

Brookville City Council
Regular Meeting
May 7, 2024

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

Roll Call by Clerk Duncan.

Mayor Letner advised the second reading of proposed Ordinance No. 2024-07 will not be held this evening and should be removed from the agenda.

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

Motion by Piper, second by Schreier to accept the April 16, 2024 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Kuntz asked if Council has reached a consensus on a date to hold the combined City Council and Brookville School Board meeting.

The Consensus is to hold the joint meeting on August 15, 2024 at 6:30 p.m.

Manager Kuntz reported the Wolf Creek Watermain Replacement Project is slightly ahead of schedule and should be completed by the end of May or early June. The Hay Avenue Project continues to be scheduled to be completed by the middle of June. The Wolf Creek Resurfacing Project continues to be scheduled to start late summer/early fall. The Wolf Creek Resurfacing Project is a MVRPC STP grant funded project and staff will continue to coordinate with the Ohio Department of Transportation as this project moves forward.

Manager Kuntz reported the Wastewater Facility Study continues to move forward. Staff received an update from our engineer, Hazen & Sawyer, at the beginning of this month. This project, which is being funded via the OEPA Water Pollution Control Fund Program, continues to be on schedule to be completed by this fall.

Manager Kuntz thanked everyone who came out to the first Third Thursday event at Gruenig Park, hosted by the Market Street Connection. It was a great turnout and we are excited to see this continue to grow. This month's event is next week on May 16 from 4:00 p.m. until 7:00 p.m. It will also feature "Young Entrepreneurs Day" which is an opportunity for kids to learn about entrepreneurship and express their artistic abilities in a fun, supportive environment. To sign up, please reach out to The Market Street Connection via their Facebook page.

Manager Kuntz advised the Business 101 Classes at the Brookville Fire Station continue to be open, although spots are filling up quickly. These classes start in June and will be once a month through August. Any local business or entrepreneur can find additional information and learn how to sign up by going to the city's social media pages or the Brookville Area Chamber of Commerce's website and social media pages.

Manager Kuntz reported the Service Department recently completed the following activities:

- Repaired watermain break @ 201 Market Street
- Picked up 300 gal of used oil

- Put summer banners uptown
- Repaired storm tile @ Wolf Creek and Westbrook Road
- Mowing parks and throughout town
- Fertilized ball fields, soccer, peewee, sewer plant, parks
- Sprayed for weeds in all parks, soccer, peewee field, sewer plant and throughout town
- Repaired water service on Hay Avenue
- Trash in all parks and town
- Cut down dead tree behind service garage
- Asphalted all water breaks from winter

Finance Director Brandt had no report.

Fire Chief Fletcher advised Council has been provided a copy of the April Operations Report and unless there are any questions, he has no report.

Police Chief Jerome reported the BBC Opening Day Parade was heavily attended and the park was full for opening day. Police Chief Jerome reminded everyone that parking on the grass in Golden Gate Park is prohibited.

Police Chief Jerome reported Scott Davies will soon become our new Prosecutor as our current Prosecutor has accepted a Magistrate position.

Police Chief Jerome reported that May is National Bike Month, and a Bike to the Library event will be held on May 18 from 11:00 a.m. until 1:00 p.m. The Police Department will be participating by passing out free bike helmets.

Police Chief Jerome reported the Police Department participated in National Drug Drop-off Day on April 27 and thanked the community for participating.

Police Chief Jerome reported the 2016 police cruiser was sold on GovDeals for \$2,050. The transmission on this vehicle was not operating.

Law Director Stephan reported we have received a notice from the Ohio Division of Liquor Control to either request or waive a hearing to renew the liquor permit for the Giant Oil BP Station at 801 Arlington Road.

Motion by Fowler, second by Zimmerlin to waive the right to a hearing on the renewal liquor permit for the Giant Oil BP Station at 801 Arlington Road. All yeas, motion carried.

Law Director Stephan reported Exhibit A for proposed Ordinance No. 2024-08 has been updated and Council has been provided the updated copy.

Motion by Zimmerlin, second by Wilder to read proposed Ordinance No. 2024-08. All yeas, motion carried.

Motion by Piper, second by Fowler to accept the first reading of proposed Ordinance No. 2024-08. All yeas, motion carried.

Law Director Stephan reported proposed Ordinance No. 2024-09 amends Chapter 1170, Medical Marijuana and Chapter 1145, I-2, General Industrial District, of the Code of Ordinances to allow the processing, cultivation and laboratory testing of medical marijuana within the City of Brookville. The proposed ordinance would specifically prohibit the any type of retail dispensary in the City of Brookville, Ohio. Law Director Stephan advised the moratorium passed by Council in December to prohibit anyone from seeking a permit is expiring in June. The proposed ordinance is before Council for a first reading. It will require a Public Hearing and additional readings before moving forward.

Motion by Zimmerlin, second by Fowler to read proposed Ordinance No. 2024-09. All yeas, motion carried.

Motion by Schreier, second by Zimmerlin to accept the first reading of proposed Ordinance No. 2024-09. Piper yea, Crane yea, Fowler yea, Zimmerlin yea, Schreier yea, Wilder nay, Letner yea. Motion carried with six yeas and one nay.

Mayor Letner had no report.

Member Fowler, Park Board Liaison, had no report.

Member Schreier, Planning Commission Liaison, had no report.

Law Director Stephan stated unless there are any objections we can move forward with the Public Hearing on proposed Ordinance No. 2024-07.

There were no objections.

Motion by Piper, second by Zimmerlin 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 the adoption of proposed Ordinance No. 2024-07, AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF LOTS 2798, 2799, AND 2800 OF THE CITY OF BROOKVILLE. A Legal Notice was published on the City of Brookville website and in the April 24 and May 1 editions of the Register Herald advising of the Public Hearing. Letters were mailed out to property owners adjacent to or directly across the street from the aforementioned property, advising of the Public Hearing. There were no inquiries regarding this Public Hearing. Clerk Duncan asked if any Council Member or Planning Commission Member needs to abstain from participating in this Public Hearing?

No one indicated the need to abstain.

Law Director Stephan reported the property that is the subject of this public hearing was annexed into the City of Brookville on January 16, 2024. The property is approximately 86 acres on Upper Lewisburg Salem Road, across from Brookville Fire Station 76. Under Chapter 1117.04 of our Code of Ordinances, when a property is annexed into the City of Brookville, Planning Commission shall recommend the appropriate zoning district for the area annexed and the zoning district shall be approved pursuant to 4.11 of the Charter of the City of Brookville. Under 4.11 of the Charter a public hearing shall be held to consider public comment on the proposed zoning district. Planning Commission made an initial recommendation of General Business in the front of the property and R-1A Planned Development Overlay District to the rear of the property. R-1A is our lowest density housing as found in Arlington Woods and Wolf Run. Planned Development overlay will permit the city to regulate designs and building materials within this district. The General Business zoning would permit restaurants, retail businesses, offices and other general business uses. It is expected that Market Street will be extended into this area when development occurs. Law Director Stephan displayed a map of adjacent property that was annexed last year, which is zoned General Business in the front and R-1B in the back. Law Director Stephan advised this property was annexed under the expedited type 2 annexation law, which requires a buffer when any use is incompatible with township uses. Staff is recommending a landscape buffer along Upper Lewisburg Salem Road in the General Business area where there are township lots on the other side of the road.

Clerk Duncan announced any person who wishes to present testimony or otherwise participate in this Public Hearing will need to stand and be sworn in.

Mayor Letner advised each person will be given five minutes to speak.

Randy Denlinger, of 9 Villa Circle, Brookville, Ohio had a question regarding the cannabis issue and asked if the City is considering federal reclassification from 1 to 3. Mr. Denlinger wanted to know how the annexation and zoning would benefit anyone but the Council.

Tina James, 415 Western Avenue, Brookville, Ohio wanted details regarding the infrastructure upgrades needed to support new developments and how they will be funded. Ms. James also requested studies be conducted on the potential environmental impact of the development, including water quality and wildlife habitats.

Jeff Wright, of 821 Shaney Lane, Brookville, Ohio advised he is a new member of Planning Commission, lives in Brookville and owns a business here. Mr. Wright called for a new Comprehensive Land Use Plan and a better assessment of the pros and cons and the risks and rewards of new development within the city. Mr. Wright emphasized Council should listening to the concerns of the community.

Alex Jannson, 10368 Upper Lewisburg Salem Road, Brookville, Ohio expressed disappointment about relocating his family to Brookville and learning about new development after the fact.

Tony Ezerski, of 222 Maple Street, Brookville, Ohio stated he is a member of Planning Commission and expressed concern that the city is operating without the correct information on the WWTP capacity, school capacity and a 20-year-old Comprehensive Use Plan.

Kathy Hubley, 603 Salem Street, Brookville, Ohio clarified the process of annexing a property into the city and establishing the zoning for an annexed property.

Jessica Shelton, of 13340 Brookville Pyrmont Road, Brookville, Ohio stressed she moved here to live in a home in the country, and found out two days after closing that the land next to them was being annexed with a new housing development going in. Ms. Shelton expressed concerns about dense neighborhoods, overpopulated schools, WWTP, increased traffic on the country roads and higher taxes.

Beth Reed, 899 Upper Lewisburg Salem Road, Brookville, Ohio stated her property is on the corner of Albert and Upper Lewisburg Salem Road and raised concerns about the schools, roadways and public safety. Ms. Reed asked for the definition of R-1A zoning and asked where the public should direct their questions.

David Young, of 55 Ankara Avenue, Brookville, Ohio noted he does not understand how the new development can be a non-issue regarding the school and the WWTP.

Steve Berk, of 9901 Wengerlawn Road, Brookville, Ohio announced he is on the Ohio Farm Bureau Board of Trustees and is present to advocate for agriculture. Mr. Berk observed that new development cannot be avoided as the city needs revenue to run. Mr. Berk encouraged Council to put a smart plan for development in place and make it work for the City and the surrounding townships.

Sally Berkuchel, of 609 E. Upper Lewisburg Salem Road expressed concern about the amount of truck traffic and residential traffic near her home. She wondered why there is only one way in and out of Hunters Run. Ms. Berkuchel described a water drainage problem on Upper Lewisburg Salem Road around her home. She also expressed concerns about the environmental impact the new development has on the community and about property tax increases.

Jaime Iaquinta, 924 Salem Street, Brookville, Ohio acknowledged her understanding of residents concerns about the school. She noted that Brookville will continue to grow and change, but the

change needs to be managed sensibly to address everyone's concerns. She expressed concern about the financial impact that development has on the community and encouraged Council to be smart about growth and to listen to community input.

Justin Landis, 5142 Lewisburg Ozias Road, Lewisburg, Ohio commented environmental impact studies are required after an annexation. Mr. Landis had questions about the Wolf Creek project currently underway.

Brian Schell, 544 Callie Court, Brookville, Ohio stated he is not able to store his RV in his driveway due to city ordinance restrictions for a corner lot. Mr. Schell observed he was in the military for ten years and has never lived in a city like Brookville. He does not want to see it change.

Mike Hughes, 278 Johnsville Brookville Road, Brookville, Ohio asked Council to pause any annexation or zoning until the comprehensive land plan is put into place. Mr. Hughes had concerns about whether the proposed annexed property has been submitted to Montgomery County Soil and Water for run-off studies. Mr. Hughes noted he has a water drainage problem on his own property and expressed concern that there is no run-off plan for the Wolf Creek Watershed. He also expressed concern about property near his residence that may be annexed into the city.

Matthew Williamson, 277 Johnsville Brookville Road, Brookville, Ohio wanted to know who the head of the Planning Commission is and whether it is a paid or volunteer position.

Molly Martin, 119 Wall Street, Brookville, Ohio stated she is trying to understand both sides of this issue and is unable to find all of the meeting minutes online. Ms. Martin is concerned about the availability of meeting minutes to those who are not online. Ms. Martin wanted the city manager's contact information. Ms. Martin also asked about pausing development until the new comprehensive land use plan is in place.

Joy Maxel, 5151 Johnsville Brookville Road, Brookville, Ohio commented that Manager Kuntz does not live within the City of Brookville and suggested he may not understand the culture of Brookville.

Mark Haworth, of 10352 Upper Lewisburg Salem Road, Brookville, Ohio observed he works all over Montgomery County and loves living in Brookville because there is not much traffic to contend with. Mr. Haworth does not want to see businesses across from his home and asked about the buffer that would be put in place if the property across from him is zoned General Business. Mr. Haworth expressed concern about widening Upper Lewisburg Salem Road and where that property would come from.

Damian Kristof, of 61 Oak Street, Brookville, Ohio commented that an existing 1200 square-foot three-bedroom, one bathroom house is currently listed for \$185,000 in Brookville. With the high demand for homes, property values are increasing which will continue to increase property taxes.

Motion by Zimmerlin, second by Fowler to end the Public Hearing. All yeas, motion carried.

Mayor Letner had no report.

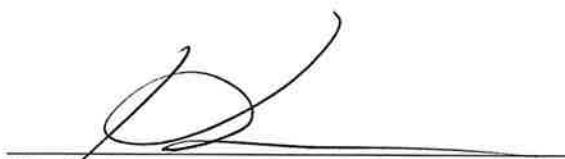
Tanner Marburger, of 710 Albert Road, stated he has a young child, and is concerned about drivers running the stop sign at the corner of Albert Road and Hay Avenue.

Motion Zimmerlin, second by Schreier to go into Executive Session per O.R.C. 121.22 (G)(3) concerning a pending or imminent court action. All yeas, motion carried.

Motion by Fowler, second by Schreier to go into Executive Session per O.R.C. 121.22 (G)(8) to consider the confidential information of an applicant for economic development assistance. All yeas, motion carried.

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

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



Kimberly Duncan, Clerk



Charles Letner, Mayor