

Brookville City Council
Regular Meeting
May 18, 2021

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on May 18, 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, Swabb, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher, Police Chief Jerome and Clerk Duncan were present.

Roll Call by Clerk Duncan.

Motion by Swabb, second by Wilder to approve the Agenda as presented. All yeas, motion carried.

Motion by Fowler, second by Swabb to approve the Regular Council Meeting Minutes of May 4, 2021. All yeas, motion carried.

Manager Keaton reported the Brush Chipper that we received Montgomery County Solid Waste Recycling Grant funding for is on the Ohio State Term Schedule (STS). The quote from Ohio STS is \$3,330 less than the quote received from Sourcewell. With the decrease in the costs for the Brush Chipper, the freight will be included on the used oil tank. Manager Keaton reported a Brush Chipper, similar to our old one, recently sold on Gov Deals for \$23,600. This would more than cover our costs for the new equipment. Manager Keaton requested Council authorization to purchase a BC1500 Brush Chipper at a cost of \$59,280 through Ohio STS and to declare our current BC1400 Brush Chipper as surplus property to list on GovDeals.

Member Fowler suggested we set a reserve on the Brush Chipper that we list on GovDeals.

Mayor Letner advised a reserve is usually not necessary as most entities see a good return on their investment.

Manager Keaton advised GovDeals automatically extends the auction if there is a bidding war going on near the end of the auction. Manager Keaton suggested setting a reserve of \$15,000 to cover our costs on the new chipper.

Motion by Schreier, second by Fowler to authorize Manager Keaton to purchase a BC1500 Brush Chipper at a cost of \$59,280 through Ohio STS and to declare our current BC1400 Brush Chipper as surplus property to list on GovDeals, with a reserve of \$15,000. All yeas, motion carried.

Fire Chief Fletcher presented the 2020 EMS Provider of the Year Award to EMT Craig Wilson; 2020 Firefighter of the Year to FF/EMT Kyle Sewert and 2020 Officer of the Year to Captain Mike Hensley. Fire Chief Fletcher expressed his appreciation and pride in each of the recipients and thanked their families for supporting them.

Mayor Letner congratulated each of the recipients and thanked them for representing the City so well. Mayor Letner stated it is a privilege to have them as part of our staff and thanked the entire Fire Department for everything that they do for the City.

Manager Keaton reported the Agreement between the City of Brookville and Brookville Local Schools which established a School Resource Officer (SRO) in 2018 expires on July 31, 2021. Brookville Schools and City Staff would like to continue with the School Resource Officer. If Council authorizes continuation of this program, a new Agreement will be drafted that will be identical to the expiring contract where the City pays 60% of the wages and benefits and Brookville Local Schools pays 40% of the wages and benefits of the SRO. Manager Keaton asked if Council wants Staff to prepare a new three-year Agreement with the same terms and conditions?

Member Zimmerlin suggested we renew the contract on an annual basis until we are more stable financially. Member Zimmerlin inquired whether Brookville Schools would be willing to pick up more than the current 60% ratio?

Manager Keaton stated she can discuss this with Superintendent Hopkins.

Member Fowler asked what the time ratio is between the SRO being at the school versus being on the streets?

Police Chief Jerome reported when Brookville Schools wanted to put a private security force due to the increase in school shootings and violence, the salary ratio was established by what they had budgeted to for security. Regarding the time ratio, the SRO is at the school most of the day but does leave to respond to calls. Police Chief Jerome stated we would almost lose a day shift officer because of the investigations he does during the day. In the summer, he works a split shift which eliminates a lot of overtime. Police Chief Jerome stated he is an advocate of the SRO program and feels it is very beneficial to our kids and our community.

Member Fowler asked what the City's current cost is for the SRO?

Finance Director Brandt replied the 3-year contract has saved the City approximately \$87,000 from a total of \$219,000. There are still three months that have not been billed. Covid did affect the contract somewhat as the SRO was picking up day shifts when the school was closed.

Member Zimmerlin stated he is a supporter of the SRO program but thinks we should try to negotiate the ratio and change to a one-year contract until we are financially more solvent.

Member Fowler suggested we pay 40%, with the School picking up 60%.

Manager Keaton stated she will reach out to Brookville School Superintendent Tim Hopkins, and report back to Council at the next meeting.

Manager Keaton reported earlier this year, the City installed sanitary sewer across Johnsville-Brookville Road to service property owners on the west side of Johnsville-Brookville Road. We recently received OEPA approval for a sanitary sewer line to be installed on three vacant parcels on Johnsville-Brookville Road. Due to the depth and the invert grade of the sewer line, Staff felt this should be a project the City administers and invoice the property owners based on their frontage, and the property owners agreed. Manager Keaton stated she sent RFP's to five contractors and we received three proposals. Proposals ranged from \$35,985 to \$98,000. Manager Keaton requested Council accept the proposal from Associated Excavating, Inc. as the lowest and responsive proposal for this project.

Motion by Zimmerlin, second by Fowler to accept the proposal from Associated Excavating, Inc. as the lowest and responsive proposal for this project. All yeas, motion carried.

Manager Keaton reported we received our Notice to Negotiate with the Ohio Patrolmen's Benevolent Association. Negotiations will soon begin on a Reopener of the OPBA Agreement as it relates to Article 21, Wages.

Manager Keaton reported the City's two levies that appeared on the May 4 ballot were defeated, the park levy by 169 unofficial votes and the street levy by 154 unofficial votes. Manager Keaton provided Council with a breakdown of each levy vote by precinct. Manager Keaton advised we should be receiving our certified vote count soon.

Manager Keaton provided Council with a list of items to consider since the levies did not pass. Manager Keaton inquired whether Council would like to discuss these items this evening, or schedule a Work Session in early June so they have time to look over the information?

Member Zimmerlin commented we have had two failures of the park and street levies. Council will need to make a combination of cuts in order to build up our General Fund. Member Zimmerlin stated we need to ensure we have enough in our reserve funds to cover any unexpected or emergency expenditures. Member Zimmerlin stated we have done well at cutting back and still

providing the same level of service. However, if residents do not feel the pinch, there is no motivation to vote for a levy.

Member Fowler asked if dollar figures can be provided for the items to consider?

Mayor Letner advised a work session is needed to discuss these items.

The consensus is to hold a Work Session at 6:30 p.m. on June 15, 2021, prior to the Council Meeting.

Manager Keaton provided Council with a Memorandum on what we may use our Coronavirus State & Local Fiscal Recovery funds on. The Interim Final Rule was released last Tuesday, and we continue to watch webinars and read bulletins to obtain clarity on what these funds can be used for. Manager Keaton asked Council to review the Memorandum for discussion in more detail at a June Council Meeting.

Manager Keaton reported we are experiencing leaks in the roof at our building at 401 Albert Road. Four contractors have been out to look at the roof and she is waiting on proposals from all contractors.

Manager Keaton reported last week, she and Zoning Officer Snedeker met with the Operations Manager and the HR Manager for the Brookville DMAX Plant. They are tentatively scheduling an Open House for Sunday, September 26 in the afternoon. Manager Keaton advised she will keep Council updated on the details of the Open House.

Manager Keaton reported engineering is nearing completion on the Hay Avenue Roadway Improvements Project. We are looking to schedule an informational Open House with the property owners in June.

Mayor Letner called for a motion to open the Public Hearing to consider proposed Ordinance No. 2021-05 which would amend the zoning code 1123.03(b)(2) and 1125.03(b)(2).

Motion by Fowler, second by Zimmerlin to open the Public Hearing to consider proposed Ordinance No. 2021-05. All yeas, motion carried.

Clerk Duncan announced this Public Hearing is to consider the adoption of proposed Ordinance No. 2021-05, which amends the Codified Ordinances of the City of Brookville, Ohio, Section 1123.03(b)(2) and Section 1125.03(b)(2) to establish the required rear yard for the R-1B and R-1C zoning districts in the City of Brookville, Ohio.

Clerk Duncan stated a Legal Notice was published in the May 5 and May 12 editions of the Brookville Star advising of the Public Hearing. She did not receive any inquiries regarding this Public Hearing.

Clerk Duncan inquired whether any Council Member needs to abstain from participating in this Public Hearing? No one indicated they needed to abstain.

Law Director Stephan reported proposed Ordinance 2021-05 will amend the required rear yard for the R-1B and R-1C zoning districts as recommended by Planning Commission. The City of Brookville currently has three single-family housing districts- R-1A, R-1B and R-1C. The current required rear-yard in all three districts is 40 feet. However, the minimum lot size in these districts decreases as you go from R-1A to R-1C. In R-1A, the lot size is 12,500 square feet, it is 10,000 square feet in R-1B and 8,400 square feet in R-1C. The proposed Ordinance will reduce the required rear yard to 35 feet in R-1B and 30 feet in R-1C. This reduction of the required rear yard will permit larger single-family homes to be built in the R-1B and R-1C lots without a variance. Law Director Stephan stated over the last few years, we have had a number of requests for variances, based on the property owners wanting to build larger homes on these lots. Law Director Stephan stated to compare, Englewood has three single-family districts, with setbacks that decrease for each district; from 40 feet to 35 feet to 30 feet as we are proposing. Vandalia has four single-family districts with 35-foot setbacks in each district. Law Director Stephan stated Planning

Commission is recommending Council approve the proposed Ordinance, to allow larger homes to be built on lots in these zoning districts.

Mayor Letner asked for any proponents or opponents to the proposed Ordinance to indicate if they would like to testify. There were none.

Motion by Fowler, second by Crane to close the Public Hearing. All yeas, motion carried.

Mayor Letner called for a motion to open the Public Hearing to consider proposed Ordinance No. 2021-06 which would amend the zoning code, sections 1157.01 and 1157.10.

Motion by Zimmerlin, second by Schreier to open the Public Hearing to consider proposed Ordinance No. 2021-06. All yeas, motion carried.

Clerk Duncan announced this Public Hearing is to consider the adoption of proposed Ordinance No. 2021-06, which amends the Codified Ordinances of the City of Brookville, Sections 1157.01 & 1157.10 regulating solar energy equipment.

Clerk Duncan stated a Legal Notice was published in the May 5 and May 12 editions of the Brookville Star advising of the Public Hearing. She did not receive any inquiries regarding this Public Hearing.

Clerk Duncan inquired whether any Council Member needs to abstain from participating in this Public Hearing? No one indicated they needed to abstain.

Law Director Stephan reported the proposed Ordinance will revise our regulations regarding solar energy equipment as recommended by Planning Commission. We currently allow solar energy equipment in residential and commercial properties as an accessory use. The current ordinance allows solar energy equipment in residential districts in the rear yard, but not in the rear yard setback. This means it is impossible to locate ground mounted solar energy equipment on many properties in the rear yard without a variance. The new provisions would permit ground mounted solar energy equipment in the rear yard and would be set back a minimum of ten feet from all lot lines. In residential districts, the ground mounted solar energy system could not exceed six feet in height. In a commercial or industrial setting, the ground mounted solar energy system shall not exceed 25 feet in height or the maximum height of the building, whichever is less. If located next to or adjacent to a residential property or residential zoning district, the maximum height would be six feet. The proposed ordinance requires that the energy systems be screened from any adjacent lot lines by a fence, wall, landscaping or a combination thereof. Ground mounted solar energy systems shall not be positioned so as to reflect sunlight onto the neighboring property, public streets or sidewalks, including any neighboring structures. The total area of the ground mounted solar energy systems shall not exceed more than 15% of the rear yard area in residential districts. The proposed ordinance includes provisions for roof mounted solar energy systems, which would be permitted on any roof that does not face the street. They can be integrated into the roof structure. If they are not integrated into the roof structure, they cannot extend vertically from the roof structure more than 8 inches. Roof mounted solar energy systems would have to provide design review and structural certification signed by an engineer. Law Director Stephan stated these are the major provisions in the proposed Ordinance which were recommended by Planning Commission who requested it be submitted for public review.

Mayor Letner asked for any proponents or opponents to the proposed Ordinance to indicate if they would like to testify. There were none.

Motion by Fowler, second by Schreier to close the Public Hearing. All yeas, motion carried.

Mayor Letner called for a motion to open the Public Hearing to consider proposed Ordinance No. 2021-07 which amends the zoning code 1103.03.

Motion by Zimmerlin, second by Fowler to open the Public Hearing to consider proposed Ordinance No. 2021-07. All yeas, motion carried.

Clerk Duncan announced this Public Hearing is to consider the adoption of proposed Ordinance No. 2021-07, which amends the Codified Ordinances of the City of Brookville, Section 1103.03, which defines the building line, setback line and yard.

Clerk Duncan stated a Legal Notice was published in the May 5 and May 12 editions of the Brookville Star advising of the Public Hearing. She did not receive any inquiries regarding this Public Hearing.

Clerk Duncan inquired whether any Council Member needs to abstain from participating in this Public Hearing? No one indicated they needed to abstain.

Law Director Stephan reported proposed Ordinance No. 2021-07 will amend the definition for building line, setback line and yard. The essence of this ordinance is that we are essentially changing how we measure setbacks. We currently measure setbacks from whatever portion of the structure extends furthest into the setback. Most communities measure from the foundation. This change would allow larger homes to be built on the same size lots without a variance. We have had many incidents recently where property owners want to build larger homes and we have had a lot of requests for variances. In some of those instances we would not have needed a variance if we were measuring from the foundation. This ordinance has been reviewed with Planning Commission and they have made an initial recommendation to present the proposed ordinance and have this Public Hearing.

Mayor Letner asked for any proponents or opponents to the proposed Ordinance to indicate if they would like to testify. There were none.

Motion by Fowler, second by Wilder to close the Public Hearing. All yeas, motion carried.

Motion by Zimmerlin, second by Swabb to return to Regular Session. All yeas, motion carried.

Manager Keaton reported engineering is nearing completion on the Walnut Street Waterline Replacement Project. We are meeting with the OPWC Committee to modify this project. During field work on the project, it was decided not to replace the waterline beyond the current Walnut Street dead-end as it does not need replaced. Instead, we are requesting to install a new 8" waterline on Salem Street between Walnut Street and the bikeway to connect with a large waterline on the north side of the bikeway. This modification will increase flow throughout the area. Manager Keaton advised Council has a map outlining the location change. Manager Keaton reported the estimated cost increase for this change is \$30,000 and if prices come in lower than expected, we can use OPWC funds on some, or all improvements on Salem Street. Manager Keaton reported this is a good move as it would have been too small of a project to do just that portion of Salem Street. This move also ends the upgrades to the bigger water lines.

Manager Keaton reported Request for Proposals were sent out for appraisal services for the Mitigation Grant for 320 S. Wolf Creek Street and are due on June 4.

Manager Keaton reported engineering is complete on the drainage issue on Albert and Westbrook Roads. The engineers estimate for the drainage improvements are \$39,702.50. This project should be completed before we resurface E. Westbrook Road. Manager Keaton reported we may be able to use some of our Fiscal Recovery funds on this project.

Manager Keaton reported we are currently advertising for bids for the Golden Gate Park Walking Path CDBG Project, which will be opened on May 25.

Manager Keaton reported Rumpke routes were delayed both this week and last, as Rumpke is experiencing the same issue as other businesses, with employees not showing up for work. With Department of Transportation regulations on overtime for their drivers, it has been a challenge that

they continue to work on. Manager Keaton reported she will continue to follow up with them on a regular basis and keep Council updated.

Member Fowler inquired about the amount of the CDBG grant for the walking path?

Manager Keaton replied the grant is for 70%, with the City paying 30%.

Member Fowler stated we may have to revisit that as well.

Finance Director Brandt had no report.

Police Chief Jerome reminded Council that next Wednesday evening, the motorcycle riders will arrive at Amvets between 4:00 p.m. and 5:00 p.m. and the Brookville High School Senior Parade is at 6:30 p.m.

Law Director Stephan had no report.

Mayor Letner had no report.

There was no Old Business.

There was no New Business.

Member Fowler, Park Board Liaison, stated he was unable to attend the meeting but was informed the new Caretaker was present at the meeting.

Manager Keaton reported Pamela Miller has moved into the Golden Gate cabin and started her new position as Golden Gate Park Caretaker.

Member Zimmerlin inquired whether funds are still being raised to construct the gaga ball pit?

Manager Keaton reported the project was recently approved by the Boy Scout Council, and fundraising has begun. Manager Keaton reported she has the address if anyone would like to donate to the project.

Member Schreier, Planning Commission Liaison, had no report.

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



Kimberly Duhean, Clerk



Charles Letner, Mayor