

PUBLIC HEARING
FOR THE CITY OF BROOKVILLE
STATE OF OHIO

* * *

Proposed Amendment to Lots 2413,
2414, 2415, 2416, 2417, 2418,
2419, 2420, 2421, 2422, 2423,
2424 and part of Lot 2609

PUBLIC HEARING
2019-003-A

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TRANSCRIPT OF PROCEEDINGS

* * *

DATE OF HEARING:

Tuesday, November 17, 2020
Beginning at 8:00 p.m.

PLACE OF HEARING:

Hearing was conducted via Webex

Council Members:

Mayor Chuck Letner
James Zimmerlin
Stephen Crane
Matthew Swabb
Kim Wilder
JD Fowler
Curt Schreier

Planning Commission:

Ryan Henderson
Ken Claggett
Jessi Sievers
Brent Boose
Don Cordes

Also present: Kim Duncan, Clerk

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1 MAYOR LETNER: At this time, we're
2 going to go into the Public Hearing. This is a
3 continuance of the Public Hearing from October
4 22nd.

5 Let me go over a couple of things
6 before we get started here. Number one, I'm
7 going to ask that everyone mute themselves
8 unless they are speaking. The clerk's going to
9 provide notice of the Public Hearing. Gemma
10 Maxwell, from Fischer Homes, will give a short
11 presentation. And once that is complete, we
12 will open the floor for public comments.

13 Now, please, do this. If you wish
14 to speak this evening during the Public
15 Hearing, please use the hand raising feature on
16 the Webex site. Find your name on the
17 participation list and hover over your name. A
18 raise-hand icon will appear. Click on the
19 raise-hand button, which will place a small
20 hand icon next to your name in the participant
21 list. The clerk will call on the participants
22 with a raised-hand icon when it is their turn
23 to speak.

24 Those that have called into the
25 Public Hearing by phone or are having

1 difficulty with the raise-hand function will be
2 given the opportunity to speak toward the end
3 of the Public Hearing. Each participant will
4 be sworn in by the clerk, and you will have
5 five minutes to speak.

6 We are asking that individuals who
7 spoke at the October 22nd Public Hearing,
8 please, wait until other who wish to speak have
9 their five minutes to speak, and we will listen
10 to all comments this evening.

11 Now, Council members and Planning
12 Commission members who wishes to speak, please
13 state your name so the clerk can also hear you
14 speak. After comments by the public are
15 completed, Council and/or Planning members are
16 asked to ask any questions to the presenters.

17 Now, Kim, at this time, since
18 we've had roll call for the Council, will you
19 please call the roll for our Planning
20 Commission?

21 CLERK DUNCAN: Chairperson
22 Henderson.

23 CHAIRPERSON HENDERSON: Here.

24 CLERK DUNCAN: Member Boose.
25 Member Boose.

1 MEMBER BOOSE: Here.

2 CLERK DUNCAN: Member Claggett.

3 MEMBER CLAGGETT: Here.

4 CLERK DUNCAN: Member Cordes.

5 Member Cordes, are you here?

6 MAYOR LETNER: He's on mute.

7 CLERK DUNCAN: Don, can you unmute
8 your mic?

9 HOST: There should be a spot down
10 at the bottom that says unmute, start video and
11 share. Click the button that says unmute, and
12 it should allow you to speak. There you go.

13 MR. CORDES: Okay. Thanks. Sorry
14 about that.

15 CLERK DUNCAN: All right. Member
16 Cordes is here, and that leaves Member Sievers.

17 MEMBER SIEVERS: Here.

18 MAYOR LETNER: Okay. First, let's
19 start with Gemma Maxwell, from Fischer Homes.

20 Gemma, good evening.

21 CLERK DUNCAN: Gemma, I'm here.
22 I'm going to have to swear you in before you
23 testify.

24 GEMMA MAXWELL: Sure. Go ahead.
25 Can you hear me?

1 CLERK DUNCAN: Yes, I can hear
2 you.

3 GEMMA MAXWELL: All right.

4 CLERK DUNCAN: State your name for
5 the record. Raise your right hand.

6 GEMMA MAXWELL: Gemma Maxwell.

7 CLERK DUNCAN: Do you swear or
8 affirm that your testimony in this Public
9 Hearing is the truth, the whole truth, and
10 nothing but the truth?

11 GEMMA MAXWELL: I do.

12 CLERK DUNCAN: Please begin your
13 testimony by stating your name and address for
14 the record, and confirm you have been sworn in.

15 GEMMA MAXWELL: Gemma Maxwell. My
16 address is 3940 Olympic Boulevard, Erlanger,
17 Kentucky, and I have been sworn in.

18 All right. Let me share my screen
19 here. Can I be made the presenter, so I'll
20 kind of go through the PowerPoint?

21 CLERK DUNCAN: Let's see. Mayor
22 Letner.

23 MAYOR LETNER: Yes.

24 CLERK DUNCAN: Before we start
25 with her, I believe that we skipped a step,

1 that I needed to announce about the Public
2 Hearing first.

3 MAYOR LETNER: Yeah. Go ahead,
4 Kim.

5 CLERK DUNCAN: Okay. Before you
6 start, Gemma, I'm sorry.

7 GEMMA MAXWELL: No. Go ahead.

8 CLERK DUNCAN: This Public Hearing
9 is to consider the adoption of Proposed
10 Ordinance No. 202006, which amends the zoning
11 classification of Lots 2413, 2414, 2415, 2416,
12 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424
13 and part of Lot 2609 of the City of Brookville
14 from its present zoning classification of R1C,
15 urban residential district, to the new
16 classification of R3, multi-family residential
17 district. A legal notice was published in the
18 November 4th and November 11th edition of the
19 Brookville Star advertising of the Public
20 Hearing. This Public Hearing has been
21 continued from October 22nd, 2020.

22 Member Schreier, you indicated at
23 the last meeting you needed to abstain from
24 participating in this Public Hearing. Is that
25 still correct?

1 MR. SCHREIER: Yes. That is still
2 the case.

3 CLERK DUNCAN: Okay. Gemma.

4 GEMMA MAXWELL: Yes.

5 CLERK DUNCAN: Go ahead.

6 GEMMA MAXWELL: Okay. Let me see.
7 I'm trying to just figure out in this platform
8 how to share my screen.

9 CLERK DUNCAN: I believe it's just
10 at the very bottom.

11 GEMMA MAXWELL: Oh, yeah. Here we
12 go. All right. Can everybody see this?

13 MAYOR LETNER: Yes, Gemma.

14 GEMMA MAXWELL: Great. Thank you.

15 Thank you, everybody, for meeting
16 today. Planning Commission, City Council and
17 residents of Brookville, we're here to speak
18 about the Meadows of Brookville. Again, I'm
19 Gemma Maxwell, land acquisition manager for
20 Fischer Homes, and I'll be kind of walking you
21 through the project, our products and our
22 overall vision for the community.

23 So a little bit about Fischer
24 Homes. We are a local company, privately held,
25 and we've been building in the Cincinnati

1 market for more than 40 years. We currently
2 and have been for many years the number one
3 home builder in Cincinnati, and we recently
4 entered the Dayton market in January of 2020.
5 Our mission and our mission statement for the
6 company is to deliver the best total new home
7 solution.

8 We not only believe that the
9 community is an -- we believe that the
10 community is an extension and integral part of
11 the home. So our community design and homes
12 themselves, we've put a lot of attention and
13 thought into the details knowing that people
14 will be living in them for many, many years to
15 come. We want our communities and homes to
16 look good, not just the year after people move
17 in, but 20, 30 years after they move in.

18 So nearby communities that may be
19 of a good reference to residents would be
20 Carriage Trails, which we newly entered earlier
21 this year and are actively building and
22 currently up in Huber Heights. Arden Place is
23 located in Fairborn. Bluffs of Trebien is also
24 located in Fairborn, and then Aberdeen is in
25 Huntington Community in Miamisburg.

1 Fischer Homes is also very big
2 into philanthropic efforts. We have numerous
3 initiatives throughout the Cincinnati market
4 that we get involved in every year. The
5 biggest one being our St. Jude Dream Home.
6 We've built many a dream homes over the years
7 and have raised over 10 million dollars for the
8 St. Jude Research Hospital.

9 So let me give you a little bit of
10 community context about my Meadows of
11 Brookville. I'm sure everybody's aware kind of
12 the location located with the star there. Just
13 to get everybody's bearings on the location of
14 the community. The community itself is on
15 Westbrook Road, Brooke Woode Drive and the
16 existing homes that are there. When I wanted
17 to move in kind of what our vision for the
18 community is moving forward, so this
19 application specifically is in regards to the
20 paired townhomes that are kind of a re-platt of
21 an existing platt in the community shown in the
22 gray on the concept plan shown here. That is
23 to put 48 paired townhomes on those lots.

24 We realized that at the last
25 meeting we neglected to bring up the fact that

1 we would be building single-family homes on the
2 remaining single-family lots shown in blue. So
3 we thought that we'd like to show that division
4 of product there in Meadows of Brookville and
5 bring that to everybody's attention here.

6 All right. Our paired townhome
7 product is a for-sale product. Fischer Homes
8 only deals for-sale products. So homes would
9 be sold and purchases by interested customers.
10 They're about 1,600 square feet in total, two
11 to three bedrooms, depending on the floor plan,
12 and two and a half bathrooms. You'll see here
13 some paired townhomes that we've built in --
14 excuse me -- in a different community in the
15 Cincinnati area. Average sales prices usually
16 range right around \$200,000. Just as a
17 reference -- reference there.

18 I think somebody might be on the
19 crawl that is not muted. Can I ask everybody
20 to mute their microphone? Thank you.

21 Paired townhomes. These
22 homeowners will own the lot that their home
23 sits on. So these are not established as a
24 condo association. They are a fee-simple lot
25 with homeowners residing in those homes with

1 established lot lines. The community will also
2 be set up with a homeowners association to care
3 for maintenance of the common areas, as well as
4 any of the shared maintenance of those homes.

5 Here's a street scape of some of
6 our paired townhomes in the Northern Kentucky
7 community. We like to vary the colors and
8 elevations of these products as we move down
9 the street, and you can also note the landscape
10 plans included here, too.

11 These homes have upgraded interior
12 finishes on the inside, you can see, with
13 modern layouts. So here is some of our kitchen
14 and living room layouts in our pair of
15 townhomes, you can see here, as well as in
16 other elevation. This in different colors, in
17 different color siding and brick, for
18 reference.

19 And then I wanted to also speak to
20 our Maple Street product line. So our Maple
21 Street product line will be the single-family
22 homes that we will be building on the platt of
23 lots. Twenty-two single-family platted lots
24 shown in the back of the development. These
25 range from 1,220 feet to around a thousand

1 square feet, depending on the floor plan.
2 They're a mix of ranch and two-story homes, and
3 sales prices estimated are to fall between
4 \$220,000 and \$280,000.

5 We do have a mix of, you know,
6 brick, brick and vinyl elevations included in
7 these homes. They would all be front entry
8 with a number of different elevations,
9 selectable by customers for each floor plan.
10 Again, some just different elevations of those
11 homes for everybody to see here. So you can
12 see a mix of different colors, attention to
13 detail on V-poles and different architectural
14 features, and they do have a wide range of
15 square footage, up to 3,000 square feet.

16 We just wanted to add -- I just
17 want to take a moment to address, you know, the
18 appraised values of these homes. I think there
19 were some questions at the last meeting as far
20 as property values. Typically, with an
21 appraisal, any appraisal done, they're going to
22 pull from a similar product line or similar
23 product in the market. Therefore, any type of
24 duplex or paired property in Brookville could
25 be compared to our Perry Townhomes.

1 However, a single-family detached
2 home would really only be compared to one of
3 our Maple Street product, our single-family
4 detached product. So it's an equivalent
5 product compared to an approved equivalent
6 product in an appraisal. So I've, again, noted
7 the square footage, the bedrooms and bathrooms,
8 and the estimated price ranges of these
9 products. So everybody has a reference of that
10 moving forward.

11 So, in summary, this is a for-sale
12 lifestyle product, not apartments, not for
13 rent. They are sold by Fischer Homes to
14 customers interested in purchasing these homes.
15 This would diversify the housing stock in
16 Brookville, providing a variety of different
17 housing types for a variety of different
18 customers. There would be an established
19 homeowners association that all residents will
20 be required to enter into that would maintain
21 any of the common spaces, as well as any of the
22 shared facilities on the site, and we believe
23 this will enhance the property values in the
24 area.

25 With that, I'd love to answer any

1 questions anybody has about the product or
2 development.

3 MAYOR LETNER: Is there anybody
4 from Council or Planning Commission that have
5 any questions or comments for Gemma? Nobody?

6 Okay. We'll continue. Gemma,
7 were you finished?

8 GEMMA MAXWELL: Yes. Thank you,
9 Chuck.

10 MAYOR LETNER: Thank you. At this
11 time, we'll entertain public comment. And,
12 Kim, have you got the handle on that?

13 CLERK DUNCAN: All right. Let me
14 check to see whose hands are raised, and we'll
15 start with the people who have their hands
16 raised. I believe that the first person that
17 had their hand raised was Jessica.

18 Jessica Wells, are you present?

19 JESSICA WELLS: Yes, I am.

20 CLERK DUNCAN: Okay. I'm going to
21 swear you in at this time. If you would state
22 your name for the record and raise your right
23 hand.

24 JESSICA WELLS: Jessica Wells.

25 CLERK DUNCAN: Do you swear or

1 affirm that your testimony in this public
2 hearing is the truth, the whole the truth, and
3 nothing but the truth?

4 JESSICA WELLS: I do.

5 CLERK DUNCAN: Please begin your
6 testimony, Jessica, by stating your name and
7 address for the record and confirm that you
8 have been sworn in.

9 JESSICA WELLS: Jessica Wells, 21
10 Heckathorn Road, and I have been sworn in.

11 CLERK DUNCAN: Go ahead.

12 JESSICA WELLS: I am opposed to
13 this rezoning request, and I will be sharing
14 quotes from the public record.

15 City Council, on February 7th,
16 2006. Mike Oxner requested final platt
17 approval of the Meadows of Brookville Section
18 5. This was for 45 single-family homes. The
19 final platt was approved. Mr. Stephan has
20 stated that a final platt agreement is legally
21 binding. It cannot be altered.

22 At Planning Commission on March
23 16th, 2006, Mike Oxner said, if you're buying
24 in a community, one of your first stops should
25 be your local jurisdiction. What's on the

1 drawing board? What's being planned? As a
2 homeowner and a prospective purchaser, there's
3 due diligence.

4 Member Boose indicated that
5 Planning Commission unanimously turned down
6 doubles in Meadows of Brookville Section 5
7 earlier, in 2006. Planning Commission, August
8 21st, 2008, Mike Oxner, approximately once, two
9 years ago, when we built the project, we had
10 intended on finishing out the rest of the
11 streets and getting this project off and
12 running. In the interim, Tim Taylor has gotten
13 the property tax bill for all of the lots in
14 Section 5, which is a heavy burden. The tax
15 bill totals approximately \$32,000.

16 Mr. Oxner stated what they would
17 like to do is to unplat the portion that they
18 outlined on the map, which is everything except
19 for 13 lots along Westbrook Road and take it
20 back to a single parcel. Mr. Oxner stated we
21 could enter into an agreement with Planning
22 Commission and the City, but this is the way
23 the project would be developed in the future.
24 There will be safeguards in place that this
25 development will move forward as initially

1 approved in 2006.

2 Rod Stephan said we would have an
3 agreement with the developer that he is subject
4 to the preliminary platt as approved by
5 planning commission, and when he wants to
6 redevelop this area, it needs to be developed
7 pursuant to the preliminary platt that was
8 previously approved. Law Director Stephan
9 indicated that Mr. Taylor is willing to an
10 agreement.

11 Member Swabb stated he does not
12 have a problem with allowing the re-platt, as
13 long as we have assurances that when it is time
14 to develop the area, it follows the original
15 plan, because we caught a lot of grief when it
16 was before planning commission for approval.
17 Member Cantrell inquired if this will also
18 apply to someone else, if someone else were to
19 purchase the land from the developer. Mr.
20 Taylor stated, absolutely, he will sign
21 anything.

22 Mr. Stephan said the agreement
23 would add contractual promise from the
24 developer that they are going to follow the
25 preliminary platt, and we can make it binding

1 on successors in assigns.

2 City Council, September 2nd, 2008.
 3 Mr. Oxner requested partial vacation of this
 4 Section 5 consisting of 30 lots. Mr. Oxner
 5 indicated that the developer, Tim Taylor,
 6 received a large tax bill from the Montgomery
 7 County auditor on 45 lots in Section 5. Mr.
 8 Oxner requested that the 30 lots be replatted
 9 to a single lot at this time. And in the
 10 future, when the market conditions warrant, it
 11 will be constructed as previously approved on
 12 the preliminary platt.

13 Mr. Oxner stated the developer has
 14 agreed to enter into an agreement with the City
 15 that the project would be developed in the
 16 future as approved in the preliminary platt,
 17 there will be safeguards in place that this
 18 development will move forward as initially
 19 approved. Motion by Garber, second by Ullery.

20 A written contractual agreement
 21 between the City and the developer as required
 22 by the motions at both meetings was not
 23 executed. However, I feel that the verbal
 24 agreement made in both meetings is legally
 25 binding. Negotiating the need -- excuse me.

1 Negating the need for this public hearing in
2 the first place.

3 Taywood Enterprises is on the
4 record himself multiple times opposing doubles,
5 ensuring residents that he wants to build
6 single-family homes. Taywood Enterprises has
7 been extended an incredible tax break for the
8 last 12 years, during which time he has
9 developed nothing, choosing not to uphold his
10 end of the bargain.

11 The residents have been told that
12 safety is a priority. Mr. Taylor admitted in
13 October that he had not considered what the
14 effects would be on the traffic in our
15 neighborhood. We have been promised sidewalks
16 and street lights. In 2006, Mr. Stephan
17 indicated that an expedited type two process
18 had begun to reduce the speed limit to 35 miles
19 per hour along Westbrook Road. Time and again
20 promises have been made to residents that have
21 not come to fruition. It has been 14 years
22 since these promises were first made.

23 On August 20th, 2020, concerning a
24 separate matter, Planning Commission
25 Chairperson Henderson stated that he is here to

1 protect the residents of this community, and he
2 does his best to do so. That is what I am
3 asking for. The residents who have invested
4 here in the Meadows of Brookville and have
5 committed to living in the City of Brookville,
6 such as myself, have been here time and again
7 resisting building doubles in the field behind
8 my house. I have done my due diligence, Mr.
9 Oxner.

10 When I bought my home just over
11 one year ago, my realtor said 45 single-family
12 homes would be built there, not 48 doubles and
13 22 additional homes. It is time for the
14 current officials and the developer to pursue
15 what they have promised the residents and
16 agreed to, to be true to their word. It is
17 time to put this to bed once and for all.

18 Tim Taylor needs to be held
19 accountable for his guarantees over the years,
20 and the promises that have been to the
21 residents need to be confirmed.

22 MAYOR LETNER: Thank you, Jessica.
23 Kim, next.

24 CLERK DUNCAN: Okay. The next
25 person I'm going to call will be Elizabeth

1 Rike. Elizabeth.

2 ELIZABETH RIKE: I will try to get
3 my video on.

4 CLERK DUNCAN: There we go. You
5 were paused just a moment. Still not coming
6 up, Elizabeth, but we can hear you. Elizabeth,
7 if you don't mind that we can't see you, you're
8 more than welcome to do it without any video.
9 Is that all right with you?

10 ELIZABETH RIKE: That's fine. My
11 light's on. I'm not sure why my video is not
12 coming up. It was up earlier.

13 CLERK DUNCAN: Okay.

14 UNKNOWN PERSON: We can see her,
15 Kim.

16 CLERK DUNCAN: Oh, okay. Well,
17 she's not showing on mine. That's okay.

18 MAYOR LETNER: Yeah. Mine
19 neither.

20 CLERK DUNCAN: So, Elizabeth,
21 state your name for the record and raise your
22 right hand.

23 ELIZABETH RIKE: Elizabeth Rike
24 and -- okay.

25 CLERK DUNCAN: Do you swear or

1 affirm that your testimony in this Public
2 Hearing is the truth, the whole truth, and
3 nothing but the truth?

4 ELIZABETH RIKE: Yes.

5 CLERK DUNCAN: Please begin your
6 testimony by stating your name and address for
7 the record, and confirm that you have been
8 sworn in.

9 ELIZABETH RIKE: Elizabeth Rike.
10 I live at 130 Poplar Run Place, and, yes, I
11 have been sworn in.

12 CLERK DUNCAN: Go ahead.

13 ELIZABETH RIKE: Okay. So my
14 biggest concern, I obviously oppose this
15 building of doubles in our neighborhood. I
16 feel like we have multiple businesses coming
17 in, especially a giant one, such as Treka Bus,
18 and these families want single-family homes.
19 They do not want doubles. Doubles will not
20 sell in our area.

21 We recently had a house across the
22 street that sold for over asking price in less
23 than a week. We had another house two doors
24 down that sold in just a couple weeks for over
25 \$200,000. So... and then again on Brooke Woode

1 there was another house -- all single-family
2 homes -- that also sold for 236. These are
3 over \$200,000 houses that are selling, and that
4 is what the people want. People don't want
5 doubles, and they don't want a neighbor that's
6 connected to their property. No one is going
7 to buy a \$200,000 property that is connected to
8 someone else.

9 I feel that there were many
10 promises made that were not kept. I've been
11 here for eight years, and I haven't seen
12 anything from the developer, and from what I
13 understand it's been over 15 years since he's
14 made promises that he told the City of
15 Brookville that he was going to build, and he
16 hasn't done anything. He needs to quit
17 financially bullying our city, and he needs to
18 be held accountable for his actions. Our city
19 needs to make sure he does what he promised for
20 the drawing. That is build on these properties
21 these single-family homes that were promised to
22 us.

23 I feel that it is a safety concern
24 adding a bunch of doubles to this area, because
25 you are squishing a bunch of families and

1 people in a smaller area, and that makes for
2 more traffic and concern for all our children
3 that are in this neighborhood. Which we have
4 quite a bit.

5 I also agree that it is a
6 depreciation of our property to add doubles to
7 this area, especially when the \$200,000 houses
8 are what's selling now. It is a seller's
9 market. I also feel that as a tax paying
10 citizen that I just hope and pray that the City
11 Council will make a fair decision based on
12 what's in the best interest of all the people
13 who live in this wonderful city.

14 I have been here since 2001, and I
15 love Brookville, and I feel that, you know, as
16 a citizen here, you know, our voices should be
17 heard and that you should take into
18 consideration how this affects us as the people
19 who live here. I just feel that the developer
20 needs to be held accountable for everything
21 that he has said from the start, and just he
22 needs to carry through and continue to build
23 like he was supposed to originally.

24 That's all I need to say.

25 MAYOR LETNER: Thank you, Ms.

1 Rike, for your comments.

2 ELIZABETH RIKE: I am concerned
3 about the further development. If we allow him
4 to keep bullying the City and making changes to
5 the property and the zoning, he's going to
6 continue to do that on the next phase of the
7 project as well. So I feel like it needs to
8 stop, and we need to have done what's right for
9 us. That's all. Thank you.

10 MAYOR LETNER: Thank you,
11 Elizabeth, for your comments.

12 Kim, up next?

13 CLERK DUNCAN: Bradley Hoops.

14 MAYOR LETNER: Bradley.

15 BRADLEY HOOPS: Hi. Can you hear
16 me?

17 CLERK DUNCAN: Yes, I can hear
18 you. State your name for the record and raise
19 your right hand, please.

20 BRADLEY HOOPS: Bradley Hoops.

21 CLERK DUNCAN: Bradley, do you
22 swear or affirm that your testimony in this
23 Public Hearing is the truth, the whole truth,
24 and nothing but the truth?

25 BRADLEY HOOPS: I do.

1 CLERK DUNCAN: Please begin your
2 testimony by stating your name and address for
3 the record, and confirm that you have been
4 sworn in.

5 BRADLEY HOOPS: Bradley Hoops. I
6 live at 39 Heckathorn Road, and I have been
7 sworn in.

8 CLERK DUNCAN: You may go ahead.

9 BRADLEY HOOPS: So I'm sitting
10 here with my wife, and we both oppose the
11 building of the duplexes in our neighborhood of
12 Meadows of Brookville. A couple of the
13 concerns that I have is when there was
14 discussion from Gemma about the common spaces
15 and what they do in the common spaces in
16 Taywood Enterprises, they don't maintain the
17 common spaces now.

18 For a perfect example. There's a
19 drainage ditch that runs behind my house, and
20 my back yard borders up to it and some of the
21 other houses, and we've been complaining and
22 complaining and complaining that it increases.
23 The water backs up. It's an eyesore. And
24 finally after complaining enough to the City,
25 the City council ended up sending the City

1 workers down here to clean up the developer's
2 mess that they neglected for years.

3 Since then there still has been
4 no -- my back yard is tore up now going down to
5 that ditch. There's just no -- when they talk
6 about eye appealing and for the next 20 or 30
7 years we want to maintain a good curb appeal,
8 eye appeal, they're not doing that now.
9 They're not from our community. They are
10 looking to make a dollar in our community.

11 I've been born and raised here.
12 My family has been here for as long as I can
13 remember, and this is not the -- I moved to
14 Meadows of Brookville for a couple of reasons.
15 I liked the city amenities that I was able to
16 get. The water, sewer and just everything that
17 comes with that. But kind of a country feel.

18 So I look across my -- Heckathorn,
19 and there's a wide open field. I see corn,
20 deer. It's great. I look in my back yard, and
21 I see my neighbors' single-family dwellings,
22 and it just looks -- I get the city appeal at
23 that moment. My kids ride their bikes through
24 the neighborhood, and I think with adding the
25 doubles and increasing the amount of people,

1 the amount of traffic, it just makes for an
2 unsafe environment for our families and more
3 work for Mr. Jerome and his crew.

4 So that's kind of -- I think the
5 ones that were speaking before me, Mrs. Rike,
6 you know, they said a lot of the same stuff
7 that I would say, and really when I bought this
8 house a couple years ago it was because of the
9 community that was around Meadows of Brookville
10 and not necessarily the congestion that Mr.
11 Taylor is trying to bring into this area, and
12 so that's why I oppose.

13 And that's all I got.

14 MR. WICKS: Bradley, thanks for
15 your comments.

16 BRADLEY HOOPS: You're welcome.

17 MAYOR LETNER: Kim, up next?

18 CLERK DUNCAN: Bonnie Bertelson.

19 Bonnie, are you present this evening?

20 BONNIE BERTELSON: Yes. I'm here.

21 Can you hear me?

22 CLERK DUNCAN: I can hear you but
23 not very well. You may need to speak a little
24 louder.

25 BONNIE BERTELSON: Can you hear me

1 now?

2 CLERK DUNCAN: Yes. Can you state
3 your name for the record and raise your right
4 hand?

5 BONNIE BERTELSON: My name is
6 Bonnie Bertelson.

7 CLERK DUNCAN: Do you swear or
8 affirm that your testimony in this Public
9 Hearing is the truth, the whole truth, and
10 nothing but the truth?

11 BONNIE BERTELSON: I do.

12 CLERK DUNCAN: Please begin your
13 testimony by stating your name and address for
14 the record, and confirm that you have been
15 sworn in.

16 BONNIE BERTELSON: My name is
17 Bonnie Bertelson. I live at 33 Heckathorn
18 Road, and I have been sworn in.

19 CLERK DUNCAN: You may go ahead,
20 Bonnie.

21 BONNIE BERTELSON: All right. My
22 husband and I closed on our home in February
23 14 -- on February 14th, 2020, and we moved in
24 the first week of March, right in time for the
25 coronavirus shutdown. When we looked at our

1 house prior to our purchase, we asked the
2 realtor about the lots in Section 5, and he
3 assured us that they were to be single-family
4 homes built on these lots. And I just want to
5 express my opposition to the proposed rezoning
6 of Meadows of Brookville Section 5.

7 Any kind of real estate
8 development affects everything from home values
9 and views and to the use and enjoyment of
10 public streets, and I'm really concerned about
11 the type of housing that the developers are
12 planning which may be detrimental to the area,
13 with drainage problems and other such things.

14 The lots are small, and from what
15 I've learned in the short time that I've been a
16 member of the community, they've been rezoned
17 at least three times over the past, I don't
18 know, 15, 20 years. And duplex or doubles or
19 pairing, whatever they're called, on such small
20 lots are just inconsistent with the
21 neighborhood developed here.

22 Traffic and safety of pedestrians
23 are major areas of concern. Westbrook Road's
24 speed limit is 55 miles per hour in the area,
25 and traffic, it will disproportionately surge

1 during the morning if there are 48 houses, 48
2 people trying to get to work, and the evening
3 rush hours, too, of course. And it will just
4 negatively impact the safety of the children,
5 even walking to their designated bus stops.

6 And from recent meetings and
7 discussions with my neighbors, I know that my
8 opinions are shared by many who haven't been
9 able to attend the meeting or write letters and
10 emails. Nearly all the residents here in the
11 Meadows of Brookville neighborhood are opposed
12 to the rezoning of Section 5 that would allow
13 construction of duplexes and doubles or
14 pairing, paired houses. That will surely cause
15 traffic and safety problems, potentially lower
16 our property values of the existing community
17 where we are here right now.

18 So I urge you -- I urge you to
19 disapprove the proposed rezoning. Thank you.

20 MAYOR LETNER: Bonnie, I want to
21 thank you for your comments, and can I get you
22 to spell your last name for the record, please?

23 BONNIE BERTELSON: Yes. It is
24 B-e-r-t-e-l-s-o-n.

25 MAYOR LETNER: Thank you very

1 much, Bonnie, for your comments tonight.

2 BONNIE BERTELSON: Thank you.

3 MAYOR LETNER: Kim, up next?

4 CLERK DUNCAN: There's a hand
5 raised for Jonathan Wells. Was that you,
6 Jessica Wells?

7 JONATHAN WELLS, JR.: No, it's me.

8 CLERK DUNCAN: Okay. Jonathan,
9 you're up next then. If you could state your
10 name for the record and raise your right hand.

11 JONATHAN WELLS, JR.: Jonathan
12 Wells, Jr.

13 CLERK DUNCAN: Do you swear or
14 affirm that your testimony in this Public
15 Hearing is the truth, the whole truth, and
16 nothing but the truth?

17 JONATHAN WELLS, JR.: I do.

18 CLERK DUNCAN: Please begin your
19 testimony by stating your name and address for
20 the record, and confirm you have been sworn in.

21 JONATHAN WELLS, JR.: Jonathan
22 Wells, Jr. 21 Heckathorn Road. And I have
23 been sworn in.

24 I am obviously opposed to the
25 proposed rezoning. In reviewing the proposed

1 plan that I received with the certified letter
2 for this hearing, several concerns came to mind
3 immediately. When I was looking through it,
4 the attached plan was the proposed area would
5 be revised to R3 special use single-family
6 attached. So nowhere within Section 1163 of
7 the codified ordinance for Brookville which
8 pertains to special use standards or
9 requirements is that special use type listed.

10 However, Line 3 of the general
11 requirement states, and I quote, will be
12 designed, constructed, operated and maintained,
13 so as to be harmonious and appropriate in
14 appearance with the existing or intended
15 character of the general vicinity that such use
16 will not change the essential character of the
17 same area.

18 I don't care how nice double sets
19 are, if you put doubles in a neighborhood full
20 of single-family houses, it changes its
21 character. Furthermore, in reviewing the lot
22 requirements for all property types for
23 single-family, two-family or multi-family
24 dwellings, not one of them, including
25 townhouses, allows for yard sizes to be as

1 small as they are in the proposed plan. All of
2 them require either side yards or rear yards
3 that are larger than what are in the proposed
4 plan.

5 That would indicate to me that by
6 adopting this proposal, you would already be
7 approving a variance to the codified ordinance
8 without following that process. This not only
9 sets a precedence for future developers further
10 changing the character of this entire city, but
11 would be, from what I can see, violating the
12 regulations regarding variances. It does so in
13 two ways.

14 One is that the conditions for the
15 variance are unique to the property and are not
16 applicable in general to other property in the
17 same zoning classification. Allowing this
18 variance for this many lots would not fall
19 under unique circumstances. The most egregious
20 of this, in my opinion, however, is that under
21 Section 1111.05 Section D Subsection 3, it
22 states that the purpose of this variance cannot
23 be based exclusively upon the desire to
24 increase financial gain.

25 The single-family homes in

1 Brookville have been selling nearly as fast as
2 they come on the market, okay? Our home was
3 destroyed in the Memorial Day tornadoes that
4 swept through the area. The home we purchased
5 afterwards had four offers in less than 24
6 hours of being listed. Given this it is clear
7 that if one were to build single-family houses
8 like the ones already in this area, they would
9 sell and sell quickly.

10 It is my conclusion then that the
11 rezoning of this area and approving this plan
12 that would include variances from the City's
13 existing codified ordinance is only being done
14 for the financial gain of the developer. I can
15 see no other reason why the City would
16 entertain this or want to allow this change to
17 occur, when single-family homes are selling so
18 well. It changes the character of the existing
19 neighborhood to be detrimental to our property
20 values, and the residents of this neighborhood
21 clearly do not want it.

22 My question then is simple. How
23 does the City and the developer justify
24 approving making these changes that change the
25 way this neighborhood looks and hurts the

1 property values of existing homeowners in a way
2 that is not purely for financial gain?

3 And I also have -- apparently the
4 raise-hand function is no longer, Kim. Sorry.
5 That's all I had. Thank you.

6 MAYOR LETNER: Jonathan, thank you
7 for your comments tonight.

8 Kim.

9 CLERK DUNCAN: Okay. I have
10 several people who emailed me today. One of
11 whom was Eric Wright. And, Eric, I believe
12 you're on here. Did you want me to read your
13 statement, or do you want to go ahead on your
14 own?

15 ERIC WRIGHT: I'm here, Kim.

16 CLERK DUNCAN: Okay.

17 ERIC WRIGHT: Thank you.

18 CLERK DUNCAN: Let's go ahead and
19 swear you in.

20 ERIC WRIGHT: Yep.

21 CLERK DUNCAN: State your name for
22 the record, and raise your right hand.

23 ERIC WRIGHT: Eric Wright.

24 CLERK DUNCAN: Do you swear or
25 affirm that your testimony in this Public

1 Hearing is the truth, the whole truth, and
2 nothing but the truth?

3 ERIC WRIGHT: I do.

4 CLERK DUNCAN: Please begin your
5 testimony by stating your name and address for
6 the record, and confirm that you've been sworn
7 in.

8 ERIC Wright: Eric Wright. 165
9 Brooke Woode Drive, Brookville, Ohio 45309, and
10 I have been sworn in.

11 CLERK DUNCAN: You may go ahead.

12 ERIC WRIGHT. Hey, guys. So I
13 already said my first portion of my written
14 record. So I'm going to be a little bit more
15 personable, and I just wanted to thank
16 everybody for their time and the Council for
17 their time in hearing this out. So my
18 gratitude's for you guys. I understand you
19 guys have a tough job to do, and I want to give
20 you guys my kudos, because it's a tough job,
21 and I just wanted to say thank you. Thank you
22 to you guys.

23 And given the COVID situation, I
24 think Brookville is doing a fantastic job in
25 doing things, and it's within your guys's duty

1 to hear these things out. So good job to you
2 guys. High fives from me and my wife, Amber.

3 So we bought our house in 2009.
4 We've lived here exclusively ever since. And
5 similar to Jonathan's statements just before
6 me, in recent years we've been on the market
7 for a slightly bigger home to accommodate my
8 growing family. We subscribed to real estate
9 alerts in Brookville for single-family homes.
10 We just want a slightly larger square footage
11 than our current house.

12 And the average time between a
13 house going for sale in Brookville and it being
14 sale pending, it's less than a week. And I
15 think the developers need to understand this.
16 It's listed a couple days for three-bedroom
17 brick ranch houses. I mean I know J.D., and he
18 lives right there in Arlington Woods. I mean
19 those things go within a day, two days, before
20 the house is sale pending. So houses are going
21 for a lot of money for a short amount of time.

22 The developers have a plan
23 committed to building single-family homes. I
24 think they should be held accountable for it.
25 The average time the house is on the market is

1 less than a week, like I said. And the reason
2 for townhomes cannot be because people aren't
3 buying houses in Brookville. Furthermore, the
4 houses are going above market rates than
5 Englewood, Vandalia, Beavercreek and Bellbrook.
6 So if you look at accommodating -- or, you
7 know, similar communities than Brookville, our
8 houses are going for more than those additional
9 communities.

10 This is very much a seller's
11 market in Brookville, and Brookville is dying
12 for houses right now, and our family is one of
13 those. I need a little larger square footage
14 for my growing family, and I can't find it at
15 all. And if developers build houses, people
16 will buy them. I think all the data in the
17 market supports that synopsis. I cannot stress
18 that enough.

19 So my family's primary point is
20 that townhomes provide the opportunity for
21 lower income, lower credit, and ultimately a
22 demographic of people to move into, and that is
23 going to change the single-family homes than
24 what our community currently supports. And if
25 you guys want to exchange single-family homes

1 for townhouses, that's a conversation for the
2 Brookville Council to have to consider. I
3 respect your guys's opinion, but I can't buy a
4 house in Brookville today, a three-bedroom
5 brick ranch house with a basement. I can't buy
6 one.

7 So what you're going to do is
8 bring in townhouses in lieu of single-family
9 homes, and if I can't buy a three-bedroom brick
10 ranch house with a basement and you're going to
11 bring in townhouses right around the corner, my
12 family is going to be forced to leave. Because
13 you don't have enough houses to actually
14 facilitate what my family wants, as a head of
15 the household with two kids.

16 And so to summarize, we've been
17 looking for a home in Brookville. They sell
18 fast, above market rate. And if you guys built
19 a 2,000 square foot brick ranch house with a
20 basement, I would buy one today. So, please,
21 build those in those lots, and I would buy one.

22 It's our judgment that developers
23 are being greedy -- and I only have 54 seconds
24 left. I think that a different demographic of
25 people is going to move in besides

1 single-family homes. And if there are no homes
2 available in Brookville and you build
3 townhouses right around the corner from me, I'm
4 going to be forced to evaluate leaving the
5 district.

6 I have a daughter that's nine
7 years old, a son that's seven years old. I
8 love the school district. I love the school.
9 I love Tim Hopkins. I've loved what he's
10 doing. I love what you guys are doing as a
11 council. So I'd just like to plead to your
12 guys's decision here and say that this is a bad
13 move overall. You're going to lose single
14 long-term families in lieu of short-term
15 rentals.

16 So I do have two questions for
17 Gemma after hearing her is that do you have any
18 market analysis that says this is more suitable
19 for Brookville versus single-family home? And
20 the second question is given your history are
21 there any assurances that they're going to sell
22 for 200,000 plus? What guarantees or market
23 analysis do you have for that? And then the
24 third question is what are the assurances that
25 you won't rent them, when you can't sell them

1 for the price that you're proposing?

2 And I think that is a key question
3 for the Council is that they give you this
4 presentation. Then they say this is going to
5 be a \$220,000 house. When they can't sell that
6 for 220,000, being part of a double, what are
7 they going to do with it then? Because if
8 they've already renegotiated on the initial
9 price, then what are they going to do when they
10 can't sell it for that price? And that's going
11 to be renting them out for long-term money.

12 And that's my time.

13 MAYOR LETNER: Hey, Eric, I
14 appreciate your kind words tonight for the
15 City, and I appreciate your comments.

16 ERIC WRIGHT: Thanks, Chuck.

17 MAYOR LETNER: Kim, up next?

18 CLERK DUNCAN: I have several
19 statements to read that people submitted by
20 email, but I wanted to ask. There's a hand up
21 for the Braunds. Is that, Mr. Braund, do you
22 wish to speak? Or is that for Mrs. Braund?

23 KAREN BRAUND: Actually, it's for
24 me, but I've got people texting me. You've
25 unabled your hand raising feature. So I wasn't

1 able to raise my hand. I know the Scherers
2 were not able to speak. I don't know how many
3 others there are, but it was brought up by John
4 Wells, and you kind of passed over that.

5 CLERK DUNCAN: We'll certainly
6 call on people. That was going to be next that
7 we were going to call on people who, you know,
8 couldn't use the hand function. So that's
9 fine. I just wanted to see if it was your
10 husband that wanted to speak or if that was you
11 that had a hand up.

12 KAREN BRAUND: Actually, Del does
13 have something.

14 CLERK DUNCAN: Okay. He can go
15 ahead.

16 Mr. Braund.

17 DELBERT BRAUND JR.: Yes. I'm
18 Delbert Braund, Jr. I live at 15 Heckathorn.
19 I will stipulate I --

20 CLERK DUNCAN: Just one more
21 thing. Wait. Are you ready to be sworn in?

22 DELBERT BRAUND, JR.: I previously
23 have been sworn in and stipulate that I'm still
24 under oath.

25 CLERK DUNCAN: Okay. Law Director

1 Stephan, do I need to give it to him again?

2 MAYOR LETNER: Yeah, for the
3 record.

4 CLERK DUNCAN: Okay. Raise your
5 right hand, please.

6 LAW DIRECTOR STEPHAN: Yes, he
7 needs to be sworn in again.

8 CLERK DUNCAN: Okay. Mr Braund,
9 can you raise your right hand and swear or
10 affirm that your testimony in this Public
11 Hearing is the truth, the whole truth, and
12 nothing but the truth?

13 DELBERT BRAUND, JR.: I do.

14 CLERK DUNCAN: Please begin your
15 testimony by stating your name and address for
16 the record, and confirm that you've been sworn
17 in.

18 DELBERT BRAUND, JR.: Delbert
19 Braund, Jr. 15 Heckathorn Road, Brookville,
20 Ohio. I have been sworn in.

21 CLERK DUNCAN: You may go ahead.

22 DELBERT BRAUND, JR.: Just very
23 quickly. One of my concerns from the last time
24 and has not been brought up is all these new
25 homes in whatever shape or form they are, my

1 question would be to the Council to consider
2 and maybe perhaps somebody would ask Mr.
3 Hopkins, if you have these new homes and
4 considering that -- hello. Can you hear me?

5 MAYOR LETNER: Yes.

6 DELBERT BRAUND, JR.: The ADA and
7 other situations, my view is these are going to
8 be for younger couples. And with it you're
9 going to average the same thing we did a -- we
10 did when Perry Township was looking at putting
11 3 to 500 homes across the road on Heckathorn
12 from us. Mr. Hopkins was consulted when he
13 came to our meeting that there's a
14 possibility -- let's say 1.5 children per home
15 of younger families. Not out of the question.
16 You take the number of houses here and add
17 those up, whether it be houses, duplexes,
18 whatever the buzz words are for today's day and
19 age for this. How many children is that going
20 to add to the school system?

21 Is the school system, without
22 knocking out walls and more classrooms and all
23 these things involved, are they going to have
24 to potentially in the future put a levy on,
25 hire new teachers, all the things that come

1 with more -- if you have more bodies than
2 seats, and things with this?

3 This is something that has this
4 been considered, also, and what can they tell
5 us, perhaps through Gemma and Fischer Homes,
6 what their average amount of people that are
7 added? So that's one question that I had that
8 everybody needs to take into consideration too.

9 Yes, a single-family homes, you're
10 going to have more of a variety of people. The
11 complexion of the community age-wise is going
12 to be potentially that a lot of grandparents
13 aren't going to have children. Thank goodness.
14 But we're going to have a lot of younger people
15 in these homes coming in, if they are in that
16 type housing.

17 The other question is Fischer
18 Homes has a diversity of homes that they build.
19 They showed some beautiful single-family homes
20 in the back they wanted to put in. Why can't
21 those be put in in the front? Aesthetically,
22 driving down Westbrook, why can't all of those
23 be, other than the fact that money that comes
24 into the developer?

25 That's all I need to say, and

1 thank you very much for your time.

2 MAYOR LETNER: Del, thank you for
3 your comments tonight.

4 Kim, who do we have up next?

5 CLERK DUNCAN: Well, I'm just
6 going to ask the next person that wanted to
7 speak that couldn't raise their hand to state
8 their name.

9 KELLY SCHERER: Kelly Scherer.

10 CLERK DUNCAN: Okay. Kelly
11 Scherer, can you state your name for the record
12 and raise your right hand?

13 KELLY SCHERER: Kelly Scherer.

14 CLERK DUNCAN: Do you swear or
15 affirm that your testimony in this Public
16 Hearing is the truth, the whole truth, and
17 nothing but the truth?

18 KELLY SCHERER: Yes.

19 CLERK DUNCAN: Please begin your
20 testimony by stating your name and address for
21 the record, and confirm that you've been sworn
22 in.

23 KELLY SCHERER: Kelly Scherer.
24 133 Poplar Run Place, Brookville, Ohio 45309,
25 and I have been sworn in.

1 CLERK DUNCAN: You may go ahead.

2 KELLY SCHERER: Okay. Thank you.

3 So my husband and I moved in, it was about 20
4 years ago. We were the second house on Poplar
5 Run Place and have seen a lot of families come
6 through here, made some really great friends
7 and what we consider family.

8 We just now, 20 years later, have
9 finally fulfilled the whole housing unit on our
10 street, and honestly to think that we are going
11 to have all of these lots filled and adding 48
12 doubles, that to me is just a real reach. My
13 fear is we're going to get the doubles in place
14 first, and it's really going to deter others
15 from moving into our neighborhood.

16 I know Liz alluded to earlier that
17 one of our neighbors sold their house for well
18 over asking price. You know, we put a lot of
19 investment into our home. I read something in
20 the Brookville Star about that Mr. Taylor has
21 put in a lot of money, but I think if you would
22 ask every single person in our platt, that
23 they've also put in a lot of money and a lot of
24 time and a lot in their homes.

25 And I don't really appreciate the

1 fact that somebody could come in here 20 years
2 later and change what we worked really hard to
3 achieve. Forty-eight doubles is just -- it
4 doesn't make sense to me and a lot of our
5 neighbors. It's not right, and we need to make
6 sure that it stays single-family homes.

7 I do have one other quick thing.
8 Gemma alluded to a couple of things that I want
9 to touch on. Homeowners association. We do
10 not have one of those now. So I'm asking if
11 all of us would be in a homeowners association?

12 She said that the Maple Street
13 product homes that they had ranged from 1,220
14 square feet up to 3,000. I do not believe that
15 that is the size of our housing units that were
16 supposed to be built in this platt. She also
17 said 1,600 square feet in total. Is that per
18 side, or is that in total?

19 And then the other question I
20 would have for her. Is there any other Dayton
21 locations that have doubles at this time?

22 That's all I have. My mom is here
23 with me. She is another homeowner in this
24 platt, and she would like to also go as well.

25 MAYOR LETNER: Kelly, let me thank

1 you for your comments tonight.

2 And, Gemma, would you care to
3 respond to Kelly's questions?

4 GEMMA MAXWELL: Yes. I can
5 respond to those.

6 So as far as the homeowners
7 association, that would only apply to the
8 residents in the homes that we built. So we
9 would be setting it up only for the paired
10 townhomes and then the buyers of our Maple
11 Street product line. It would not apply to the
12 current residents of Meadows of Brookville.

13 The double -- you know, what
14 people have been calling doubles, our paired
15 townhomes, we are working on building some of
16 these units in our Carriage Trails Community in
17 Huber Heights. Like I said, we are new to the
18 Dayton market. We bought out an established
19 builder here, Inverness, earlier this year. So
20 we're working on entitling and getting paired
21 townhomes zoned in numerous communities
22 throughout Dayton, but that takes about 18
23 months. So we don't have any on the ground
24 currently, but they are planning numerous
25 locations around Dayton.

1 And then -- well, I'm sorry.

2 Kelly, what was your third question?

3 KELLY SCHERER: One of the things
4 you said was 1,600 square feet in total. Is
5 that for each side of your paired homes, or is
6 that in total as both of them?

7 GEMMA MAXWELL: That's for each
8 individual unit, correct. And then your
9 question on the square footage, that is our
10 total range of our Maple Street, that range I
11 gave you up to 3,000. There may be a
12 restriction on the platt for a certain number
13 of square feet. We'd only be offering the
14 floor plans that met that minimum requirement.
15 Square footage requirement.

16 KELLY SCHERER: Okay. Thank you.

17 GEMMA MAXWELL: And then I can
18 also speak to I think somebody else's questions
19 that came up earlier. One of the questions was
20 why can't we build our single-family detached
21 product on the paired townhome lots. That's
22 originally what we wanted and intended to do.
23 However, the lots are very shallow in depth.
24 We're unable to build our single-family
25 detached homes on those lots, and so the paired

1 townhome is a solution to that problem. There
2 also are higher front-yard and rear-yard
3 setbacks on those lots. Which also restricted
4 the depth of the product that we could put on
5 those lots.

6 Let's see. Oh, yes. So the
7 number of people in our, you know, paired
8 townhome product. You know, speaking to that,
9 we have floor plans that range from two to
10 three bedrooms. There's no restriction for
11 fair housing on who buys or how many people are
12 entitled to, you know, buy, live within a home.
13 Our homes are two to three bedrooms.

14 The other thing would be that, you
15 know, per zoning regulation in Ohio revised
16 code, municipalities can't restrict zoning
17 based off of impact to the school system. So
18 the school systems are required to, you know,
19 flex and change with the number of residents
20 within the municipalities. So that would be
21 something just everybody should be aware of
22 here.

23 Long-term rentals were a question.
24 So we are not in the business of renting out
25 our units. We are only a for-sale builder. We

1 don't rent them out. That's not a backup plan
2 for us. Either we sell the homes, and we hope
3 to sell them, you know, and are successful in
4 here and build homes and build nice homes in
5 the remaining lots. But if not, if we're
6 unable to sell our homes, then we would have to
7 break our contract with Tim Taylor. Which is
8 not the objective of this. We want to finish
9 out the community and make it a nice
10 finished-out community for Brookville.

11 We do have market data to
12 support -- oops. Sorry. We do have market
13 data to support the price point within
14 Brookville. We're a very data-driven company,
15 and one of the reasons we looked at Brookville
16 when entering the market as one of the first
17 places we wanted to come was because there is a
18 demand for that price point in Brookville.

19 And then, yeah, I think that
20 should address all the questions we've gotten
21 so far. I'm happy to jump back in if anybody
22 else has questions as we continue.

23 MAYOR LETNER: Gemma, thank you
24 for your input.

25 ERIC WRIGHT: Chuck, do you mind

1 if I interject? This is Eric Wright, 165
2 Brooke Woode.

3 MAYOR LETNER: Eric, we got to
4 move on, because we've got numerous other
5 people. I would like to entertain it, but
6 we've got other folks that we need to bring on
7 board.

8 Kim. You're muted.

9 CLERK DUNCAN: Kelly, do you want
10 to put your mom on, and I can swear her in?

11 KELLY SCHERER: Yes. Thank you.

12 CLERK DUNCAN: Can you state your
13 name for the record, please?

14 MARY JO KLAUS: Yes. Mary Jo
15 Klaus.

16 CLERK DUNCAN: Raise your right
17 hand. Do you swear or affirm that your
18 testimony in this Public Hearing is the truth,
19 the whole truth, and nothing but the truth?

20 MARY JO KLAUS: Yes, I do.

21 CLERK DUNCAN: Please begin your
22 testimony by stating your name and address for
23 the record, and confirm that you have been
24 sworn in.

25 MARY JO KLAUS: My name is Mary Jo

1 Klaus. I live at 150 Brooke Woode Drive,
2 Brookville, Ohio 45309, and I have been sworn
3 in.

4 CLERK DUNCAN: You may go ahead.

5 MARY JO KLAUS: Thank you. I want
6 to thank you for giving me the opportunity to
7 speak to this Council. I do live on Brooke
8 Woode, and I'd like to put a face to one of
9 those signatures on the petition for the
10 rejecting the zoning change in Meadows of
11 Brookville.

12 Each name on that petition
13 represents a person or family that lives here,
14 and our homes are one of the biggest
15 investments that we've made. I wanted a higher
16 place, a good school system, a small-town
17 atmosphere, and a city that looked after its
18 citizens. When I moved in in 2007, I
19 questioned what was to be done to the empty
20 land behind my home and was told it was zoned
21 for single-family homes.

22 My home right now is across from a
23 multi-family housing that's already in our
24 platt, and I also have a rental house next
25 door. I can tell you firsthand there's a lot

1 of turnover in neighbors. At the moment I can
2 see from my back yard out to Westbrook Road.
3 This is the paper that you showed before. This
4 is what my house and my area looks like right
5 now. If you go and put single families in
6 there, it looks like this.

7 And I want you to know that on
8 this side of the road there are multi-families.
9 It goes from Westbrook all the way to here to
10 this property. There are ten of them. that's
11 20 homes. What they're trying to do is put
12 those 48 homes in that tiny, little spot. This
13 is my house now, and this is what I would see.
14 This would be acceptable. This is not.

15 I'm just asking you to keep the
16 promises that you made to us when we bought our
17 properties and to make the City one that stays
18 and does their promises to the citizens.

19 Thanks.

20 MAYOR LETNER: Mary Jo, thank you
21 for your comments tonight.

22 MARY JO KLAUS: Thank you.

23 MAYOR LETNER: Kim, who do we have
24 next?

25 CLERK DUNCAN: Is there anyone

1 else that was unable to use the raise hand
2 function?

3 KAREN BRAUND: I was unable to use
4 the raise function, Kim. This Karen Braund.

5 CLERK DUNCAN: Okay. I have other
6 people that I need to read statements, Karen.
7 You said you wanted to go last.

8 Is there anyone else who couldn't
9 use the raise hand function?

10 DANIELLE BROOKS: We were unable
11 to use the raise-hand function as well.

12 CLERK DUNCAN: And your name is?

13 DANIELLE BROOKS: I'm Danielle
14 Brooks.

15 CLERK DUNCAN: Okay. Danielle,
16 would you like to raise your right hand, and
17 I'll swear you in for your testimony?

18 DANIELLE BROOKS: Yes.

19 CLERK DUNCAN: Do you swear or
20 affirm that your testimony in this Public
21 Hearing is the truth, the whole truth, and
22 nothing but the truth?

23 DANIELLE BROOKS: I do.

24 CLERK DUNCAN: Please begin your
25 testimony by stating your name and address for

1 the record, and confirm that you've been sworn
2 in.

3 DANIELLE BROOKS: It's Danielle
4 Brooks. 75 Meadow Brooke Avenue. I've been
5 sworn in.

6 CLERK DUNCAN: All right. You may
7 go ahead.

8 DANIELLE BROOKS: So there's been
9 a lot of issues, obviously, covered by so many
10 people tonight. So we just want to state, my
11 husband and I, that we are opposed to this.
12 One of my biggest, I guess, things that we want
13 to address is the petition that went around in
14 our neighborhood. You know, there was well
15 over, you know, probably 75 percent, if not
16 more, on this petition. So I know that no one
17 has really addressed the petition that went
18 around in this neighborhood. So I guess I ask
19 the Council to really look at that and, you
20 know, take that into consideration that these
21 are the people who live here.

22 These are our lives. These are
23 our homes. We're asking the Council, hey, you
24 know, please, look at this. So it really
25 hasn't been addressed tonight much. So I just

1 wanted to bring that about, because I know that
2 you guys do have that. One of the other
3 concerns that I guess that we do have is we own
4 a business. We were asked to bid out some of
5 these homes that would potentially come into
6 this area. So I know that at some point,
7 because we did our bidding on our end, that
8 there was other talk. There was other
9 investors.

10 You know, when you hear Gemma
11 talk, and it's nothing personal, you're talking
12 about, you know, building in Huber Heights. We
13 are not Huber Heights. You know, Fischer Homes
14 does not know what our community is. We are
15 Brookville. We are completely different than
16 Huber Heights, completely different than other
17 areas that they're discussing building these.

18 So one of my biggest concerns is,
19 you know, they don't know what they're coming
20 into. They don't know the kind of community
21 that they're, you know, wanting to potentially
22 build in. It is more of an investment. Which,
23 hey, totally get that. It's okay. But you
24 also have to look at the residents and what
25 we're asking and what we're proposing as well.

1 So my question is is there's so
2 many other local builders who built our homes.
3 Pete Chakiris built the home that we live in.
4 I know he built numerous other homes back here
5 as well. You know, Landis Builders, huge in
6 Brookville. There's a lot of other builders
7 just like Tim Taylor that want to build homes
8 back in here. He owns the lots, you know.

9 So to me I think, and probably
10 other residents, there's other options besides
11 letting Fischer come in and buy him out. So we
12 just wanted to address some of those issues on
13 our end, to let you know that we're opposed to
14 it as well, and I think that's all we have.

15 MAYOR LETNER: Danielle, thank you
16 for your comments tonight.

17 Kim.

18 CLERK DUNCAN: Is there anyone
19 else that wanted to speak that was unable to
20 use the raise-hand function?

21 ZANETA SIMPSON: I want to say
22 something.

23 CLERK DUNCAN: Okay. State your
24 name, please.

25 ZANETA SIMPSON: Zaneta Simpson.

1 CLERK DUNCAN: I'm sorry. Can you
2 spell your first name for me?

3 ZANETA SIMPSON: Z-a-n-e-t-a.

4 CLERK DUNCAN: All right. Zaneta,
5 raise your right hand. Do you swear or affirm
6 that your testimony in this Public Hearing is
7 the truth, the whole truth, and nothing but the
8 truth?

9 ZANETA SIMPSON: Yes, I do.

10 CLERK DUNCAN: Please begin your
11 testimony by stating your name and address for
12 the record, and confirm that you've been sworn
13 in.

14 ZANETA SIMPSON: My name is Zaneta
15 Simpson. I live at 101 Brooke Woode Drive,
16 Brookville, Ohio 45309, and I've been sworn in.

17 CLERK DUNCAN: You may go ahead.

18 ZANETA SIMPSON: I live in one of
19 the doubles or actually what would be
20 considered a joint home. And my concern is,
21 because I'm opposed to this, too, is I paid
22 \$112,000 for my house. It's close to 1,500
23 square feet, and it doesn't make sense to me
24 how you're going to sell something very similar
25 to what I have for twice the amount of money.

1 I don't understand how this realtor projects
2 what they projected knowing what these houses
3 to sell for. And I know because I looked when
4 we bought, most of these houses sold very
5 similar to what we paid. Even currently a
6 house that's similar to ours sold for no more
7 than 130,000, I believe.

8 So my question is how do you come
9 up with this projection for over \$200,000 for a
10 house that's 1,600 square feet, when mine's
11 almost 1,500 and has almost the exact same
12 amenities, and I have more property? How does
13 that play out? I don't understand. It doesn't
14 make sense to me.

15 And that's where I'll leave it.

16 MAYOR LETNER: Zaneta, I'll ask.
17 Since you had three and a half minutes left,
18 I'm going to ask Gemma to respond.

19 ZANETA SIMPSON: Okay.

20 GEMMA MAXWELL: Hi, Zaneta. This
21 is Gemma with Fischer. One of the reasons for
22 that would be, you know, materials and costs
23 when you built your home are very different
24 than they are now. Costs end up going up over
25 time. We are now at -- you know, we're

1 targeting the home prices based on the price of
2 the lot, the materials, and then making sure
3 the lot falls in the demand for the area.
4 Which we believe it does.

5 I mean, to your point directly, I
6 think once these homes, these paired townhomes
7 close, you're going to see that you could sell
8 your home for a much closer price to what we're
9 selling our homes for, and that's why we
10 believe this will raise the property values.
11 If there's only a couple paired products or
12 paired towns or doubles, whatever you want to
13 call them in Brookville, you have very little
14 to compare it to.

15 If something like this comes in at
16 \$200,000 sales price, which we believe we'll be
17 able to sell through those successfully, it is
18 going to raise your property value, because
19 there will be another appraisal property to
20 compare it to and, therefore, raise your
21 property values.

22 I hope that answers your question.
23 I can elaborate, if needed.

24 ZANETA SIMPSON: I think we need
25 to clarify that. I and even my neighbors, the

1 ones I'm talking about that have recently sold,
2 have sold all in less than the last two years.
3 So this isn't like this is 20 years ago we
4 bought these houses at this price. This is in
5 the last two years.

6 GEMMA MAXWELL: Right. And if all
7 of your appraisals are against products similar
8 to yours at the same price point, then that's
9 what your property value is probably going to
10 stay at, because there's nothing to compare it
11 to. By us coming into the market at a higher
12 price point, and we fully believe we'll be
13 completely successful at that price, it is
14 going to -- I mean and people are going to pay
15 more for a new home versus an -- older homes,
16 with a newer floor plan and newer materials and
17 all of that, and people expect to pay a little
18 bit of a premium for that. We do believe it's
19 going to kind of raise your property values.
20 All -- you know, a rising tide raises all ships
21 kind of a situation.

22 So while the home was built a
23 number of years ago, I understand that, you
24 know, current resales, they are still
25 landing -- those prices are still landing at

1 the prices you said. But this will be a new
2 product, a brand new home for people, and we
3 believe -- you know, we have market data to say
4 that they will pay the -- be happy to pay those
5 prices for that product and the amenity and the
6 HOA and the product that it is and what we're
7 selling. So...

8 ZANETA SIMPSON: All right. Well,
9 thank you.

10 GEMMA MAXWELL: Thank you.

11 MAYOR LETNER: Zaneta, thank you
12 for your question.

13 And, Gemma, thank you for chiming
14 in.

15 Kim.

16 CLERK DUNCAN: Is there anyone
17 else that wanted to speak that could not use
18 the raise-hand function?

19 Okay. I have several people that
20 emailed me today that --

21 WILLIAM HOLBROOK: Excuse me.

22 CLERK DUNCAN: I'm sorry?

23 WILLIAM HOLBROOK: I'd like to
24 speak, please.

25 CLERK DUNCAN: Sure. What is your

1 name, please?

2 WILLIAM HOLBROOK: My name is
3 William Holbrook.

4 CLERK DUNCAN: All right. Mr.
5 Holbrook, if you would raise your right hand, I
6 will swear you in. Do you swear or affirm that
7 your testimony in this Public Hearing is the
8 truth, the whole truth, and nothing but the
9 truth?

10 WILLIAM HOLBROOK: I do.

11 CLERK DUNCAN: Please begin your
12 testimony by stating your name and address for
13 the record, and confirm you have been sworn in.

14 WILLIAM HOLBROOK: William
15 Holbrook. 45 Heckathorn Road. Yes, I have
16 been sworn in.

17 CLERK DUNCAN: All right. You may
18 go ahead.

19 WILLIAM HOLBROOK: Okay. Mine,
20 it's going to be kind of short here, and really
21 I'm saying the same thing I said years ago when
22 the Stony Brook development came in and we had
23 the meeting down in Perry Township. And the
24 biggest part of that is I don't think there is
25 anybody on this call that didn't think that

1 there's going to be some development that goes
2 on. What they oppose is the type of
3 development.

4 And my question comes down to just
5 a matter of dollars and cents, and that would
6 be for Gemma, is where do you make your money?
7 Are you making it on the doubles? Are you
8 making it on the singles? And if it's not that
9 much difference, why come in and upset 75 to 80
10 percent of the people in this development now,
11 when you could be welcomed with open arms if
12 you would just do what has been said or
13 promised to us that was going to be done to
14 this area in the past?

15 And really that's all I've got.

16 MAYOR LETNER: Gemma, you can
17 respond to Mr. Holbrook.

18 GEMMA MAXWELL: Yes. Mr.
19 Holbrook, you know, when we came in and
20 originally started talking with Mr. Taylor, our
21 intention was to put all single-family detached
22 homes in this neighborhood. Again, with the
23 increased setbacks, front-yard setbacks on the
24 lots fronting Westbrook Road and then just the
25 shallowness of those lots, we were not able to

1 fit our homes on those lots. Our intention was
2 to find a way around that, but we only had a
3 couple of floor plans fit, and that wasn't
4 going to work well to duplicate all those floor
5 plans over 20 something lots.

6 So the solution was to find a
7 product that fit, and that was our paired
8 townhome that we thought was a good solution.
9 You know, if we could have put single-family
10 detached on those, we would have. Again, it
11 was a fit issue of the lots and the depth of
12 those and the setbacks in place.

13 WILLIAM HOLBROOK: Well, that kind
14 of sounds like your due diligence was not
15 complete, or at least there should have been
16 some kind of a backup plan. Again, you'd be
17 welcomed with open arms if you would come in
18 and do what is said that was going to be done,
19 and you'd have a much happier community here
20 and a community that would stay within what
21 Brookville is looking for.

22 GEMMA MAXWELL: I assure we did do
23 our due diligence on it. If we could have done
24 single-family detached, we would be. I promise
25 you that, and, you know, we hope this works out

1 for Brookville. We understand it's different
2 than what the residents had previously
3 understood to happen out here, but things
4 change. Economics change. We hope there's a
5 solution here moving forward for the
6 development to put in some of these paired
7 townhomes, you know, similar to some of the
8 paired stuff that's already in Meadows of
9 Brookville. Thank you.

10 MAYOR LETNER: Okay. Kim. You're
11 muted again, Kim. There you go.

12 CLERK DUNCAN: You think I would
13 have learned it by now.

14 Is there anyone else that would
15 like to speak?

16 ERIC WRIGHT: I have an unanswered
17 question from Gemma before you read the emails,
18 which was what are the assurances that you
19 won't rent them when you can't sell them for
20 the price that you want to sell them for?

21 And what are the assurances that
22 we have from the Council that they are not
23 going to turn into rentals when you cannot sell
24 them for the price that you want to sell them?

25 MAYOR LETNER: Gemma, do you want

1 to respond to that real quick?

2 GEMMA MAXWELL: Yes. Sure. We
3 are not -- in Fischer Homes' history, we have
4 never sold homes with the intention of renting
5 them. We cannot prohibit customers from coming
6 in, purchasing the home, and then turning them
7 into a rental. That's a violation of fair
8 housing to discriminate against people if they
9 planned on renting them out. However, Fischer
10 Homes has never been in the business of turning
11 the homes that we build into rentals.

12 I can't say anything beyond that
13 other than to assure you it's never been our
14 plan. It's not our plan now, and that wouldn't
15 be happening at Meadows of Brookville.

16 ERIC WRIGHT: So somebody could
17 come in and buy all of these on day one and
18 rent them out on day one?

19 MAYOR LETNER: Eric, I think the
20 price point that they're asking here is way
21 beyond a rental. I mean you'd be looking at
22 \$3,000 a month rental, and that's unimaginable.
23 Because if the homes are selling for \$200,000,
24 at that price point, it would be \$3,000 a month
25 to rent it, and I just don't see that

1 happening.

2 ERIC WRIGHT: Well, when they
3 don't sell them at \$200,000 a month and they go
4 vacant, then you can sell them to somebody
5 that's going to buy them at a cheaper price
6 willing to rent them, and that's my point.

7 MAYOR LETNER: Okay. Point well
8 taken. thank you.

9 Kim, next, please.

10 CLERK DUNCAN: Is there anyone
11 else that couldn't use the raise-hand function?

12 Okay. I received several emails
13 today. Several people indicated that they
14 wanted me to read their statement, which I
15 will. I first wanted to ask. I see that Neil
16 Griffy is in attendance, and he had emailed me
17 something.

18 Mr. Griffy, did you want me to
19 read your statement, or would you like to give
20 it yourself?

21 NEIL GRIFFY: I'll go ahead and
22 speak. Most of what I wrote in my statement
23 has already been beat over pretty hard here.
24 So --

25 CLERK DUNCAN: Okay. I will swear

1 you in first. Hold on just a second. Can you
2 raise your right hand?

3 NEIL GRIFFY: Yes.

4 CLERK DUNCAN: Do you swear or
5 affirm that your testimony in this Public
6 Hearing is the truth, the whole truth, and
7 nothing but the truth?

8 NEIL GRIFFY: Yes.

9 CLERK DUNCAN: Please begin your
10 testimony by stating your name and address for
11 the record, and confirm that you've been sworn
12 in.

13 NEIL GRIFFY: Neil Griffy. 130
14 Brooke Woode Drive.

15 CLERK DUNCAN: All right. Go
16 ahead.

17 NEIL GRIFFY: I live two houses
18 down from Mary Jo, directly across from the
19 rentals. The rentals are owned and kept up by
20 Pete Chakiris. Any of us that live there will
21 know that there's not hardly a day you go by
22 that Pete's not out there toiling over
23 something keeping his properties in pristine
24 condition. Having known Pete for most of my
25 life and lived in Brookville for all of my

1 life, I went to school with some of your
2 children, and I know most of you, and some of
3 you that lived there have parents. We have,
4 like Brookville does, a long lineage of people
5 that live in the City.

6 That aside, most of the problems
7 I've seen in the doubles over the years are the
8 ones further toward Westbrook Road.
9 Fortunately, most of those have been sold
10 and/or operated by Green Tokai, which keeps a
11 pretty low profile.

12 As far as the traffic goes, I saw
13 Marty Scherer -- one of Marty Scherer's
14 children get hit in a car accident down there
15 because of the 55 mile an hour speed limit and
16 the blind corner there where the salvage yard
17 is just to the left. And then in the morning,
18 in the east, the sun is coming up. So I can't
19 imagine what it's going to be like with all the
20 doubles there and people trying to get in and
21 out of their traffic.

22 And it's been stated several times
23 that this rule was cast in stone years ago, and
24 then now the rule is trying to be bent or
25 broken a little bit. If the rule can be bent

1 or broken to put doubles on the property, why
2 not work to get single-family homes on the
3 property and try to relieve whatever
4 restrictions are there so that we can get
5 actual single-family homes, rather than
6 doubles? It seems to me, if the door can swing
7 one way, it can swing the other as well.

8 That aside, I am not a proponent
9 of building the doubles, as really as anyone
10 else. I feel like, you know, when you come
11 into this city and you come in from the east,
12 the first thing you see is our platt. The last
13 thing I want to see is a strip of doubles.

14 Comparing it to Huber Heights, in
15 my opinion, is an insult and as the demographic
16 of Huber Heights and as it's a declining
17 community, and that is the last thing I want.
18 Anybody that knows the demographic of
19 Brookville and surrounding area knows that we
20 command a premium on our taxes and all of us
21 here pay our taxes, and we tend to approve the
22 levies. Granted the last two failed, but
23 that's a different discussion.

24 But because of these high taxes,
25 we have expectations. And if we lower those

1 expectations, we're asking people to leave
2 where they can go live cheaper. There is
3 communities in Brookville that are conducive to
4 multi-family homes. The Meadows of Brookville
5 is not one of them.

6 I really don't think that I can
7 add a whole lot of other, other than to repeat
8 what's already stated. But you have a majority
9 of people here in this section that are greatly
10 opposed to this. If the desire is to develop
11 it, then let's develop it in a way we can all
12 get along with. And, yeah, I'd like to close
13 on that.

14 CLERK DUNCAN: Neil, I want to
15 thank you for your comments tonight.

16 Kim.

17 CLERK DUNCAN: Is there anyone
18 else out there that wants to speak before I
19 read these statements?

20 Okay. I have a statement here
21 from Jeff Davidson at 63 Meadow Brook. He
22 says:

23 My name is Jeff Davidson and I've
24 lived at 63 Meadow Brooke Avenue since 2007. I
25 have been a teacher and coach in the school

1 district since 2000 and a resident of
2 Brookville since 2001. A lot has changed in
3 our world the past 20 years, and Brookville is
4 no exception; however, one thing that has been
5 consistent is the family living environment in
6 the Meadows of Brookville. I moved to our
7 neighborhood 13 years ago because the dynamic
8 reminded me of my hometown and my wife and I
9 felt it was ideal to raise our daughter.

10 The idea of using the land in the
11 Meadows of Brookville for twin homes carries
12 legitimate concern. The increase in traffic
13 and decrease in property value are both
14 detrimental. Growth is inevitable, but to
15 inundate our neighborhood with countless
16 doubles completely contradicts the current
17 dynamic. If that land is used to build family
18 homes, then I support the growth plan. On the
19 contrary, I firmly oppose mass building of twin
20 homes by an entity that ultimately would profit
21 and then leave the current residents with
22 depreciated property.

23 The next statement is from Jessica
24 Sewert. And she says:

25 I am speaking on behalf of Kyle

1 and Jessica Sewert at 136 Poplar Run Place.
2 When we moved into our home in 2014, we were
3 told that this issue had been resolved and it
4 was something we never had to worry about
5 again. This shouldn't even be up for
6 discussion, because it was solved years ago.

7 The area our home is specifically
8 located is going to change a lot of things for
9 our family if this is approved. We love our
10 neighborhood and if we knew this was going to
11 happen, we probably wouldn't have bought the
12 home. As residents, we should have a voice in
13 this. We do not approve of this housing going
14 up. Thank you.

15 The next one is from Jason Vince:

16 My name is Jason Vince, and I
17 reside at 94 Brooke Woode Drive in the Meadows
18 of Brookville. I am writing this email to
19 express my concern with the proposed
20 development taking place in Zone 5 and 6 within
21 our neighborhood. I know that many of my
22 concerns have most likely already been stated,
23 but I would like to have them on record.

24 First, let me say that I am not
25 opposed to developing the land. I believe that

1 Mr. Taylor has a right to develop it in order
2 to see a return on his investment. However,
3 there are a few items that I have concerns with
4 and would like addressed.

5 First, when we bought our home, we
6 were informed that the land will be developed
7 as single-family homes which I believe would be
8 best suited for this area. This no longer
9 seems to be the case. There are zero
10 guarantees that these homes will not turn into
11 additional rentals within the community.
12 Bringing a potentially transient population is
13 not in the best interest of the schools or the
14 community.

15 Second, I do not believe that the
16 area has the proper infrastructure to handle
17 the number of families that would be moving
18 into this area. Currently, the area on the
19 east side of the open field often floods after
20 a hard rain and increasing the amount of water
21 run-off while decreasing the available land
22 brings to light some serious questions and
23 concerns for current homeowners in the area. I
24 know from the last meeting that the developers
25 stated that this is not a concern based on what

1 the test and data shows, but I have also seen
2 the potential issues it causes when it storms
3 leaving a significant amount of water standing
4 on that land.

5 Next, the addition of double/twin
6 homes into this area would bring a dramatic
7 increase in traffic, raising safety concerns as
8 cars would be coming in and out of the new
9 roads and in addition, turning in off of
10 Westbrook Road, a road that I already have
11 safety concerns about. Based on the layout,
12 this area is slated to have 48 additional
13 families along Westbrook Road and 48 additional
14 families located directly behind it. That
15 alone is 96 families. If each family has two
16 cars, you can do the math. This does not
17 include the additional housing planned once the
18 twin homes are completed.

19 My next issue is one of grave
20 concern to me. First, what is the projected
21 timeline for this construction? I am hearing
22 three to five years. Is this correct? Are the
23 families living in this area supposed to be
24 satisfied with three to five years of
25 construction at our back doors?

1 Will there be time restrictions on
2 when workers can be working in the area so we
3 aren't dealing with loud machinery at 6 a.m. or
4 7 a.m. and hearing it all evening? Will there
5 be work trucks parked in the fields and along
6 Westbrook Road providing an absolute eyesore
7 for several years?

8 In addition, are these homes going
9 to be built then sold or sold and then built?
10 Doing the former could potentially leave vacant
11 buildings for extended periods of time.

12 Finally, although I cannot speak
13 for the entire Brookville Community, I have
14 spoken with several individuals and families
15 within other areas of the City, and I can
16 confidently say that I have not once heard that
17 the citizens of Brookville are excited about
18 more doubles/twin homes coming into the area.
19 Several of these style homes were just built
20 behind the former library, and people were not
21 excited about those. Has there been an
22 extensive study done that shows the need for
23 such housing in Brookville? There may have
24 been? Question mark.

25 I truly feel like there is a

1 compromise out there somewhere especially when
2 it comes to having double/twin homes on the
3 inside part of the land.

4 Thank you for your time. I hope
5 my voice is represented this evening. Jason
6 Vince.

7 Was that less than five minutes,
8 Mayor?

9 MAYOR LETNER: Your partner there
10 was keeping tabs, and she didn't start the
11 clock. So...

12 CLERK DUNCAN: Okay. I have one
13 more, and this is from Pete Chakiris, 6465
14 Wellbaum Road, and he says:

15 In 2008 the City of Brookville
16 entered into an agreement with Tim Taylor to
17 rezone the platted building lots in the Meadows
18 of Brookville to one parcel, as a pause in the
19 development, so Mr. Taylor could avoid a large
20 tax burden. The agreement also stressed that
21 once Tim Taylor completed the pause in the
22 development that the platting and the zoning be
23 returned to its original format. I urge the
24 Planning Commission and the City Council to
25 honor the agreement that Mr. Taylor and the

1 City entered into by voting no on the proposed
2 rezoning of the Meadows of Brookville.

3 That is all the comments that were
4 emailed to me. Is there anyone else that wants
5 to speak this evening, other than Mrs. Braund?

6 All right. Mrs. Braund, if you're
7 ready, I can swear you in now.

8 KAREN BRAUND: Go ahead.

9 CLERK DUNCAN: State your name for
10 the record, please?

11 KAREN BRAUND: Karen Braund. 15
12 Heckathorn Road.

13 CLERK DUNCAN: Raise your right
14 hand. Do you swear or affirm that your
15 testimony in this Public Hearing is the truth,
16 the whole truth, and nothing but the truth?

17 KAREN BRAUND: I do.

18 CLERK DUNCAN: Please begin your
19 testimony by stating your name and address for
20 the record, and confirm that you've been sworn
21 in.

22 KAREN BRAUND: My name is Karen
23 Braund. I live at 15 Heckathorn Road. And,
24 yes, I've been sworn in.

25 CLERK DUNCAN: All right. You may

1 go ahead.

2 KAREN BRAUND: I did send
3 something to Kim. I'm going to skip over a lot
4 of it. It was covered by other residents. I'm
5 going to just start with there were motions in
6 August and September of 2008 that were carried.
7 All motions, all yay. Motions were carried.
8 That, as Jessica said, we shouldn't even be
9 here, because it defined how this was to move
10 forward.

11 There was some things that Mr.
12 Taylor stated at the Public Meeting on October
13 the 22nd. His words were the whole intention
14 is to bring something to Brookville and make it
15 worthwhile. We have to get on board and do
16 what's right for Brookville.

17 I guess I'm not sure who the we is
18 that he's referring to, but a couple comments
19 and thoughts on that are there have been many
20 opinions by both the Planning Commission, City
21 Council members throughout the years that
22 safeguarded our interests that we bought a
23 single-family home development. If due
24 diligence was taken after a review of those
25 facts exercised, that would be very apparent.

1 I don't have time to go through all of those
2 individual notes.

3 There are five individuals that
4 have been through the course of these
5 developments through 2005 to the current. And
6 I just want to be really honest, the ball was
7 dropped by the City and its representatives.
8 No agreement was drafted for the developer to
9 be signed. Tim Taylor, Taywood Enterprises,
10 received a large tax estimated savings of six
11 digits. This agreement was executed in
12 principle even though it wasn't signed. This
13 tax saving was a reduction of tax funds for the
14 school district and the City over the tax years
15 of 2008 to the current.

16 So this unplatt that was done did
17 not just impact the citizens of -- the
18 residents of Brookville, it really hit the
19 entire City by a tax reduction for the school
20 system and the City financially.

21 Not all development is good
22 development. I want to repeat that. Not all
23 development is good development. Passing this
24 proposed rezoning motion and overturning prior
25 unanimously passed motions by Planning and City

1 Council cannot cost the residents of the
2 Meadows of Brookville and, quite frankly, the
3 other residents of the City of Brookville who
4 have financially been impacted.

5 When we ask for the current zoning
6 motion, we go against the assurances given to
7 the residents in 2008 and put them in a
8 negative position while having given the
9 developer an estimated over \$200,000 win, based
10 on his figures. Mr. Taylor is not a resident
11 of Brookville. He is not a resident of
12 Montgomery County. He lives in Miami, best
13 that I can surmise. He has no interest here
14 outside of the continued financial gain. He is
15 in it to make a profit and leave.

16 As previously noted by other
17 residents, we're in Brookville. We've chosen
18 to invest our families and future in this city.
19 Your job, everybody here that's voting, is to
20 protect our interest and our investment.

21 I've got a couple of, I guess,
22 other questions. What came to light tonight,
23 there was a contract with Tim Taylor. That's
24 the first we've heard that there's an actual
25 contract. There was a note that things change.

1 Economics change. Not if there's motions and
2 legal binding things that the City has
3 encumbered in. Things don't change at that
4 point. They need to be constant, or I guess
5 there will be other, you know, other things
6 that would develop down the road if things do
7 change.

8 Diversified products in
9 Brookville, is that going to be our expense?
10 Because it kind of sounds like that diversified
11 products is going to do that. And again I kind
12 of start off with the ranch here, and, you
13 know, if you want to put in single-family
14 homes, like allegedly was first brought to the
15 table, I bought that first one that backs to my
16 yard that Ts into Wellbaum Road.

17 The other 12 unplatt lots, put it
18 back to the single-family homes, extend the
19 yards back to the way it was originally platted
20 before all of this came down, and then you can
21 put in the large homes you have. You don't
22 have the issue.

23 Mr. Neil Griffy I believe
24 mentioned something like that where there's a
25 will, there's a way. It just seems like either

1 a variance or some kind of an adjustment or
2 some kind of a redrawing, if you don't have an
3 existing product, I've had architects at places
4 I've worked at have somebody come up with a new
5 home. It is simple. There is a solution that
6 does not negatively impact us and make us not
7 whole legally. I'm done.

8 Kim, I did email you the petition
9 that the residents signed. There were, for the
10 record, everybody, you don't have that. There
11 were 109 signatures. That represents 81.5
12 percent of the Meadows of Brookville, 91.7
13 percent of the single homes. We reached all
14 but four single homes. One was out of town.
15 Two we just -- they didn't answer their door.
16 And the third lady, God love her, I have to
17 respect that English was not her first
18 language. She was opposed to the rezoning, but
19 she was afraid that she would have to answer
20 questions. So, basically, all but three
21 single-family homes are opposed to this on
22 paper.

23 So I appreciate all the residents
24 showing their support. I really would like
25 that heard and promises that were made to us

1 upheld. Thank you.

2 MAYOR LETNER: Karen, thank you
3 very much for your comments tonight.

4 You know, we've had, between the
5 emails and people that spoke, we've had 18
6 different people. There's a lot to take in.
7 There's a lot to think about.

8 Does anybody on the Boards have
9 any questions?

10 Anybody from Planning?

11 Anybody from Council?

12 Okay. At this time I'm going
13 to -- go ahead.

14 MEMBER CRANE: Hey, Chuck, I have
15 a question maybe for Gemma.

16 MAYOR LETNER: Okay. Stephen, go
17 ahead.

18 MEMBER CRANE: On the HOA she
19 mentioned, is it possible on that HOA to
20 possibly do a limit to the number of rentals in
21 that duplex, as far as percent of homes that
22 can be available later in the, you know, in the
23 covenant?

24 GEMMA MAXWELL: Thanks, Stephen.
25 We have looked into that, but again it's a

1 violation of fair housing to put that into HOAs
2 is what we've discovered. So we're unable to
3 dictate that in our homeowners association and
4 in our CC&R documents. And all of our
5 communities kind of follow those same rules.
6 So...

7 MAYOR LETNER: Does that answer
8 your question, Stephen?

9 MEMBER CRANE: (Nodding.)

10 MAYOR LETNER: Very good. Anybody
11 else?

12 Okay. At this time, I'm going to
13 close the Public Hearing and ask that we go
14 back in session for our regular council
15 meeting. I want to thank everybody for
16 attending tonight.

17 Planning Commission, we'll see you
18 Thursday.

19 (Thereupon, the Public Hearing was
20 concluded.)

21 * * *

22

23

24

25

1 STATE OF OHIO)
2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3
4 I, Donald Correll, a Notary Public
5 within and for the State of Ohio, duly
6 commissioned and qualified,

7 DO HEREBY CERTIFY that the above-named
8 hearing was reduced to writing by me
9 stenographically in the presence of the parties
10 and thereafter reduced to typewriting.

11 I FURTHER CERTIFY that I am not a
12 relative or Attorney of either party nor in any
13 manner interested in the event of this action.

14 IN WITNESS WHEREOF, I have hereunto
15 set my hand and seal of office at Dayton, Ohio,
16 on this 30th day of November 2020.

17
18
19
20
21 Donald E. Correll

22 DONALD CORRELL

23 NOTARY PUBLIC, STATE OF OHIO

24 My commission expires 8-9-2022
25

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