

Brookville City Council
Regular Meeting
February 6, 2024

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on February 6, 2024. The meeting was held in the City Council Chambers and virtually using the Cisco Webex application. The Pledge of Allegiance was recited. Members Crane, Fowler, Piper, Schreier, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher, Police Chief Jerome and Clerk Duncan were present.

Roll Call by Clerk Duncan.

Motion by Zimmerlin, second by Wilder to accept the Agenda as presented. All yeas, motion carried.

Motion by Zimmerlin, second by Piper to accept the January 16, 2024 Regular Meeting Minutes as presented. Crane yea, Fowler yea, Zimmerlin yea, Schreier abstain, Wilder yea, Piper yea, Letner yea. Motion carried with six yeas and one abstention.

Manager Keaton reported last month, staff held two pre-construction meetings, one on the N. Wolf Creek Water Main Replacement Project and one on the Hay Avenue Reconstruction, Phase 2 Project. The N. Wolf Creek Water Main project will begin at Arlington Road and is scheduled to begin later this month and should be completed by the second week of June. The project runs from Arlington Road to Western Avenue. N. Wolf Creek Street will be open to traffic throughout the project. Manager Keaton encouraged residents to drive slowly in the construction zone. Once the N. Wolf Creek project is complete, that same section of roadway is scheduled for resurfacing in 2024. Work will begin the first week of March on the Hay Avenue, Phase 2 Project. That project runs from Mulberry Street to just past Cusick Avenue. Hay Avenue will be shut down during most of the project, just as it was during Phase 1.

Manager Keaton reported Frontier's fiber installation project recently began in Brookville. TripleD is the contractor installing Frontier's fiber. Most of their buildout will be completed by June of this year, but there are a few projects in the north end of Brookville that are currently scheduled for 2025 but may be done sooner. TripleD will be placing door hangers when they begin working in a neighborhood.

Manager Keaton advised last January, Council authorized her to submit a grant application to Ohio EPA to purchase a valve exerciser. Grants were being offered to reimburse the initial cost of valve exercising, leak detection and meter accuracy testing equipment in an amount not to exceed \$10,000. Our application was not approved during the first round of funding. The remaining applicants, who were not approved in the first round, have now been approved for funding. Manager Keaton advised as soon as all parties sign the Agreement, we can move forward with the purchase of a valve exerciser.

Manager Keaton reported all STP simple resurfacing applications that were submitted to MVRPC last Fall have been approved for funding, which means our Arlington Road Resurfacing Project will move forward in SFY 2028.

Manager Keaton announced our OEPA loan for the WWTP evaluation and analysis project was approved on January 25, 2024. That project will begin shortly.

Manager Keaton reported we received notification from the Ohio Division of Liquor Control that Mulberry and Main LLC has applied for a new D5 liquor permit for the building located at 130 Main Street. City Council has the ability to request a hearing on the advisability of issuing that permit, or they can choose not to request a hearing. Police Chief Jerome does not have any

concerns with the issuance of this permit. Manager Keaton recommended that Council choose not to request a hearing on the issuance of a D5 liquor permit for Mulberry and Main LLC.

Member Fowler inquired what type of liquor a D5 permit covers?

Manager Keaton replied a D5 permit is for spiritual liquor for on premise consumption, only beer, wine and mixed beverages for on premise or off premise in original sealed containers until 2:30 a.m.

Motion by Fowler, second by Zimmerlin to waive the right to a hearing on the issuance of a D5 liquor permit for Mulberry and Main LLC. All yeas, motion carried.

Manager Keaton reported we also received notification from the Ohio Division of Liquor Control that Ti Takos Mexican Restaurant LLC, dba Tik Takos, has applied for a new D1 and D3 permit for the building located at 209 Market Street. City Council has the same option to request a hearing on the advisability of issuing that permit or waive the right to a hearing. Police Chief Jerome does not have any concerns with the issuance of this permit. Manager Keaton recommended that Council choose not to request a hearing on the issuance of a D1 and D3 permit for Ti Takos Mexican Restaurant LLC. Manager Keaton advised a D1 permit is beer only for on premise consumption, or in original sealed containers for carry out only until 1:00 a.m. and a D3 is spiritual liquor for on premise consumption only until 1:00 a.m.

Motion by Zimmerlin, second by Piper to waive the right to a hearing on the issuance of a D1 and D3 permit for Ti Takos Mexican Restaurant LLC. All yeas, motion carried.

Manager Keaton advised last December, the consensus of Council was for the Manager to accept the Community Development Block Grant and Montgomery County Solid Waste Recycling Grant and move forward with the construction of an inclusive playground. Manager Keaton requested Council authorization to purchase our inclusive playground through Sourcewell Contract #010521-LTS, and to allow the City Manager to sign the Agreement for Delegation of Activities for Grant No. B-23-UC-39-0004. Sourcewell is a co-operative purchasing program, and Brookville has been a member since 2010.

Member Fowler asked where we are placing this playground?

Manager Keaton replied the playground will be placed on the other side of the bridge at Golden Gate Park, at the former BMX track location.

Motion by Schreier, second by Fowler to authorize Manager Keaton to sign the Agreement for Delegation of Activities for Grant No. B-23-UC-39-0004. All yeas, motion carried.

Manager Keaton requested Council adopt the new City of Brookville Personnel Policies and Procedures Manual. This manual includes a copy of the Ohio Ethics Law, Chapter 102 of the ORC. Council Members and all employees are subject to the requirements and restrictions of the Ohio Ethics Law.

Motion by Zimmerlin, second by Wilder to adopt the new City of Brookville Personnel Policies and Procedures Manual, which includes a copy of the Ohio Ethics Law, Chapter 102 of the ORC. All yeas, motion carried.

Member Schreier wished Manager Keaton the best in her retirement and thanked her for everything she has done for him during his tenure on Council and Planning Commission.

Mayor Letner stated it has been a great 31 years that Manager Keaton has been a city employee, and he has had the pleasure of serving 16 years on Council with her. Mayor Letner stated he cannot thank her enough for being so accommodating to him and his role on Council, especially as Mayor.

Mayor Letner thanked also thanked Manager Keaton for always keeping him informed about what was going on in the city, which made his job a lot easier. Manager Keaton is certainly leaving Brookville better than she found it.

Manager Keaton replied that she enjoyed her time with Brookville and thanked Council for having the trust in her to move her into the city manager position for almost five years.

Member Piper commented that not only the people in the City of Brookville recognize what Manager Keaton has done for the city, but many people outside of Brookville recognize what she has accomplished. The number of people who approached her at the recent Planning and Zoning Workshop at Sinclair College made it evident that she is recognized outside of the city for her leadership and we all should be grateful for that.

Member Zimmerlin stated promoting Sonja Keaton to City Manager was the easiest decision he has had to make during his time on Council.

Member Fowler commented he has called Manager Keaton with a lot of dumb questions, and she has always answered them all.

Finance Director Brandt presented the January 31, 2024 Fund Balance for Council review and approval.

Motion by Fowler, second by Schreier to accept the January 31, 2024 Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt requested Council authorization to remove Gary Burkholder and Sonja Keaton as authorized signors on our Code Credit Union savings account and add Michelle Brandt and John Kuntz as authorized signors on the account.

Motion by Zimmerlin, second by Wilder to authorize the removal of former City Manager Gary Burkholder and Manager Sonja Keaton as authorized signors on our Code Credit Union savings account and add Finance Director Michelle Brandt and soon to be Manager John Kuntz as authorized signors on the account. All yeas, motion carried.

Finance Director Brandt requested Council approval to designate two of its members to sit on the Volunteer Firefighters' Dependents Fund for 2024. Members Letner and Wilder have served in the past and she is asking that Council approves them as legislative Board Members on this Fund again for 2024.

Motion by Zimmerlin, second by Piper to designate Members Letner and Wilder to sit on the Volunteer Firefighters' Dependents Fund for 2024. All yeas, motion carried.

Finance Director Brandt advised proposed Ordinance No. 2024-02 increases our sewer rates by 5% and proposed Ordinance No. 2024-03 increases our water rates by 2% as approved in the 2024 budget. The water rate increase is due to the increase in our water rates from the City of Dayton. The sewer rate increase is for the operation expenses of the wastewater treatment plant and for future capital projects.

Manager Keaton reported for Fire Chief Fletcher the Fire Department responded 129 EMS and 32 non-EMS incidents during the month of January. There were no dollar loss fires in our jurisdiction during the month of January. The Fire Department did assist our neighboring departments on 11 incidents and received mutual aid on 11 incidents. Covid and influenza related illnesses continue to be high percentage of our calls. The Fire Department continually trains on ice rescue, and they recently rescued a dog that fell through the ice at Brookhaven Nursing Home. The Fire Department has located a used pickup truck that was included in the 2024 budget. This will be converted into a brush truck.

Police Chief Jerome reported they have had complaints regarding parents parking on public streets and in the median waiting for their kids to get out of school. These parked cars are preventing the buses from picking students up. The Police Department has been working hard to enforce this and to educate the public to park in the back of the school.

Police Chief Jerome reported the cruiser they took delivery of last summer is now outfitted and in service. We have also taken delivery early of our new 2024 cruiser and it will be outfitted by mid-year, as the budget allows.

Police Chief Jerome reported he and Fire Chief Fletcher reviewed the plans for the Brookville Library Craft fair and came up with a good plan to block off the roadway safely, with no issues.

Police Chief Jerome reported it has been a pleasure to work with Manager Keaton, who has always been level-headed and understanding.

Law Director Stephan reported the Subdivision Record Plan for Brookville Industrial Park Section Two-B subdivides Lot 2752 into two new lots. Lot 2811 is a 6.014 acre lot that will be the location of the PEPCON Concrete Mixing Facility that received special use approval from Planning Commission at the November 2023 meeting. Lot 2812 is a 4.532-acre lot that would also be established by this subdivision plat. The Subdivision Record Plan meets all of the zoning and subdivision regulations for the 1-2 zoning district. Approval of this subdivision record plan is a necessary step in the proposed sale of Lot 2811 by Green Tokai Co. Ltd. for the PEPCON project. Planning Commission approved this Subdivision Record Plan at its January meeting. It is requested that City Council approve the Brookville Industrial Park, Section Two-B subdivision record plan.

Member Fowler inquired whether any concerns were raised about the amount of dust that would be created by this business, specifically for Brookhaven?

Law Director Stephan replied PEPCON made a presentation on how they will manage the dust and has a contractual arrangement with Green Tokai on dust management.

Member Fowler asked if this could be enforced?

Law Director Stephan stated the city could address it through zoning.

Member Fowler commented his only other concern would be the hours of operation with the traffic up and down Westbrook Road.

Law Director Stephan replied our zoning code outlines normal hours of operation as 7:00 a.m. until 7:00 p.m. The industrial park already generates industrial traffic during these hours. The only industrial traffic complaints we have received have been from Albert Road residents.

Member Wilder asked if the weight of the PEPCON trucks will damage our roads?

Law Director Stephan stated the trucks will not weigh more than the other industrial trucks traveling in the area. The roads in the industrial park are constructed to hold the weight of heavy trucks.

Motion by Zimmerlin, second by Schreier to approve the Brookville Industrial Park, Section Two-B Subdivision Record Plan as presented. All yeas, motion carried.

Law Director Stephan congratulated Manager Keaton on her retirement, stating they have worked together for thirty years, and he does not know where the time has gone. Law Director Stephan

commented that Manager Keaton has been a great leader, both as Finance Director and City Manager, and will be sorely missed.

Mayor Letner stated he is excited to see how the friendly competition between the Police and Fire Departments at the Cub Scouts Annual Pinewood Derby turns out.

Motion by Fowler, second by Zimmerlin to read proposed Resolution No. 24-01. All yeas, motion carried.

Motion by Piper, second by Wilder to accept the third reading and adopt Resolution No. 24-01 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF SURPLUS PROPERTY EITHER AT A PUBLIC AUCTION, A PRIVATE SALE, BY INTERNET AUCTION OR BY DONATION TO A GOVERNMENT ENTITY, OR TO A NON-PROFIT ORGANIZATION." All yeas, motion carried.

Mayor Letner called for a motion to approve the Employment Agreement with John F. Kuntz for the position of City Manager.

Motion by Fowler, second by Zimmerlin to approve the Employment Agreement with John F. Kuntz for the position of City Manager. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to read proposed Resolution No. 24-02. All yeas, motion carried.

Member Zimmerlin asked if the EMS rates are the same as last year?

Manager Keaton replied we have not adjusted anything this year. We switched to a new EMS billing company who required this Resolution as part of their Agreement.

Member Crane asked if the lift assistance language is a standard charge?

Fire Chief Fletcher replied this is a new addition to our billing, which gives us the ability to bill as we do for false alarms. This would be used if we received repeated calls to the same location in a 12-month period.

Motion by Zimmerlin, second by Fowler, to accept the first reading, dispense with the second and third reading and adopt Resolution No. 24-02 entitled "A RESOLUTION ESTABLISHING CHARGES AND COLLECTION POLICIES FOR EMERGENCY MEDICAL SERVICES (EMS) AS PROVIDED BY THE CITY OF BROOKVILLE FIRE AND EMS DEPARTMENT AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Piper, second by Zimmerlin to read proposed Resolution No. 24-03. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 24-03 entitled "A RESOLUTION APPOINTING MAYOR WILLIAM D. DUNCAN TO THE MONTGOMERY COUNTY 9-1-1 PROGRAM REVIEW COMMITTEE PURSUANT TO OHIO REVISED CODE SECTION 128.06(A)(5) AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 24-04. All yeas, motion carried.

Motion by Schreier, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 24-04 entitled "A RESOLUTION APPOINTING

JOHN F. KUNTZ CITY MANAGER AND ESTABLISHING THE COMPENSATION FOR THIS POSITION, AND DECLARING IT AN EMERGENCY.” All yeas, motion carried.

Motion by Zimmerlin, second by Piper to read proposed Resolution No. 24-05. All yeas, motion carried.

Motion by Fowler, second by Wilder to accept the first reading, dispense with the second and third reading and adopt Resolution No. 24-05 entitled “A RESOLUTION APPOINTING JOHN F. KUNTZ TO SERVE AS HOUSING OFFICER FOR THE COMMUNITY REINVESTMENT AREA #1 AND COMMUNITY REINVESTMENT AREA #2 OF THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY.” All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to read proposed Ordinance No. 2024-02. All yeas, motion carried.

Motion by Piper, second by Fowler to accept the first reading of proposed Ordinance No. 2024-02. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to read proposed Ordinance No. 2024-03. All yeas, motion carried.

Motion by Fowler, second by Wilder to accept the first reading of proposed Ordinance No. 2024-03. All yeas, motion carried.

Member Fowler, Park Board Liaison, had no report.

Member Schreier, Planning Commission Liaison, reported Planning Commission approved a Preliminary Plat for Bruns Apartments, Phase 2, to expand their apartments. Planning Commission also approved a Special Use Permit for a Home Occupation hair salon at 212 Johnsville Brookville Road and the PEPCON Subdivision Record Plan for Brookville Industrial Park, Section Two-B.

Eric Hummel, of 348 Leisure Drive, Apartment 1, Brookville, Ohio commented the new development looks nice, the drainage and streets look good. Mr. Hummel stated he worked for a builder in Colorado for a number of years and they put up 1,500 homes in two years. Mr. Hummel commented that the model home under construction looks nice, but the overhang could be wider in order to protect the siding. When he was a warrant representative for new homes in Colorado, he got this type of call often. Mr. Hummel stated Brookville has always had a good reputation for having a good wood chipper, snowplows and other equipment and he appreciates Manager Keaton and the city employees.

Angie Dull, of Brookville Chamber of Commerce, advised the Pallet of Threads women’s boutique will soon be opening at 112 Market Street. They are planning a grand opening for the first weekend in March, and would like to invite Council to their ribbon cutting on February 29 from 3:00 p.m. until 7:00 p.m. Refreshments will be served.

Damian Kristof, of 61 Oak Street, asked if there are any plans for the 150th anniversary of the incorporation of the City of Brookville? If the city does plan an event, the library would like to be involved.

Mayor Letner commented that the city has not planned anything yet, but the Historical Society is working on something.

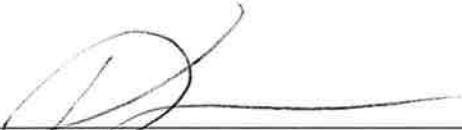
Motion by Zimmerlin, second by Wilder to go into Executive Session per O.R.C. 121.22(G)(8) to consider confidential information of an applicant for economic development assistance that involves the extension of utility services that are directly related to an economic development project. All yeas, motion carried.


Motion by Zimmerlin, second by Fowler to resume Regular Session. All yeas, motion carried.

Motion by Piper, second by Schreier to appoint Jeff Wright to fill the open seat on Planning Commission that expires December 31, 2026. Piper yea, Wilder yea, Schreier yea, Zimmerlin yea, Fowler yea, Crane yea, Letner abstained. Motion carried with six yeas and one abstention.

Motion by Schreier, second by Fowler to appoint Damian Kristof to fill the open seat on Planning Commission that expires December 31, 2026. All yeas, motion carried.

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



Kimberly Duncan, Clerk

Charles Letner, Mayor