area for R-1C is 1,400 square feet. Law Director Stephan stated Mr. Behnken previously presented an R-3 Planned Development proposal to Planning Commission. Law Director Stephan commented if Mr. Behnken is now interested in constructing two-family dwellings, the vacant land can be rezoned to R-2 with two-family units as a Special Use. The minimum floor area for R-2 zoning for two-family units is 1,300 square feet per unit. The minimum floor area for R-3 zoning for two-family units is 1,000 square feet per unit. Mr. Behnken is here tonight to seek Council input.

Mr. Behnken stated he is considering constructing approximately six to seven twin homes along Hill Street, and if they do well, he would construct the multi-family units behind the twin homes with an entrance off of Western Avenue. This will help him finance the project to the rear of the twin homes.

Member Ullery inquired if he is purchasing the entire parcel of ground?

Mr. Behnken stated yes.

Member Duncan inquired if he is selling the twin homes or renting them.

Mr. Behnken stated both. If someone wants to buy a twin home, he will sell it.

Member Duncan commented that he has heard from residents, along Hill Street, who are not in favor of having apartments across the street.

Member Cantrell stated Mr. Behnken is here to get direction from Council. He wants to construct multi-family units smaller than our zoning regulations allow. Does Council want to allow this?

Member Reel stated he is not in favor of degrading the current zoning. He has stated this before.

Mr. Behnken thanked Council for listening to him.

Lowell Petry, of 542 Western Avenue, stated he and his neighbors are against the rezoning of 533 Western Avenue, and he submitted a petition with signatures of those citizens who are also against this rezoning.

Joanne Skidmore, of 548 Western Avenue, stated she heard that they are going to place a dumpster at 533 Western Avenue. She doesn't want to look at a dumpster even if it is fenced in.

Law Director Stephan commented the dumpster is a new element that has not been discussed in the prior public meetings and arose when the Staff met with the applicant after the Planning Commission Meeting to discuss the Site Plan.

Member Duncan stated Planning Commission and Council were not aware of the dumpster and several other items listed on the Site Plan so Council tabled the second reading at their last Council Meeting and directed Planning Commission to review and approve the Site Plan at their March Meeting before it is brought back to Council for approval.

Manager Wright reported Council should have a Memorandum on our Community Development Block Grant (CDBG). The Montgomery County Community Development Department approved our 2008 CDBG Grant and the next step is to hold a meeting with our Market Street businesses.

Assistant Manager Sewert stated the key component of this Grant is to get valuable input from our downtown property and business owners. Assistant Manager Sewert reported meetings are scheduled for March 30 between 11:00 a.m. and 2:00 p.m. for one-hour informational sessions with the downtown property and business owners. Council is encouraged to attend one or all of these sessions.

Member Cantrell asked how much funding is there for this project?

Assistant Manager Sewert stated the County will contribute \$50,000 and the City will contribute \$50,000 for a total of \$100,000.

Member Letner asked if there are any guidelines for this grant?

Assistant Manager Sewert stated there are guidelines and initiatives to meet the rules and regulations of this federally funded grant.

Member Duncan commented we tried to do something of this nature before along Market Street, and there didn't seem to be any interest.

Assistant Manager Sewert commented there definitely is some interest this time.

Manager Wright commented that we are trying to make the downtown area look better and this money is available to do that.

Member Cantrell commented that this sounds exciting, if the downtown area improves this will tie into our Walkable community theme and attract more people to the downtown area.

Manager Wright reported we have been busy with our street cleaning program with our new street sweeper. Manager Wright noticed a lot of people are placing leaves out along the curb and wanted everyone to know that we do not pick up leaves this time of the year. Citizens can bag or place the leaves in their trash.

Manager Wright reported renovations on Shelter #4 are almost complete and reminded everyone that these renovations were made possible by a VFW Post #3288 donation last year. Work has also begun on the new dugouts on Diamond #1 and the installation of sod to shorten the infield will take place within the next two weeks. Both projects will be completed in time for the adult softball program.

Manager Wright reminded everyone about the Community Park Cleanup Day scheduled for this Saturday from 9:00 a.m. to noon.

Assistant Manager Sewert presented highlights of the various departments under the direction of the Service Department, Planning, Community Development & Economic Growth and Grants portion of the 2008 Annual Report.

Finance Director/Clerk Keaton presented highlights of the Finance and Administration, Personnel, Enterprise Funds, Economic Conditions & Outlook and Clerk of Council portion of the 2008 Annual Report.

Captain Hensley presented highlights of the Fire/EMS Department portion of the 2008 Annual Report.

Police Chief Preston presented highlights of the Police Department portion of the 2008 Annual Report.

Police Chief Preston presented the Call Analysis Report for February 2009. The report shows 110 Priority 1 calls, 290 Priority 2 calls and 79 Priority 3 calls. Total calls handled from January 1 through February 28 shows a decrease of 185 calls or 16.1% from the previous year. Total reportable incidents are also down 20 reports or 20.8% compared to this same time last year. The Incident Log from March 3 through March 16 shows 22 new cases with 17 of those closed and five pending further investigation.

Police Chief Preston reported the Brookville Police Department will be participating in "D.U.M.P a Million," which stands for Dispose of Unwanted Medications Properly, on June 27, 2009. The goal of this program is to get prescription medication off of our streets and turn them over to the Police Department. The Brookville Police Department will hold this one-day session for Brookville residents along with residents of Perry and Clay Townships and the Village of Phillipsburg. Everyone is encouraged to bring their expired medications to the Brookville Police Department for proper disposal on this day. Additional information will be forthcoming.

Member Duncan commended Police Chief Preston on his response letter to Mrs. Thorn.

Law Director Stephan commented proposed Ordinance No. 2009-05 establishes a Video Service Provider Fee of 3% of gross revenues and it excludes advertising revenues. This proposed Ordinance also establishes a chapter on Video Service Providers in our Codified Ordinances.

Motion by Duncan, second by Garber to read proposed Ordinance No. 2009-05. 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. 2009-05 entitled "AN ORDINANCE ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY OF BROOKVILLE, OHIO AND AUTHORIZING THE CITY MANAGER TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Law Director Stephan reported proposed Resolution No. 09-06 and Resolution No. 09-08 are accepting the recommendation of the Tax Incentive Review Council (TIRC) for continuance of the two Enterprise Zone Agreements for Green Tokai and proposed Resolution No. 09-07 is accepting the recommendation of the TIRC for continuance of the Enterprise Zone Agreement for I.M.I. Norgren. Law Director Stephan reported the Tax Incentive Review Council met on March 13, 2009. Law Director Stephan stated I.M.I. Norgren shows a reduction of three employees in 2008 compared to 2007, but they still meet their total pledged jobs of the Agreement. Green Tokai shows a decrease of 219 employees in 2008 compared to 2007 on their Enterprise Zone Agreement dated April 1998 and they maintained their 44 jobs per the Agreement dated July 2004.

Motion by Duncan, second by Garber to read proposed Resolution No. 09-06 through Resolution No. 09-08. 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. 09-6 entitled "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FOR CONTINUATION OF THE ENTERPRISE ZONE AGREEMENT OF GREEN TOKAI CO. LTD., AND DECLARING IT AN EMERGENCY"; Resolution No. 09-07 entitled "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FOR CONTINUATION OF THE ENTERPRISE ZONE AGREEMENT OF I.M.I. NORNGREN, INC., AND DECLARING IT AN EMERGENCY" and Resolution No. 09-08 entitled "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FOR CONTINUATION OF THE ENTERPRISE ZONE AGREEMENT OF GREEN TOKAI CO. LTD., AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton reported Council should have a copy of the 2009 Water and Sewer Rate Survey prepared by the City of Oakwood. Finance Director/Clerk Keaton reported the combined water and sewer cost shows Brookville as #17 versus #23 in 2008. In 2009 the combined report shows six municipalities whose total combined costs were lower than Brookville's in 2008, are now higher than Brookville. The water cost shows Brookville as #53 versus #57 and the sewer cost shows Brookville as the second lowest compared to fifth lowest in 2008. Finance Director/Clerk Keaton commented if Council approves the proposed water and sewer rate increases, we will be in the same positions we were at in 2008.

Finance Director/Clerk Keaton reported Manager Wright, Law Director Stephan and she recently held a rating conference call with Moody's to obtain a debt issuance rating for the City. Finance Director/Clerk Keaton reported Moody's reviewed and assigned a rating of MIG 1 to the Brookville's Various Purposed Limited Tax General Obligation Bond Anticipation Notes, Series 2009, which is an excellent rating for short-term debt. The City also received an initial A3 issuer rating to the City's general obligation limited tax pledge.

Vice Mayor Ullery reported Mayor Seagraves has proclaimed the week of March 23, 2009 as "Youth Appreciation Week" in the City of Brookville.

Vice Mayor Ullery reported the annual HandiVan Spaghetti Dinner that was held last weekend was attended by approximately 300 individuals. Vice Mayor Ullery reported the Mayor's Ball was also well attended, and the Mayor was able to speak to the attendees by telephone. The Mayor's Ball raised funds for "In His Service" as they help the community.

Motion by Garber, second by Letner to read proposed Ordinance No. 2009-06. All yeas, motion carried.

Motion by Garber, second by Letner to accept the first reading of proposed Ordinance No. 2009-06. All yeas, motion carried.

Motion by Garber, second by Cantrell to read proposed Ordinance No. 2009-07. All yeas, motion carried.

Motion by Garber, second by Cantrell to accept the first reading of proposed Ordinance No. 2009-07. Garber yea, Letner yea, Reel nay, Duncan nay, Cantrell yea and Ullery yea. Motion carried with four yeas and two nays.

There was no Old Business.

In New Business, Member Reel made a motion to change the starting time of Council Meetings to 7:00 p.m., Duncan seconded the motion.

Member Cantrell stated she is against changing the time.

Member Garber commented he thought the hours should stay as they are for the summer and maybe consider moving the time up in the winter time.

Member Garber stated he would like more information from the public if they would be interested in this meeting time change.

Dottie Watkins, of 112 Maple Street, commented that she favors the 7:30 p.m. starting time. This allows everyone time to get home and eat supper before attending a meeting.

Motion by Reel, second by Duncan to rescind the previous motion to change the Council Meeting start time to 7:00 p.m.

Member Letner inquired if the City ever considered holding a community wide garage sale. Englewood has held such an event and it seems to be a great way for neighbors to get out and meet one another. Discussion followed.

The consensus of Council is to have a community wide garage sale for a different section of the city each year.

Motion by Letner, second by Duncan to hold the first community wide garage sale on June 11, 12 and 13 to coincide with the Annual Downtown Block Party. All yeas, motion carried.

Manager Wright stated he will work on the details for this garage sale.

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

Sonja M. Keaton, Clerk

Ron Ullery, Vice Mayor