

Brookville City Council  
Regular Meeting  
September 15, 2020

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on September 15, 2020. The meeting was held virtually using the Zoom web application. The Pledge of Allegiance was recited. Members Crane, Fowler, Schreier, Swabb, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Clerk Duncan, Fire Chief Fletcher and Police Chief Jerome were present.

Roll Call by Clerk Duncan.

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

Motion by Wilder, second by Fowler to approve the Regular Council Meeting Minutes of September 1, 2020. All yeas, motion carried.

Manager Keaton reported the ballot language was approved for the levies for the November 3 ballot. The Parks and Recreation Levy is Issue 1 and the Streets and Roads Levy is Issue 2. Manager Keaton provided Council with a copy of how the two levies will appear on the November 3 ballot.

Manager Keaton advised a Levy Committee, Moving Brookville Forward, has been formed for these two issues. Lori Wright is serving as Treasurer for that committee. Manager Keaton stated if anyone is interested in helping on this committee to contact her and she will put them in touch with Lori Wright.

Manager Keaton reminded everyone the deadline to register to vote or to update their voter registration for the November 3 General Election is October 5. Citizens can register to vote or update their voter registration online, or by mail.

Manager Keaton reported the City of Dayton began filling and disinfecting our 500,000-gallon water tank yesterday. This should take approximately five days to complete.

Manager Keaton reported a VLR shaft broke over the Labor Day weekend at the WWTP. Our Service Department employees were able to remove the shaft by renting a telescopic forklift as the shaft broke in half. The cost would have been much greater if we had to hire a crane and operator. Manager Keaton advised a crane and operator are scheduled to install the rebuilt shaft tomorrow as the shaft is approximately 20' long and the City does not have the equipment to do that in-house. Manager Keaton stated we are also in the process of obtaining a quote to have a new shaft built as a spare.

Manager Keaton reported early last Thursday morning, we experienced a water main break on Johnsville-Brookville Road. The break was approximately 10 feet south of the water main break we had in August. The Service Department was able to get on that break and had it repaired quickly. As soon as this area settles, it will be repaved.

Manager Keaton reported we recently replaced the A/C unit in the Lab building at the Wastewater Treatment Plant. The A/C unit that was in that building was 24 years old and the cost to repair was more than half the cost to replace.

The City is submitting two Ohio Public Works Commission grant/loan applications:

Hay Avenue Roadway Improvements, Phase I

- The Total Project Cost is \$686,558. Manager Keaton advised we are submitting this application as a 25% grant (\$171,639) and a 75% loan (\$514,639) over a 30-year period at zero percent interest. Manager Keaton provided Council with a break-down of the annual debt payment by Fund if this project receives approval.
  - Street Fund - \$413,566 - \$ 13,786 annually
  - Storm Fund - \$151,002 - \$ 5,033 annually

- Water Fund - \$121,990 - \$ 4,066 annually

#### Walnut Street Waterline Replacement

- The Total Project Cost is \$199,987. Manager Keaton reported we are submitting this application as a 50% grant (\$99,993) and a 50% loan (\$99,994) over a 30-year period at zero percent interest. Manager Keaton provided Council with a break-down of the annual debt payment for the Water Fund if this project receives approval.
  - Water Fund - \$99,994 - \$3,333 annually

Manager Keaton reported the Five Rivers Healing Nature tree seedling giveaway was a success. Tree seedlings are still available for residents to pick up this week. The trailer will be in the parking lot at the City Building until Friday morning.

Manager Keaton advised the Ohio Senate recently passed SB357, which would distribute the remaining \$650 million in federal CARES Act funds earmarked for local governments. This bill must now pass the House before it can be sent to the Governor for his signature. It is unclear if the House will return for session before the November election. Manager Keaton advised Staff held a brainstorming meeting last week to discuss items that can be purchased with CARES Act funds.

Member Fowler asked what Staff's ideas were for the additional CARES Act funds if SB357 is passed?

Manager Keaton replied items under consideration are 14 AED's for each police cruiser and to replace units that are near end-of-life, a portable UV light disinfectant system, hands free faucets and towel dispensers for our City restrooms, internet roll-out within the community, a camera system for our Council Chambers and replacing the cloth seating in Council Chambers.

Member Zimmerlin inquired whether the recent water main break on Johnsville-Brookville Road was a result of the previous water main breaks in the area, or are there issues with the water lines in the area?

Manager Keaton replied when they repaired this water main break they did find it was in close proximity to a gas line. There is some discussion on whether water lines next to gas lines have more frequent breaks.

Mayor Letner elaborated that gas lines are electrostatically charged and therefore it acts like a water heater that must be grounded somewhere. The gas lines ground themselves to the water main and in turn cause holes in the water main. In all four instances on Johnsville-Brookville, there were holes in the water mains. Mayor Letner stated in his opinion, the gas lines are a contributing factor. One way to help alleviate this would be to install an anode bag on the water main. When the gas lines grounds itself to the water line, it chews a way at the anode bag first before it affects the water main. Years ago, the same scenario happened near the library on Blue Pride Drive. We also had a double break years ago near Speedway that affected a lot of businesses.

Member Schreier asked if the gas companies are aware that this happens.

Mayor Letner replied he thinks the gas companies are aware of it but do not think it is their fault. We know this electrostatic charge has to ground somewhere, but where do you lay the blame.

Fire Chief Fletcher commented the ground in that area is also highly acidic as it was backfilled with limestone. Geo experts have told us that the limestone and the soil together chew on that line, which does not have a protective sleeve or anode bag.

Member Letner agreed that when you backfill with limestone of any type, other than 57's, it does contribute to the factor.

Finance Director Brandt advised Proposed Resolution 20-19 is under New Business tonight. It is an annual Resolution that accepts the amounts and rates as determined by the Montgomery County Budget Commission and the adoption of this Resolution is a formal approval of the rates and yields

for the inside millage for the City. It is required by the County Auditor in order to collect real estate tax. Finance Director Brandt stated the Resolution needs to be filed by November 2, 2020.

Motion by Crane, second by Zimmerlin to read proposed Resolution No. 20-19. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to accept the first reading of proposed Resolution No. 20-19 entitled "A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR." All yeas, motion carried.

Fire Chief Fletcher reported the call volume has backed off and was replaced by some serious calls. Fire Chief Fletcher reported the Fire Department recently responded to a serious structure fire. The call went very well and the crews did a good job, however it was a large loss fire.

Fire Chief Fletcher reported he is picking up some vouchers from Dayton Hilton South at Austin Landing, which will provide a family in need of immediate shelter a place to stay for 24-hours after a fire. Local hotels and restaurants have helped families in times of need but this is another option that can be offered to fire victims on one of what could be one of the worst days of their life.

Fire Chief Fletcher expressed his enthusiasm that the water tower will be back online so he can get the pumper staged at the pond moved back to the firehouse. He has been amazed at the amount of questions he has fielded regarding this contingency plan. Fire Chief Fletcher stated if he has to stage the pumper there in the future, he will have a sign made explaining the situation.

Mayor Letner stated he listened to the radio chatter during the structure fire on National Road and commended Fire Chief Fletcher for the calm, cool and collected manner in which he handled the call.

Fire Chief Fletcher thanked Mayor Letner for the compliment, stating they are learning some new methodology of communication. He did not use it on this particular incident but is training to use it in the future.

Police Chief Jerome reported he had Law Director Stephan draw up a sample Ordinance regarding regulating golf carts on city streets.

Law Director Stephan stated he has drawn up a sample Ordinance at the request of the Police Chief and patterned the sample Ordinance after an Ordinance recently passed by the City of Huber Heights. The Ohio Revised Code allows communities to adopt regulations related to golf carts. The Ordinance would provide for limitations to allow the carts on streets with a speed limit of 25 MPH or less. There would be an inspection process and certain safety requirements for the golf carts. Law Director Stephan stated Police Chief Jerome will address the issues and why we are looking at potentially adopting this Ordinance.

Police Chief Jerome stated this is a hot topic that he is getting comments on from the community. The golf cart manufacturers are reporting they have never sold so many golf carts. There is a new fad to make them street legal and drive them in many communities. Police Chief Jerome stated while golf carts are fun, he believes they belong in a campground as they are an accident waiting to happen. Many people have brought concerns to him about kids riding on the back of these carts with no seat belts and adults holding young children in their laps on the front of the carts. A quick google search shows in June of this year, a 2 year old died in Miami County after being ejected from a golf cart, a four year old was Careflighted from Darke County after being ejected from a golf cart, and in Texas, a golf cart rolled over on a 12 year old. Police Chief Jerome advised he has done some research and most Ordinances regulating golf carts prohibit them from being operated on streets where the speed limit is more than 25 mph. Police Chief Jerome reported the following streets in Brookville have a speed limit of 35 mph: 900 block of Salem Street, east and westbound Upper Lewisburg Salem, Arlington Road, portions of both north and south Wolf Creek Street, and a portion of Albert Road. Police Chief Jerome stated Johnsville-Brookville is 45 mph and part of

Westbrook is 55 mph. Police Chief Jerome advised it is against state law to drive an underspeed vehicle on a road with a speed limit of 35 mph or more. Police Chief outlined the state requirements for licensing a golf cart to drive on the roadway and stated child restraints can only be enforced if the vehicle is manufactured with a seat belt. Police Chief Jerome stated the sample Ordinance would require restraints. His research shows a four-seatbelt retrofit kit can be purchased for \$100 or less for the major golf cart brands. Police Chief Jerome stated Golden Gate Park is one of Brookville biggest assets and golf carts are driving through the outfields of Golden Gate Park like it is a country club even though there are signs that say no motorized vehicles. Police Chief Jerome stated his feeling is once you license a golf cart, it becomes a car and should be operated as such. Police Chief Jerome reported he even had a complaint the other day about a motorcycle and an ATV driving through Westbrook Soccer Park. Police Chief Jerome stated all of this is becoming a major safety issue. He has received an inspection form from Logan County that his Officers could adopt to make sure the golf carts are street legal. Police Chief Jerome advised golf carts impede traffic on the 35 mph roads when they drive 25 mph and have a line of cars behind them. Police Chief Jerome stated the golf carts are a big concern for him and to the many people who have brought concerns to him as well.

Member Zimmerlin commented he has seen non-illuminated golf carts at twilight and asked about regulating them during the daylight versus nighttime hours.

Police Chief Jerome replied this is usually not included in the Ordinance as they are required to be illuminated to be licensed.

Member Schreier asked how an Ordinance regulating golf carts would impact street legal vehicles such as razors and ATV's?

Police Chief Jerome replied those would be considered under speed vehicles.

Police Chief Jerome stated an Ordinance regulating golf carts is not going to be popular but it is for the safety of our community. It is one thing to drive in your own neighborhood over to a relative or friend's house. However, driving it on Arlington Road where you have semi-trucks coming on and off the highway is an accident waiting to happen.

Police Chief Jerome reported a problem with semi-trucks parking on the I-70 exit and entrance ramps, even with no parking signs posted. In the past, Officers have issued parking violation, which carry minimal penalties. Police Chief Jerome reported Officers will now be citing under State Code, which carry court costs and a penalty. This should move these trucks along and alleviate damage to our ramps.

Police Chief Jerome stated the Police Department is still heavily enforcing the speed limits within the City and reported the Ohio State Patrol has experienced a huge increase in speeding citations as well.

Police Chief Jerome reported that OPOTA is reorganizing their training programs and adding de-escalation training. Police Chief Jerome reminded Council all of our Officers just went through a purchased de-escalation training program. The City of Louisville recently reported a 20-30% reduction in use of force after their Officers went through this training, as well as a reduction in Officer and citizen injuries.

Police Chief Jerome provided a detailed report which shows the number of calls for Police at the Brookville Inn hotel were 32 calls in 2018, 39 calls in 2019 and 40 calls for service year-to-date. Police Chief Jerome advised he wanted Council to be aware of the call load at the hotel in case they want to take nuisance action.

Law Director Stephan commented proposed Ordinance No. 2020-06 is a proposed rezoning of certain lots in the Meadows of Brookville subdivision along Westbrook Road from R-1C to R-3. Planning Commission recently received a presentation and proposal from Fisher Homes to build a series of zero lot line homes along Westbrook Road to be sold as single-family units. Planning Commission reviewed the project at the preliminary conference and made comments. The developer has filed a request for rezoning to start the process of having the project considered.

There would be a first reading tonight and then a joint Public Hearing with Planning Commission and City Council in October. Staff is currently working with the City Manager to set a date and will notify all residents in the Meadows of Brookville by certified letter advising them of the Public Hearing date and provide them with an opportunity to comment. .

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

Motion by Fowler, second by Swabb to accept the first reading of proposed Ordinance No. 2020-06 entitled "AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF LOTS 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, AND PART OF LOT 2609 OF THE CITY OF BROOKVILLE FROM ITS PRESENT CLASSIFICATION OF (R-1C) URBAN RESIDENTIAL DISTRICT TO THE NEW CLASSIFICATION OF (R-3) MULTI-FAMILY RESIDENTIAL DISTRICT." All yeas, motion carried.

Law Director Stephan advised Council should have a memorandum from him related to the ballot issues that are before the voters in November. The memorandum reviews actions Council can and cannot take as an elected Official, or as a City employee and discusses how we are not going to use City funds for campaigning literature but instead have this prepared through a levy committee. Law Director Stephan advised if Council has any questions regarding this memo to please contact him.

Mayor Letner advised Montgomery County Mayors and Managers Association has always designated October 31 from 6:00 p.m. to 8:00 p.m. as Beggar's Night and we have always amended the time to 6:00 p.m. until 7:30 p.m. Mayor Letner stated he thinks we can safely maintain social distancing and recommended Council moves forward with setting the date to allow Beggar's Night.

Motion by Fowler, second by Zimmerlin to designate October 31, 2020 as Beggar's Night in the City of Brookville from the hours of 6:00 p.m. until 7:30 p.m. All yeas, motion carried.

Mayor Letner commented he was proud to watch Governor DeWine's recent broadcast, where he recognized and conversed with Brookville School Superintendent Tim Hopkins, regarding opening our schools five days a week.

Motion by Crane, second by Zimmerlin to read proposed Resolution No. 20-17. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to accept the second reading of proposed Resolution No. 20-17 entitled "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED." All yeas, motion carried.

Motion by Fowler, second by Schreier to read proposed Resolution No. 20-18. All yeas, motion carried.

Motion by Crane, second by Zimmerlin to accept the second reading of proposed Resolution No. 20-18 entitled "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED." All yeas, motion carried.

There was no New Business.

Park Liaison Fowler had no report.

Planning Commission Liaison Schreier had no report.

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



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Kimberly Duncan, Clerk



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Charles Letner, Mayor