

Brookville City Council
Regular Meeting
October 19, 2021

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on October 19, 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, Requarth, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher, and Police Chief Jerome were present. Clerk Duncan was absent.

Roll Call by Acting Clerk Brandt.

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

Motion by Requarth, second by Fowler to approve the Regular Council Meeting Minutes of October 5, 2021. All yeas, motion carried.

Chief Jerome recognized Police Officer Hanson on his much-deserved retirement. Chief Jerome stated John has worked 16 years for the City and 17 years with Clay Township as a Police Officer.

Manager Keaton reported she provided a brief overview of the three Issues that are on the November 2 ballot for city residents.

- Issue 2 is an additional tax for the benefit of the City of Brookville for the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges. This levy will allow the City to restore our annual street resurfacing program and provide matching funds for grants to repair streets. This levy will generate approximately \$474,447 annually. Residents can also get on the Montgomery County Auditor's website, under property search, and look up their parcel to see how much the levies will cost them.
- Issue 3 is the referendum on Ordinance No. 2021-04. Ordinance No. 2021-04 amends the zoning classification of part lot 1743 in the City of Brookville.
- Issue 15 is an additional 2.5 mill levy for the purpose of capital improvement funding for Fire and EMS services. Issue 15 is for residents of Perry Township, which includes residents of the City of Brookville south of Westbrook Road. The levy proceeds will benefit both Brookville and New Lebanon Fire Departments.

Manager Keaton reported the Chamber's Christmas Tree Lighting is scheduled for Wednesday, December 1 beginning at 6:30 p.m. The tree lighting has a new location, Gruenig Park, next to Bible Baptist Fellowship. They are requesting the streets at Market and Wolf Creek, Market and Sycamore and Walnut at Main be closed off during the event.

Motion by Requarth, second by Zimmerlin to approve the road closures as requested for the Christmas Tree Lighting. All yeas, motion carried.

Manager Keaton requested Council adopt proposed Resolution No. 21-30 that is under New Business this evening. This proposed Resolution declares the necessity of constructing, replacing, or repairing sidewalks, curbs, and gutters in the first phase of the Hay Avenue Reconstruction Project. This Resolution requires the property owner to replace their curbs and sidewalks within 31 days after they receive notice from the City. All property owners have been instructed that this Resolution is a necessity to begin this project and they were encouraged not to replace on their own as the City gets a better rate with bidding the project out and the curbs and walks will look more uniform.

Manager Keaton requested Council adopt proposed Ordinance No. 2021-15, which approves and adopts the 2021 Replacement Pages to our Codified Ordinances. The reason for this Ordinance to be adopted as an emergency measure is for the immediate necessity to approve and distribute current Replacement Pages to the Codified Ordinances to facilitate administration, daily operation and avoid practical and legal entanglements.

Manager Keaton provided an update on various projects. This afternoon, Metro Fibernet LLC dropped off their required permits and payment to build a fiber optic network to provide services to our residents and businesses. Their permit shows a start date of November 8, 2021 with an estimated completion date of June 15, 2022.

Manager Keaton reported Finfrock Construction will move materials and their equipment in this week to begin replacing the watermain on Walnut and Salem Streets. That project should take approximately six to eight weeks to complete.

Manager Keaton reported a pre-construction meeting on the Hay Avenue Reconstruction Project was held on October 6. Brumbaugh Construction is scheduled to begin that project after the first of the year.

Manager Keaton reported on the Safe Routes to School Project, the bids are scheduled to be opened on or around January 13, 2022, with construction anticipated to start May 13, 2022. The projected completion date is August 14, 2022.

Manager Keaton announced following the last Council Meeting, Chief Fletcher and she received an email that our SAFER grant application was not approved.

Manager Keaton reminded Council that Pak-Rite's ribbon cutting is tomorrow at 1:00 p.m.

Finance Director Brandt reported she is requesting Council accept the first reading and dispense with the second and third reading and adopt proposed Resolution No. 21-31 that amends the 2021 Appropriations and Estimated Resources. This Resolution shall take effect immediately after passage of this Resolution as provided in Section 4.07(A)(1) of the Charter of the City.

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 21-31. All yeas, motion carried.

Motion by Schreier, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-31 entitled "A RESOLUTION AMENDING THE 2021 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE, AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW." All yeas, motion carried.

Finance Director Brandt reported the Ohio Bureau of Workers' Compensation has approved a 10% rate reduction for public employers. This means those entities will pay approximately \$17 million less in Workers' Compensation insurance premiums. This rate cut will become effective on January 1, 2022.

Finance Director Brandt reported we received two notifications in our office from the Ohio Division of Liquor Control, one for Speedway North and the other for Speedway South. The notices are advising the Legislative Authority, or City Council, that applications were submitted for change in LLC Membership Interests. The previous list of managing members and all persons with a 5% or greater membership or voting interest in the LLC, was MPC Investment LLC, Timothy Griffith-President, Glenn Plumby-Executive Vice President, and David Ball. The revised list of managing members and all persons with a 5% or greater membership or voting interest in the LLC is revised to SEI Speedway Holdings, LLC, Timothy Griffith-President, Glenn Plumby-Executive Vice President, David Ball-General Counsel Secretary, and Carina Duffy-Treasurer.

Finance Director Brandt stated Council, by motion, can request a hearing on the advisability of issuing the permit and request that a hearing be held either in our County Seat or in Columbus, or Council can choose to not request a hearing.

Motion by Schreier, second by Zimmerlin to waive the right to object to the change in LLC Membership Interests for Speedway LLC located at 799 Arlington Road and 926 Arlington Road. All yeas, motion carried.

Finance Director Brandt commented that she would like to schedule a Budget Work Session for December 7 at 6:00 p.m., prior to the regular Council Meeting that evening.

The consensus of Council is to hold the 2022 Budge Work Session on December 7 beginning at 6:00 p.m.

Chief Fletcher reported that he had no luck finding another entity interested in taking on the CERT program. Therefore, he asked that Council authorize the City Manager to repurpose the CERT vehicle to another city department, or potentially sell the vehicle on GovDeals if there is no interest within the city.

Fire Chief Fletcher reported Police and Fire are in the process of a CAD cutover, which is the computer that communicates with us and controls everything we do in the dispatch process. There is an upgrade to that software. They are in the middle of that cutover right now. Fire Chief Fletcher stated he was in training with his personnel, between their records management system and the CAD cutover, and new personnel, it is hard to find an aspect of what they do as a Fire Department. They have a lot of change currently going on. One of the positives with the CAD cutover is he can see and communicate better with neighboring districts in Montgomery County.

Fire Chief Fletcher stated he was unable to provide a report for the previous month as he had hoped with upgrading our system. Fire Chief Fletcher stated he was able to see that 87% of calls are EMS related.

Fire Chief Fletcher reported we were not awarded a SAFER grant this year. Fire Chief Fletcher stated we are looking into hiring a professional grant writer. The professional grant writer has successfully acquired federal, state, local and corporate grants for multiple public safety agencies throughout Ohio. The professional grant writer will provide us grant writing assistance for the purchase of SCBA equipment and a SAFER grant application in 2022.

Motion by Zimmerlin, second by Fowler to recess the Regular Meeting for a Public Hearing on proposed Ordinance 2021-14. All yeas, motion carried.

Mayor Letner announced the Public Hearing is a combined meeting with Council and Planning Commission on proposed Ordinance No. 2021-14, an Ordinance to amend the zoning classification of part lot 2174.

Acting Clerk Brandt stated certified letters of the Public Hearing were mailed out to nine property owners adjacent to part lot 2174. A Legal Notice was published in the October 6 and October 13 editions of the Brookville Star advising of the Public Hearing. A notice of the Public Hearing was also published on the City's website. The City Office received one phone call inquiring where the rezoning is located, and this resident had no objection. No one stopped in the City Office to review the proposed Ordinance.

Law Director Stephan announced part lot 2174 is a 53.567-acre parcel located on West Campus Boulevard in the City of Brookville. The owner of the parcel, RJ Property Holdings LLC, has filed an application for rezoning from Highway Service District to I-2 General Industrial District. The proposed rezoning would permit industrial uses on this property. General Motors has an option to purchase this property and this rezoning is a necessary precondition to General Motors exercising the option and purchasing the property for future industrial use. Across the street from the parcel is lot 2652 which was purchased by General Motors in 2019 and where they have constructed an industrial facility. The City Staff recommends this rezoning, to permit industrial use, and promote future development of the property by General Motors.

Law Director Stephan announced that anyone wishing to provide testimony in this Public Hearing will need to be sworn in.

Law Director Stephan administered the Oath of Witness to David Tigges of General Motors Real Estate Group, 300 Renaissance Center, Detroit, Michigan 48265.

Mr. Tigges stated that General Motors is looking to rezone lot 2174 to I-2, which would be the same industrial zoning as the other property that GM purchased next to the 2174 parcel. This rezoning is a precondition for General Motors to purchase the property therefore it is very important that we are able to rezone the property. He stated that General Motors is currently doing their due diligence on the land to determine whether or not General Motors wants to proceed with exercising their option to purchase.

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

Police Chief Jerome reported the Police Department is getting ready for the 2022 budget. Overall, the chip issue is affecting us as well when it comes to purchasing a new cruiser as it is affecting everyone as well. Things are difficult to get right now with parts and supplies.

Police Chief Jerome reported they obtained a search warrant a week ago on a large marijuana growing operation on Ankara.

Police Chief Jerome reported John Hanson's retirement party was a success. The Police Department is preparing for Ghostly Night Out, we should have a great turnout. Several of our new hires live in the city limits.

Law Director Stephan has no report.

Mayor Letner reminded everyone that Trick-or-Treat is October 31 from 6:00-7:30 p.m.

Mayor Letner also noted two weeks from today is an election, get out and vote.

Member Requarth reported the people that vote at Brookville Schools, will vote in the multi-purpose room instead of the gym.

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 21-27. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the third reading and adopt proposed Resolution No. 21-27 entitled "A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR." All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 21-30. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 21-30 entitled "A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING, REPLACING OR REPAIRING CERTAIN SIDEWALKS, CURBS AND GUTTERS IN THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Ordinance No. 2021-15. All yeas, motion carried.

Motion by Fowler, second by Requarth to accept the first reading, dispense with the second and third reading and adopt proposed Ordinance No. 2021-15 entitled "AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Member Fowler, Park Board Liaison, reported there was a lot of discussion on the Christmas in the Park event. Park Board also heard a request to hold a Country Concert in Golden Gate Park in September 2022 that is for first responders and military. They are working out the details for that event. The Chamber of Commerce has been discussing planting a live pine tree in Gruenig Park. They should be getting that in the next few weeks.

Member Schreier, Planning Commission Liaison, had no report.

Motion by Zimmerlin, second by Schreier to go into Executive Session under ORC 121.22(G)(8) to consider confidential information of an applicant for economic development assistance that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project and finding that the Executive Session is necessary for protection of the interest of the applicant. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to go into Executive Session under ORC 121.22(G)(8) to consider confidential information of an applicant for economic development assistance to be made under Ohio Revised Code 5709.40 to 5709.43 and finding that the Executive Session is necessary to protect the interest of the applicant. All yeas, motion carried.

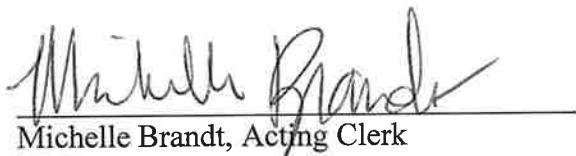
Motion by Wilder, second by Schreier to go into Executive Session under ORC 121.22(G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee and finding the Executive Session is necessary to protect the interest of the applicant. All yeas, motion carried.

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

Motion by Schreier, second by Zimmerlin to authorize the expenditure of public funds to provide information to the public on election issues in an amount not to exceed \$2,300 pursuant to Section 9.03 of the Charter. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to approve an amendment to the Development Agreement with GM, LLC., and to authorize the City Manager to execute that agreement. All yeas, motion carried.

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



Michelle Brandt, Acting Clerk



Charles Letner, Mayor