

Brookville City Council  
Regular Meeting  
December 1, 2020

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on December 1, 2020. The meeting was held virtually using the Cisco Webex application. The Pledge of Allegiance was recited. Members Crane, Fowler, Schreier, Swabb, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Clerk Duncan, and Police Chief Jerome were present. Fire Chief Fletcher was absent.

Roll Call by Clerk Duncan.

Motion by Swabb, second by Fowler to approve the Agenda as presented. All yeas, motion carried.

Motion by Schreier, second by Swabb to correct the Regular Council Meeting Minutes of November 3, 2020. Page 4, paragraph 6 was corrected to read "Police Chief Jerome indicated he did follow up with Mr. Garber and explained to him that it is against state law to drive an under-speed vehicle on a road with a speed limit in excess of 35 mph. All yeas, motion carried.

Motion by Swabb, second by Fowler to approve the Regular Council Meeting Minutes of November 17, 2020. All yeas, motion carried.

Manager Keaton reported the Ohio Senate recently amended HB404 to extend the ability of local governments to conduct meetings virtually rather than in person until July 1, 2021. HB404 also extended granting a second extension for renewing license plates, driver's license, and other state-issued ID cards. Ohioans will have until July 1, 2021 to renew licenses, or registrations that would have expired on December 1, 2020.

Manager Keaton advised Council has a copy of the Official Final vote count on our two levies. The Parks & Recreation Levy failed to pass by 99 votes and the Street Levy by 142 votes.

Manager Keaton reported the City recently closed on the property at 306-312 South Wolf Creek Street as part of our Mitigation Project. Manager Keaton stated we are having the structure inspected for asbestos and are preparing a Request for Proposal for demolition of that property. Once demolished, the area becomes green space.

Manager Keaton advised the Chamber will be lighting the Christmas tree tomorrow evening at 6:30 p.m. at the Spitler House. This year's event will be live streamed on Facebook or YouTube for those that would rather stay home.

Manager Keaton reminded everyone of the drive-thru Christmas in the Park lighting kick-off this Friday from 6:00-8:00 p.m. in Golden Gate Park.

Manager Keaton advised the City and representatives of the Police Union met on November 13 to discuss a successor contract. Both parties agreed to meet with a Mediator, which is scheduled for December 16, 2020.

Manager Keaton reported the Service Department continues to pick up leaves. To date, they have picked up 217 cubic yards, or approximately 32½ tons. The Service Department installed the Christmas lights on Market Street, Gateway Park, and the small gazebo at Golden Gate Park. Holiday banners were installed on Market Street. The Service Department also repaired a water main break on Ankara Avenue.

Manager Keaton reported she reached out to all Board and Commission Members whose term expires December 31, 2020, to see if they would be interested in continuing to serve on their respective Board or Commission. At the end of the November 19, 2020 Planning Commission Meeting, Planning Commission Member Boose announced that he will let his term expire on December 31, 2020 as he will be moving out of Brookville. All other Members whose term expires have indicated a desire to continue to serve our community. Manager Keaton requested Council appoint Jennifer Vance to a four-year term on Park Board, to appoint Don Cordes to a three-year

term on Planning Commission, and to appoint Gary Kirchhofer to a five-year term on Zoning Board of Appeals.

Member Fowler inquired if there has been any outside interest in any of the positions posted?

Manager Keaton replied there has been one letter of interest for the open Planning Commission seat. All of the positions are posted on Facebook and our website, however the holidays are not the opportune time to advertise for the positions. Manager Keaton advised we will keep it posted and will come back to Council for a recommendation or to schedule an interview process after the holidays.

Motion by Zimmerlin, second by Schreier to appoint Jennifer Vance to a four-year term on Park Board, to appoint Don Cordes to a three-year term on Planning Commission, and to appoint Gary Kirchhofer to a five-year term on Zoning Board of Appeals, with terms beginning January 1, 2021. Schreier yea, Wilder yea, Fowler yea, Crane yea, Swabb abstain, Zimmerlin yea, Letner yea. Motion carried with six yeas and one abstention.

Manager Keaton reported proposed Resolution No. 20-26 is a Resolution that strongly opposes Senate Bill 352 and House Bill 754, legislation proposing the repeal of Section 29 of House Bill 197, which instructed municipalities to continue withholding income tax at a taxpayer's place of work, even if that taxpayer is currently working from home in another local jurisdiction due to the COVID-19 pandemic. This provision extends until the end of the Governor's declaration of emergency. The City currently has several large and small employers whose employees are working from home and we continue to receive income tax dollars as if they were working at their jobsite. If either Bill receives approval, we will experience a very sharp decline in income tax receipts. Manager Keaton requested Council adopt proposed Resolution No. 20-26 so copies of the adopted Resolution can be promptly delivered to the Ohio Senate and Ohio House of Representatives.

Member Fowler asked if we have numbers on how many people who live in Brookville and work outside of Brookville are currently working from home?

Manager Keaton replied we do not have those numbers. Manager Keaton stated she knows of at least ten Brookville employers who have employees working from home and we continue to receive that income tax revenue as if they are physically working in Brookville.

Member Fowler asked if we are sure it would affect us that much or would we possibly benefit from it?

Manager Keaton replied it would definitely hurt us as many Brookville based employees live outside of Brookville.

Member Zimmerlin asked if one of the House bills is related to people who are working from home and the other related to making a permanent change to the taxing structure where you pay where you live versus where you work?

Manager Keaton replied, an Ohio House Representative introduced a Bill in the House and an Ohio Senator introduced a Bill in the Senate. Both Bills that were introduced repeal the temporary municipal income taxation rule for employees who are working from home due to COVID-19.

Member Zimmerlin stated he is not as concerned with the one related to COVID, but he would be interested to see the figures on the other bill and if that bill goes through, whether or not it will have a positive impact if it shifts from where you live to where you work.

Manager Keaton advised she will see if we can get this information from Vandalia.

Member Zimmerlin stated several citizens reached out to him over the holiday weekend related to trash issues. The recycling driver was picking up near his home on the day after Thanksgiving and it really should have been picked up on Saturday with the holiday delay. This caused some confusion because recycling was picked up one day and trash was picked up on another.

Manager Keaton responded the City office received some calls from residents in Rona Village, but no others that she is aware of. She will definitely check into it.

Mayor Letner commented that he talked to the recycling driver on Friday and she was just trying to get ahead of the game. She knew that the houses that were out were scheduled to be picked up on Saturday, but she did not want to work all day on Saturday.

Member Zimmerlin inquired whether Manager Keaton had any additional information on how the City would be affected by the loss of Provimi?

Manager Keaton stated she would share more information at the Budget Work Session. There are some numbers that she cannot share as that information is confidential. Provimi is the second largest employer in the City on withholding, right behind Green Tokai.

Member Wilder stated the tax changes could get very confusing because right now she is working from home all but one day a week. It seems these work arrangements would be difficult to track.

Manager Keaton replied currently employers are to withhold as if employees are still working from the physical location. It will get really tricky if they amend that.

Finance Director Brandt presented the November 30, 2020 Fund Balance for Council approval.

Motion by Zimmerlin, second by Fowler to approve the November 30, 2020 Fund Balance as presented.

Finance Director Brandt requested Council accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 20-27 that amends the 2020 Appropriations and Estimated Resources. This Resolution shall take effect immediately after passage of the Resolution as provided in 4.07(A)(1) of the Charter of the City.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 20-27. All yeas, motion carried.

Motion by Zimmerlin, second by Swabb to accept the first reading, dispense with the second and third reading and adopt Resolution No. 20-27 entitled "A RESOLUTION AMENDING THE 2020 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, AS SET FORTH BELOW." All yeas, motion carried.

Finance Director Brandt requested Council authorization to transfer funds from the General Fund to the following funds as appropriated: \$25,000 to the Park Fund, which is a partial amount of the amount appropriated and \$10,000 to the Note Retirement Fund, which is the remaining amount of the amount appropriated.

Motion by Swabb, second by Fowler to authorize the transfer of \$25,000 from the General fund to the Park Fund as appropriated and \$10,000 from the General Fund to the Note Retirement Fund as appropriated. All yeas, motion carried.

Member Zimmerlin asked Manager Keaton if she has an update on when the new bank will break ground across from IGA?

Manager Keaton replied the City had to obtain a sanitary easement and she is waiting on that to be signed. The bank also has permits that are currently being reviewed at Montgomery County Building Department.

Mayor Letner announced Fire Chief Fletcher is absent this evening. Council received a copy of his report and any questions this evening can be directed to Manager Keaton.

Police Chief Jerome advised reportable Incidents, Citations and Traffic Stops remained steady this month.

Police Chief Jerome reported the Police Department will be available to help with the Chamber of Commerce Tree Lighting Event tomorrow, if needed. The Police Department will also have a presence at the Christmas in the Park event to help with traffic, if needed.

Police Chief Jerome commented House Bill 404 has been a little bit of a problem for law enforcement with the different interpretations of title transfers, licensing and registration renewals. Police Chief Jerome stated the Police Department is stopping drivers who are interpreting this law in many ways. It has been a bit of a challenge and will continue to be a challenge until July 1<sup>st</sup> of next year.

Police Chief Jerome advised Council should have a copy of a press release regarding a recent arrest. There are additional cases he will report on after Grand Jury that were definitely good Police work by his troops.

Police Chief Jerome reported his department is doing their best to stay as healthy and as unexposed as possible to COVID-19. Police Chief Jerome reported he has been on several conference calls regarding the coronavirus vaccine. They have discussed willingness to get the vaccine and distribution points if it is made available first to health care workers and first responders.

Law Director Stephan had no report.

Mayor Letner commented beginning in 2021 he would like to recognize a Citizen of the Month. Nominations can be emailed to him at [cletner@brookvilleohio.com](mailto:cletner@brookvilleohio.com) or they can be texted to him. Mayor Letner commented we have had a trying year in 2019 and again in 2020, and many individuals have stood out through the whole ordeal. Mayor Letner stated he will look forward to recognizing a Citizen of the Month at the first meeting of each month in 2021.

Motion by Swabb, second by Zimmerlin to read proposed Ordinance No. 2020-06. All yeas, motion carried.

Law Director Stephan directed the Clerk of Council to first read the recommendation from Planning Commission, per 4.11 of the City Charter.

Clerk Duncan stated Planning Commission recommends to City Council that City Council does not approve Ordinance No. 2020-06. In its meeting on November 19, 2020, the following motion was presented: Motion by Letner, second by Cordes to recommend approval of Ordinance No. 2020-06 to City Council. Boose nay, Claggett nay, Cordes nay, Sievers nay, Letner nay, Schreier abstain, Henderson nay. Motion failed with six nays and one abstention.

Mayor Letner stated Council will either accept that recommendation and vote no on the second reading or two-thirds of the members of Council could vote to modify the Planning Commission recommendation and vote yes on the second reading.

Clerk Duncan read proposed Ordinance No. 2020-06 entitled "AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF LOTS 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, AND PART OF LOT 2609 OF THE CITY OF BROOKVILLE FROM ITS PRESENT CLASSIFICATION OF (R-1C) URBAN RESIDENTIAL DISTRICT TO THE NEW CLASSIFICATION OF (R-3) MULTI-FAMILY RESIDENTIAL DISTRICT."

Motion by Letner, second by Zimmerlin to accept the second reading of proposed Ordinance No. 2020-06. Schreier abstain, Wilder nay, Fowler nay, Crane nay, Swabb nay, Zimmerlin nay, Letner nay. Motion failed with six nays and one abstention.

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 20-26. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 20-26 entitled "A RESOLUTION STRONGLY OPPOSING SENATE BILL 352 AND HOUSE BILL 754, LEGISLATION PROPOSING THE REPEAL OF SECTION 29 OF HOUSE BILL 197, WHICH WILL RESULT IN A MYRIAD OF UNINTENDED CONSEQUENCES THROUGH OHIO'S ENTIRE MUNICIPAL INCOME TAX SYSTEM, CAUSE A SUBSTANTIAL LOSS OF REVENUE THAT WILL IMPEDE THE ABILITY OF MUNICIPALITIES TO PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF MUNICIPAL RESIDENTS AND BUSINESSES AND THEREBY JEOPARDIZE THE FUTURE ECONOMIC GROWTH OF THE STATE OF OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Fowler, second by Swabb to read proposed Ordinance No. 2020-08. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler, to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2020-08 entitled "AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Member Fowler reported Park Board is busy preparing for the Christmas in the Park event, which will have the kick-off event on December 4, 2020. Member Fowler encouraged everyone to attend. Member Fowler advised the Chamber Christmas Tree lighting will also be held next week.

Member Schreier reported at the November 19, 2020 Planning Commission Meeting there was extensive discussion regarding proposed Ordinance 2020-06, both by Meadows of Brookville residents and Planning Commission members. Planning Commission did not recommend approval of the proposed Ordinance to Council. Member Schreier thanked the residents for their candor and preparedness and thanked both Planning Commission and Council for their input.

Member Fowler stated Council does need to start thinking about putting a levy on the ballot in March.

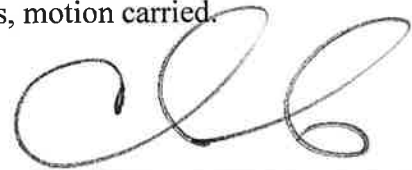
Mayor Letner replied Council will discuss another levy in the upcoming budget meeting and reminded everyone of the Budget Work Session scheduled for December 3 at 6:00 p.m.

Manager Keaton commented the primary is actually the first week of May next year.

Motion by Zimmerlin, second by Swabb to adjourn. All yeas, motion carried.



Kimberly Duncan, Clerk



Charles Letner, Mayor