

Brookville City Council  
Regular Meeting  
January 2, 2024

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on January 2, 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.

Law Director Stephan administered the Oath of Office to Mayor Letner and Members Crane, Fowler and Piper.

Roll Call by Clerk Duncan.

Manager Keaton reported the approval of the Fund Balance for December 31, 2023 should be removed from the Agenda. It will be presented at the next Council meeting.

Motion by Fowler, second by Zimmerlin to adopt the Agenda with a correction. All yeas, motion carried.

Motion by Crane, second by Piper to nominate Member Zimmerlin to continue as Vice Mayor for a two-year term. All yeas, motion carried.

Motion by Schreier, second by Zimmerlin to accept the December 19, 2023 Regular Meeting Minutes as presented. Fowler yea, Zimmerlin yea, Schreier yea, Wilder yea, Piper abstained, Crane yea, Letner yea. Motion carried with six yeas and two abstentions.

Becky Ditmer, President of the Brookville Historical Society, thanked Council for supporting the Historical Society in 2023. Mrs. Ditmer reported during the past year they sold the old research library, but the proceeds of the sale had to be used to repair the front porch on the Hay Avenue building. They also had a water leak in the attic of the Hay Avenue building, which they just paid to repair. Efforts to raise money were made by participating in the Block and Craft Show put on by the Brookville Library, but they did not sell anything. They have not had a booth at the Community Picnic for several years as they never do more than break even. Membership is down to only 110 members and donations are down significantly this year. They have researched different grant opportunities and found that most grants are for businesses or non-profits much larger than they are. Mrs. Ditmer reported operating expenses for the Historical Society are approximately \$1,527 per month. Mrs. Ditmer requested Council approval of a \$7,500 grant request for operating expenses in 2024.

Member Fowler asked what they are doing right now to increase their revenues?

President Ditmer replied they have had some tours, but they don't really make any money from the tours.

Member Fowler asked if they have reached out to any other service organizations for assistance?

Carolyn Haney, of 202 Beechwood, commented the Optimist Club donated some money to them after the Pumpkin Walk. Mrs. Haney stated people do not usually get interested in the history of Brookville until they reach a certain age, making it hard to increase membership.

Member Fowler inquired if they have cash reserves?

Mrs. Haney replied they do, but it is in an endowment account, which is invested. They do make some money from the interest. This year will be the 50<sup>th</sup> anniversary of the Spitler House opening. They hope build a fundraiser around this anniversary.

Member Fowler stated he supports the Historical Society and wants them to be prosperous, however, they are the only organization that the City funds. He would like to see them become more self-sufficient and rely less on the City.

Ms. Haney replied they would like nothing more than to do that too.

Manager Keaton commented Council has been provided a copy of the Historical Society's revenues and expenditures from January 1 through November 30 of 2023.

Ms. Haney commented they have not been able to find any grant opportunities for operating expenses.

Motion by Fowler, second by Zimmerlin to approve a \$7,500 grant for the Brookville Historical Society for operating expenses in 2024. All yeas, motion carried.

Manager Keaton stated she is pleased to inform Council that we have increased our General Fund balance by \$458,152. We began 2023 with a balance of \$1,568,924 in our General Fund and 2024 will begin with a balance of \$2,027,076. This is the first time since 2020 that our General Fund beginning balance is above \$2M.

Manager Keaton reported the City sold two surplus items on GovDeals last week, a 2007 Cut Saw for \$340 and a 2002 Pole Saw for \$280.

Manager Keaton reported bids were opened on December 15, 2023 for the Hay Avenue, Phase 2 Reconstruction Project. Council has a copy of the Bid Tabulation sheet. We received five responsive bids. References were checked for M&T Excavating as we are not familiar with that contractor, and the references were favorable. Manager Keaton recommended Council accept the lowest and responsive bid of \$773,930 from M&T Excavating.

Motion by Schreier, second by Crane to accept the lowest and responsive bid of \$773,930 from M&T Excavating for the Hay Avenue, Phase 2 Reconstruction Project. All yeas, motion carried.

Manager Keaton gave a brief update on the natural gas aggregation program. Palmer Energy issued the RFP to 14 certified retail natural gas service providers and requested term lengths of 12, 24, 36, and 48 months to begin with the May 2024 billing cycle. Palmer Energy again only received one RFP response, and that was from Constellation NewEnergy. In this case, it was from a different vendor and the pricing was much more competitive. The rate offered by Constellation is \$4.97 per million BTU with a term of 12 months; In August 2022, gas future prices were as high as \$10.18 per million BTU. Constellation's response on why they submitted a proposal for 12 months in lieu of a longer term, and they indicated that we are a large aggregation starting up and there were several unknowns that made their management uncomfortable in offering a longer term. MVCC is scheduling a meeting next week with all communities participating in natural gas aggregation to review the particulars and decide whether to move forward, as Constellation is requesting a contract be in place by January 17. Manager Keaton advised she will provide Council with an update at the next meeting.

Manager Keaton advised proposed Resolution No. 24-01 is an annual Resolution that allows the City to sell surplus property at a public auction, a private sale, by internet auction, or by donation to a government entity.

Manager Keaton provided Council with a breakdown of Issue 2 results by precinct as requested at the last Council Meeting. The Yes votes total 1,065 and the No votes total 1,117. Manager Keaton advised the Council packet includes copies of the precinct maps.

Member Zimmerlin thanked Manager Keaton, Finance Director Brandt, Police Chief Jerome, Fire Chief Fletcher and Law Director Stephan for all of their hard work to get the General Fund up from where it was last year.

Finance Director Brandt had no report.

Fire Chief Fletcher reported December of 2023 was their busiest month of the year. This was the second highest month on record in number of calls for the Fire Department. This was a very safe year, with no significant injuries to staff this year. The high dollar loss in 2023 is attributed two commercial fires, one at the KOA campground and the other at Brubaker Grain.

Police Chief Jerome reported a new full-time Police Officer began her training with the Police Department today.

Police Chief Jerome reported the new cruiser ordered in early 2023 is finally being built and the old cruiser with the bad transmission is being stripped down. The process to upfit the cruisers takes four to five months to complete.

Police Chief Jerome reported Police Officer Snell is lucky to be alive after being involved in a serious accident on New Year's Day. Police Officer Snell was not on duty at the time of the accident.

Police Chief Jerome reported he was pleased to meet the new Director of Support Personnel and Transportation Supervisor, Dave Williamson today. Police Chief Jerome wished Jeff Requarth all the best as he retires from this position.

Law Director Stephan reported Planning Commission has made a Final Recommendation for proposed Ordinance No. 2023-12, which establishes the zoning classification of Lots 2802 and 2803 of the City of Brookville. This is for the newly annexed territory of 113.562 acres located on Heckathorn Road, 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. Law Director Stephan advised the first reading and Public Hearing has been completed and requested City Council approve the second reading and dispense with the third reading of proposed Ordinance No. 2023-12.

Motion by Zimmerlin, second by Fowler to read proposed Ordinance No. 2023-12. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the second reading, dispense with the third reading and adopt Ordinance No. 2023-12 entitled "AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF LOTS 2802 AND 2803 OF THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

Mayor Letner reminded encouraged everyone to attend the Community Prayer Breakfast at the Board of Education building, 75 June Place, on January 11, 2024 at 7:30 a.m.

Mayor Letner advised all elected officials in the State of Ohio, or their appropriate designees, are required to obtain three hours of training approved by the Attorney General once per elected term per Ohio Revised Code Section 109.43. The purpose of this training is to ensure that all employees of public offices are appropriately educated about their obligations under the Public Records Act. The training is intended to enhance officials' knowledge of their duty to provide access to public records, and to provide guidance in updating their offices' public records policies. Compliance with this training program will be audited by the Auditor of State in the course of a regular financial audit. Mayor Letner recommended that Council appoint Clerk Duncan as Council's appropriate designee to attend the certified Public Records training established by the Ohio Attorney General. Mayor Letner asked Council if they would each like to attend a training session, take the training course online, or appoint an appropriate designee?

Motion by Zimmerlin, second by Fowler to appoint Clerk Duncan as Council's appropriate designee to attend the certified Public Records training established by the Ohio Attorney General. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 23-42. All yeas, motion carried.

Motion by Schreier, second by Wilder to accept the second reading of proposed Resolution No. 23-42. All yeas, motion carried.

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

Motion by Fowler, second by Wilder to accept the first reading of proposed Resolution No. 24-01. All yeas, motion carried.

Member Fowler, Park Board Liaison, reported the Christmas in the Park event was a success, stating it is always sad to see the lights come down.

Manager Keaton advised the tear down event is on Friday, January 5 at 10:00 a.m. Park Board would appreciate any assistance if anyone wants to help.

Member Schreier, Planning Commission Liaison, reported Planning Commission made the Final Recommendation to Council for proposed Ordinance No. 2023-12. The other item on the agenda was tabled until the next meeting.

Zach Music, Perry Township Trustee, stated he loves this Council and what they have done for the City. He is a big supporter of the growth Brookville is seeing and he 100% supports landowners' autonomy over their land. But that autonomy still has limits and guidelines, for good reason. Mr. Music stated he is not against annexation when it makes sense. Mr. Music stated he is here to speak about the 71 acres petitioned for annexation on Brookville Pymont Road. He provided Council with a copy of Brookville's zoning map, with the property marked on the south side of the map. This property butts up to the corner of the Denlinger's 79 acres off of Westbrook Road. Those two properties, only separated by the roughly 20 feet of road, creates an island of about 28 properties of Perry Township along Westbrook Road, Johnsonville Brookville Road and Brookville Pymont Road. Mr. Music stated he believes this is stretching the limits of not creating an unincorporated area, completely surrounded by the incorporated area, by saying a 20-foot roadway keeps it open. Mr. Music stated it is his understanding that these 71 acres is only step one and is so only to suffice the 5% mandate that 5% of the proposed area to be annexed be touching the incorporated area. That 5% is only 520 feet of the back of Mr. Hughes 13-acre property on Johnsonville Brookville Road, an area not accessible or even visible by the public. Once these 71 acres are approved by the county the remaining 62 acres will have no problem meeting annexation requirements. Mr. Music stated he can only assume this is an attempt to develop the land for housing, which after all of it is annexed could reach upwards of 300 homes stretching all the way to Air Hill Road. He would assume that there would be access off of Airhill Road and Brookville Pymont Road. This would create a scenario where Brookville Police Department would have to travel a half mile into Perry Township on Brookville Pymont Road or a mile out to Air Hill Road through Perry Township on any calls for service. Mr. Music stated he believes this annexation, though barely meeting requirements, is nothing more than legal acrobatics to get it approved. Mr. Music stated he believes the municipal corporation has ultimate authority to accept or reject the annexation and if not, has the right to appeal the decision by the Board of County Commissioners. Mr. Music also believes this Council can present to the Commissioners opposition to it and he urges them to do that. Mr. Music stated Council does not have to accept every petition for growth just because they can or for the sake of growth. It needs to make sense to do so and he does not believe this particular request makes sense. To be clear, this is 7,435 square feet around. The property owner owns 136 acres and there is only 520 feet that touch one side of it as indicated on the map he provided to

Council. Mr. Music stated he is not against housing developments if they make sense, but he believes this is a stretch and creates an island. Mr. Music urged Council to do what they can, if possible, to not see this one through.


Member Fowler commented that he does not mind annexation if a landowner wants it, but this does not mean we have to necessarily approve every builder that comes into the city. Member Fowler stated he is not looking for growth on the south side of our border. We have a lot going on in our north side that far exceeds anything down here. Member Fowler stated he does not know a whole lot about this, only that he heard there is a potential for single-family homes. Law Director Stephan may have more information about this particular piece of property. The city could possibly handle the water run-off and the sewage, but he does not know that we would choose to do so at this point in time.

Member Zimmerlin stated the most important thing to remember is that this has not come before Council yet. Any property owners around the city can petition for annexation and we have an obligation to go through that process. Council and Planning Commission will look at all the factors regarding this annexation or any annexation that comes before them. It is important to remember that everyone is entitled to the same process.

Mayor Letner advised the city does not solicit annexations. Property owners must approach us to seek annexation. For a development to go in that area, our Ordinance requires that they have city water and sewer, which is not paid for by the city. This whole discussion is very preliminary.

Member Fowler commented that he does not know what the landscape is going to look like in 15-20 years but we do have to have growth to sustain ourselves. At this time, this is not a viable plan.

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

  
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Kimberly Duncan, Clerk  
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Charles Letner, Mayor