

Brookville City Council
Regular Meeting
January 19, 2021

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on January 19, 2021. The meeting was held virtually using the Cisco Webex application. The Pledge of Allegiance was recited. Members Crane, Fowler, Schreier, Swabb, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Clerk Duncan, Fire Chief Fletcher and Police Chief Jerome were present.

Roll Call by Clerk Duncan.

Motion by Crane, second by Zimmerlin to approve the Agenda as presented. All yeas, motion carried.

Motion by Zimmerlin, second by Crane to approve the Council Special Meeting Minutes of January 5, 2021. All yeas, motion carried.

Motion by Zimmerlin, second by Crane to approve the Council Regular Meeting Minutes of January 5, 2021. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to approve the Council Special Meeting Minutes of January 12, 2021. All yeas, motion carried.

Manager Keaton reported the City entered into a five-year Lease Agreement with Production Service Management, Inc. who recently took occupancy of 401 Albert Road, our former Fire Station #2 building. Production Service Management has a five-year contract with GM to keep the manufacturing machinery operational at the new DMAX facility.

Manager Keaton advised last year at this time she reported the Dayton Commissioners approved a 5% water rate increase. Manager Keaton stated she also advised Council that Dayton was continuing to work on a Cost-of-Service Model for Brookville and should have it completed by the end of the first quarter in 2020. The pandemic threw them a curve ball and it did not get completed. Manager Keaton stated she has been in contact with our Dayton representative on several occasions throughout 2020, the last on December 29. Manager Keaton advised she was told then that there will be no water rate increase for Brookville in 2021. Dayton indicated they will hold the current 2020 rates until we can move to the new Cost-of-Service model, which should be the first or second quarter of 2021.

Manager Keaton reported Rumpke recently added #5 polypropylene plastic, such as butter tubs, cottage cheese and yogurt containers, to the acceptable recyclables list for 2021, which is exciting news. Manager Keaton provided Council with flyers which show the acceptable recycling items, and these flyers are also posted on our website.

Manager Keaton updated Council on the OPWC Application Review Meeting that was held on January 14. There were 46 applications that were submitted for OPWC funding, which is 20 less applications than last year. Manager Keaton reported we scored 39 on both of our applications. There were 18 applications that scored 39 or better with 28 applications scoring less than 39. Manager Keaton advised we should know in early February if our projects are funded.

Manager Keaton advised the purchase of a dump truck was included in our 2021 Service Department Budget. Staff continues to look on GovDeals regularly for good used dump trucks. We recently spotted two dump trucks for sale on GovDeals, one was a 2004 and the other a 2006 7400 dump truck. One of the trucks comes with a stainless-steel bed along with a plow and a salt spinner. Our intent is to remove one of our two 1997 International dump trucks as a plow truck and use it exclusively during watermain breaks. Currently during watermain repairs, the Service Department uses one of our plow trucks to load road debris, spoils, and gravel. If the break occurs during a snow/ice event, it is very difficult to get the truck cleaned and ready for snow clearing and/or salt spreading. Manager Keaton requested Council authorization to allow the City Manager to acquire a used dump truck on GovDeals at a cost not to exceed \$40,000.

Member Fowler inquired how much dump trucks typically sell for on GovDeals?

Manager Keaton advised last year we bid on a dump truck for \$16,000 and lost the bid by \$200. Depending on the year and the equipment, they sell anywhere from \$15,000 to \$50,000.

Member Fowler stated he cannot see spending \$40,000 at this time even though it is in the budget.

Member Schreier inquired if \$40,000 is the amount budgeted for in the current budget?

Manager Keaton replied we did budget for \$40,000 which will be divided equally between the Street, Park, Water, Sewer and Refuse funds. This dump truck would be split between the Street, Park, Water and Sewer. Manager Keaton stated right now we are not looking to purchase a dump truck for \$40,000, that is just the amount in our budget. The reserve on one of the dump trucks we are looking at is \$9,700 and it will probably not sell for more than \$20,000.

Member Zimmerlin inquired what the percentage would be out of the General Fund?

Manager Keaton replied this will be a part of the transfer that goes into the Street Fund, which has a pretty good carryover balance. We will be monitoring the balance throughout the year. We had a dump truck in our budget last year and tried to purchase one for \$16,000 but we were outbid at the last minute by \$200.

Mayor Letner inquired whether Council feels comfortable authorizing Manager Keaton to spend the \$40,000 budgeted amount or do they want to lower it?

Member Schreier asked if \$20,000 would be an adequate amount for the winning bid?

Manager Keaton stated she asked for up to \$40,000 so she does not have to keep returning to Council each time they see a potential vehicle for auction.

Member Fowler stated he would be comfortable with authorizing up to \$25,000.

Motion Fowler, second by Schreier to authorize Manager Keaton to acquire a used dump truck on GovDeals at a cost not to exceed \$25,000. All yeas, motion carried.

Manager Keaton reported over the last two weeks, the Service Department completed their inventory on hand at year-end, disconnected water service on S. Wolf Creek Street in anticipation of the demolition of the four-family structure, relocated remaining furniture/equipment from 401 Albert Road to 21 Mulberry Street. They also removed sections of concrete at Gruenig Park for the installation of a permanent Chamber Christmas tree, and removed 19 dead trees from Golden Gate and Gateway parks.

Manager Keaton reported last Friday we opened sealed proposals for Demolition Services for our Mitigation Grant at 306-312 S. Wolf Creek Street. We received two non-responsive proposals and one responsive proposal. Manager Keaton requested Council accept the lowest and responsive proposal of \$18,800 from FCS Construction Services, Inc. for the demolition of the property at 306-312 S. Wolf Creek Street.

Member Fowler asked how long the project has been out for bid?

Manager Keaton replied the bid has been out since January 7 or 8.

Motion by Fowler, second by Swabb to accept the lowest and responsive proposal of \$18,800 from FCS Construction Services, Inc. for the demolition of the property at 306-312 S. Wolf Creek Street. Fowler yea, Crane yea, Swabb yea, Zimmerlin abstain, Schreier yea, Wilder yea, Letner yea. Motion carried with six yeas, and one abstention.

Manager Keaton corrected her earlier statement, stating the RFP's for the demolition of 306-312 S. Wolf Creek Street went out on December 30, 2020 and were due in by January 15, 2021.

Manager Keaton advised proposed Resolution No. 21-02 and Resolution No. 21-03, which are on the Agenda this evening, are the first formal steps that we need to take to place these levies on the May 4, 2021 ballot. The Resolutions need to be adopted tonight, so we are asking Council to dispense with the second and third reading. The Resolutions will be submitted to the County Auditor, who has ten days to respond with the requested information. Manager Keaton advised there will be two Resolutions on the Agenda at the next Council Meeting to put these levies on the May ballot. The deadline to get these on the ballot is February 3, 2021.

Motion by Fowler, second by Zimmerlin to read proposed Resolution 21-02. 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. 21-02 entitled "A RESOLUTION REQUESTING THE MONTGOMERY COUNTY AUDITOR TO CERTIFY TO THE COUNCIL OF THE CITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO, THE TOTAL CURRENT TAX VALUATION OF THE CITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO, AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A NEW PROPERTY TAX LEVY OF THREE AND EIGHTY-FIVE HUNDREDTHS (3.85) MILLS, FOR A PERIOD OF FIVE YEARS TO BE PLACED ON THE TAX LIST AND DUPLICATE FOR THE TAX YEAR OF 2021 FOR COLLECTION IN CALENDAR YEAR 2022 FOR THE GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, AND REPAIR OF STREETS, ROADS, AND BRIDGES IN THE CITY OF BROOKVILLE." All yeas, motion carried.

Motion by Swabb, second by Zimmerlin to read proposed Resolution 21-03. All yeas, motion carried.

Motion by Swabb, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-03 entitled "A RESOLUTION REQUESTING THE MONTGOMERY COUNTY AUDITOR TO CERTIFY TO THE COUNCIL OF THE CITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO, THE TOTAL CURRENT TAX VALUATION OF THE CITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO, AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A NEW PROPERTY TAX LEVY OF NINETY-SIX HUNDREDTHS (.96) MILLS, FOR A PERIOD OF FIVE YEARS TO BE PLACED ON THE TAX LIST AND DUPLICATE FOR THE TAX YEAR OF 2021 FOR COLLECTION IN CALENDAR YEAR 2022, FOR PARKS AND RECREATIONAL PURPOSES IN THE CITY OF BROOKVILLE." All yeas, motion carried.

Finance Director Brandt reported the City of Vandalia Income Tax Department will have representatives at our City Building to assist our residents with the preparation of their local income tax returns, at no charge. The representatives will be here on Friday, March 26 from 8:00 a.m. to 4:30 p.m. and again on Saturday from 8:00 a.m. until noon.

Finance Director Brandt advised she was recently contacted by our auditors, Wilson, Shannon & Snow, and they plan to begin work on the 2020 audit on March 1. Finance Director Brandt reminded Council to fill out and submit their fraud questionnaire if they have not done so already.

Finance Director Brandt requested Council approval to designate two of its members to sit on the Volunteer Firefighters' Dependents Fund for 2021. Members Letner and Wilder have indicated that they would like to serve as the Legislative Board Members on this Fund for 2021.

Motion by Schreier, second by Fowler to designate Members Letner and Wilder to sit on the Legislative Board for the Volunteer Firefighters' Dependents Fund for 2021. All yeas, motion carried.

Fire Chief Fletcher reported the December Operations Report reflects a very busy year for them. There was a downturn in the number of calls when the initial lockdown occurred as people were delaying medical treatment due to fear of being exposed to COVID-19.

Fire Chief Fletcher reported the last two weeks have reflected a major downturn in COVID-19 related illness, which is a positive sign as the overall health of our community is reflected in that.

Fire Chief Fletcher reported the Department of Health has elected not to use the Brookville Fire Station as a COVID-19 vaccination clinic. The Fire Department will contribute by helping with mobile points of distribution if our staffing allows.

Police Chief Jerome reported the Police Department picked up the new cruiser and it needs just a few more things installed before it is ready for the road.

Police Chief Jerome reported he is on the Montgomery County Police Chief's Executive Board, and they are still waiting for police officers to be added to the priority list for the vaccine. They have been working to get Officers on the waste list as a means of getting them vaccinated. The vaccine priority list comes from the State level.

Police Chief Jerome reported he did have two COVID-19 cases in his department recently. Both Officers are now healthy and back to work.

Law Director Stephan reported Taywood Enterprises, Inc. has filed an application for subdivision approval in Meadows of Brookville for a single-family housing project to be built by Fischer Homes. This application was approved by Planning Commission at the January 14 meeting. Law Director Stephan stated he will advise City Council of the discussion at the Planning Commission meeting and of the concerns raised by citizens so Council is fully advised.

Law Director Stephan reported after City Council and Planning Commission denied the requested rezoning to R-3 in November 2020, Fischer Homes and Taywood Enterprises have worked to develop a plan for single family housing to be built in the undeveloped area of Meadows of Brookville.

Law Director Stephan advised the applicant has re-submitted the Meadows of Brookville Section Five preliminary plan for re-approval. In 2006, Planning Commission and City Council approved the Meadows of Brookville Section Five Preliminary Subdivision Plan and the Meadows of Brookville Final Subdivision Record Plan. In this 2006 approval, variances were approved on rear yard setbacks from 40 feet to 30 feet for lots 2412-2433, and on side yard setbacks from 10 feet to 7 ½ feet on lots 2434 through 2438.

Law Director Stephan stated in 2008, a portion of the Meadows of Brookville Section Five lots were re-platted into a single lot in the Meadows of Brookville Section Six Subdivision Record Plan. In the approval of the Meadows of Brookville Section Six Subdivision Record Plan, Planning Commission and City Council required that if the single lot (2609) created by the Meadows of Brookville Section Six Plan were to be developed in the future, the subdivision plan would follow the design of Meadows of Brookville Section Five Preliminary Plan. If the current application for re-approval of the Meadows of Brookville Section Five Preliminary Plan is approved, the single lot created in Meadows of Brookville Section Six will be subdivided in a plan that follows the design of the Meadows of Brookville Section Five Preliminary Plan first approved in 2006, and now re-approved.

Law Director Stephan advised the current application also requests approval of the modification of the rear yard setbacks from 40 feet to 30 feet for lots 2412-2424, 2426-2434, and lots 2449-2452, and modification of side yard setbacks from 10 feet to 7 ½ feet on lots 2435-2438. Planning Commission is authorized under Section 1105.03(c) to modify setback requirements specified in the zoning code. In addition, the applicant is also requesting that the City would measure the setbacks from the foundation rather than the edge of the roof to permit certain Fischer designs to fit on these lots. Most communities measure setbacks from the foundation and we are looking at changing our rule to do that for all subdivisions in the future. By authorizing measurement of the setback from the foundation, the setbacks will be reduced by approximately 1 foot, and will permit the Fischer designs to fit on the lots.

Law Director Stephan reported the homes will meet or exceed the minimum floor area of 1,400 square feet required under the R-1C zoning district, which is the current zoning for the Meadows of Brookville subdivision. The covenants set forth on the Preliminary Plan provide for 1,400 square feet for minimum floor area. The 1,400 square feet is 100 square feet less than the requirement in the covenants for Meadows of Brookville Sections One, Two, and Three of 1,500 square feet for single story homes. The covenants set forth on the proposed Preliminary Plan also provide that the expenses for the maintenance of the common areas for storm water management shall be billed by the City of Brookville to each homeowner on a pro-rata basis. The homeowners would be advised when they buy into this area that the City of Brookville would be billing them, and that the City would be maintaining the stormwater maintenance areas for this section of the subdivision.

Law Director Stephan stated he would like to address some citizen concerns that were raised at the meeting. Planning Commission approved by motion the Meadows of Brookville Section Five Preliminary Plan. Then, in the Citizen Comments portion of the meeting, concerns were raised about allowing homes that are 1,400 square feet, in particular the Harper model is only 1,408 square feet. The Harper model was not included in the Planning Commission packet. The Harper model was sent to Planning Commission by email and then they had a discussion to re-consider the issue. After discussion, Planning Commission decided to leave their decision at the 1,400 square feet. Law Director Stephan stated the citizens are mainly concerned that the Harper model is smaller than other homes in the area. The Fischer Homes representative was asked about the 1,408 square foot Harper model and she indicated they needed that design in order to achieve a certain amount of diversity. Fischer Homes has a rule that prohibits the same design from being built lot after lot. They need the Harper design in order to achieve that and in particular the lots on Westbrook Road will not fit the larger Fischer Homes models.

Law Director Stephan advised Planning Commission decided to stay with the 1,400 square feet and that is the permitted level under the R-1C zoning. Council has received emails related to the citizen concerns that were raised.

Law Director Stephan stated to summarize, the applicant is seeking approval of the Revised Meadows of Brookville Section Five Preliminary Plan with the covenants for development specified on the plan, which will include 1,400 square feet as a minimum floor area and that the property owners would be paying for maintenance of the common areas on a pro-rata basis as billed by the City, approval of the modification of the rear yard setbacks from 40 feet to 30 feet for lots 2412-2424, 2426-2434, and lots 2449-2452, and modification of side yard setbacks from 10 feet to 7 ½ feet on lots 2435 through 2438. Law Director Stephan stated the applicant is also seeking approval of modification of the setbacks to provide for measurement of the setbacks from the building foundation for all lots in the subdivision.

Member Zimmerlin stated he attended the Planning Commission Meeting and heard them speak of a model home. Member Zimmerlin asked if Fischer Homes plans to build the homes and then sell them or build just a model home and build as the lots are purchased.

Law Director Stephan replied it is his understanding that Fischer Homes will build a model home on one of the lots and then build the homes as they sell lots.

Member Wilder asked if the 1,500 square foot requirement was the requirement before for a single-story home?

Law Director Stephan replied that is correct.

Member Wilder inquired and now we are allowing a 1,408 square foot minimum is for a two-story home?

Law Director Stephan confirmed with the 1,400 square foot minimum you could have a two-story that is 1,408 square feet.

Mayor Letner asked if this section of the Meadows of Brookville can have its own covenants and restrictions that are different than the other sections of the Meadows of Brookville?

Law Director Stephan replied the covenants for the Meadows of Brookville have been placed on each section separately. When each plat has been filed, they have contained covenants that refer to that area. The covenants of each area can be amended by the property owners in each section with approval of 67% of the property owners in that section. Law Director Stephan advised there has been a couple of actual amendments to covenants. In Section 4, when they received zoning approval to go to R-3 in order to build the zero-lot line duplexes, they amended the covenants to permit the two-family units. This amendment was done in 2003, and signed solely by the owners in Section 4, which were Moorman Development, Barb Chakiris and Siena Enterprises. In 2015, there was an amendment to the covenants in Section 5. This amendment was done by Taywood Enterprises, Inc. and applies to lots 2412 through 2424, which are the lots on Westbrook Road. This 2015 covenant amendment modified the minimum square footage required for homes to 1,400 square feet, and was signed by Taywood Enterprises, who owned 100% of the lots at that time. Law Director Stephan stated in his opinion the covenants can be amended by the owners within each section. It has been done twice and it could be done in the future. For example, if the homeowners in Section 1 wanted to establish a homeowner's association, they could amend the covenants to create a homeowner's association. That is how these covenants have been adopted, section by section, and we have several examples of them being amended by the owners within just that section.

Mayor Letner asked what else could be built on the lots on Westbrook Road.

Law Director Stephan replied they have to meet the zoning requirements of 1,400 square foot and the lots on Westbrook Road have covenants of 1,400 square feet. You could have twelve houses exactly the same at 1,400 square feet with the current lots and the current covenants that are in place.

Law Director Stephan stated the proposal from Fischer Homes includes square footage from 1,408 to over 2,000. The lots are bigger as you move away from Westbrook Road so it is hopeful that bigger homes would be built there, but to be clear, the minimum square footage throughout the entire area is 1,400 square feet.

Motion by Zimmerlin, second by Fowler to approve the Revised Meadows of Brookville Section Five Preliminary Plan with the covenants for development specified on the plan, which will include 1,400 square feet minimum floor area with property owners paying for maintenance of the common areas on a pro-rata basis as billed by the city; and approve modification of the rear yard setbacks from 40 feet to 30 feet for lots 2412-2424, 2426-2434, and lots 2449-2452, and modification of side yard setbacks from 10 feet to 7 ½ feet on lots 2435 through 2438; and approval of modification of the setbacks to provide for measurement of the setbacks from the building foundation for all lots in the subdivision. Fowler yea, Crane yea, Swabb yea, Zimmerlin yea, Schreier abstain, Wilder yea, Letner yea. Motion passed with six yeas and one abstention.

Mayor Letner reported the Prayer Breakfast held by the Brookville Chamber of Commerce was a success and thanked Angie Dull and Adam Blevins for putting the event together. Mayor Letner thanked Brookville Schools for the use of their building. It was good event, well attended and everyone maintained social distancing.

Mayor Letner stated he is still taking nominations for Citizen of the Month and stated everyone is welcome to participate in the nomination process.

Motion by Zimmerlin, second by Schreier to read proposed Resolution No. 21-01. All yeas, motion carried.

Motion by Fowler, second by Swabb to accept the second reading of proposed Resolution No. 21-01. All yeas, motion carried.

Member Fowler, Park Board Liaison, had no report.

Member Schreier, Planning Commission Liaison, reported Law Director Stephan recited most of the Planning Commission meeting content. Planning Commission also discussed an agenda item for the next meeting regarding a solar panel that may require a zoning appeal.

Jessica Wells, of 21 Heckathorn Road, stated in regards to tonight's Agenda Item E.1, the Meadows of Brookville Revised Preliminary Plan Section 5, as she stated at Planning Commission last Thursday, she is excited that the developer is finally upholding his words to the residents of the Meadows of Brookville, and will follow through with the approved final plat plan to finish the development with 45 single-family homes. The final plat plan was approved by City Council and Planning Commission in 2006 and upheld in motions by both bodies in 2008, when Mr. Tim Taylor of Taywood Enterprises made a verbal agreement with the City of Brookville to build as had been approved in 2006 in exchange for unplating a portion of the development for a considerable tax break, which Mr. Taylor has received for the last twelve years. As part of the 2008 agreement referenced above, and available as part of the public record, Mr. Taylor also stated that the Meadows of Brookville, Section 5 and Section 6, which was created by the unplat, would have covenant restrictions matching Sections 1-3. The covenants of Sections 1-3 state that a single-story home has a minimum square footage of 1,500 square feet and a two-story home has a minimum square footage of 1,700 square feet. In 2015, unbeknownst to the City of Brookville, Mr. Taylor changed the covenants of Section 5 and 6 by lowering the minimum square footage requirements of Section 5 with Montgomery County. The City of Brookville only became aware of this change during the execution of a citizen's public records request ahead of the public hearing regarding the Meadows of Brookville in September of 2020. Miraculously, after stating in September that they had no floor plans for single-family homes that fit the lots, Fischer Homes has now submitted eight floor plans that will fit those same lots. Mrs. Wells stated of the floor plans submitted, the Harper model is the only one she takes issue with. The Harper model is a two-story home that is 1,402 square feet. The Harper model is too small to match the existing neighborhood. The Harper model is not only nearly 300 square feet smaller than any other two-story home in the Meadows of Brookville, it is also nearly 100 square feet smaller than any single-story home currently in the subdivision. Allowing the Harper model is in direct conflict with the agreement between Tim Taylor and the City of Brookville executed in principle by the over \$200,000 tax savings Mr. Taylor has received since 2008. Taking the Harper model off the table still leaves seven other options for variety and diversity in the undeveloped sections of my neighborhood and upholds the previous agreement. Omitting the option of the Harper model will help the new construction compliment the current neighborhood to its completion. Ms. Wells stated she is here tonight to ask you once again to consider the interests of the Brookville citizens living in the Meadows of Brookville subdivision and to honor the promises that have been made to us in the past. Please amend the recommendation from Planning Commission and the motion you passed tonight to specifically state the Harper model does not meet the standards of the homes already built in the area. Please uphold the agreement made between the City of Brookville and Tim Taylor in 2008 and keep your word to the residents who have invested in living and raising families in this great City. Ms. Wells stated she believes that when you give your word and make promises to your residents you should follow through with everything that was agreed to rather than pick and choose the parts that suit you at present. Ms. Wells thanked Council for their consideration.

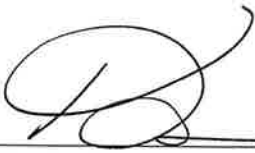
Mayor Letner thanked Ms. Wells for her comments.

Karen Braund, of 15 Heckathorn Road, stated with the motions Council made this evening for tax levies, why are we looking at putting a smaller, less quality home into our plat. Mrs. Braund stated you are obviously looking for all tax dollars possible and to Jessica's point it does not meet the covenants and restrictions in the agreements verbally executed in principle by both Planning and City Council. It all kind of comes around to the i's and t's being dotted and crossed. Through the information request, there were studies that were said were going to be done and never reported on. This agreement that should have been drafted and executed never was. Had that happened, Tim Taylor would have legally, in writing, been held accountable for the 1,500 square foot single and 1,700 double and never would have been able to reduce the square footage requirement to 1,400 in 2015. Incomplete packets were provided to Planning and Zoning, so they had discussion and voted on incomplete information. Mrs. Braund stated it just seems like the i's and t's need to be dotted and crossed and everybody needs to do, to Jessica's point, the point of the petition that was signed by all of us residents, over 100 signatures, do what you say you are going to do. Mrs. Braund stated there is an existing path already outlined and why would you deviate from that and

potentially open other options up for the residents. In an environment where tax money is a premium as seen from the dump truck, why would you want to spend any extra money in potential legal pursuits. You've got the path there in front of you, over 100 signatures requested three things to happen and we walk away. If you discount this Harper model, which clearly does not blend well with our subdivision, it's non-issue for all of us. Mrs. Braund stated it just seems like a no-brainer and she does not know why either body, Planning or City Council would pursue any other options other than doing what you said you were going to do. Mrs. Braund stated Jessica made her comment and requested potentially Council going back and amending. Mrs. Braund stated she does not know if we are just going to be silenced and thank you and move on, but she is requesting the same thing. Please amend to the 1,500/1,700. There is a variety, and the one thing Law Director Stephan did not add in from Planning last week is that the Fischer representative did say that they would not build the same houses next to each other, so she wants to make sure that is in the meeting minutes this evening. A row of 1,400 square foot homes down Westbrook should not be what is going in per what Fischer Homes said. Mrs. Braund stated if that ends up happening, then that is contra to what they said and gave advice to Planning Commission.

Mayor Letner thanked Ms. Braund and asked if Council had any comments?

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



Kimberly Duncan, Clerk

Charles Letner, Mayor