

BROOKVILLE CITY COUNCIL
REGULAR MEETING
July 21, 2009

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on July 21, 2009 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, Duncan, Letner, Reel and Ullery; Manager Wright, Law Director Stephan, Fire Chief Nickel, Police Chief Preston and Director of Finance/Clerk Keaton were present. Member Garber arrived later.

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

Member Garber arrived.

Motion by Reel, second by Duncan to accept the July 7, 2009 Regular Meeting Minutes as presented. All yeas, motion carried.

Chris Phillips, of 545 W. Westbrook Road, expressed concerns with the W. Westbrook Road Reconstruction Project. Mr. Phillips stated he is not interested in having curb and sidewalk installed on his property and he is not pleased with his proposed assessments costs. Mr. Phillips stated he spoke with his surrounding neighbors. Most are on a fixed income and these assessments are going to be hard to pay with the current economy.

Manager Wright reported Council approved this project over a year ago, but if Council chooses, they can stop the project. Manager Wright reported the assessments for the installation of, or replacement of curbs and sidewalks during road reconstruction projects are the responsibility of the property owners. This policy was adopted by City Council a long time ago.

Mayor Seagraves stated the installation of sidewalks along this section of roadway is a safety factor.

Mr. Phillips stated the majority of the residents around him are not in favor of this project. This is a bad time to charge assessments with the current state of the economy.

Todd Cunningham, of 542 W. Westbrook Road, asked if the City made any efforts to get stimulus money for this project. New Lebanon obtained funding and they are installing sidewalks.

Manager Wright reported New Lebanon most likely received Community Development Block Grant money to replace sidewalks in a section of town. Manager Wright commented assessing sidewalks and curbs on property taxes over a five-year period of time is an option for property owners. Property owners would be better off borrowing the money from a bank because interest rates would be lower.

Member Duncan stated property owners do have an option of installing their own sidewalk and curb, but they may get a better price with the contractor that is awarded the bid from the City.

Manager Wright reminded Council that an Open House is scheduled on Wednesday, July 22 from 5:00 to 7:00 p.m. for the property owners along the W. Westbrook Road Project. The Open House will be held in the Council Chambers and Manager Wright encouraged Council to attend.

Manager Wright reported the City will soon begin a storm sewer project on Sycamore Street. Manager Wright reported there is an old 18" clay storm sewer that runs through a couple of yards on Sycamore Street and drains out on Albert Road. Manager Wright reported the City has dug up and repaired this storm sewer on several occasions. Most of the work will be done in-house. We will be using a larger backhoe for this project due to the depth of the storm sewer. The work should be completed in four to five days.

Manager Wright reminded Council that the Community Picnic will be held on Friday, Saturday and Sunday.

Manager Wright reported as a follow up to the last Council meeting where two residents from Pleasant Plain Road reported they recently experienced flooding in their yards due to heavy rain, Council should have a copy of a review conducted by Choice One, the City's engineer. The engineers report states Wolf Creek as it flows near their properties, reflects that most likely whatever flooding is occurring is being caused by obstructions in the stream. The City will remove these obstructions as soon as possible. The calculations indicate the culvert would have some backwater effects during large storms. Currently, there are overflow areas beside the stream in the city's industrial park which would store water during such large storms.

Manager Wright reported Council should have a copy of a subdivision map and aerial photo of Section Six of the Sterling Meadows subdivision. Manager Wright reported he received a phone call from an attorney representing one of the partners of that section of the subdivision. The attorney inquired if the City would be willing to accept one or two lots to possibly construct a park. Manager Wright stated he would not have a problem owning the lots as long as there is not a stipulation that the lots would become park land. The City could sell the lots for someone to build on. Even if we gave the land away for someone to build on, at least it would have a house and not vacant ground. Manager Wright asked Council if they want to consider accepting the lot(s).

Member Duncan stated what happens if they give us the two lots that have an odd shape and they may be hard to sell.

Manager Wright reported at this time, we do not know which of the four lots they are interested in donating.

Member Reel asked if the City owns the lots would we have to maintain them?

Manager Wright stated yes, the City is currently maintaining these four lots. We are currently mowing the lots and invoicing the developer.

Member Ullery stated he would like to see these lots remain residential. He is not interested in converting these lots to park land. Member Ullery commented he could see this develop into a traffic problem.

Mayor Seagraves commented that he agrees with Member Ullery. The surrounding homeowners may be in opposition to one or two lots being turned into park land. This was not a part of the original plan.

Member Reel stated he is totally against turning the lots into park ground.

The general consensus is to have Manager Wright contact the attorney to let him know that the City is interested in the lots as long as there is not a stipulation that we are required to turn the lots into park land.

Manager Wright reported the Downtown Business Improvement Project applications will be available later this week.

Member Garber inquired if we were able to resolve the loud beeping noise from Payless that was brought up at the last Council meeting.

Manager Wright reported Police Chief Preston contacted Payless, and asked for an update from Police Chief Preston.

Police Chief Preston reported he contacted Payless about the beeping noise that was brought up at the last Council meeting, and the concern was turned over to the operations manager, who is out of the office this week. Police Chief Preston stated he hopes to get an answer on that concern next week.

Fire Chief Nickel presented the Brookville Fire Department Incident Log for July 1 through July 21, 2009. The report shows the Brookville Fire Department responded to 82 calls in this time period. The report indicates the alarms are pretty much balanced throughout a 24-hour period of time. The Aid Response Report indicates the Brookville Fire Department requested five mutual aid calls and they responded to eight mutual aid call requests during this time period. Fire Chief

Nickel reported he is satisfied with the EMS to-scene time analysis report. The report indicates we are still in line with the EMS response times. The transport report shows we transported to Good Samaritan Hospital and Health Center 36 times out of 67 EMS alarms.

Police Chief Preston presented the Incident Log from July 7 through July 20, 2009. Police Chief Preston reported there were 27 new cases during this time period with 21 closed and six pending further investigation.

Police Chief Preston reported on July 7 a subject was run over with a motor vehicle on Madrid Avenue. After several days of investigation, the Brookville Police Department was able to identify the suspect and he has been arrested and is currently housed in the Montgomery County Jail on two counts of felonious assault.

Police Chief Preston reported on July 11 the Brookville Police Department responded to an address on Hunterfield Drive on the report of a dog trying to force its way into the callers home. When the Sergeant arrived on the scene, the dog began attacking him in the yard. The dog was destroyed with the Sergeant's service weapon. The dog was sent to the Health Department to determine if the dog may have contracted rabies. The Sergeant was not injured during the incident.

Police Chief Preston reported the Brookville Police Department will not be holding the Fishing Derby this year due to the current economy and the declining participation. Police Chief Preston reported the Brookville Police Department will be co-sponsoring an event with the Amvets on September 12. This will be a Car and Bike Show. They may combine the Show with their annual Chili Cook-off. Additional information will be provided at a later date.

Law Director Stephan reported Council has before them three Ordinances, 2009-09, 2009-10 and 2009-11 that adopts zoning regulations for Donation Bins, Portable On-Demand Storage Units and Solar Equipment. Planning Commission's initial recommendation is for Council to have a first reading on these Ordinances and schedule a Public Hearing.

Motion by Duncan, second by Garber to read proposed Ordinance No. 2009-09, 2009-10 and 2009-11. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the first reading of proposed Ordinance No. 2009-09, 2009-10 and 2009-11. All yeas, motion carried.

Law Director Stephan stated in response to Member Garber's question at the last Council Meeting on proposed HB141, the bill may require certain township residents to connect into the central sewer system of the City and the City cannot require annexation as a condition for connecting into the sewer system. Law Director Stephan commented the Ohio Municipal League is lobbying in opposition to this proposed Bill. The Bill is currently in committee.

Mayor Seagraves set a Public Hearing for Ordinance No. 2009-09, 2009-10 and 2009-11 for August 18, 2009 at 8:00 p.m.

Finance Director Keaton reported she received a request for a block party on Saturday, August 15 from 5:30 to 10:30 p.m. on Shaney Lane in the Arlington Woods Subdivision. They would like to have Shaney Lane blocked off at Randy Sue.

Motion by Reel, second by Duncan to allow a block party on Saturday, August 15 from 5:30 to 10:30 p.m. with Shaney Lane to be blocked off at Randy Sue as requested. All yeas, motion carried.

Finance Director Keaton requested Council approval to waive a hearing before the Montgomery County Budget Commission.

Motion by Duncan, second by Ullery to waive a hearing before the Montgomery County Budget Commission for the 2009-2010 Tax Information/Budget and/or Inside Millage. All yeas, motion carried.

Finance Director Keaton requested Council authorization to transfer \$200,000 from the General Fund to the Capital Improvement Fund as appropriated for 2009.

Motion by Cantrell, second by Letner to authorize the transfer of \$200,000 into the Capital Improvement Fund as appropriated and requested by Finance Director Keaton. All yeas, motion carried.

Finance Director Keaton requested an Executive Session on a Contract Negotiation Matter.

Mayor Seagraves stated he is excited about the Community Picnic and encouraged everyone to attend.

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

Motion by Garber, second by Duncan to accept the second reading of proposed Resolution 09-17. Garber yea, Letner yea, Ullery yea, Reel nay, Duncan yea, Cantrell yea and Seagraves yea. Motion carried with six yeas and one nay.

Discussion was held on tabling the first reading of proposed Resolution No. 09-19, which is a Resolution of Necessity for constructing new sidewalk and curb along the W. Westbrook Road Project until after the Open House is held.

Motion by Duncan, second by Reel to table the first reading of proposed Resolution No. 09-19. All yeas, motion carried.

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

There was no New Business.

Motion by Duncan, second by Letner to go into Executive Session on a Contract Negotiation Matter as requested by Finance Director Keaton and a Personnel Matter as requested by Member Letner. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Finance Director Keaton announced the City's health and dental insurance is up for renewal August 1, and recommended that we renew with our current provider, United HealthCare of Ohio on the health insurance and renew with Denta Select on the dental insurance.

Motion by Reel, second by Duncan to accept the United HealthCare of Ohio, HRA Consumer Plan 1AP with the MM prescription renewal plan at a monthly rate of \$346.92 per single employee; \$693.83 per employee & spouse; \$676.49 per employee & children; and \$1,075.44 per family for health insurance with the employer funding the first \$1,500 deductible for an employee contract and the first \$3,000 deductible for an employee and dependent contract with no rollover, with the employee contributing 10% of the monthly rate through a Cafeteria 125 Plan; and \$11.20 per month for employee Life Insurance and AD&D through United HealthCare of Ohio; and to accept the Dental Care Plus quote for dental insurance at a monthly rate of \$23.75 per single employee; \$47.48 per employee & one dependent; and \$72.98 per employee & two or more dependents, which will be paid 100% by the employer; and to continue to offer Vision Care Plus as a voluntary vision plan through the Cafeteria 125 Plan. All yeas, motion carried.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor