

Brookville City Council
Regular Meeting
December 5, 2023

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on December 5, 2023. The meeting was held in the City Council Chambers and virtually using the Cisco Webex application. The Pledge of Allegiance was recited. Members Crane, Kristof, Schreier and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher and Clerk Duncan were present. Members Fowler and Wilder; and Police Chief Jerome were absent.

Roll Call by Clerk Duncan.

Motion by Zimmerlin, second by Kristof to adopt the Agenda as presented. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to accept the November 16, 2023 Special Meeting Minutes as presented. Crane abstained, Zimmerlin yea, Schreier yea, Kristof yea, Letner yea. Motion carried with four yeas and one abstention.

Motion by Zimmerlin, second by Kristof to approve the November 21, 2023 Special Meeting Minutes. All yeas, motion carried.

Motion by Zimmerlin, second by Kristof to accept the November 21, 2023 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Keaton reported the kickoff of the Christmas in the Park lighting display was a success and thanked Park Board for their vision and for tirelessly working on this event. Manager Keaton thanked the Brookville Area Chamber of Commerce for their generous donation and the other donors that allowed Park Board to build upon the light display. Manager Keaton thanked Cub Scout Pack 47 for their grand display this year, the various groups that set up their displays throughout the park, the Service Department and volunteers that assisted with setup, and all that drove through the park last Friday evening and donated funds to better the project. Manager Keaton reported we received \$333.76 in donations.

Manager Keaton thanked the Brookville Area Chamber of Commerce for their Christmas tree lighting event on November 29. They had a great turnout for the tree lighting and many people visited the Market Street businesses.

Manager Keaton reported she has received the agenda and packet for tomorrow's OPWC meeting and unfortunately, neither one of our projects will be funded in this round. Thirteen of the 36 State Capital Improvement Projects submitted will be funded, with seven of those thirteen projects being Montgomery County projects, Manager Keaton provided Council a copy of the scoring sheet which shows how competitive this funding opportunity is.

Manager Keaton reported in June, she submitted two Community Development Block Grant applications. The first application was for \$200,000 for an inclusive playground, and the second application was for \$22,500 to demolish the former LCNB drive-thru building. Manager Keaton advised in July, she submitted a Montgomery County Solid Waste Grant application for \$87,500 for the same inclusive playground. The total project cost for the inclusive playground was \$425,000. Twenty-three CDBG applications were submitted requesting \$2,160,302 and they were only able to fund projects totaling \$924,887. The City was awarded \$75,000 for the inclusive playground and our demolition project was not funded. The City was awarded \$75,000 from Solid Waste for the inclusive playground, as they too received a lot of applications and only had \$200,000 to distribute. Manager Keaton advised she reached out to her contact with Midstates Recreation, who was able to redesign the inclusive playground to cut the total project cost to \$200,000, with the ability to add additional equipment in future years by applying for grant assistance. Manager Keaton provided

Council with a picture of the entire inclusive playground, and pictures displaying phase one and phase two of the inclusive playground if we construct the playground over time. Manager Keaton opened the floor for discussion to see if this project is something that Council would like to pursue.

Member Zimmerlin inquired whether the cost of the parking lot is included?

Manager Keaton replied that cost is not included in the first phase of the project. The first phase is for the large piece of playground equipment only. Manager Keaton advised she has been approached by a local businessperson who is interested in building an open-air shelter. That is why she did the proposed layout. The proposed parking lot, where the gravel driveway is, would be expanded in the future, some of which could be completed in-house.

Member Zimmerlin asked if we have to construct the parking lot?

Manager Keaton replied we do not have to. The parking lot would be for proximity and accessibility.

Discussion followed regarding project funding, constructing the project in phases and past park playground projects.

The consensus is to have Manager Keaton accept the grant funds and move forward with the inclusive playground project.

Manager Keaton reported our Clerk of Council advertised the open Planning Commission seat over the last two weeks and received no letters of interest.

The consensus is to continue to advertise the open Planning Commission seats on the website and Facebook.

Manager Keaton reported the Brookville Historical Society is requesting Council consideration for any financial assistance that can be granted to them in 2024. Council has copies of their revenues and expenditures from January 1 through November 30, 2023. A representative of the Brookville Historical Society will attend the first Council meeting in January.

Member Zimmerlin inquired whether financial assistance for the Brookville Historical Society is included in the 2024 budget?

Finance Director Brandt Keaton replied funding is in the 2024 budget for the Brookville Historical Society.

Manager Keaton announced the annual Employee Christmas Carry-in lunch is scheduled for next Monday, December 11 from 11:30 to 1:00 at Fire Station 76. Council is invited to attend this luncheon.

Finance Director Brandt presented the November 30, 2023 Fund Balance for Council review and approval.

Motion by Schreier, second by Zimmerlin to accept the November 30, 2023 Fund Balance as presented. All yeas, motion carried.

Fire Chief Fletcher reported the number of calls for service during the month of November was average.

Fire Chief Fletcher reported the Fire Department recently responded to an equipment fire at Brubaker Grain. The equipment was valued at over \$200,000. The damage was done before the Fire Department arrived.

Fire Chief Fletcher reported the Fire Department also completed some final flow testing on our distribution system and some routine pump testing, which is part of our routine fleet maintenance.

Fire Chief Fletcher reported the Fire Association held the annual Fire Department Christmas Party this past Saturday evening. He thanked the Mayor and his wife, the City Manager and the Finance Director for attending. Fire personnel were recognized and received commendations for their service throughout the year.

Law Director Stephan reported he was directed by Manager Keaton to review some issues related to the enactment of Issue 2 passed in the November 2023 election, which enacted Chapter 3780 of the Ohio Revised Code, entitled Adult Use Cannabis Control. This new law will become effective on December 7, 2023. There are a lot of elements to this new law. A number of jurisdictions have enacted moratoriums related to the issuance of zoning permits or business permits for the cannabis operator. Law Director Stephan advised in the State of Ohio, jurisdictions are permitted to prohibit medical marijuana dispensaries. The City of Brookville currently has an Ordinance which prohibits medical marijuana dispensaries. We will have the same option under this new law to prohibit businesses that would sell cannabis. We can also have the option to allow the sale of cannabis and to limit the number of businesses that can sell cannabis. The law will be reviewed by the State Legislature. There could be changes to the law. The City of Kettering and other jurisdictions have enacted a moratorium to allow for study and time to make a determination as to what is appropriate for their community. Law Director Stephan asked Council if they knew which direction they wanted to go or if they would like to enact a moratorium to allow time to study this new law and determine which direction we want to go with respect to issuing zoning permits for a business to sell cannabis within the City of Brookville.

Member Zimmerlin asked if we would have to pass a moratorium before the law goes into effect on December 7?

Law Director Stephan replied the law goes into effect on December 7, but they are talking about at least a six-month period before any operators are going to be licensed for the sale of cannabis and the State Legislature may change things.

Member Zimmerlin asked what is the negative side of not adopting a moratorium?

Law Director Stephan replied the negative would be the possible application for a Zoning Permit to operate a business that sells cannabis, which we could potentially have to allow if it was in a business zoned district. This would be in conflict with our prohibition of medical marijuana dispensaries within the city.

Member Zimmerlin commented commercial cultivation could not be restricted under our current ordinance or under a moratorium.

Law Director Stephan stated that is correct.

The consensus is to move forward with a moratorium to give Council time to study the new law and any changes made to the new law in the next six months.

Motion by Crane, second by Zimmerlin to enact a six-month moratorium to prohibit the issuance of permits for dispensaries, cultivators or processors of adult-use cannabis within the City of Brookville, Ohio. All yeas, motion carried.

Mayor Letner reported the Christmas in the Park display looks beautiful and the kick-off event was well received. The Chamber of Commerce Downtown Tree Lighting also went well and was well attended.

Mayor Letner thanked Fire Chief Fletcher for inviting him to the Fire Department Christmas party. Mayor Letner stated seeing the camaraderie among the Fire Department personnel is something he never tires of.

Motion by Zimmerlin, second by Kristof to read proposed Resolution No. 23-38. All yeas, motion carried.

Motion by Zimmerlin, second by Kristof to accept the second reading of Resolution No. 23-38. All yeas, motion carried.

Member Kristof announced the library has partnered with the Brookville Historical Society to host a Victorian Parlor Games event that will take place in the Historical Society's Exhibit Building on December 19 at 6:00 p.m. Member Kristof invited everyone to attend.

Mayor Letner called for a motion to open the Public Hearing to consider proposed Ordinance No. 2023-12, which would establish the zoning classification of Lots 2802 and 2803 of the City of Brookville, Ohio.

Motion by Zimmerlin, second by Schreier to recess the Regular Meeting and open the Public Hearing. All yeas, motion carried.

Clerk Duncan announced this Public Hearing is to consider proposed Ordinance No. 2023-12, an Ordinance establishing the zoning classification of Lots 2802 and 2803 of the City of Brookville, Ohio. A Legal Notice was published on the City of Brookville website and in the November 22 and November 29 editions of the Register Herald advising of the Public Hearing. Letters were mailed to the property owners within, contiguous to and directly across the street from the affected parcels. The City Office did not receive any inquiries regarding the Public Hearing. Clerk Duncan inquired whether any Council Member would need to abstain from participating in this Public Hearing?

No Council Members indicated the need to abstain.

Law Director Stephan reported proposed Ordinance No. 2023-12 is designed to establish the zoning district for the newly annexed territory of 113.562 acres. This property is located on Heckathorn Road, and is adjacent to the city bikeway, which runs from Westbrook Road to Heckathorn Road. The proposed zoning is R-1A, which is single-family residential zoning. It is our highest category of residential zoning, in terms of requiring the largest lots and the largest square footage for homes to be built in that area. Also included in that zoning category are some Special Uses, specifically churches and other buildings for purposes of religious worship. This property is adjacent to another R-1A area to the west and to the north it is adjacent to the Meadows of Brookville, which is zoned R-1C and R-3. It is adjacent to township residential and farm property to the south and to the east. Planning Commission made a preliminary recommendation of R-1A zoning. After the Public Hearing, this will go back to Planning Commission for a final recommendation, then come back to City Council for two readings. The property owner has indicated that they have no plans to do any residential development at this time. They do have a plan to use seven to ten acres to construct a church meeting center. This would be a Special Use that would come to Planning Commission at a later date for approval.

Clerk Duncan administered the Oath of Witness to James Brown, of 301 Brooke Woode Drive, Brookville, Ohio 45309.

Mr. Brown commented he does not understand why someone would want to annex and pay taxes on 113 acres if all they want to build is a church. The tax rate would be much higher than the rate he is paying in the township.

Law Director Stephan replied the property owner will continue to farm most of the property and continue to receive CAUV (Current Agricultural Use Value). The purpose of the annexation is to

tap into city water and sewer for the proposed church meeting center. Our lowest density residential zoning category is being assigned, which allows for 100-foot lots and a required minimum square footage of 1,800 square feet.

Mr. Brown stated the annexed lots show 7 acres pointing directly to the bike trail. He asked what the property owner has to do with the bike trail?

Law Director Stephan replied the city owns the bike trail from Westbrook Road to the center line of Heckathorn Road. For purposes of completing this annexation, the bike trail was included within the annexed area.

Mr. Brown stated he has maintained that entrance to the bike trail for 23 years, and asked if the City of Brookville is going to take over the mowing and maintenance? Mr. Brown stated the Metro Parks District currently mows that area. If the City would mow there when they mow the other open spaces in the area, it would get mowed more often. Mr. Brown stated as long as he lives there, he has no problem with mowing that entrance. However, he has gone on vacation for several months in the past, and the grass has not been mowed.

Law Director Stephan replied we do have an agreement with Metro Parks to maintain the bikeway. We could certainly take a look at having our Service Department mow it more often.

Mr. Brown commented it is possible down the road that this property could be established as a residential development.

Law Director Stephan replied that is a possibility in the future. However, the property owner has indicated he has no intention of doing that at this time.

There were no other proponent or opponent comments.

Motion by Zimmerlin, second by Kristof to close the Public Hearing.

Motion by Zimmerlin, second by Kristof to go back into Regular Session.

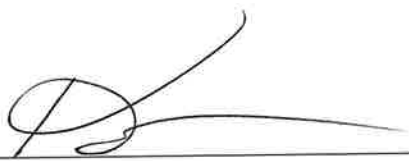
Member Schreier had no report.

Mayor Letner called for a motion to go into Executive Session regarding O.R.C 121.22(G)(1) to consider the appointment of a Public Official.

Motion by Crane, second by Zimmerlin to go into Executive Session regarding O.R.C 121.22(G)(1) to consider the appointment of a Public Official. All yeas, motion carried.

Motion by Kristof, second by Zimmerlin to go back into Regular Session. All yeas, motion carried.

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



Kimberly Duncan, Clerk

Charles Letner, Mayor