

Brookville City Council  
Regular Meeting  
March 19, 2024

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on March 19, 2024. The meeting was held in the City Council Chambers and virtually using the Cisco Webex application. A recording of the meeting is posted on the city website for public viewing. The Pledge of Allegiance was recited. Members Crane, Fowler, Piper, Schreier, Wilder and Zimmerlin; Manager Kuntz, 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 Fowler, second by Piper to accept the March 5, 2024 Regular Meeting Minutes as presented. Crane abstained, Fowler yea, Zimmerlin yea, Schreier yea, Wilder yea, Piper yea, Letner yea. Motion carried.

Manager Kuntz reported the Wolf Creek Watermain Replacement Project continues to progress according to schedule. Our Public Works Department has worked with the contractor to ensure any road closures are temporary and temporary ditches created by the work are filled with gravel at an appropriate level. We will continue to monitor this project as it moves forward. The Hay Avenue resurfacing project is on track to start in April.

Manager Kuntz announced the MVRPC has officially awarded a STP grant for the Arlington Road Resurfacing Project to Brookville. The timeline for this project is still a couple of years away and will be coordinated with Montgomery County's Arlington Road Bridge Replacement Project, which will occur prior to the resurfacing work beginning.

Manager Kuntz advised a group of Market Street businesses recently submitted a series of community events to the Park Board. These events are being planned for the downtown/Market Street area throughout 2024. Some of the events will be using Gruenig Park. The group will submit a Special Use Permit application for each event as they move closer to each event. Staff believes this is a great opportunity for the city to partner with the local business community, specifically in the downtown area, and continue our efforts in embracing community outreach and supporting our local business community at the same time. The most recent event planned by the group is a "Third Thursdays" event in downtown from April through September. This event will include outdoor vendors and fun events to attract people to downtown Brookville.

Manager Kuntz reminded everyone our Annual Community Park Cleanup event is scheduled for Saturday, March 23, 10am-noon. Any and all volunteers are welcome to come out to all of the parks during this event to help get the parks ready for the spring and summer months. Food will be provided at Shelter #3 in Golden Gate Park after the event.

Manager Kuntz announced the Brookville Optimist's annual Children's Easter Egg Hunt is scheduled for Saturday, March 30, at Golden Gate Park, beginning promptly at 9:00 a.m. There will be thousands of brightly colored, candy filled plastic eggs for kids of various age ranges.

Manager Kuntz also reminded everyone that the Brookville Area Chamber of Commerce is hosting a Solar Eclipse Watch Party at Brookville High School on April 8, from noon until 5 pm.

Manager Kuntz reported city staff has interviewed two candidates for the Golden Gate Park Caretaker position this month and are hopeful we can have someone in place by April.

Manager Kuntz reported over the last two weeks, the Service Department performed the following tasks:

- Water service replacement on Westbrook
- Tree debris removal which was the result of a Rumpke trash truck hitting a resident's tree
- 300 additional gallons of oil collected
- Continued to repair potholes throughout the city
- Emptying trash cans in the Uptown section of the city
- They continue to do various park work and cleanup activities

Manager Kuntz thanked each of the department heads for their work on the annual report, which Council has been provided a copy of. Manager Kuntz also thanked Clerk Angie Weiss for compiling and organizing the department reports into one document. Manager Kuntz encouraged Council to review the report, which shows all of the departments were very busy in 2023. Manager Kuntz thanked the department heads, staff and all employees of the City of Brookville, for working together to move everything forward and make 2023 a successful year.

Finance Director Brandt presented the Fund Balance of February 29, 2024.

Motion by Schreier, second by Zimmerlin to approve the February 29, 2024 Fund Balance as presented. All yeas, motion carried.

Fire Chief Fletcher reported final inspections were completed at the Palette of Threads store on Market Street. All of the fire inspections have been completed at the El Rodeo restaurant. Fire inspections are being completed as they come in at the DMAX plant as well.

Fire Chief Fletcher reported former Brookville employee Paul Brock brought him a framed issue of the final edition of the Brookville Star, which features the Brookville Fire Department on the front page.

Police Chief Jerome reported planning continues to move forward to manage the possible influx of people on the date of the Solar Eclipse. While camping will be allowed by the Metro Parks District, we will not allow camping in our parks within the city. Proper signage prohibiting camping will be posted in all of the parks.

Member Zimmerlin asked if camping will also be prohibited on the bikeway?

Police Chief Jerome replied we do not control all of the bikeway, but we will push to keep it open as alternate path in the event of an emergency.

Police Chief Jerome reported Officer Wilson is planning several upcoming Crime Prevention and Neighborhood Watch events for Brookville residents.

Police Chief Jerome reported the Police Department has started a new online camera registry, using database software the city already owns and has in place. Residents can register their cameras on the Brookville Police Department's Facebook page and may be asked to share recordings of specific time frames when a crime occurs in their area. Police Chief Jerome advised other communities who have implemented this program have found the registry to be helpful in solving crimes.

Member Zimmerlin inquired if the camera information would be available in a public record request?

Police Chief Jerome replied there is very little today that is not available via a public records request.

Law Director Stephan reported the Tax Incentive Review Council recently met and reviewed compliance of our TIRC Agreements and found all three businesses to be compliant with those agreements. Law Director Stephan reported Resolution No. 24-06, 24-07 and 24-08 are to accept the recommendation of the Tax Incentive Review Council to continue these agreements. Law Director Stephan requested Council dispense with the second and third reading in order to meet the reporting requirements of the State of Ohio.

Motion by Schreier, second by Zimmerlin to read proposed Resolution No. 24-06. All yeas, motion carried.

Motion by Fowler, second by Piper to accept the first reading, dispense with the second and third reading, and adopt Resolution No. 24-06 entitled "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FINDING THE ENTERPRISE ZONE AGREEMENT OF GREEN TOKAI CO., LTD DATED MARCH 25, 2016 IS IN COMPLIANCE AND THAT THE ENTERPRISE ZONE AGREEMENT BE CONTINUED." All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 24-07. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the first reading, dispense with the second and third reading, and adopt Resolution No. 24-07 entitled "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FINDING THAT THE COMMUNITY REINVESTMENT AREA #2 AGREEMENT OF GIANT OHIO LLC DATED JUNE 21, 2017 IS IN COMPLIANCE AND THAT THE COMMUNITY REINVESTMENT AREA AGREEMENT BE CONTINUED." All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 24-08. All yeas, motion carried.

Motion by Schreier, second by Wilder to accept the first reading, dispense with the second and third reading, and adopt Resolution No. 24-08 entitled "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FINDING THAT THE COMMUNITY REINVESTMENT AREA #1 AGREEMENT OF GENERAL MOTORS, LLC DATED SEPTEMBER 17, 2019 IS IN COMPLIANCE AND THAT THE COMMUNITY REINVESTMENT AREA AGREEMENT BE CONTINUED." All yeas, motion carried.

Mayor Letner encouraged everyone to participate in the Community Park Clean-up this Saturday. The Service Department has already done quite a bit of clean-up.

Mayor Letner cautioned the public to make sure any eclipse glasses they use be approved with the correct ISO rating.

Mayor Letner reported he had the privilege to vote today, and hoped everyone else did the same.

Motion by Zimmerlin, second by Wilder to read proposed Ordinance No. 2024-04. All yeas, motion carried.

Motion by Fowler, second by Wilder to accept the third reading and adopt Ordinance No. 2024-04 entitled "AN ORDINANCE AMENDING THE COMPETITIVE BIDDING THRESHOLD OF THE CITY OF BROOKVILLE." All yeas, motion carried.

Motion by Schreier, second by Zimmerlin to read proposed Ordinance No. 2024-05. All yeas, motion carried.

Motion by Wilder, second by Piper to accept the second reading of proposed Ordinance No. 2024-05. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Ordinance No. 2024-06. All yeas, motion carried.

Motion by Schreier, second by Fowler to accept the second reading of proposed Ordinance No. 2024-06. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to read proposed Resolution No. 24-09. All yeas, motion carried.

Motion by Wilder, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 24-09 entitled "A RESOLUTION APPROVING THE COUNTYWIDE 911 SERVICES FINAL PLAN AS APPROVED BY THE COUNTYWIDE PROGRAM REVIEW COMMITTEE." All yeas, motion carried.

Member Fowler, Park Board Liaison, reported the Brookville Optimist Club donated \$1,000 to the Park from their 50/50 raffle at the Adult Easter Egg Hunt. Member Fowler reported What's the Scoop will be offering ice cream at the Park Cleanup event. Member Fowler stated Westbrook Park is full of kids as the soccer season has begun.

Member Schreier, Planning Commission Liaison, had no report.

Michael Hughes, of 278 Johnsville Brookville Road, thanked Police Chief Jerome and the Brookville Police Department for slowing down the traffic on Johnsville Brookville Road, as it can be a racetrack. Mr. Hughes stated his property is connecting the property behind him that wants to annex into the city. Mr. Hughes stated the city knew this annexation attempt was occurring while they were approving the plans for the new home he is building. If he had known this he would have moved out of Brookville, as he does not want any part of it. Right now, the city provides nothing for him. He will be tapping into the water line in front of his property when he builds his new home. He does not have city sewer and paid \$21,000 for a new leach field. He pays a stormwater charge on his utility bill and has begged the city for five years to help him with his water issue. The Brookville Service Department has come out, the city engineer has come out, and Montgomery County Soil & Water has come out, all to no avail. Mr. Hughes stated he is still flooding from the farm field beside him, because the water does not run off as the county plan says it will. Mr. Hughes stated at the recent Wolf Creek watershed meeting, Montgomery County Soil & Water advised him they had never been contacted regarding the development near the Brookville firehouse. Mr. Hughes stated as far as city services, he has water, no sewer, no natural gas and no sidewalks. He is in the city limits and pays big taxes. As far as he knows he is the largest residential property owner in the city, with 15 acres. He does not appreciate what the city is trying to do by zoning this property and using him as a pawn. Mr. Hughes promised he is going to do everything he can do to stop this, including legal action. If anyone wants to discuss this with him or come out to his property, he can show them he has ducks floating in six inches of water his backyard right now. Mr. Hughes stated his phone number is 937-623-5417. Mr. Hughes commented it really pains him that the city knew this was going on during his permitting approval process to build a new home.

Mayor Letner stated there is nothing going on. There is nothing before Montgomery County regarding the property Mr. Hughes is referring to. The Myers are the property owners that asked to be annexed, but there is nothing going on right now. Mayor Letner advised the city does not to solicit anyone to be annexed. Everything is public record and the city has not done anything.

Mr. Hughes asked if the city already attempted one annexation that did not pass?

Mayor Letner replied the Myers attempted an annexation and the county rejected it based on the language. That is all that has happened. Mayor Letner stated the City is not going to be accused of something, and ridiculed, that we do not have a part in.

Member Schreier commented a property can be annexed and the zoning requirements established without any activity for a number of years.

General discussion followed.

Damian Kristof, of 61 Oak Street, stated that eclipse glasses should have the ISO certification of 12312.2 to be safe for viewing. Mr. Kristof reported that the library has 64 applications for craft and food trucks at their upcoming craft fair. The library will also be participating in the Eclipse Watch party and will have shadow bands and pinhole cameras to view the eclipse.

Matthew Williamson, of 277 Johnsville Brookville Road and phone number of 217-552-7922, stated he is a licensed architect, not currently practicing. Mr. Williamson stated he does not understand his trash bill or why he pays a stormwater charge. His stormwater stays on his property and goes back to his field. He also does not understand the speed limit going across the Arlington Road bridge. Mr. Williamson also stated he was recently issued a traffic citation for going 50 mph in a 35-mph zone over the bridge. He does not know how he could have gained that speed so fast after turning out of Speedway. He thinks it is a speed trap. He also stated the no parking on the bridge needs to be attended to as this should be easy revenue for the city. Mr. Williamson thanked Council for their time.

Mayor Letner stated when Mr. Williamson's property was annexed in years ago, it was grandfathered in. Water and sewer infrastructure was added later. Mayor Letner asked him if he feels like he is paying for something he does not think he is getting?

Mr. Williamson stated it is not a point of getting something. It is more a point of being respected. The city does not respect him as a homeowner because they do not extend utilities out to his property.

Finance Director Brandt replied part of the stormwater fee in its implementation is so that we can get stormwater services to areas of the city that do not have stormwater services at this time. We have already completed the work to add stormwater services to some areas of the city using this fund. We added this fund to afford adding stormwater services to the areas of the city that need it to help with the flow of water.

Mr. Williamson stated he wishes the city would look at extending other utilities as well.

Mayor Letner commented that the city speed limits are clearly posted on Arlington Road. The Police Department patrols the ramps daily to keep the parking off of the ramps.

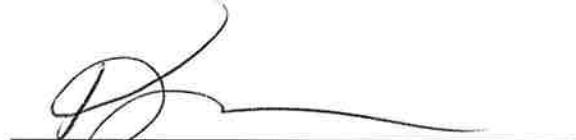
Police Chief Jerome commented we do not get any revenue from issuing these citations. The amount of time it takes to write a commercial ticket is about an hour, but with our current manpower it takes away from our other duties.

General discussion followed.

Motion by Schreier, second by Fowler to go into Executive Session under Section 122.21(G)(8) to consider confidential information of an applicant for economic development assistance to be administered under Chapter 715 of the Ohio Revised Code. All yeas, motion carried.

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

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



Kimberly Duncan, Clerk



Charles Letner, Mayor