

Brookville City Council
Regular Meeting
July 6, 2021

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on July 6, 2021. 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, Schreier, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Police Chief Jerome and Clerk Duncan were present. Fire Chief Fletcher was absent.

Roll Call by Clerk Duncan.

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

Motion by Fowler second by Schreier to approve the Regular Council Meeting Minutes of June 15, 2021. All yeas, motion carried.

Manager Keaton reported Member Swabb resigned after the last City Council Meeting as he is moving out of the City limits to pursue his career. Council needs to accept his resignation.

Motion by Fowler, second by Zimmerlin to accept the resignation of Matthew K. Swabb as a Member of City Council. All yeas, motion carried.

Police Chief Jerome presented Police Officer Mark Miller with the 2020 Officer of the Year Award. Major Tom Simon and Police Officer Blake Creager each received a Peer Nominated Officer of the Year Award. Police Chief Jerome stated he is extremely proud of each of the men and congratulated them on their accomplishments.

Mayor Letner congratulated each Officer and thanked them for their dedication and service to the community.

Mayor Letner recognized Angie Jones as the Citizen of the Month for the month of June. Ms. Jones created the idea of the Brookville Blessing Box and followed through to have it constructed and installed at the First United Methodist Church.

Mady DeVivo, YWCA Rural Prevention Educator, gave a brief presentation regarding their work as the only Domestic Violence and Sexual Assault Coalition in Preble and Montgomery County.

Manager Keaton requested Council authorization to enter into a two-year Agreement with Brookville Local Schools to continue with the School Resource Officer beginning August 1, 2021. The Agreement between the City of Brookville and Brookville Local Schools that established a School Resource Officer (SRO) expires on July 31, 2021. Brookville Schools authorized the continuation of this program with Brookville Schools paying 60% of the wages and benefits and the City paying 40% of the wages and benefits of the School Resource Officer in year one of the Agreement and Brookville Schools and the City splitting the costs 50% - 50% in year two of the Agreement.

Member Schreier asked if the SRO Agreement was previously a 60/40% split?

Manager Keaton replied for the past three years, the City has paid 60% and Brookville Schools paid 40%.

Member Fowler inquired how much the SRO works at the school versus working for the Police Department directly?

Police Chief Jerome replied the SRO is at the school from August until May. In the summer, he works the road to cover vacations and other leave. The SRO will also come out of the school during the day to respond to calls as necessary. The SRO is not in the schools during spring break or

Christmas break, but he often utilizes this time to use his vacation time.

Member Fowler asked if Council Members are agreeable to the 60/40 split for the first year and then moving to the 50/50 split, or do they want to push back for a 60/40 for both years?

Mayor Letner stated he feels the School has tried to meet our needs. The 50/50 split in years two is still better than the previous contract where we paid 60%. Mayor Letner stated he feels the SRO program is a tremendous asset.

Member Zimmerlin stated he would be interested in the future to know how our SRO Agreement compares to other districts such as Northmont.

Manager Keaton replied she had Finance Director Brandt conduct a survey through Ohio GFOA and found that the range is 60/40 split to a 40/60 split. Northmont Schools also has a max dollar amount.

Motion by Fowler, second by Zimmerlin to authorize Manager Keaton to enter into a two-year Agreement with Brookville Local Schools to continue with the School Resource Officer beginning August 1, 2021, with Brookville Local Schools paying 60% in year one and 50% in year two. All yeas, motion carried.

Manager Keaton updated Council on the following active projects:

- The Johnsville-Brookville sanitary sewer extension project is almost complete. The new sanitary line is installed. Next week a pressure and vacuum test will be performed, followed by grading, seeding, and mulching the construction site.
- The Golden Gate Walking Path Project is proceeding nicely. Excavation and placement of the aggregate base should be completed this week. They are waiting on the asphalt contractor to mobilize and pave the path. Once the pavement is complete, the contractor will grade, seed and straw the edges of the path. This project may be completed prior to the July 16 deadline.
- The Hay Avenue Roadway Improvements Project will be bid out in late fall, early winter for construction to begin in late winter, early spring 2022. The Open House for the property owners along Hay Avenue, between Wolf Creek and Mulberry Streets, is scheduled for August 12 from 5-7 p.m.
- The Walnut Street Waterline Replacement Project is ready to advertise for bids once we receive approval from the City of Dayton. This project should begin this Fall.

Manager Keaton reported she reached out to five communities in the region that have MetroNet. The responses were favorable on available services and pricing; several communities experienced a few complaints with contractors during installation. A meeting will be scheduled the week of July 19 with MetroNet representatives and city Staff to begin discussing their buildout in the City of Brookville.

Manager Keaton reported proposed Resolution No. 21-11 is the first formal step that we need to take to place a levy on the November 2, 2021, ballot. Manager Keaton requested Council dispense with the second and third reading and adopt proposed Resolution No. 21-11. The Resolution will be submitted to the County Auditor, who has ten days to respond with the requested information. There will be a Resolution on the Agenda at the next Council Meeting to put this levy on the November ballot. Manager Keaton reported we are facing a deadline of August 4, 2021, to get this on the ballot.

Member Fowler inquired whether Manager Keaton has an update on the missing awnings at Brookside Plaza?

Manager Keaton replied the property owner has been sent a zoning violation notice and they are still within the response time allotted in the violation. The violation also included a mowing violation and the property owner did mow upon receipt of the notice.

Finance Director Brandt presented the June 30, 2021 Fund Balance Report for Council review and approval.

Motion by Zimmerlin, second by Schreier to approve the June 30, 2021 Fund Balance as presented. All yeas, motion carried.

Police Chief Jerome reported the Police Department is hosting a Citizens Police Academy beginning September 8, 2021. The program will last for ten weeks. Police Chief Jerome advised information on the Academy is on their Facebook page and the city website. Sign-ups are currently underway for citizens aged 21 and above.

Police Chief Jerome reported the Fourth of July holiday was typical, with a few fireworks complaints, but nothing major to report.

Mayor Letner called for a motion to open the Public Hearing before City Council and Planning Commission, which is a combined Public Hearing to consider a Preliminary Planned Development and proposed Ordinance No. 2021-04.

Motion by Fowler, second by Zimmerlin to open the combined Public Hearing on a Preliminary Planned Development and proposed Ordinance No. 2021-04. All yeas, motion carried.

The Public Hearing was recorded and is on file with the Clerk at the Municipal Offices. The audio recording of the meeting is available on the city website at www.brookvilleohio.com.

Clerk Duncan announced this Public Hearing is to consider a Preliminary Planned Development Plan for a proposed Planned Residential Development on part Lot 1743, County Auditor Parcel No. C05 00109 0020, located at 10400 Upper Lewisburg-Salem Rd. in the City of Brookville and to consider proposed Ordinance No. 2021-04 that amends the zoning classification of Part Lot 1743, County Auditor Parcel No. C05 00109 0020, located at 10400 Upper Lewisburg-Salem Rd. in the City of Brookville, from its present classification of R-1B (PD) Urban Residential Planned Development Overlay District to the new classification of (PR) Planned Residential District.

Clerk Duncan stated a Legal Notice was published on the City of Brookville website and in the June 23 and June 30 editions of the Brookville Star advising of the Public Hearing. Letters were mailed out to all property owners within 200 feet of the applicant address of 10400 Upper Lewisburg Salem Road, advising of the Public Hearing. One letter was not signed for by a property owner. Clerk Duncan advised she received one email inquiry, one phone inquiry and one in-person inquiry regarding the Public Hearing content. Clerk Duncan stated she received one letter from a property owner, which will be read into the record after those who are present have testified.

Clerk Duncan asked if any Council Member needs to abstain from participating in this Public Hearing?

No Council Members indicated they need to abstain.

Clerk Duncan noted that all Planning Commission Members are present, either virtually or physically.

Clerk Duncan asked if any Planning Member needs to abstain from participating in this Public Hearing?

No Planning Members indicated they need to abstain.

Law Director Stephan reported DDC Management, LLC has submitted a preliminary development plan for a single-family housing project on 18.072 acres located on Albert Road and Upper Lewisburg Salem Road and is requesting rezoning of the property from its current classification from R-1B Planned Development Overlay District to a new classification of Planned Residential District. The zoning requirements for Planned Residential Districts are set forth in section 1151.10 of the Code of Ordinances. This plan is a revision of the Preliminary Development Plan previously submitted to Planning Commission in May of 2021. Planning Commission had rejected the earlier plan because of its density of 67 lots and its failure to meet the open space requirements for Planned

Residential Districts. Planning Commission did vote to recommend this revised Preliminary Development Plan to City Council at their June 17, 2021 meeting. City Council should have a copy of the draft of those meeting minutes. The revised Preliminary Development Plan will establish 59 lots for single-family homes. The lot width is 55 feet. The side yard setbacks are 7.5 feet for a total of 15 feet between the structures as required by 1151.10(f) of the Code of Ordinances. The proposed plan meets the open space requirement of 25% as required in Section 1151.10.(j). The density for the proposed project is 3.26 units per acre, which is below the maximum of six dwelling units per acre permitted in 1151.10.(d)(1). The streets in the subdivision will meet the requirements of the City of Brookville subdivision code. The project proposes a 30-foot setback around the perimeter of the development, which was approved by Planning Commission as permitted under 1151.10(i). Planning Commission also recommended that landscaping be required in the setback area along Albert Road. The Preliminary Development Plan is consistent with the Comprehensive Land Use Plan in the City of Brookville which provides for single-family housing in this area. Law Director Stephan advised the Public Hearing tonight is intended to permit public comment on the Preliminary Development Plan and the proposed rezoning.

Clerk Duncan administered the Oath of Witness to those present who indicated they would like to present testimony or otherwise participate in this Public Hearing.

Clerk Duncan indicated anyone online who would like to present testimony will be sworn in prior to their testimony.

Clerk Duncan announced the floor is open for discussion and asked that prior to testimony each person must state their name and address for the record and confirm that they have been sworn in.

Ryan Reed, of DDC Management, LLC, 3601 Rigby Road, Miamisburg, Ohio indicated he has been sworn in. Mr. Reed stated they have worked with City Staff and with Planning Commission to bring a project that they feel meets the needs and requirements of the City. Mr. Reed advised they have met the density requirements and have reduced the number of lots. They are meeting the side yard setbacks and the open space requirement. They have addressed the concerns about landscaping and screening from the streets. They have an agreement on how sidewalks and connectivity will be used. Mr. Reed stated DDC Management thinks this will be a great addition to the City of Brookville and said he is happy to answer any questions regarding the development.

Mark Haworth, of 10352 Upper Lewisburg Salem Road, indicated he has been sworn in. Mr. Haworth observed no one has any questions and said everyone knows what this is going to look like. Mr. Haworth asked what the green space will look like off of Albert Road? Have they chosen the types of trees or bushes that are to be planted?

Mr. Reed replied they will work with the City to develop a landscaping plan and present it with the Final Development Plan.

Member Schreier indicated at the last Planning Commission meeting they discussed a maintenance free type of planting, such as an evergreen or cedar.

Mr. Haworth stated he has personally spoken to many people in the community about this development and they pretty much all said why would the City even think about approving a development like this with it being so dense. Mr. Haworth stated it is 59 homes on an 18-acre plot with a one lane street. This many homes combined together should absolutely have normal street size where you should be able to park in front of your house.

Member Schreier indicated it does allow that. The street size is the same as in the Meadows of Brookville, which is 31 feet.

Mr. Haworth said yes but this is 59 homes on 18 acres. All of the homes can potentially all be vinyl, no brick fronts. This development will forever change the landscape of the city with a visual statement made that our city has lowered our standards. There is no reason we cannot have another Arlington Woods next to our funeral home and our fire station. This development is certainly not

Brookville. The Planning Commission had approved this without the details of an HOA criteria. Has anyone got together on what the HOA is going to consist of and whether they will be allowed to have trampolines, above ground swimming pools or vinyl fences? Or are we going to do this with class and have fences and mailboxes that will correspond throughout the whole neighborhood. Mr. Haworth stated he would really like to see this done with class and asked Planning Commission if any of this has been brought up?

Member Schreier indicated they have not outlined the HOA, but those criteria are permitted in many other developments in Brookville.

Mr. Haworth asked if they are going to mandate a strict HOA in this development?

Law Director Stephan replied the HOA covenants will be included in the Final Development Plan, which will be reviewed by staff and must also be approved by Planning Commission and City Council. Law Director Stephan stated it will be a public record and we can certainly communicate with Mr. Haworth and other citizens about it.

Mr. Haworth stated there is plenty of time to work with this developer to achieve a layout that is tastefully designed, with class, that the whole community will be proud of. The plan that is presented today is not Brookville standards. Mr. Haworth stated you have to ask yourself if this will be accepted by the community. It is very confined. Mr. Haworth stated this is a very crucial decision for all the Council Members. Our community will be reminded of how each Council Member voted on this. Mr. Haworth stated if a yes vote is made by our Council on this design, his legal team will certainly pave the way to allow our community to have the final vote on this issue in November, so we really need to do this with class.

Mayor Letner thanked Mr. Haworth for his comments.

Clerk Duncan administered the Oath of Witness to Beth Reed.

Beth Reed, of 899 Upper Lewisburg Salem Road in Brookville, Ohio, 45309, stated she has been sworn in. Mrs. Reed stated she is not going to talk about the development and how it looks but rather what is on her heart. Mrs. Reed stated she has thought about and prayed hard about this situation, including the approach she needs to take on communicating her concerns. She is not going to rehash their original concerns from the last Public Hearing, but she must say these concerns still stand. Mrs. Reed stated she really appreciates everyone listening. Mrs. Reed stated when she reviewed the minutes from the last Planning Commission meeting, and the new proposal, it became apparent that her main concern with all of this is how it is going to affect and change the dynamics of Brookville. This is not really about this land behind us. It is more about how Brookville is changing and in ways that are opposite of why they moved here in 2008. It is taking into consideration, not only this land, but all the land that surrounds the city currently and how that will also change Brookville as we know it. And it all starts with your decision here and now. After reading and trying to stay on top of what is happening around Brookville at seeing land being zoned for commercial out here, she has heard that Huber Heights has a development similar to what is being proposed here. Mrs. Reed stated no disrespect to Huber Heights, as she goes there often for shopping and eating out, but she has no desire to live there and deal with the crowds and traffic issues. She understands that most of the land around the entire City of Brookville has a future purpose for more development. Mrs. Reed stated she also understands that all of this development will take years to implement but it makes her sad to learn in here about what could potentially be approved in the future. It breaks her heart because it appears that stepping away from being the traditional Brookville that we came to know. Mrs. Reed stated she is an old soul, and you can call her old fashioned, but she does not want to lose that small town feeling. Decisions like this one here are the start of this changing Brookville from how we know it. She understands the value of all of this for the business minded and for making money but that takes away from the values of why we moved here, raising our kids in a close-knit family-oriented community, sending our kids to an excellent school system and supporting our local small businesses. Mrs. Reed stated her point is that this decision and all of those to follow are recreating the Brookville we have come to love and call home. Mrs. Reed stated she hopes you take that into careful consideration and think heavily on the impact these decisions are making on creating the future of Brookville. Mrs.

Reed stated she would just like to address one more thing that she read from the minutes from the previous Planning Commission meeting, and that was sidewalks. If this proposal does get approved, she and her husband need to express their concern that they do not feel the sidewalks around their lot are necessary. Mrs. Reed asked that Members consider this when asking that they would pay to have them installed. Especially now, after reading the minutes that states if Upper Lewisburg Salem Road is eventually widened, they may be torn out. Mrs. Reed stated in no way does she understand how asking them to provide financial support for sidewalks around their lot is their problem in relationship to this development. From what she can tell from the drawing, there would be sidewalk access from Albert Road through the development to Market Street. Problem solved, so can we please not make this an issue as this would be a financial burden for them that they were not prepared for. They are currently paying on a loan they had to take out because this house was not hooked up to city water and sewer when they bought it, and from what they learned from previous city officials, should have been done a long time ago before they moved here. Mrs. Reed stated they strongly oppose the need for sidewalks on their lot and are unable to provide financial support. Mrs. Reed thanked everyone for their time.

Mayor Letner thanked her for her comments.

Clerk Duncan advised she had a letter from a citizen to read, which contains questions. She will pause during the reading to allow the questions to be answered.

Clerk Duncan stated this letter is from Frank and Phyllis Johnson, of 821 Salem Street, Brookville, Ohio, and reads as follows:

Dear City of Brookville Planning Commission,

In your prior virtual meeting of May 20, 2021, two of our questions were addressed with the responsibility of the Homeowners Association (HOA). Evidently, a HOA is in the plans if this planned community is approved. As we are aware a homeowner association (HOA) is an organization that makes and enforces rules and guidelines for a subdivision, planned community, or condominium building. Will the HOA be responsible for all external maintenance, i.e. roofs, paint, etc., as well as landscaping?

Mr. Reed replied no maintenance of the actual homes, just of the common open space.

Clerk Duncan read what is the projected estimated monthly HOA fee for the smallest square footage home in this community?

Mr. Reed replied they have not calculated yet, but typically it runs from \$200 to \$300 per year.

Clerk Duncan continued reading: We were disappointed to learn that at least one meeting has already occurred since May 20, 2021, of which we received no notice nor were we apprised of the June 17, 2021 meeting being planned and/or conducted. As a result, it is our perception that the City of Brookville Planning Commission is working with the DDC Management to push this plan through rather than listening to the objections and concerns of the residents in the neighborhood. It's analogous with saying, 'It's a done deal' so let's just get on with it! We have learned that now DDC Management has resubmitted a revised Preliminary Plan for the development along Albert Road and Upper-Lewisburg Salem Roads. As stated in the Brookville Planning Commission Minutes dated June 17, 2021, changes have been made to meet the 25% open space requirement and reduced the number of lots from 67 to 59. It was further stated that DDC Management met with Arbor Homes and were able to put a plan together that is amiable to both parties. It appears that DDC Management sought and received approval for vegetation along Albert Road. What specific kind of screening will be used? Is the HOA paying for this screening and its maintenance?

Mr. Reed replied as mentioned earlier, that will be part of the Final Development Plan. DDC Management, LLC will be responsible for the cost of installing it and the HOA will maintain it.

Clerk Duncan continued to read: DDC Management is a Limited Liability Corporation (LLC) which means it has no responsibility for anything. At this time, it has no assets in Brookville. Yet our Planning Commission tends to be making concessions to DDC Management. It's interesting how the Planning Commission is praising DDC Management for taking the time to revise their plan and to listen to the Commission referring to revitalizing downtown Brookville. You'd think that the Planning Commission should represent and be concerned with the needs and well-being of the residents of the city. We didn't see any substantial changes for the residents of the City of Brookville except for subtracting eight lots for houses from the plan. Also, it was stated if some rezoning is necessary that the Chamber of Commerce would support it. It appears that the Planning Commission and Chamber of Commerce are working hand in hand. For those Commissioners concerned with sidewalks, it was stated the DDC Management would be happy to do so, however, the owners may be assessed the cost. After some discussion, a motion was made and seconded to approve and to recommend this revised preliminary housing plan with the requirement to provide landscaping along Albert Road, prior to moving on to future business. Where is the home office for Arbor Homes? Is Arbor Homes a local builder which will be available to meet the needs of the buyers once they purchase and inhabit these properties?

Mr. Reed replied they are headquartered out of Indianapolis. Arbor Homes is setting up an office in the Dayton markets so they will have a presence.

Clerk Duncan continued to read: As has happened in numerous communities, the builder comes in from out of town and is nowhere to be found to address and to fix the problems once the homeowners are living in their properties. What is the estimated square footage of the smallest home and price range being considered?

Mr. Reed replied the estimated entry level square footage is around 1,300 square feet and the price point will be market dependent.

Clerk Duncan continued to read: Has there ever been an engineering study on the sanitation system?

Mr. Reed replied that will be presented with the final engineering plans.

Clerk Duncan continued to read: With the addition of fifty-nine houses, plus the fire house, wouldn't that cause significant increase in volume and pressure on the fifty-year-old pipes in the City of Brookville's sanitary system?

Mayor Letner replied no.

Clerk Duncan continued to read: We feel the increase could be as high as 100%. Failure of the fifty plus year sanitary system, could result in raw sewage spills in basements and/or homes. It could be a million-dollar problem. Welcome EPA regulators into our lives! Where is the overflow for the water retention pond? Has an engineering study of the pond been performed?

Mr. Reed replied there will be an outflow for each of these ponds which will be in accordance with the city's engineering guidelines. Mr. Reed replied an engineering study will be part of the Final Engineering Development Plan.

Clerk Duncan continued to read: The water retention pond should have a built-in overflow which takes the water/overflow to Market Street. An overflow is needed since water from 18.3 acres would travel over a hard surface and flow into the pond which could flood private property and homes. How can a retention pond be termed or used as open/green space? It does not make sense, nor is it rational. To be honest, it appears to be illogical and unreasonable. Are

the standards for open green space proposed in the plan, if approved, equivalent to standards specified in the zoning ordinance?

Law Director Stephan replied yes.

Clerk Duncan continued to read: The revised plan specifies 30 feet wide streets which could only be effective with limited parking. It allows only one way in and out of area. If the street is blocked, fire/police would have limited access. With that 100-foot proposed circular turn at each end of the streets, how will fire trucks and school buses maneuver in and out of those cul-de-sacs?

Mr. Reed replied the streets are being designed to the city specifications and they have two points of ingress and egress.

Clerk Duncan continued to read: It appears that the Planning Commission is just concerned with the revenue the City of Brookville will receive in taxes rather than considering the voiced and written concerns of the residents in the surrounding area, as well as the impact this plan, if approved, will have on the entire City of Brookville. If approved, does this development plan constitute a residential environment of sustained desirability and stability in harmony with the character of the neighborhood? It is our perception that this plan is not comparable or compatible with the surrounding neighborhood. It will not look like our present community nor have the values/life of our residents. Are the public facilities in the proposed plan adequate to meet the current standards and serve the anticipated demand for those services determined by the City Engineer?

Manager Keaton replied the plan will be reviewed by our city engineer.

Clerk Duncan continued to read: We adamantly oppose this proposed plan for rezoning and building 59 houses on 18.3 acres and the easement for this proposed plan for Part Lot 1743, Parcel COS 00109 0020,10400 Upper Lewisburg-Salem Road. Our perception is that the effects of this proposal, if approved, would change the neighborhood from low density to high density residential environment which will change the character of the neighborhood leading to increased population, traffic, safety issues, noise and the need for more public services, i.e., police, firemen, refuse collection, teachers, school buildings and buses, as well as, impact our property values which would lower our resale values. It's daunting to think of our City of Brookville as never being the same due to losing its character and appeal with its small-town charm. In the past and the present, our sense of community provided and still provides safe neighborhoods associated with a quality school system. If accepted, this proposed plan would change our City of Brookville forever. Also, we believe this plan, if approved, would be a costly undertaking for the City of Brookville, as well. We ask the Planning Commission to earnestly consider the immediate and long-term effect that this proposed plan, if approved, will have on the City of Brookville and its' residents. We look forward to your answers to our many questions and concerns. We remain sincerely yours, Frank and Phyllis Johnson.

Planning Member Requarth stated he has lived in Brookville for a couple of years and has been a part of the community for the past twenty years just outside of town. Member Requarth stated at the May Planning Commission meeting, he made a motion to deny this based on the density and lack of green space. In June, DDC Management came back with updates. Member Requarth stated he would like to address the road width. The road width of this proposed development is the same as the development they just approved in the new section of the Meadows of Brookville. It would be up to the HOA whether they park on only one side of the street or not. Member Requarth stated he has to wonder what people are really afraid of because he moved to Brookville so he would have less to take care of. He understands that these houses are close together and it is dense, but he does not think that makes it bad. There could be a little more space, but he is not to judge what someone needs to take care of or not take care of. No one will be forced to buy a home here and people can choose to have a small

lot and smaller home. Member Requarth stated regarding the busing, he can get a bus back in the cul-de-sac in Arlington Woods without an issue. Member Requarth stated since he takes care of transportation from the school, he has already looked at the Preliminary Plan and chosen where he would place three bus stops. Member Requarth stated regarding bringing more people into town, if we so cherish our small town feel and our great schools, why would we deny someone else from moving here to enjoy what we have? Member Requarth stated he does not think we should discriminate through zoning to keep people out of Brookville. Member Requarth stated he voted yes on this Preliminary Development Plan because they met the two things that they were denied for in May. They put more buffer around the property on the corner that the Reeds own, and they put in more green space. Member Requarth stated if someone wants a big yard then they need to move somewhere else.

Member Crane asked Mr. Reed to address where the sidewalk on Upper Lewisburg comes into play?

Mr. Reed stated at the corner of Upper Lewisburg Salem Road and Albert Road, which is the Reeds property, there are currently no sidewalks in front of or on either side of their home. Mr. Reed stated they would be bringing sidewalk from the south along Albert Road to the entrance along Albert Road. The sidewalk would run throughout the community in front of every home and then there is an access point out to Market Street that will run between two property lines. Mr. Reed stated they would be okay with putting sidewalk from the Albert Road entrance up to the Reeds' property, but they did not want to put in a sidewalk that goes to nowhere. If there are plans to have connectivity all the way around that corner, then they would support that and allow for that connectivity.

Member Wilder asked Mr. Reed if when he says they would support it does that mean DDC Management would pay for it?

Mr. Reed replied they would pay to install the sidewalk up to the Reed's property and along Upper Lewisburg Salem if that is what the city desires.

Member Wilder stated so you are not paying for it in front of the Reed's property?

Mr. Reed said you are asking us to pay for it in front of the Reeds' house in place of the access out to Market Street?

Member Wilder stated she does not think it is fair to ask the Reeds to pay for the sidewalk.

Mr. Reed stated DDC Management is not asking the Reeds to pay for it, that is something the City is asking them to do.

Manager Keaton stated Council can make the decision not to assess the Reeds. The City has always assessed the property owner when new sidewalk is installed. The Reeds live on a corner lot so they would pay 50% on either side, and a maximum of 125 feet. Council can waive that and the City would have to install it at our cost.

Member Zimmerlin asked if we have ever done that in the past? If not, we should not set a precedent.

Manager Keaton replied the City has never waived the cost in the past.

Member Crane agreed the City should not waive the cost, and asked DDC Management if they would pay for it?

Mr. Reed replied since they do not own that property or the right of way there, they could agree to pay a contribution to the City and then the City would be responsible for that improvement.

Member Zimmerlin stated there are concerns about whether the road would be widened and the sidewalk would be torn up after we pay for it.

Manager Keaton stated Upper Lewisburg Salem is a county road, so we would have no control over that. Right now, it is not in their long-term plans to widen the road.

Member Schreier stated going back to the last Planning meeting they were not conclusive on the sidewalk around the corner. If DDC Management would be willing to reimburse the City to put in the sidewalk that would seem like a precedent. This is not a precedent we have had to address before but when the property owners are already there it does not seem like an equitable thing to do either.

Mayor Letner commented we pride ourselves on being a walkable community.

Mr. Reed stated they can definitely work with the City to come up with an agreement where they could help contribute to the installation.

Member Crane asked if we could get that in writing.

Manager Keaton replied that would be in the agreement with DDC Management.

Mayor Letner asked if anyone else would like to speak.

Mark Haworth, of 10352 Upper Lewisburg Salem Road, Brookville, Ohio, asked if the walks all the way through this development to the Market Street extension has been approved through Mrs. McGregor?

Law Director stated staff has had discussions with Mrs. McGregor and have an agreement with her to obtain an easement. The document needs to be finalized and executed.

Mr. Haworth asked if everyone on Council has looked up Arbor Homes through the Better Business Bureau?

Member Zimmerlin stated he has listened to every Planning Commission meeting and has researched and read the plans. Member Zimmerlin stated he wants to comment to Mr. Haworth that we have definitely done our due diligence before this conversation, so by not commenting or having questions, he does not want Mr. Haworth to think that we have not looked at this wholeheartedly. Member Zimmerlin stated at least for him personally, he is not going to speak to the rest of the folks.

Mr. Haworth commented so everybody knows what we are getting into?

Member Zimmerlin replied yes.

Mr. Haworth stated that concludes my comments.

Member Schreier stated he went to an Arbor Homes development in Huber Heights that actually is modeled for this. He looked at the homes that were built there and the setbacks and had no real concerns.

Motion by Fowler, second by Schreier to return to Regular Session. All yeas, motion carried.

Law Director Stephan reported Council has accepted the resignation of Matthew Swabb and because there are more than two years left in his term, this Council seat will be on the ballot in November for the remainder of the unexpired term. Council will need to appoint a person to fill the vacancy and serve until December 31, 2021. Council will need to approve proposed Resolution 21-12 which directs the Montgomery County Board of Elections to place the open seat on the ballot in November for the remainder of the unexpired term commencing January 1, 2022

and continuing until December 31, 2023. Anyone who wishes to run for the unexpired term must submit a nominating petition to the Board of Elections by August 4, 2021. Law Director Stephan inquired whether Council wants to advertise the open Council seat and interview candidates to fill the vacancy until the election?

Mayor Letner replied he thinks Council should advertise the open Council seat and interview candidates.

Law Director Stephan stated the selected candidate would need to have their petition in to run for the unexpired term by August 4, 2021, so Council will need to move forward quickly with the process.

The consensus is to advertise the open Council seat in the Brookville Star and on the City website and Facebook page. Interviews of candidates will be conducted prior to the July 20, 2021 Council Meeting.

Law Director Stephan stressed that anyone interested in the position can go ahead and file a petition regardless of the outcome of the interview process.

Law Director Stephan reported Wenger Woods Lot 2391 Record Plan was approved by Planning Commission at the last meeting and is now before City Council for approval. The property owner is adding a portion of the property to the south to create a bigger lot. The same type of subdivision record plan was done on the lot beside this lot previously, so there is a precedent. Essentially, we are allowing them to add on to their lot and have a bigger backyard.

Motion by Zimmerlin, second by Fowler to approve the Wenger Woods Lot 2391 Record Plan. All yeas, motion carried.

Mayor Letner thanked Angie Jones for being the June Citizen of the Month.

Mayor Letner reminded everyone of the upcoming Brookville Community Picnic and encouraged everyone to attend.

Mayor Letner reported a Blood Drive coordinated by Fire Chief Fletcher is in the works. Mayor Letner encouraged everyone to donate blood as there is currently a shortage.

Member Zimmerlin inquired whether the Citizen of the Month could be someone who works in Brookville, but is not a resident?

Mayor Letner replied anyone who works or lives in Brookville and is contributing to our community is eligible to be nominated.

Motion by Wilder, second by Schreier to read proposed Resolution No. 21-09. All yeas, motion carried.

Motion Zimmerlin, second by Fowler to accept the third reading and adopt Resolution No. 21-09 entitled "A RESOLUTION ESTABLISHING THE LOCAL FISCAL RECOVERY FUND NO. B12 AND AUTHORIZING THE FINANCE DIRECTOR TO MAINTAIN REQUIRED BOOKS AND RECORDS TO EVIDENCE PAYMENTS INTO AND WITHDRAWALS FROM SAID FUND. All yeas, motion carried.

Motion by Fowler, second by Schreier to read proposed Resolution No. 21-11. All yeas, motion carried.

Motion by Crane, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-11 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 Zimmerlin, second by Wilder to read proposed Resolution No. 21-12. 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. 21-12 entitled "A RESOLUTION DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY TO PLACE THE OPEN CITY COUNCIL POSITION PREVIOUSLY HELD BY MATTHEW K. SWABB ON THE BALLOT ON NOVEMBER 2, 2021, FOR THE REMAINDER OF THE UNEXPIRED TERM COMMENCING JANUARY 1, 2022, AND CONTINUING UNTIL DECEMBER 31, 2023. All yeas, motion carried.

Member Fowler, Park Liaison had no report.

Member Schreier, Planning Commission Liaison, reported in addition to the Planning Commission items Council heard this evening, a variance for an accessory structure on Salem Street at the edge of the city limits was approved.

Mayor Letner requested an Executive Session per ORC. 121.22(G)(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

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

Motion by Schreier, second by Wilder to go back into Regular Session. All yeas, motion carried.

Manager Keaton reported at the May 18 Council meeting, she reported the City received our Notice to Negotiate with the Ohio Patrolmen's Benevolent Association on Article 21, Wages. They have been negotiating with union representatives and have mutually agreed on a wage increase. Manager Keaton requested Council authorization to allow a 1.5% wage increase effective with the pay period that includes July 1, 2021 and to allow a 2% wage increase effective with the pay period that includes January 1, 2022.

Motion by Zimmerlin, second by Fowler authorize Manager Keaton to enter into an agreement with the Ohio Patrolmen's Benevolent Association to allow a 1.5% wage increase effective with the pay period that includes July 1, 2021 and to allow a 2% wage increase effective with the pay period that includes January 1, 2022. All yeas, motion carried.

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



Kimberly Duncan, Clerk



Charles Letner, Mayor