

Brookville City Council
Regular Meeting
May 21, 2024

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on May 21, 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.

Finance Director Brandt requested to add the first reading of proposed Resolution No. 24-10 to the Agenda.

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

Motion by Schreier, second by Piper to accept the May 7, 2024 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Letner recognized retired Brookville Fire Department employee Ed Ullery for 36 years of service to the City of Brookville.

Manager Kuntz reported we recently received confirmation that our grant application for \$50,000 towards our updated Comprehensive Land Use Plan is being awarded. The city has also committed an additional \$50,000 towards this project. Manager Kuntz requested Council authorization for the City Manager to enter into the agreement with the Montgomery County Land Bank for the planning grant, which will allow staff to begin moving forward with this project and get it out for Request for Proposals by this summer. Manager Kuntz reported the goal is to have a consultant selected by early fall to kick off the project before the holidays. Staff anticipates this project to be finalized and approved by City Council by the end of 2025. There will be considerable community engagement as part of this project, so staff encourages the entire community to participate when the project moves forward.

Motion by Fowler, second by Wilder to authorize the City Manager to enter into an agreement with the Montgomery County Land Bank to complete an updated Comprehensive Land Use Plan for the City of Brookville. All yeas, motion carried.

Manager Kuntz reported the City of Brookville recently extended our contract with Montgomery County Soil and Water. Brookville is responsible for administering the city's Small Municipal Separate Storm Sewer System (MS4) permit. This agreement allows Soil and Water to assist Brookville in public education programs, community outreach, mapping services, staff training and the annual Ohio EPA report. Brookville is also extending our agreement with Soil and Water this year to include storm water reviews and inspections for new development projects. This agreement is for three years.

Manager Kuntz reported staff member Ronda Dittrick was tasked a few years ago to work on a Dayton Foundation Del Mar grant project, specific for Age Friendly Communities. Ms. Dittrick has managed this project, which included engaging with Wright State University on community surveys on making Brookville a more age-friendly community. Manager Kuntz reported he and Ms. Dittrick attended the Dayton Foundation's Age Friendly Summit at the Morain County Club on May 8th, and took away a lot of great information, including information on housing for the modern senior. Brookville is currently one out of only nine Miami Valley communities working on becoming an age friendly certified community. The next steps will be developing new projects

within Brookville to make our city even more accessible to our senior and retired residents who continue to call Brookville home.

Manager Kuntz reported staff has been inspecting the trees along Market Street. Several of the trees have grown to a point where they are pushing the decorative grates around the trees up and creating a potential tripping hazard. Some of the trees have also died. Over the next several months, staff will identify specific trees that need to be removed to alleviate potential liabilities with these trees. Staff is currently discussing various ideas and strategies to replace these trees with new landscaping alternatives.

Manager Kuntz reported the Great Ohio Bicycle Adventure (GOBA) has requested to use Golden Gate Park as a lunch stop for approximately 800 riders on June 16, 2024. Park Board has approved this Special Event and Council approval is needed to make it official.

Motion by Piper, second by Zimmerlin to approve the Special Event Permit for GOBA to use Golden Gate Park on June 16, 2024. All yeas, motion carried.

Manager Kuntz requested Council approval of Change Order #1 for the Hay Avenue Road Reconstruction Project in the amount of \$4,620.00. This change order is for an adjustment of the water tie-ins and the removal of a cistern. This change has been reviewed and approved by Choice One Engineering.

Motion by Schreier, second by Wilder to approve Change Order #1 for the Hay Avenue Road Reconstruction Project in the amount of \$4,620.00. All yeas, motion carried.

Manager Kuntz thanked the team at Brookville Schools for putting together the Serve Brookville Event. Manager Kuntz also thanked all of the volunteers who participated in the event.

Finance Director Brandt presented the April 30, 2024 Fund Balance.

Motion by Zimmerlin, second by Fowler to accept the April 30, 2024 Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt requested Council approve the transfer of \$100,000 to the Street Fund from the General Fund and \$100,000 to the Park Fund from the General Fund. These are both partial transfers of the total amount approved in the appropriations.

Motion by Zimmerlin, second by Schreier to approve the transfer of \$100,000 to the Street Fund and \$100,000 to the Park Fund from the General Fund as appropriated. All yeas, motion carried.

Finance Director Brandt requested Council approval of Resolution No. 24-10, which allows the city to enter into an agreement with the Ohio Attorney General's office to collect delinquent income tax owed to the City of Brookville.

Motion by Schreier, second by Zimmerlin to read proposed Resolution No. 24-10. 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. 24-10 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO ATTORNEY GENERAL'S OFFICE FOR THE COLLECTION OF DELINQUENT INCOME TAXES AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Fire Chief Fletcher thanked Brookville High School Principal Jason Stephan for coordinating the Serve Brookville event and commended everyone who participated for their work ethic and great attitudes.

Fire Chief Fletcher reported the City of Dayton has a maintenance project that needs to be completed involving the water main that feeds Brookville. This maintenance will take our water supply offline for approximately eight hours. The City of Dayton Water Director has postponed the project until fall as she is not confident that the contractor can hit that eight-hour target without further planning.

Police Chief Jerome reported the Bike Day event hosted by the Brookville Library went well. Police and Fire Department members had pizza with the participants and distributed bike helmets to all who needed them.

Police Chief Jerome reported on Wednesday, the Police Department will participate in the Annual Ride to the Wall event at which will stop in Brookville for an overnight stay. There will be a dinner and ceremony at AmVets for the riders when they get into town.

Police Chief Jerome presented a Block Party Request from the Meadows of Brookville residents for June 8, 2024 from 2:00 p.m. until 6:00 p.m. The event will be held on Litten Court.

Motion by Zimmerlin, second by Fowler to approve the Block Party Request for the Meadows of Brookville residents on June 8, 2024 from 2:00 p.m. until 6:00 p.m. as presented. All yeas, motion carried.

Police Chief Jerome announced that the school year will end on Thursday and reminded everyone of the midnight curfew on the weekdays and 1:00 a.m. on the weekends. Police Chief Jerome reminded all the senior students to make good decisions.

Law Director Stephan reported Evergreen Trace, LLC has filed a final subdivision application for the Evergreen Trace Subdivision. Planning Commission approved the Evergreen Trace Subdivision at the May 16, 2024 meeting. The property is located on Wolf Creek Street across from our Wastewater Treatment Plant. The property was annexed into Brookville in 1988 and was zoned R-2 at that time. Single-family housing is a permitted use in this zoning district, with a minimum lot frontage of 70 feet and the minimum floor area of 1,300 square feet. The proposed subdivision will establish 32 lots for single-family housing and meets all of the requirements for this zoning district. The subdivision will have an HOA for maintenance of common areas, and covenants and restrictions will be filed with the subdivision and applicable to each lot within the subdivision. Law Director Stephan requested that City Council approve the Evergreen Trace Subdivision, subject to final approval of the construction plans by city staff and the city engineer and a deposit of the appropriate performance bond to secure construction of public infrastructure.

Lance Oaks, of Evergreen Trace LLC, stated he is excited about this opportunity and thinks it will be a great addition to the City of Brookville.

Member Zimmerlin asked if the plans have been reviewed to ensure there is adequate space for public safety equipment and school buses.

Fire Chief Fletcher replied he has reviewed the plans and they meet all of the city standards.

Motion by Zimmerlin, second by Schreier to approve the Evergreen Trace Subdivision Application as presented. All yeas, motion carried.

Law Director Stephan advised proposed Ordinance No. 2024-07 will establish the zoning classification for Lots 2798, 2799 and 2800 in the City of Brookville, Ohio. A public hearing was held on May 7, 2024 and Planning Commission made a final recommendation on the proposed

Ordinance to City Council at the May 16, 2024 meeting. The recommendation of Planning Commission was to zone 27.465 acres as GB (PD) – General Business Planned Development Overlay District, and 58.146 acres as R-1A (PD) – Suburban Residential Planned Development Overlay District. The Planning Commission recommendation adds Planned Development Overlay District to the General Business area. Proposed Ordinance No. 2024-07 has been revised to conform to the recommendation of Planning Commission. City Council will need to adopt a motion to amend proposed Ordinance No. 2024-07 to conform to the recommendation of Planning Commission prior to the second reading. Law Director Stephan noted Planning Commission recommended a landscape buffer along the Upper Lewisburg Salem boundary at the south end of the site.

Motion by Zimmerlin, second by Fowler to amend proposed Ordinance No. 2024-07 to conform to the recommendation of Planning Commission prior to the second reading. All yeas, motion carried.

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

Motion by Zimmerlin, second by Fowler to accept the second reading of proposed Ordinance No. 2024-07. All yeas, motion carried.

Mayor Letner reported it was his pleasure to work with a great group of students during the Serve Brookville event.

Mayor Letner thanked the Optimist Club for putting up 400 flags around town, which makes the city look beautiful.

Mayor Letner announced he presented a proclamation at Brookhaven last week to a resident who just turned 100 years old.

Motion by Zimmerlin, second by Wilder to read proposed Ordinance 2024.08. All yeas, motion carried.

Motion by Schreier, second by Fowler to accept the third reading and adopt Ordinance 2024-08 entitled “AN ORDINANCE AMENDING CHAPTER 1353 OF THE CODE OR ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.” All yeas, motion carried.

Mayor Letner called for an 18-month moratorium to cease annexations into the City of Brookville until the update of the Comprehensive Land Use Plan is complete.

Motion Zimmerlin, second by Fowler to place an 18-month moratorium on annexations into the City of Brookville until the update of the Comprehensive Land Use Plan is complete. All yeas, motion carried.

Member Fowler, Park Board Liaison, reported Park Board approved GOBA coming to town. The new Park Caretaker was introduced at the last meeting. Discussion will begin soon regarding the Brookville Community Picnic.

Member Schreier, Planning Commission Liaison, reported Planning Commission approved several Special Use Applications for mobile food vendors and an Accessory Use Application. Planning Commission also approved the Evergreen Estates Subdivision and the made the Final Recommendation for the zoning on proposed Ordinance No. 2024-07.

Kevin Reed, 899 Upper Lewisburg Salem Road, expressed concern about the passing zones and speed limit on Upper Lewisburg Salem Road.

Damian Kristof, 61 Oak Street, thanked the Police and Fire Departments for their help with the Bikeathon Event.

Bruce Garber, 434 Sycamore Street, had concerns regarding the city's water and wastewater capacity, stating he gave each Council member a two-page request with questions he needs answered. Mr. Garber wondered what Council's opinion would be if Walmart wanted to build in Brookville and commented on the City of Clayton growing and dying.

Matt Williamson, 277 Johnsville Brookville Road, thanked Council for authorizing Comprehensive Land Use Plan update and the moratorium on annexations. Mr. Williamson recognized the need for Brookville to grow. Mr. Williamson stated the Welcome to Brookville sign on his property is getting tattered and is difficult to mow around.

Salley Berkuchel, 609 Upper Lewisburg Salem Road, had concerns about the speed and amount of traffic on Upper Lewisburg Salem Road and Brookville Phillipsburg Road and asked about the possibility of installing speed bumps.

Joy Maxel, 5151 Johnsville Brookville Road, requested that Manager Kuntz explain his intentions in reference to a headline on a Dayton Business Journal article written about him becoming Brookville's new city manager. The headline refers to Brookville as a hidden gem.

Jaime Iaquina, 924 Salem Street, stated she appreciates the moratorium on annexations, and also expressed concerns about the speed of drivers as they come in and out of town.

Mark Haworth, 10352 Upper Lewisburg Salem Road, had concerns about the installation of a landscape buffer on the annexed property on Upper Lewisburg Salem Road, the widening of the road, and types of signage when the General Business is developed.

Michelle Ezerski, 237 Maple Street, expressed concern about the costs of a traffic study, and who would pay the cost of any resulting road improvements. She also had concerns about a landscape buffer on the previously annexed property on Upper Lewisburg Salem Road so the design would be consistent. Ms. Ezerski thanked Council for the moratorium on annexations.

Chuck Gisewite, 6376 Preble County Line Road, had concerns about the school population.

Jim Hoffman, 10488 Upper Lewisburg Salem Road, inquired about the Public Hearing on proposed Ordinance No. 2024-09, which is set for June 4, 2024 at 8:00 p.m.

Logan Hofferbert, 9249 Access Road, asked for a comparison of the square footage of the old Brookville school versus the new Brookville school.

Brad Gisewite, 322 N. Wolf Creek Street, expressed concerns about cars speeding on his street and asked for more police presence.


Mike Hughes, 278 Johnsville Brookville Road, thanked Council for the moratorium on annexations and expressed concerns about the speed limit on Johnsville Brookville Road. Mr. Hughes inquired about a possible burglary in his neighborhood recently.

Ms. Ezerski stated it is important that Council is showing concern about the school population and bringing statistics to the meeting.

Mr. Kristof stated a typical Walmart building requires a 44-acre building site, which is larger than the proposed acreage to be zoned General Business on Upper Lewisburg Salem Road.

Ms. Maxel commented there seems to be some disconnect between the school and City Council regarding overcrowding at the school.

Motion by Fowler, second by Schreier to adjourn.



Kimberly Duncan, Clerk



Charles Letner, Mayor