

BROOKVILLE CITY COUNCIL
REGULAR MEETING
December 15, 2009

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on December 15, 2009 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, Garber, Letner, Reel and Ullery; Manager Wright, Police Chief Preston, Law Director Stephan and Director of Finance/Clerk Keaton were present. Member Duncan and Fire Chief Nickel were absent.

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

Motion by Reel, second by Garber to accept the December 1, 2009 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves recognized Dottie Watkins, Chairperson of Brookville Planning Commission, for her 30 years of dedicated service and outstanding leadership on Brookville Planning Commission from May 5, 1979 to December 31, 2009.

Mayor Seagraves recognized Darrell Reel, Council Member, for his years of dedicated service and outstanding leadership to the citizens of the City of Brookville from January 6, 2004 to December 31, 2009.

Manager Wright reported the City was recently notified that the ED/GE Grant for Norgren, Inc. was approved for the full amount of \$300,000. This grant will assist Norgren, Inc. in relocating to the NorthBrook Industrial Park.

Mayor Seagraves thanked the Montgomery County Commissioners and the ED/GE Committee for this funding.

Manager Wright requested approval to enter into a two-year contract with the Montgomery County Animal Resource Center at a cost of \$60 for impounding, boarding, euthanasia and processing fee per animal. The adoption credit of \$15 will still apply for each cat adopted by a Brookville resident. Manager Wright stated the Animal Resource Center decided it will implement a flat charge in 2010, versus the per day boarding fee and disposal fee currently being charged. All cats received from the City will be held for two days (instead of three) for each cat presented from a contract jurisdiction.

Motion by Cantrell, second by Garber to authorize Manager Wright to enter into the two-year Agreement with the Montgomery County Animal Resource Center as presented and recommended by Manager Wright. All yeas, motion carried.

Member Letner reminded residents to have their pets spayed and neutered.

Manager Wright requested authorization and approval for a Change Order on the West Westbrook Improvement Project.

Motion by Garber, second by Letner to authorize and approve Change Order #1 on the Westbrook Road Improvement Project, increasing the amount by \$8,725.50 for additions totaling \$36,140.75 and deletions totaling \$27,415.25, changing the contract price from \$441,251.00 to \$449,976.50 as recommended by Manager Wright and Engineer Griffiths. All yeas, motion carried.

Manager Wright reported at the last Council Meeting, Council authorized him to bid on a dump truck at an amount not to exceed \$31,000. Manager Wright reported he bid on the dump truck and purchased it for \$22,500. Manager Wright stated he was very pleased with the purchase of that dump truck and it is now in service.

Member Letner thanked the Montgomery County Engineers for their expeditious work replacing a culvert at the intersection of Johnsville-Brookville and Brookville-Pyrmont Roads. The road was closed for a period of two days. Member Letner asked if a letter could be sent to the

Montgomery County Engineers thanking them for their quick work on that project, since drivers in that area already experienced a detour of that roadway while Westbrook Road was under construction during the summer and fall.

Manager Wright stated we can do that.

Member Letner inquired if June Place in front of the Westbrook Elementary could be extended with June Place at the rear of Westbrook Elementary once the new elementary school is built.

Manager Wright stated a portion of the existing Westbrook Elementary building will remain intact. Manager Wright stated he is not aware of the schools current plans, but maybe we can take a look at that.

Police Chief Preston reported the Brookville Police Department responded to 16 Walnut Street on December 1 on a report of a meth lab at the residence. An investigation found that a meth lab was in operation at this address. The individual was arrested and locked up on an unrelated warrant and charges of operating a lab. The Bureau of Criminal Investigation was called in to conduct a cleanup of the property. The case is still under investigation.

Police Chief Preston presented the Brookville Police Department Call Analysis for November 2009. Police Chief Preston reported the Brookville Police Department responded to 172 Priority 1 calls, 176 Priority 2 calls and 184 Priority 3 calls. The Brookville Police Department handled a total of 7,155 calls year-to-date, which is a decrease of 813 calls or 11.3% compared to this same time last year. Total reportable incidents are down 31, or 4.7% from this same time last year. Police Chief Preston reported the Brookville Police Department had 29 arrests in the month of November. The Incident Log from December 1 through December 14 shows there were 20 new cases for investigation with 18 closed and 2 pending further investigation.

Law Director Stephan reported he recently attended the Miami Valley Planning and Zoning Conference, which held excellent topics for discussion. Law Director Stephan stated he attended a session on wind turbines, which was presented by two township planners that had drafted legislation for wind turbines. Law Director Stephan stated he is reviewing the information presented in this seminar.

Law Director Stephan reported Planning Commission will review the Westbrook Elementary School Site Plan for Special Use approval at their meeting on December 17.

Finance Director/Clerk Keaton requested Council approval to adopt proposed Resolution No. 09-27, which allows an advance on taxes collected by the Treasurer of Montgomery County in 2010 for tax year 2009.

Motion by Reel, second by Ullery to read proposed Resolution No. 09-27. All yeas, motion carried.

Motion by Reel, second by Ullery to accept the first reading, dispense with the second and third reading and adopt Resolution No. 09-27 entitled "A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2010 FOR TAX YEAR 2009, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to adopt proposed Resolution No. 09-28, which amends the 2009 Appropriations and Certificate of Estimated Resources.

Motion by Garber, second by Cantrell to read proposed Resolution No. 09-28. All yeas, motion carried.

Motion by Reel, second by Garber to accept the first reading, dispense with the second and third reading and adopt Resolution No. 09-28 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.

Finance Director/Clerk Keaton requested Council approval to adopt proposed Resolution No. 09-29, which adopts the 2010 Appropriations.

Motion by Garber, second by Letner to read proposed Resolution No. 09-29. All yeas, motion carried.

Motion by Reel, second by Garber to accept the first reading, dispense with the second and third reading and adopt Resolution No. 09-29 entitled "ANNUAL APPROPRIATION RESOLUTION AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton requested Council authorization to receipt 90% of the revenue from EMS Billing into the General Fund for operating costs and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund beginning January 1, 2010.

Motion by Garber, second by Letner to authorize and director Finance Director/Clerk Keaton to receipt 90% of the revenue from EMS Billing into the General Fund and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund. All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to designate two of its members to sit on the Volunteer Fire Fighters' Dependents Fund for 2010. For the last three years, Members Duncan and Ullery were appointed to this Board. Finance Director/Clerk Keaton indicated both Members are interested in sitting on this Board again.

Motion by Garber, second by Letner to appoint Members Duncan and Ullery to serve as the Legislative Board Members on the Volunteer Fire Fighters' Dependents Fund for 2010. Garber yea, Letner yea, Ullery abstained, Reel yea, Cantrell yea and Seagraves yea. Motion carried with five yeas and one abstention.

Finance Director/Clerk Keaton reported Council should have a copy of a resignation letter from Todd Gentis, who sits on the Civil Service Commission. The letter states Mr. Gentis will be moving to Englewood, which makes him ineligible to sit on this Board.

Motion by Garber, second by Ullery to accept the resignation from Todd Gentis on the Civil Service Commission, with regrets, effective December 31, 2009. All yeas, motion carried.

Finance Director/Clerk Keaton stated she will announce the open position in the Brookville Star. If we do not receive any responses, she will contact citizens to fill the two vacancies on the Civil Service Commission.

Finance Director/Clerk Keaton reported the winter-edition of the City Newsletter was mailed out last Friday. If citizens did not receive their copy, they need to contact the City office and one will be mailed to them.

Mayor Seagraves thanked Planning Commission Chairperson Watkins and Council Member Reel for their dedication on their respective Boards. Mayor Seagraves thanked the City employees for all of their hard work during 2009. Mayor Seagraves wished everyone a Merry Christmas.

Motion by Ullery, second by Garber to read proposed Resolution No. 09-26. All yeas, motion carried.

Motion by Garber, second by Letner to accept the second reading of proposed Resolution No. 09-26. All yeas, motion carried.

In Old Business, Member Garber commented that he read the Planning Commission Meeting Minutes and noticed the consensus of Planning Commission is to have Law Director Stephan draft legislation on temporary food vendors, but to include a limitation of no more than five temporary food vendors in the City at any given time. Member Garber inquired won't that affect the food vendors for the Community Picnic and the Downtown Block Party?

Law Director Stephan stated he is drafting legislation for temporary food vendors, but it would exclude the Community Picnic and other events such as that.

In New Business, Member Garber briefly described the proposed Dayton Power & Light electric rate increase that will go into effect January 2010. Member Garber stated there will be an insert that describes the Universal Service Fund and the three riders, or rate increases, in the electric bills that go out in January.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor