

Brookville City Council  
Regular Meeting  
June 4, 2024

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on June 4, 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, Piper, Schreier and Wilder; Manager Kuntz, Finance Director Brandt, Law Director Stephan, Police Chief Jerome and Clerk Duncan were present. Members Fowler and Zimmerlin; Fire Chief Fletcher was absent. A recording of the meeting is uploaded to the city website for public viewing.

Roll Call by Clerk Duncan.

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

Motion by Schreier, second by Piper to accept the May 21, 2024 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Kuntz reported the annual bridge inspection performed by engineers hired by the Ohio Department of Transportation recently came back for the McKinley Street bridge. This bridge is the only bridge in Brookville that the city is responsible for maintaining. All others fall under Montgomery County or ODOT. The bridge rating went from a 5 last year to a 3 this year based on some structural deterioration. A load capacity study was subsequently completed to determine what size vehicles are permitted to travel over the bridge. All emergency vehicles have been weighed and a few fire department vehicles will not be able to travel over the bridge, however, this will have no impact on our fire and emergency services, as alternative routes have already been implemented. We have also been in contact with the school transportation team. City staff is currently working with our engineer to determine if improvements can be made to the bridge or if a complete replacement project needs to occur. We are also looking into various grant opportunities for the project. In the meantime, the city will be posting signage with size restrictions.

Manager Kuntz reported long time zoning and economic development staff member Jim Snedeker, who retired a few years ago, was recently hired as a part-time code enforcement officer to replace Jim Lawson. Snedeker is already well versed in the city's codes, regulations and the community, as well as all the various neighborhoods in Brookville. Snedeker has hit the ground running and has been a great addition to the team in his short time back with Brookville.

Manager Kuntz reported city staff is finalizing the new Brookville Bulletin insert which will go into all city utility bills this July. This serves as a mini newsletter, informing the community of recent City Council happenings, as well as activities occurring in the parks and other city departments. Part of the insert will also be used to assist in promoting local businesses. Residents will see this insert in the summer and winter utility bill this year and next year it will be in each quarterly bill. Staff will also place the one-page newsletter in various businesses and community areas throughout Brookville, as well as in the lobby at the Municipal Building.

Manager Kuntz advised staff recently found old VHS tapes of President Bush's visit to the 1992 Community Picnic at Golden Gate Park. We found a company to convert the VHS tape to electronic form and have placed it on the city's Facebook Page and the city's website for the public to view.

Manager Kuntz welcomed Scramble by Café 19 to downtown Brookville. Located at 302 Market Street, Scramble had their soft opening on Memorial Day weekend with a great turnout. Manager Kuntz reported Brookhaven Retirement Community is also having a fishing derby on June 8 from 9:00 a.m. until 10:30 a.m. Registration is at 8:30 a.m. Manager Kuntz encouraged everyone to continue to come out and support local Brookville businesses whenever they can.

Manager Kuntz stated he will be out of the office from June 13 through June 21. Law Director Stephan is also scheduled to be out of the office part of this time. Manager Kuntz advised Police Chief Doug Jerome will be the acting city manager during his absence.

Manager Kuntz reported the Service Department has been very busy over the past two weeks. Some of the tasks they have completed are:

- Mowed grass
- Picked up flowers for uptown and watered each week
- Repaired storm drain on Walnut St
- Trash picked up in parks and uptown
- Chipped limbs
- Replaced a broken curb stop on Wolf Creek
- Mowed ditches
- Mowed 10-acre lot out at Campus
- Installed new swing at Ward Park
- Installed "Hometown Hero" banners
- Cleared weeds along creek bank GGP
- Installed fountain at Gateway Park
- Sprayed roundup for weeds around city owned property
- Repaired electric line for restrooms in Golden Gate Park
- Repaired yard on Westbrook Rd from water service repair
- Installed irrigation pump at soccer field at Westbrook Park

Finance Director Brandt had no report.

Police Chief Jerome reported the Montgomery County Auditor's Weights and Measures Division recently checked the BP Station for credit card skimmers on their gas pumps after it was reported on Facebook that there was a problem. No skimmers were found. Chief Jerome encouraged the public to contact the police department if they are the victim of a crime.

Police Chief Jerome advised the Police Department will be participating in the Brookville Block Party and Craft Fair at the Brookville Library on June 15. The event will start at 10:00 a.m. and last until 4:00 p.m.

Law Director Stephan had no report.

Mayor Letner reported it was his pleasure to meet the motorcycle riders last week as they got off the interstate and ride with them to AmVets as they came through on their ride to the wall in Washington D.C. This was the 20<sup>th</sup> year the riders have come through Brookville.

Motion by Schreier, second by Piper to read proposed Ordinance No. 2024-07. All yeas, motion carried.

Motion by Piper, second by Schreier accept the third reading and adopt Ordinance No. 2024-07 entitled "AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF LOTS 2798, 2799 AND 2800 IN THE CITY OF BROOKVILLE, OHIO. All yeas, motion carried.

Member Schreier, Planning Commission Liaison, had no report.

Damian Kristof, 61 Oak Street encouraged everyone to attend the Brookville Block Party and Craft Fair on June 15 from 10:00 a.m. and last until 4:00 p.m. Kristof reported there was a Facebook scam recently encouraging vendors to sign up to participate as a vendor and pay a \$50 registration fee. Kristof stated this was fake, there is no charge to participate.

Bruce Garber, 434 Sycamore Street, asked if the skimmers work if you use tap to pay with your credit card?

Police Chief Jerome replied he does not think so. Jerome also advised the public that skimmers can be placed on credit card machines inside the stores.

Mr. Garber thanked Manager Kuntz for meeting with a group of citizens after the Council meeting last week and for responding via email to his list of questions. Garber read recently that the Dayton area real estate market was first in the nation for increased property values. Garber expressed concern about the WWTP nearing capacity and about the cost of a WWTP expansion. Garber expressed concern about a strain on city services from the new housing developments. Garber wondered if the moratorium could be extended into 2026 so that the new Council could decide on issues. Mr. Garber commented on the school population and impaired learning due to overcrowding.

Motion by Wilder, second by Schreier to recess the Regular Session and go into the Public Hearing. All yeas, motion carried.

**The Public Hearing was recorded and is available on the City of Brookville website.**

Clerk Duncan announced this Public Hearing is to consider proposed Ordinance No. 2024-09 entitled "AN ORDINANCE AMENDING CHAPTER 1170 MEDICAL MARIJUANA AND CHAPTER 1145 I-2 GENERAL INDUSTRIAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE." A Legal Notice was published on the City of Brookville website and in the May 22 and May 29 editions of the Register Herald advising of the Public Hearing. The City Office did not receive any inquiries regarding the Public Hearing. Clerk Duncan asked if any Council Member needs to abstain from participating in this Public Hearing?

No one indicated the need to abstain.

Law Director Stephan reported proposed Ordinance No. 2024-09 is before City Council and Planning Commission for a public hearing. In November 2023, the voters of Ohio passed an initiative that permits adult use cannabis to be cultivated, processed and sold in Ohio. The new law as enacted by the voters is set forth in Chapter 3780 of the Ohio Revised Code. Under Ohio Revised Code Section 3780.25, the legislative authority of a municipal corporation may adopt an ordinance by majority vote to prohibit or limit the number of adult use cannabis operators permitted in the municipal corporation. In 2017, the City of Brookville passed Chapter 1170 entitled Medical Marijuana. Chapter 1170.01 prohibits medical marijuana cultivators, processors, and retail dispensaries, as authorized in Chapter 3796 of the Ohio Revised Code, from all zoning districts in the City of Brookville. Proposed Ordinance No. 2024-09 would permit adult use marijuana cultivators, processors, and testing facilities to operate in I-2 General Industrial Districts in the City of Brookville. The proposed Ordinance would also amend Chapter 1170 to permit medical marijuana cultivators, processors and testing facilities in the I-2 districts. The I-2 General Industrial Districts include the industrial park on Carr Drive and the areas zoned I-2 north of I-70. The proposed Ordinance would continue to prohibit retail dispensaries for adult use cannabis and medical marijuana from locating in any zoning district in the City of Brookville. The law requires a license to operate, and regulations are now being developed for issuance of licenses later this year. Ohio Revised Code Section 3780.07 does prohibit the location of any facility within five hundred feet of a church, public library, public playground, public park or school. Law Director Stephan advised other aspects of the state law for City Council and Planning Commission to consider are:

(1) Ohio Revised Code Section 3780.29 permits home grow. Residents of Brookville will be able to cultivate and grow a limited number of cannabis plants at their home residence within a secured closet, room, greenhouse or other enclosed area in or on the grounds of the residence that

prevents access by individuals less than twenty-one years of age, and which is not visible by normal unaided vision from a public space. The City is not going to be able to prohibit this home grow process through zoning.

(2) Cities that do permit a retail dispensary to locate in their community are to receive a host community fund payment that shall be based on the percentage of adult use tax attributed to that municipal corporation. The rate of the adult use tax shall be ten percent.

(3) This state law was passed by initiative of the voters, and it may be amended by the Ohio General Assembly.

Law Director Stephan opened the floor for public comment.

Bruce Garber, 434 Sycamore Street, had questions regarding the tax revenue the city would receive from marijuana sales if a retail dispensary was allowed.

Mark Haworth, 10352 Upper Lewisburg Salem Road, questioned whether surrounding cities are allowing cultivation and sales and asked what the projected revenue would be for our city.

Jim Hoffman, 10488 Upper Lewisburg Salem Road, stated he thinks the city should prohibit both cultivation/processing and the retail sale of marijuana. There are many legal businesses that he feels are not desirable in Brookville, regardless of the revenue generated. Hoffman expressed concern that allowing the cultivation and processing now would lead to allowing dispensaries in the future.

Member Crane stated he would like the cultivation/processing and dispensary issue to be considered on separate ordinances.

Jaime Iaquina, 924 Salem Street, said she is interested in studies about whether crime or vagrancy has increased in communities where either marijuana cultivation or dispensaries are legal.



Manager Kuntz stressed we are not looking to legalize a dispensary in Brookville at this time.

Tony Ezerski, 237 Maple Street, stated there is not enough data available to make an educated decision on what having a dispensary does to a community. Ezerski also expressed concern about a dispensary regarding our proximity to I-70 and to a neighboring state where marijuana is illegal.

Mike Hughes, 278 Johnsville Brookville Road, questioned whether dividing the ordinance would create the need for another public hearing on each issue. Mr. Hughes stated he is against a grow facility and a dispensary and does not think Brookville should be one of the first communities in Ohio to go forward with either.

Motion by Piper, second by Crane to go back into Regular Session. All yeas, motion carried.

Motion by Fowler, second by Schreier to adjourn.

  
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Kimberly Duncan, Clerk  
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Charles Letner, Mayor