

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
July 7, 2009

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

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

Motion by Reel, second by Garber to accept the June 16, 2009 Regular Meeting Minutes as presented. All yeas, motion carried.

Patty Kelly, of 10236 Pleasant Plain Road, stated Payless is located behind their property and they hear a loud beeping noise on a continual basis. The noise never stops.

Harold Clemens, of 10100 Pleasant Plain Road, reported he also hears the beeping noise, 24/7, even with his windows closed. They were all hoping once the leaves came out on the trees it would lessen the noise, but it hasn't.

Manager Wright stated he will check into the beeping noise. The beeping noise must be coming from the yard truck.

Ms. Kelly also reported she recently experienced flooding on her property. Ms. Kelly indicated she has lived at this address for 23 years and the rainwater used to drain off, and now it takes awhile for the water to drain.

Member Cantrell arrived.

Ms. Kelly stated she feels whatever we did on Campus Boulevard contributed to the flooding they recently experienced. They are the lowest property on Pleasant Plain Road.

David Kelly, of 10236 Pleasant Plain Road, stated he feels the Campus Boulevard culvert is too small. It seems smaller than the culvert on Pleasant Plain Road.

Manager Wright stated he will look into this. Manager Wright reported the extreme amount of rain that we received in a short period of time in June also caused Wolf Creek to overflow its banks in Golden Gate Park and merge with the pond.

Gary Horstman, representing the Brookville Historical Society, thanked Ron Brandt for his assistance in taking a tree down in the alley that was near electrical lines.

Manager Wright requested Council authorization to advertise for bids for the annual repaving of streets, which include five to seven city streets, the Theater parking lot, and the streets in Sterling Meadows, Section VII.

Motion by Letner, second by Ullery to allow Manager Wright to advertise for bids for the 2009 Street Resurfacing Project as requested by Manager Wright. All yeas, motion carried.

Manager Wright requested Council authorization to allow the milling and resurfacing of Arlington Road from the city limits to just south of the overpass as part of Montgomery County's resurfacing project at an approximate cost of \$60,000, which will be a part of our 2009 repaving program.

Motion by Letner, second by Ullery to allow the milling and repaving of Arlington Road from the city limits to just south of the overpass as a part of Montgomery County's resurfacing project as requested by Manager Wright. All yeas, motion carried.

Manager Wright requested Council authorization to hold a Public Open House for the residents that live along the W. Westbrook Road Project, from Western Avenue to Arlington Road on July 22, 2009 from 5:00 to 7:00 p.m. This allows the residents to come in and review the project and ask questions. Manager Wright encouraged Council to attend.

Motion by Cantrell, second by Garber to allow Manager Wright to hold a Public Open House on July 22, 2009 from 5:00 to 7:00 p.m. for the residents along the W. Westbrook Road Project. All yeas, motion carried.

Manager Wright requested Council authorization to advertise for bids for the W. Westbrook Road, Ohio Public Works Project.

Motion by Duncan, second by Garber to allow Manager Wright to advertise for bids for the W. Westbrook Road, Ohio Public Works project as requested by Manager Wright. All yeas, motion carried.

Manager Wright reported letters are being mailed out to the Downtown Businesses describing the application process for the CDBG Downtown Business Improvement Program. Manager Wright reported the City should be receiving the applications from Montgomery County shortly.

Manager Wright reported the Tea Party was a successful event. The members of the Dayton Tea Party were great to work with. There was minimal cleanup that we had to do the following day. The weather was great, and there was minimal damage to Golden Gate Park. The Service Department was very satisfied with what they had to do.

Manager Wright requested an Executive Session on two Personnel Matters.

Manager Wright introduced Candace Goodall, the architect that has worked alongside the Administrative Staff the last few months on the design of the proposed new Fire Station facility. Manager Wright indicated the City is interested in submitting a federal grant for funding consideration through the Federal American Reinvestment and Recovery Act for a new Fire Station.

Ms. Goodall presented architectural renderings and preliminary drawings of the proposed new Fire Station that totals 24,660 square feet. The renderings and drawings include a front and rear view, a Site Plan, proposed floor plans and elevation plans. The preliminary cost estimate for the Fire Station facility is based on prevailing wage rates and a project that is tax exempt. The base bid totals \$2,937,000, with a list of proposed alternate bid items that include a four-story training tower, metal roof system, generator to service the entire building, and landscaping. The projected project cost including alternates totals \$3,227,000, or \$131.00 per square foot.

Discussion followed.

Member Ullery asked if the City is not awarded the grant, will we move forward with the construction of the new Fire Station?

Manager Wright stated we should know by the end of 2009 if we will receive grant funding. We are reviewing funding and payment possibilities if we do not receive this grant funding.

Manager Wright requested Council authorization to apply for the Firefighters Fire Station Construction Grant for a new Fire Station facility.

Motion by Reel, second by Duncan to allow Manager Wright to apply for funding under the A.R.R.A. Assistance to Firefighters Fire Station Construction Grant as requested by Manager Wright. Garber nay, Letner yea, Ullery yea, Reel yea, Duncan yea, Cantrell yea and Seagraves yea. Motion carried with six yeas and one nay.

Fire Chief Nickel thanked the Brookville Police Department for their traffic control assistance during the recent house fire the Brookville Fire Department and other departments battled. Fire Chief Nickel thanked the community for providing ice, water and cold towels during their fire fighting efforts, which were successful. Fire Chief Nickel reported the fire was contained in the attic area.

Mayor Seagraves stated all departments need to be commended for their efforts in saving the house. It was extremely hot on that day and the citizens should be commended for their efforts.

Fire Chief Nickel reported the Tea Party and the fireworks went well for the Brookville Fire Department. The new fencing helped with crowd control.

Law Director Stephan reported discussion was held at the last Planning Commission Meeting on a proposal presented by Jerry Kilgore for a used auto sales business at the corner of Western Avenue and W. Westbrook Road. The lot is zoned Convenience Business, which permits various types of retail sales, but does not specifically provide for auto sales. The Convenience Business District allows auto service stations as a Special Use. The consensus of Planning Commission was that they could not approve auto sales in this zoning district unless City Council amended the Ordinance to specifically include auto sales as a Special Use in this district. Law Director Stephan stated if Council is interested in adding text to allow auto sales, an Ordinance will be prepared and presented to Council for a first reading and then a Public Hearing would be set. Law Director Stephan asked Council if they are interested in adding text to allow auto sales as a Special Use in the Convenience Business District.

Mayor Seagraves reported there is a concern on Planning Commission that they are continually being asked to change or provide exceptions to our existing zoning text.

Member Cantrell commented if we move forward with this zoning change, it will affect three properties currently in Brookville. Member Cantrell stated she understands why auto sales were excluded because all three properties are located in residential districts and she is not interested in changing the makeup of the community.

Member Duncan stated he is totally against changing or amending zoning text. Maybe we need to take a look and see if we need to do an overall amendment to our zoning text if we are behind. Several years ago, we amended our residential zoning text by increasing the square footage and setbacks.

Member Ullery commented that he would rather see an auto sales business here versus a repair shop with cars sitting around needing repairs.

Member Garber stated he sympathizes with Member Ullery, however, his desire for the corner lot to look good doesn't warrant bending the zoning rules.

Member Letner asked if Mr. Kilgore has visited the neighbors as Planning Commission recommended?

Mayor Seagraves stated we don't know yet, as Planning Commission doesn't meet until later this month.

The consensus of Council is they are not interested in amending the Convenience Business District zoning text to include auto sales as a Special Use.

Member Garber commented that he received information from the Ohio Municipal League on proposed HB 141, a bill that revises Ohio law on home sewage treatment systems. A provision in the bill says that a public health agency can order an owner onto a central sewer system, implies that the owner of the central system must accept the property owner's tap-in and cannot require annexation in trade for such a tap-in.

Manager Wright reported this House Bill is strongly being opposed by the Ohio Municipal League. All cities will also oppose this House Bill.

Law Director Stephan stated he will look into this proposed House Bill.

Finance Director/Clerk Keaton presented the June 30, 2009 Fund Balance for Council review and approval. Finance Director/Clerk Keaton also presented the mid-year Detail Trial Balance, which shows the year-to-date revenues and expenditures compared to the 2009 budget.

Motion by Cantrell, second by Duncan to approve the June 30, 2009 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton requested Council authorization to accept our Commercial Property, Automobile and Liability insurance renewal with The Ohio Plan. The coverage period is July 1, 2009 through June 30, 2010. The 2009 renewal premium is \$54,352. Finance Director/Clerk Keaton reported the renewal proposal provides another rate guarantee for 2010. Finance Director/Clerk Keaton reported numerous liability coverages increased over the last year, which makes this a stronger policy.

Motion by Ullery, second by Reel to accept The Ohio Plan Risk Insurance with the Hylant Group at a renewal premium of \$54,352 beginning July 1, 2009. All yeas, motion carried.

Finance Director/Clerk Keaton reported the City's 2008 Financial Audit is complete, and the City once again received an excellent audit. The 2008 audited Basic Financial Statements have been filed with the State Auditor and copies are available for viewing.

Finance Director/Clerk Keaton reported the Montgomery County Board of Commissioners will hold their regular commission meeting here in our City Council Chambers on Tuesday, August 25 beginning at 7:00 p.m. Finance Director/Clerk Keaton reported at 4:00 p.m. on August 25, the commissioners will take a road tour of our City to see our community. At 5:30 p.m., the commissioners, county department directors and staff, along with Brookville elected officials and staff will have dinner which will be followed by the commission meeting at 7:00 p.m.

Finance Director/Clerk Keaton requested Council adopt proposed Resolution No. 09-18, which amends the 2009 Appropriations and Estimated Resources.

Motion by Duncan, second by Garber to read proposed Resolution No. 09-18. All yeas, motion carried.

Motion by Duncan, second by Letner to accept the first reading, dispense with the second and third reading and adopt Resolution No. 09-18 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 the Management team for their efforts during the Tea Party and to Park Board for allowing the event to be held in Golden Gate Park.

Mayor Seagraves informed Council that it is time to set Beggar's Night in Brookville for 2009. The Mayors and Managers Association has recommended Saturday, October 31.

Motion by Garber, second by Duncan to set Beggars' Night in Brookville for Saturday, October 31, 2009 from 6:00 to 7:30 p.m. All yeas, motion carried.

Member Cantrell commended Mayor Seagraves for his introduction at the Tea Party. The crowd seemed to enjoy his comments.

Police Chief Preston presented the Brookville Police Department Call Analysis for June 2009 and the Incident Log from June 16 through July 6, 2009. The Call Analysis Report shows 117 Priority 1 calls, 375 Priority 2 calls, and 148 Priority 3 calls. Total calls handled through June 30, 2009 shows a decrease of 483 calls, or 12.6% below where we were a year ago. Total reportable incidents are down 50 reports. The Incident Log shows 45 new cases with 43 of those closed and two pending further investigation.

Police Chief Preston reported the "D.U.M.P. a Million" program went very well. The Brookville Police Department disposed of 17,759 pills. Police Chief Preston stated the Brookville Police Department will try and hold this event once a year.

Police Chief Preston reported the Tea Party went well for the Brookville Police Department. There were no problems with the event.

Motion by Garber, second by Cantrell to read proposed Resolution No. 09-17. All yeas, motion carried.

Motion by Duncan, second by Ullery to accept the first reading of proposed Resolution No. 09-17. Cantrell yea, Duncan yea, Reel nay, Ullery yea, Letner yea, Garber yea and Seagraves yea. Motion carried with six yeas and one nay.

There was no Old Business.

In New Business, Member Letner requested an Executive Session on a Personnel Matter.

Motion by Garber, second by Letner to go into Executive Session on two Personnel Matters as requested by Manager Wright and a Personnel Matter as requested by Member Letner. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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

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Sonja M. Keaton, Clerk

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David E. Seagraves, Mayor