

Brookville City Council  
Regular Meeting  
November 3, 2020

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Zimmerlin at 7:30 p.m. on November 3, 2020 at the Brookville Fire Station 76 Training Center. The Pledge of Allegiance was recited. Mayor Letner, Members Crane, Fowler, Schreier, Swabb and Wilder; Manager Keaton, Finance Director Brandt, Law Director Stephan, Clerk Duncan, Fire Chief Fletcher and Police Chief Jerome were present.

Vice Mayor Zimmerlin announced that he is running the meeting tonight as Mayor Letner is not feeling well. Vice Mayor Zimmerlin advised Mayor Letner is attending the meeting via Webex.

Roll Call by Clerk Duncan.

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

Motion by Fowler, second by Swabb to approve the Regular Council Meeting Minutes of October 20, 2020. All yeas, motion carried.

Motion by Swabb, second by Schreier to approve the Public Hearing Meeting Minutes of October 22, 2020. All yeas, motion carried.

Vice Mayor Zimmerlin asked if the presenter, Gail Dafler, of Good Will Easter Seals Miami Valley, listed on the Agenda is present?

Clerk Duncan stated Mrs. Dafler has not yet arrived. Clerk Duncan stated Mrs. Dafler confirmed she would be present via email, maybe she was held up at the polls.

Vice Mayor Zimmerlin replied we will continue with the meeting and if Mrs. Dafler arrives, we will allow her to make her presentation at that time.

Manager Keaton reported the Front Office Renovation project is moving right along. If the schedule is followed, we should be able to open our doors to the public on November 16.

Manager Keaton reported as a follow up on the Mitigation Grant for 306-312 S. Wolf Creek Street, the appraisal for that property is complete and the property owner has accepted the City's offer to purchase that property for \$142,500 with closing costs to be determined. Manager Keaton stated the City hopes to close on that property soon with demolition of the structure to follow within 90 days of closing.

Manager Keaton advised the valve and pipe in the stem of the water tower was replaced yesterday and the City of Dayton began refilling the tower today. Once the water tests negative for bacteria two days in a row, the tower can be turned on.

Manager Keaton stated Miami Valley Lighting recently completed inspection of all the Miami Valley Lighting owned wood poles in Brookville. Forty-nine wood poles are scheduled to be replaced.

Manager Keaton reported AMVETS reached out to the Brookville Optimist Club and requested to sponsor U.S. flags to be placed along Market Street from AMVETS to E. Upper Lewisburg-Salem on various holidays, the same as what the Optimist currently does on Arlington Road. The placement of flags along this section of Market Street will begin in 2021, and the flags will be placed behind the sidewalk.

Manager Keaton stated she is pleased to report that AKA Construction recently acquired the building from R&B Contracting at 903 Salem Street. AKA Construction is a commercial/industrial construction company that relocated their Dayton office to Brookville. AKA Construction currently has nine employees.

Manager Keaton indicated the City received our appraisal of the former Fire Station 2 at 401 Albert Road. The appraised value as of October 14, 2020 is \$185,000. Manager Keaton stated she and Law Director Stephan discussed preparing RFP's for both locations where we can set a reserve, or minimum amount that we would accept. Manager Keaton inquired whether Council wants Staff to move forward with selling both former Fire Stations?

Member Fowler asked if we could put a restriction on what type of business could come into those facilities?

Fire Chief Fletcher commented he has been approached by more than one citizen who has said they do not want to see another auto repair shop go into one of those facilities.

Manager Keaton responded that we would definitely include the Permitted and Special Uses that would be permitted for each former Fire Station based on their zoning classification.

Law Director Stephan stated with respect to the Fire Department on Main Street, Staff is looking at specifically listing uses that the building could be developed for in a Request for Proposal. Law Director Stephan indicated Staff will prepare draft RFP's for Council review.

Motion by Fowler, second by Schreier to direct Staff to prepare Request for Proposal's for the two former Fire Stations. All yeas, motion carried.

Manager Keaton requested Council authorization to enter into a contract with the Montgomery County Public Defender for 2021. The 2021 Agreement is the same as the 2020 Agreement. There will be no rate increase in 2021 because of the uncertainty surrounding all budgets in the coming year. The 2021 rate will remain \$179.02 per case. Manager Keaton indicated to date, we have zero cases for 2020. We had zero cases in 2019 and one case in 2018.

Manager Keaton requested Council accept the first reading of proposed Resolution No. 20-22 that re-appoints Mr. Douglas Jerome, Director of Police for the City of Brookville. Chief Jerome has met the service credit requirements for an Ohio Police & Fire Pension System retirement and is retiring on November 21, 2020. He is requesting Council reappoint him as Director of Police effective November 22, 2020. Council is not required to hold a Public Meeting for the retiring and rehiring of an employee under the Ohio Police & Fire Pension Fund.

Motion by Fowler, second by Wilder to read proposed Resolution No. 20-22. All yeas, motion carried.

Motion by Schreier, second Fowler to accept the first reading of proposed Resolution No. 20-22 entitled "A RESOLUTION REAPPOINTING MR. DOUGLAS JEROME DIRECTOR OF POLICE FOR THE CITY OF BROOKVILLE, OHIO AND ESTABLISHING HIS ANNUAL SALARY AND EMPLOYMENT BENEFITS." All yeas, motion carried.

Manager Keaton requested Council authorization to allow the City to enter into a five-year Agreement with the BusinessFirst! Program beginning January 1, 2021. Our current BusinessFirst! Agreement expires December 31, 2020. The new Agreement is identical to our last Agreement. The annual maintenance fee remains at \$1,500, which includes website hosting. This program has been very successful in establishing relationships with existing businesses and helping meet any needs they have to be successful. Brookville has been a participant of BusinessFirst! since its inception in 2001. Current membership consists of 22 cities, 1 village, 5 townships and 5 counties.

Motion by Schreier, second by Fowler to authorize Manager Keaton to enter into a five-year Agreement with the BusinessFirst! Program beginning January 1, 2021, with an annual maintenance fee of \$1,500. All yeas, motion carried.

Manager Keaton reminded everyone of the continuation of the Public Hearing that was held on Thursday, October 22, 2020 will be held on November 17, 2020 at 8:00 p.m. in the Fire Station 76 Training Room. The Regular Council Meeting will begin at 7:30 p.m. We will recess the Regular Council Meeting at 8:00 p.m. to continue the Public Hearing. Once the Public Hearing is closed, the Regular Council Meeting will resume. The Regular Council

Meeting and Public Hearing will be accessible via WebEx. The Public Hearing is to consider proposed Ordinance No. 2020-06 that amends the zoning classification of various vacant lots in the Meadows of Brookville Subdivision, from its present classification of (R-1C) Urban Residential District to the new classification of (R-3) Multi-family Residential District.

Manager Keaton congratulated Michelle Brandt on her one-year anniversary as our Finance Director.

Member Fowler inquired whether Miami Valley Lighting is replacing the forty-nine wood poles with wood poles?

Manager Keaton replied the poles will be wood.

Gail Dafler, of Good Will Easter Seals Miami Valley, arrived and gave a presentation regarding their Prescription Medication Safety Program. The presentation included prescription drug storage disposal information, safe medication practices, an overview on the scope of prescription drug misuse problem and resources to locate treatment centers for substance use disorders.

Finance Director Brandt presented the October 31, 2020 Fund Balance.

Motion by Swabb, second by Fowler to accept the October 31, 2020 Fund Balance. All yeas, motion carried.

Finance Director Brandt requested Council accept the first reading and dispense with the second and third reading of proposed Resolution No. 20-23 which addresses paying for a portion (30%) of fire personnel salary/wages out of the CARES Fund Act Funds. The reason for the emergency is the time sensitivity involved with expending these funds.

Motion by Crane, second by Swabb to read proposed Resolution No. 20-23. All yeas, motion carried.

Motion by Fowler, second by Wilder to accept the first reading, dispense with the second and third reading and adopt Resolution No. 20-23 entitled "A RESOLUTION FINDING THAT PUBLIC SAFETY PERSONNEL ARE SUBSTANTIALLY DEDICATED TO MITIGATING OR RESPONDING TO THE COVID-19 PUBLIC HEALTH EMERGENCY, AND DECLARING IT AN EMERGENCY. All yeas, motion carried.

Finance Director Brandt advised the City received a refund of \$77,312 from BWC for our 2019 premiums, which will be distributed amongst the funds that originally paid the premiums in 2019.

Fire Chief Fletcher reported the Fire Department responded to 129 EMS and 29 Fire Incidents during the month of October and received mutual aid assistance on 5 EMS calls and 1 Fire incident. One incident where mutual aid was received was due to multiple patients; four were due to a lack of staffing, which resulted in the second medic being browned out. Fire Chief Fletcher reported we received fire mutual aid on one grass fire and provided mutual aid on 8 fire calls. Brookville and several other departments assisted New Lebanon with a standing corn field fire on October 1. This was one of several responses for our brush fire unit in October. On October 9, Engine 76 was one of six fire engines and ten tankers that responded to a fire in a newly constructed mansion at the Circle G Ranch south of Verona.

Fire Chief Fletcher reported the Insurance Services Office (ISO) has finished their review of our operations, which is the basis for insurance rates in the Brookville Fire Protection Area. The evaluation reviews many aspects of our operations, including our apparatus, response plans, pumps, training and training center, fire prevention programs, the water distribution system, and the dispatch center. The results of the evaluation are expected sometime in 2021.

Police Chief Jerome reported the Police Department had 570 Reportable Incidents for the month of October, versus 574 Reportable Incidents over this same time period last year. The Police Department issued 378 Citations in the month of October and have made 145 traffic stops year to

date. Police Chief Jerome reported a recent traffic stop yielded a bulk amount of illegal drugs which were seized by the Department.

Police Chief Jerome reported the annual Veterans Luncheon will be served carry-out style from the VFW this year rather than at Rob's Restaurant due to the COVID-19 epidemic. The Clay Township Police Department received donations toward the luncheon from many of their businesses. The luncheon is a joint venture with Clay and Perry Township Police Departments.

Police Chief Jerome advised the Police Department is looking forward to participating as judges in the AMVETS Chili Cook-off on November 14, 2020.

Police Chief Jerome reported the Prosecutor we have used for years is retiring and the Police Department is currently looking for another Prosecutor to take his place.

Police Chief Jerome advised each of his Officers completed the EOPATA training prior to the election in order to plan for safety and to follow ORC mandates at the voting polls.

Member Fowler asked if Police Chief Jerome followed up with Mr. Garber regarding his question relating to golf carts on proposed Ordinance No. 2020-07?

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 of 35 mph. Police Chief Jerome advised he also cited several instances where this has been an issue in the City. Police Chief Jerome stated Mr. Garber indicated he was satisfied with this response.

Mayor Letner asked Law Director Stephan to comment about the citizens that were already sworn in at the recent Public Hearing and whether they would speak again at the continuation of the Public Hearing on November 17, 2020.

Law Director Stephan replied the focus at the continued Public Hearing will be on the individuals who did not get to comment at the first Public Hearing. The goal is to provide a full and complete opportunity for others to participate. Law Director Stephan stated those who previously testified can speak within the five-minute time limit if they have additional testimony.

Mayor Letner commented that Beggars Night was once again a successful event in the City of Brookville.

Mayor Letner encouraged everyone to practice a Random Act of Kindness (RAK) in honor of Veterans Day and thanked all our veterans for their service.

Mayor Letner congratulated Finance Director Brandt on her one-year anniversary with the City of Brookville.

Mayor Letner commented he has not felt well after having a reaction to a recent flu vaccine. He indicated because of his symptoms, he followed protocol and had a COVID test. He has not yet received the results.

Motion by Swabb, second by Fowler to read proposed Ordinance No. 2020-07. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the third reading and adopt Ordinance No. 2020-07 entitled "AN ORDINANCE ADOPTING CHAPTER 343-GOLF CARTS AND UNDER-SPEED VEHICLES TO PROVIDE REGULATIONS FOR THE OPERATION OF GOLF CARTS AND OTHER UNDER-SPEED VEHICLES IN THE CITY OF BROOKVILLE." All yeas, motion carried.

Park Liaison Fowler had no report.

Planning Commission Liaison Schreier had no report.

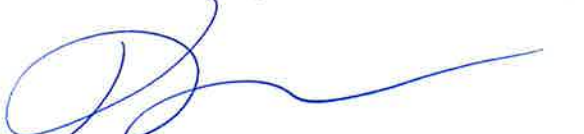
In Public Comments, Clerk Duncan indicated there was an inquiry on the Webex chat regarding the venue location for the Public Hearing?

Manager Keaton stated the Public Hearing will be the same venue as the last time, at the Fire Station 76 Training Room. Ten citizens will be allowed in at a time, with the remainder seated in the fire bay with access to the Public Hearing via a television monitor. Manager Keaton stated the meeting will also be streamed on Webex.

Vice Mayor Zimmerlin stated the hearing is being held in this manner to allow everyone to attend while complying with social distancing mandates due to the COVID-19 pandemic.

Manager Keaton stated that is correct.

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

  
\_\_\_\_\_  
Kimberly Duncan, Clerk  
\_\_\_\_\_  
James Zimmerlin, Vice Mayor