

BROOKVILLE CITY COUNCIL
REGULAR MEETING
June 2, 2009

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on June 2, 2009 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, Duncan, Garber, Letner, Reel and Ullery; Manager Wright, Assistant Manager Sewert, Law Director Stephan, Fire Chief Nickel, Police Chief Preston and Director of Finance/Clerk Keaton were present.

Motion by Duncan, second by Cantrell to accept the Agenda with the addition of proposed Resolution No 09-16 as requested by Member Ullery. All yeas, motion carried.

Motion by Reel, second by Duncan to accept the May 19, 2009 Youth-In-Government Regular Meeting Minutes as presented. All yeas, motion carried.

Martin Kim, Director of Regional Planning for the Miami Valley Regional Planning Commission, gave a power point presentation on Going Places, an integrated Land Use vision for the Miami Valley Region. Going Places brings the Miami Valley Region together and makes this region a better place to live, work, and play with a Shared Land Use Vision. Mr. Kim reported the planning process is a three-phase process with an estimated timeline of four years. Phase One took two years to complete and an Executive Summary was prepared and is available on their website at www.mvrpc.org/rlu. Mr. Kim indicated the Region contains varying degrees of potential for future land development. From the Study, the Region has enough developable land to accommodate future needs. The entire Region will benefit if development is planned and executed in a manner that takes advantage of existing infrastructure before paying for new construction, and takes advantage of the Region's natural resources without threatening their quality. Mr. Kim indicated the next step is Phase Two and requested that Council consider adopting a Resolution endorsing the existing condition assessment phase of Going Places.

Discussion followed with no action at this time.

Charlotte Szabo, of 404 Mound Street, stated she is totally against the City holding a Republican Tea Party in Golden Gate Park. Ms. Szabo commented that this rally is not a non partisan rally, it was started by the Republicans. Ms. Szabo indicated she spoke with Dave Monnin, Park Board President, about this event and she is not in favor of the City holding such an event in a public park. She doesn't care if it would be held in the city streets, she doesn't want it held in a city park.

Mayor Seagraves stated he appreciated her comments, but the park is open to everyone. We cannot deny freedom of speech.

Ms. Szabo reiterated she does not appreciate that the City allows a political event to be held in our parks.

Member Reel questioned Ms. Szabo where her proof was that this is sponsored by the Republican Party?

Park Board President Monnin reported Brookville Park Board was approached by the Dayton Tea Party about holding a Tea Party in Golden Gate Park on July 3, 2009. Park Board looked at every angle on this. Park Board President Monnin stated the Dayton Tea Party is willing to reimburse the City for any costs they would acquire for this event. The Dayton Tea Party is paying for the fireworks display. If any group approaches Park Board and they have all the information for Park Board to make a sound judgement, Park Board may approve the request.

Member Cantrell asked Law Director Stephan for his legal opinion.

Law Director Stephan stated the City does not discriminate on the basis of race, sex, religion, or any affiliation in determining whether to approve a Special Event Permit in the park. The permit must be approved by Park Board, and Park Board can review the event in terms of impact to the park, cost to the City, public safety and traffic issues and can make a decision to approve or disapprove the Special Event Permit on those factors.

Manager Wright reported the Administrative Staff has met and discussed the Tea Party at Golden Gate Park at great length. Manager Wright reported estimated labor and cleanup costs total \$3,500 to \$4,000 and the Dayton Tea Party has verbally agreed to reimburse the City for its costs. Manager Wright reported the Dayton Tea Party is willing to complete a Special Use Permit and acknowledge their financial commitment. Manager Wright stated the City spoke with the City of Dayton, and they were paid by the Dayton Tea Party for the expenses they incurred for the rally that was held in April in Dayton. Manager Wright commented this will be a large event, and it will be a lot of work, but it will bring people into Brookville.

Mayor Seagraves remarked the Brookville Community Theater will have a production that evening, will that cause any concern with their parking lot?

Manager Wright commented the City will post signs at the Theater entrance. The City will deal with this.

Member Reel stated for the record that Rob Scott, who attended the Park Board Meeting, went out of his way to state that this would be a non-partisan event.

Police Chief Preston stated he has scheduled 10 Brookville Patrol Officers and will ask the Montgomery County Sheriff for five or six of their Reserve Officers for this event. If the event turns out to be much larger than anticipated, he will ask Clay and Perry Township for their Auxiliary Officers. Police Chief Preston stated Mr. Scott informed him that the Dayton Tea Party has 100 volunteers, with 15 of those volunteers being off-duty Officers. Chief Preston stated they would be using their volunteers to help with perimeter security.

Manager Wright reminded Council that July 3 is a holiday for the City, and overtime costs were used to calculate labor costs for this event.

Manager Wright reported there are currently and will be numerous road closures around Brookville. These are not City streets, but County roadways leading into Brookville. The County Engineers are currently replacing culverts on roads that will be paved and they are also performing asphalt repair work before they begin the paving program on June 10 through June 12. The roadways, East and West Westbrook Road from Preble County Line Road to Diamond Mill Road, Upper Lewisburg-Salem Road from Preble County Line Road to Brookville-Salem Road and Arlington Road from US 40 to the city limits will be ground down and then two lifts of asphalt applied. Manager Wright reported in conjunction with the County Project he is requesting the County to go ahead and pave Arlington Road from the city limits to just south of the overpass. This will be a part of our repaving program this year.

Manager Wright reminded Council and those in attendance about the Community Garage Sales that will be held on June 11, 12 and 13 in conjunction with the Brookville Chamber of Commerce Downtown Block Party.

Manager Wright requested an Executive Session on two Real Estate Matters and one Contract Negotiation Matter.

Member Letner inquired if the City thought or looked into holding a Farmer's Market this year.

Manager Wright stated last year he was approached by an individual and Council agreed to allow a Farmer's Market to be set up in the parking lot in front of the City Service Department, but the person that approached him last year did not follow up.

Member Ullery reported Ashmark Ct. in the Sterling Meadows Subdivision has a large sink hole in the roadway. Residents have now put up with this for two years. There are also numerous problems with sidewalk and curb and one or two drive aprons in the Subdivision.

Manager Wright reported Ashmark Ct. is located in Sterling Meadows, Section VII and the developer has not finished the work. The second coat of asphalt has never been applied. The City recently sent letters to the bank that holds the Letters of Credit for Section VII requesting a Draft on those Letters of Credit.

Law Director Stephan stated the City submitted a request for a Draft on the Letters of Credit and this is a legal issue that we are currently working through to complete the street improvements in Sterling Meadows, Section VII.

Carl Snedeker, of 827 Shaney Lane, asked if a catch basin on W. Westbrook Road, where the sidewalk ends for the Arlington Woods Subdivision, could be addressed before the County paves the roadway.

Manager Wright stated the City will take a look at that.

Fire Chief Nickel presented the Brookville Fire Department Response Time Analysis Report from May 6 through June 2, 2009. The report shows the Brookville Fire Department still has excellent response times. The report indicates the Brookville Fire Department provided mutual aid on nine occasions in this time period and on six occasions the Brookville Fire Department received mutual aid. During this time period, the Brookville Fire Department received 101 alarm calls.

Fire Chief Nickel reported the Brookville Fire Department is trying to become a CPR Training Site to offer CPR training in house. The Brookville Fire Department is currently working with the American Heart Association to get this accomplished.

Police Chief Preston presented the Brookville Police Department Incident Log from May 19 through June 1, 2009. Police Chief Preston reported there were 24 new cases for investigation with 18 closed and 6 pending further investigation.

Mayor Seagraves asked Police Chief Preston for an update on the juveniles congregating along Market Street and the bikeway.

Police Chief Preston reported the Brookville Police Department is spending more time in this particular area with high visibility. Police Chief Preston commented he has received positive feed back from the business community. Police Chief Preston announced they are not having the complaint problems that they previously saw. Police Chief Preston reported the Brookville Police Department is using the ATV on the bikeway more often and starting later this summer they will have more certified bike Patrol Officers out on the streets.

Law Director Stephan reported he is currently working on a number of zoning issues, such as solar panels, wind turbines, PODS and clothing bins. He will be sending out a copy of the proposed new zoning regulations to Planning Commission for review and he will also copy Council.

Member Letner stated he noticed numerous people around the City selling a number of vehicles throughout the year in their yards and wanted to know what regulations we have in place for this.

Law Director Stephan stated if an individual sells five or more vehicles in a year, state law requires a dealers license. Our zoning code also would restrict sale of vehicles from residential property as a business activity. It would help the City to have a particular address in question to review the situation and the regulations that it may fall under.

Finance Director/Clerk Keaton presented the May 31, 2009 Fund Balance for Council review and approval.

Motion by Duncan, second by Cantrell to accept the May 31, 2009 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton requested Council adopt proposed Resolution No. 09-15, which increases our Certificate of Estimated Resources and amends our 2009 Appropriations for the \$4,000 donation the City received from the Brookville Chamber of Commerce for the purchase of a new entrance sign to Golden Gate Park.

Motion by Reel, second by Garber to read proposed Resolution No. 09-15. 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. 09-15 entitled "A RESOLUTION AMENDING THE 2009 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Mayor Seagraves thanked Park Board for all of their hard work that they do on this Board. The Brookville parks are wonderful facilities.

Mayor Seagraves thanked the Brookville Chamber of Commerce for their quarterly luncheon where they presented the City with a \$4,000 donation that will be used to purchase an entrance sign for Golden Gate Park.

Under Boards, Commissions and Committees, Mayor Seagraves commented at the last Planning Commission Meeting, Planning Commission approved a modification to the Special Use for Don Shellabarger at 530 East Upper Lewisburg-Salem Road to include a Classic Car dealership. The vote was three to two for this modification.

Chairperson Watkins, who was in attendance, indicated the modification to the Special Use was granted due to the Site Plan showing the particular area where the dealership would be located, the area that would be fenced in and the dealership receiving their dealers license from the State of Ohio. Chairperson Watkins indicated the classic cars would be stored inside overnight.

Mayor Seagraves commented a portion of the fence is still not installed and the City should closely monitor that to make sure they are in compliance.

Assistant Manager Sewert reported Zoning Officer Snedeker has been staying on top of this and just today he noticed that they are beginning to install the fence as presented.

Motion by Garber, second by Ullery to read proposed Resolution No. 09-16. All yeas, motion carried.

Motion by Garber, second by Ullery to accept the first reading of proposed Resolution No. 09-16.

Discussion followed.

Member Reel stated the Mayor deserves a salary increase, but due to the economic times that we currently have, he feels this is not a good time to increase his salary.

Member Garber stated the Mayor deserves this salary increase and since it amounts to a \$1,500 increase, he is going to vote for it.

Member Duncan stated since the City was not able to absorb the refuse increase with a transfer out of the General Fund, he doesn't feel we should increase the Mayor's salary at this time.

Member Cantrell stated with all of the time that the Mayor puts in attending various meetings on the City's behalf and all of the driving he does to attend those meetings, the increase is warranted.

Member Ullery stated per the Charter, the Mayor's salary can only be adopted no later than July 1 of odd-numbered years. Member Ullery commented the Mayor spends a lot of time attending various meetings on the City's behalf and those expenses are currently coming out of his pocket. Even though we are facing bad economic times, this proposed \$1,500 pay increase is not going to break us. If the Resolution is adopted, the increase does not go into effect until January 2010.

Mayor Seagraves stated as Mayor for the community, he is obligated to conduct two meetings a month, but he chooses to be more involved. The City has been well represented over the last four years at a local, county and statewide level.

Member Letner stated Mayor Seagraves is an ultimate ambassador for the City. Member Letner commented he feels sure in saying Payless would not be here today without the Mayor's assistance and persistence with this project.

The vote was taken on accepting the first reading of proposed Resolution No. 09-16. Duncan yea, Cantrell yea, Garber yea, Letner yea, Ullery yea, Reel yea and Seagraves abstained. Motion carried with six yeas and one abstention.

There was no Old Business.

Motion by Duncan, second by Ullery to go into Executive Session on two Real Estate Matters and a Contract Negotiation Matter as requested by Manager Wright. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor