

Brookville City Council
Regular Meeting
September 7, 2021

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on September 7, 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, and Fire Chief Fletcher. Police Chief Jerome was absent.

Roll Call by Acting Clerk Brandt.

Member Zimmerlin commented the Agenda should be amended to add the appointment of a Planning Commission Member.

Motion by Zimmerlin, second by Crane to approve the Agenda with an amendment to add the appointment of a Planning Commission Member. All yeas, motion carried.

Mayor Letner advised there is no approval of Minutes on the Agenda this evening due to the Leave of Absence of our Clerk of Council.

Mayor Letner announced the Citizen of the Month for the month of September is Mr. Wayne Wolfe. Mayor Letner stated to say that Wayne is the man, no one doesn't know Wayne. He's been stable here in town for 47 years. Wayne is instrumental and spearheaded the blood drive campaign in our community, from moving locations to finding a forever home for the blood drive in the Leiber Center. Mayor Letner read the Proclamation aloud. Mayor Letner congratulated Mr. Wolfe.

Manager Keaton announced since our Clerk of Council is out on medical leave, we have several items that need to be signed by the Clerk of Council, so she is requesting Council appoint Michelle Brandt as Acting Clerk until our Clerk of Council returns from leave.

Motion by Schreier, second by Wilder to appoint Michelle Brandt as Acting Clerk. All yeas, motion carried.

Manager Keaton presented an update on the RETREET program; the tree planting effort that was scheduled for September 25 in Brookville for those residents impacted by the 2019 Memorial Day tornado, will be delayed until Spring 2022 due to the rise in COVID cases both locally and nationally. Sometime during the week of October 4, a few tornado-impacted homes in Brookville will receive new trees and yard signs that will encourage neighbors to request trees be planted at their homes during future planting events. In addition, RETREET is also spearheading tree debris removal and maintenance efforts for families who need assistance, especially in anticipation of replanting new trees. This information is posted on our website.

Manager Keaton reported five applications were submitted to the Ohio Department of Development for the HB 168 Water and Sewer Program that she reported on last month. These same applications were also submitted to Montgomery County Engineers for their consideration in ranking projects. On August 27, she received an email from the Montgomery County Engineers Office that they prioritized projects, and Brookville was fortunate to have one of our five projects, the Wall Street Waterline Replacement Project, receive a priority level 8 out of 10 projects. Hopefully, we will receive information soon if any of our projects are funded.

Manager Keaton reported the awning at the Brookside Plaza has been repaired.

Member Requarth replied to Keaton, what's our share if our projects get funded?

Manager Keaton replied, on the Wall Street Project? Our matching is \$5,000 out of our Water Fund. Manager Keaton replied she provided a breakdown of the five projects and what our match would be either out of the Water Fund or the ARPA Fund.

Finance Director Brandt presented the August Fund Balance for Council review and approval.

Member Fowler inquired, when was the last time we received a check from Provimi?

Finance Director Brandt responded that we are still receiving money from them. Member Fowler asked when their lease is up?

Manager Keaton responded the lease on the building is up in October.

Motion by Requarth, second by Fowler to approve the August 31, 2021 Fund Balance as presented. All yeas, motion carried.

Member Zimmerlin replied with a question on income tax, with a lot of folks working from home due to Covid, what impact will that have on us, potentially? Withholdings, where people can request refunds and things like that?

Manager Keaton replied that she would reach out to the City of Vandalia to see if they began looking into this.

Member Zimmerlin replied, has the emergency order expired?

Manager Keaton responded, the emergency order expired, but employers are still required to withhold income tax as if they were working from the work site until December 31, 2021. Manager Keaton stated that legislators are in deliberations about allowing employers to withhold from employee's place of residence if they are working from home. Manager Keaton stated she will research this and provide an update to Council.

Fire Chief Fletcher reported they have been extremely busy, not expecting it to slow down any time soon. Fire Chief Fletcher stated he pulled two tables out from his five-year capital improvement plan that they've operated under for some time. The two pieces that you see, the one that's bannered in red is what we call a typical year for fire apparatus. There's nothing binding that says we can only run something into 15 years frontline and another 5-10 years reserve. It's up to us as a community how long we run apparatus. With that said, these are the recommendations from our insurance services office on what kind of life expectancy should be looked at for these types of vehicles. Fire Chief Fletcher goes on to say, if you look at the second table, the blue banner, it highlights yellow, blue and red. Those are the three pumping pieces of apparatus we have serving the city. We currently have one piece down for a long-term repair. The apparatus will be down for as long six weeks or longer. We are currently relying on our two older pieces of equipment to serve our needs. The reason he brings this information to Council is because we have delayed replacement due to lack of capital improvement funds for a year and nine months a fire engine. He has said it before several times, the money, the revenue that comes in for the Fire Department, we can save the money necessary to buy new ambulances when we need to, but we lack the amount of capital revenue to replace a fire truck when we need to replace fire trucks. Several years ago, we found a used fire truck when the need was there versus a new one, and we've had good success with that. Right now, we're depending on that used piece as one of the two that's currently protecting the city. We have been saving in anticipation of the ladder truck coming available potentially from the City of Englewood. We still believe that to be the case. We're probably one year out on that ladder truck replacing an engine. Over the last three weeks we have looked in earnest of finding a quality engine that we can add to our fleet. A brand-new fire engine to meet our needs would be about \$650,000. That is several hundred thousand dollars more than we have available. Certainly, more than I would recommend, simply because he believes we can identify a used pumper that will meet our needs for the foreseeable future. The foreseeable future being easily 10 years plus window. I've been working with the Manager and Finance Director to identify exactly what we could comfortably do and not put ourselves in a position where we still don't have capital money held in reserve. Chief Fletcher goes on to say that the only issue is this is not something that we had upfront in our 2021 Budget for you to have approved months ago. What we have identified on the second piece of paper is a used pumper tanker, which again serving the areas we serve of hydronated and non-hydronated, we have a special need for a pumper that can do multiple things. It must carry a whole lot of water just because of the areas we protect that do not have fire hydrants. This pumper here certainly meets those needs and would be one that we would add to our fleet. If you look at the one on the blue banner, Vehicle 302, a 1995 pumper, we had

planned on decommissioning that coming up on two years. We are still running that piece. We would decommission this vehicle upon adding a ladder truck to the fleet. The two things that this would do for us, this would get us the fourth pumping piece that's recommended by ISO, and it would put us in a position to rotate out the oldest pumper when the ladder truck becomes available. Chief Fletcher is asking for an authorization for up to \$170,000 from his Fire Capital Improvement to potentially be utilized on a used fire engine. We still have lots of things that we need to do, and it would include, Blair our Fleet Mechanic and himself traveling to wherever in the eastern United States this vehicle is currently sitting. We will evaluate it just like when we went to Texas and evaluated the engine, we bought several years ago. Chief Fletcher indicated that he and Blair will go through the pumper and make sure it is everything it's advertised to be, and we need it to be. Chief Fletcher stated, what your authorization allows us to do, is give us the flexibility to make an offer that's certainly less than asking price. Also, it puts us in a position where he could get the City Managers authorization for us to put a deposit on the vehicle and hold it, if its something that we want.

Mayor Letner asked what is the maintenance cost on some of his older fleet?

Fire Chief Fletcher replied, he doesn't know the exact number when it comes to maintenance cost, but we have gone through the budget for the fire trucks earlier than we originally anticipated. Chief Fletcher went on to say that normal maintenance like oil changes, tires, etc. can be predicted and budgeted for, but major repairs cannot.

Mayor Letner asked Chief Fletcher for a ballpark figure.

Finance Director Brandt replied, its probably close to \$12,000.

Member Requarth inquired, the fire truck that is in the shop for repair, that's currently our frontline vehicle?

Fire Chief Fletcher replied yes that's our frontline vehicle and it's in the repair shop because it has some damage from when it went into the ditch on Upper Lewisburg Salem Rd. Those repairs are being covered by insurance. He brought that piece up because he's been without it for a significant amount of time and whenever that happens our older apparatus becomes the frontline vehicle which makes us vulnerable, and our fleet stand out. At one point, out of our three pumping pieces, the two newest ones were out of service, and we were depending every day on the 1995 pumper as our only pumping piece in town.

Member Zimmerlin, responded you have two pumbers operating?

Fire Chief Fletcher replied yes, we have two operational, the 2000 and the 1995 pumbers are both in service as we speak.

Member Crane inquired, so on the ladder truck you are talking about from Englewood, do you have a price on that? Are we looking at the 2022 budget?

Fire Chief Fletcher replied, yes this would be a 2022 budget item and there would be a dollar amount we do not exceed. Englewood and especially Manager Smith has been very good and gracious to work out very favorable opportunities for apparatuses.

Member Requarth inquired on the 2000 pumper, ideally you would decommission that in 2025; we really don't have a new pumper truck, or do we?

Fire Chief Fletcher replied, since about 2008, he would say the Fire Department's ability to meet the operational needs with the money that we have and save for the last 12 years, we've been able to save enough money to replace the ambulances when the need is there. It's again the ability to save \$650,000 that is unrealistic, given the money that we have available to us.

Member Requarth responded with, how much money do we have in the Fire Capital Improvement Fund for the Fire Department?

Finance Director Brandt replied, approximately \$277,000.

Member Requarth commented we wouldn't totally liquidate the funds with this purchase.

Member Zimmerlin wanted to know if they authorized this transfer would the Fire Department maintain all four until the aerial? Why would we do that?

Fire Chief Fletcher replied, there's a couple things that our Capital Improvement plan takes into account. If you look where it says, ISO recommended apparatus additions where there's two asterisks at the bottom, ISO has identified that there are two things we lack in our community, and our ISO ratings are based upon what you try to protect and what they recommend you have. Where we leave points on the table is we do not have an aerial device, so we are penalized points on our score for that. We don't have a fourth pumping piece. The ladder truck we are looking at from Englewood is what is known as a Quint, it can do five different things and in a pumper category, it gets to count as a pumper, in the ladder category it gets to count as a ladder truck. With that the ladder truck and three pumbers is four pumping pieces. So, if we add this piece now and the value of just getting rid of Vehicle 302, just so we stay at three pumping pieces is not worth what it will be worth to us, just to hold it and have four pumping pieces. First, from an ISO standpoint and secondly, its still an old fleet, we still have the ability that if he has two pumbers broke down then he still has two available versus the one. That would be the rationale behind holding on to Vehicle 302 until we get a ladder truck.

Member Zimmerlin responded, so if we do have an opportunity for an aerial device and we were ready to move on from Vehicle 302, would that be something we auction off, or would we be looking at one of our neighboring communities like, Verona?

Chief Fletcher replied, for a vehicle of that age, GovDeals would be the most appropriate, not that we wouldn't try to pass on good fortune in a fire engine. Knowing what the neighboring communities have, there would not be a lot of interest in our Vehicle 302.

Member Zimmerlin asked what would GovDeals give us?

Chief Fletcher responded with the last fire engine that we put on GovDeals we received, \$5,500 or \$5,000. The market is flooded with decommissioned fire trucks. From 2008-2013, there were a lot of communities that did not replace their fire apparatus, so starting from 2013 to present day, there has been a lot of turnovers and there's a lot of vehicles that are out on the market. That's why I say the ladder truck from Englewood has been very well maintained and is good but a 1997 ladder truck. There are a lot of trucks for sale with not a huge price tag on them. So, it would not make a whole lot of sense for us to spend a lot of money acquiring a 1997 ladder truck from a neighbor. Chief Fletcher stated, that's why its good for us to do our homework and know exactly what the value of something is. Since Vehicle 302 has been a very well-maintained pumper, he hopes it would bring \$10,000.00 plus on GovDeals.

Member Zimmerlin addressed his last question for Sonja or Michelle, so on financing, is there an ability to finance that, like we did with the ambulance? Member Zimmerlin stated he knows this is used versus new, where we won't have to take the big hit initially?

Manager Keaton replied that is something we can look at; she doesn't feel leasing is an option on a used piece of equipment. Finance Director Brandt can reach out to our current banks that we do business with.

Member Zimmerlin responded just knowing we have some good things coming, but if we we're able to spread that out just a little bit, even like a three or four-year lease.

Member Requarth replied, let's go back to ISO, most people don't know that ISO rating affects fire insurance rates/premiums, especially the industrial sector.

Fire Chief Fletcher replied, yes, your rates are based upon what rating your local Fire Department has earned.

Member Requarth just wanted to point that out, he knows from previous experience. He didn't know if everyone else knew about it. Member Requarth goes on to say that he doesn't think we should finance \$170,000, he knows it sounds like a lot of money but what if we need something on an emergency basis, he thinks we'd be better off financing something like that. He doesn't see paying interest on something that we have the money for.

Member Zimmerlin expressed his interest in maybe looking for something a little newer and that would last us a little longer around the \$180,000-\$190,000 range and we do the financing. He's not sure if there would be more value in doing something like that.

Fire Chief Fletcher replied, you make an excellent point, in our research looking at comparable vehicles that are 2012-2013, the closest one he could find is in the price range of \$350,000, we don't feel like that was the path we needed to go down. There are a hand full of vehicles that are in our price range and check all the boxes that we need to add to the ISO ratings.

Member Schreier inquired on the ISO ratings, would the pumper truck have a better rating or would the aerial device have a better rating, or are they equal in rating.

Chief Fletcher replied, he said he didn't want to say they are equal, but they are in the same categories they are in from the standpoint of when they are scoring us. ISO will come in and look at, what are the pumping pieces that protect this community. They don't care whether it's a fire truck, tanker truck, or a ladder truck. What you have is what you get scored on and then they say now we want to score the aerial devices. Again, they don't care if it's a ladder truck only, whether it's a combination piece that pumps and an aerial device. Some vehicles we earn scores in multiple categories.

Member Crane asked, for ISO is there a certain breaking point where we say, going to another level that the savings just doesn't make sense? He's not sure how it's rated but at some point going to the next level and spending more money to get there may not make financial sense.

Chief Fletcher replied, yes there would be. What happens with your ISO score is your scores are bracketed and so there are class 1,2 or 3 fire departments. If you are an ISO class 1,2 or 3, you get the best insurance rates. The next classification is 4,5, and 6 and the next classification is 7,8, and 9. ISO 1 departments are very few non-fully career ISO departments in the country versus an ISO 9 department is a department that has very little resources, personnel or long travel distances and the only worse number is not having a fire department at all. We are currently an ISO 4 department. We are waiting on our revised numbers from evaluation, and we are not far from an ISO 3. Potentially seeing a significant saving if we were an ISO 3 rated. Chief Fletcher can't speak for insurance carriers because they have a bottom line to protect as well, they do not look for opportunities to give people a break.

Member Crane replied, they are asking \$169,500,00, what would you ask for this unit? What's a fair price?

Chief Fletcher responded if this vehicle truly has 17,000 miles and we can look at it from bumper to bumper, find that it's in the shape that it appears to be from the photos then its worth \$169,500.

Member Zimmerlin asked, would this become our primary and you would move the other one out?

Fire Chief Fletcher responded, what we have right now is depending on where in the community the call is, is the piece that goes out the door first, because the one that goes out the door first to the rural areas is the one that carries the most water. This piece right here can function as both. It would carry the most water of anything we have, and it has the dual role of being able to be that everything. This fleet has spanned a period where the fire department has gone through an evolution. Back when Vehicle 302 was purchased and Vehicle 303, the heavy rescue truck, the Brookville fire department was a predominantly volunteer fire department and would easily put 4,5, or 6 pieces of vehicles on the road for a fire. So, the vehicles could be extremely limited in what they did, you could only have a vehicle that only carried tools, a vehicle that just pumped water and carry a hose. Over time as you evolve from being a volunteer fire department that can

put six vehicles on the road in a timely fashion to being a part staffed department that there are times there's one piece that comes from us because that's what were able to put out the door and on the road. Well that one piece must be equipped to handle whatever the need is. The vehicle must carry water, rescue tools and cribbing that 25 years ago fire engine didn't have to carry. That's why a fire engine is not just a fire engine. This vehicle meets those needs, it doesn't depend on another vehicle to show up for us to be able to do what we need to do. It is a self-sufficient fire engine. Two of our three fire engines are self-sufficient. The 1995 fire truck is from an era that it doesn't have a generator, it doesn't carry a whole lot of water, and it has poor compartmental space. That vehicle met the needs of the fire department at the time it was built in 1995. We're not that fire department anymore.

Member Requarth asked, how many gallons tank is on that 1995 fire truck?

Chief Fletcher replied, 1,000 gallons.

Member Schreier commented so going back to the ISO rating, so the Fire Department currently has two operational pumbers, this would be a third, and to get the other one up and going we would then have four, we would meet the fourth pumper, so that potentially gets us from an ISO class 4 to a class 3?

Fire Chief Fletcher replied, I don't have our revised numbers but please don't let me lead you to believe that we would jump from an ISO 4 to an ISO 3.

Member Schreier responded that's what we want to know, if we buy a pumper truck and a ladder truck, we could potentially spend \$350,000 and not move up a class.

Chief Fletcher replied, there are communities that will utilize and pass a funding levy for the fire department by being able to go and show if you'll approve this levy, it will bring in this much money, but in turn your insurance rates will drop. The problem with that is the fire departments that can do that are the ones that make that jump from a part-time fire department to a full-time fire department. He hasn't broached that conversation with Council because the funding that it would take for us to go and do right now what our part-time guys do full-time is not a realistic number. It does happen in some places, but it would not fit here in his opinion.

Member Requarth questioned, if we would approve to buy this truck and it meets the expectations and later in another year we would acquire the truck from Englewood, we would then decommission the 1995 vehicle?

Chief Fletcher replied, yes that is correct. The plan was to decommission Vehicle 302 two years ago.

Member Zimmerlin responded; we have the funds in our capital budget now?

Finance Director Brandt replied, yes.

Member Wilder asked, is it typical for a 16-year-old fire truck to only have 17,000 miles on it?

Chief Fletcher replied, it just depends on the makeup of the fire truck. Ours at the present time are carrying more miles than our brush truck, it's a 2005 and only has 4,000 miles on it. The only place it's been is the farm fields of Perry and Clay Townships and occasionally mutual aid. Seventeen thousand miles is very low milage for this vehicle. This fire truck came from a volunteer fire department and easily could have been a vehicle that for the first few years ran frontline and then was moved to reserve.

Member Requarth stated that the fire truck also has low hours as well since it only has 1,500 engine hours.

Member Wilder stated that she just did not want it to be sitting in the repair shop all the time.

Chief Fletcher stated it is a Pierce Pumper Tanker, the City has had other Pierce Engines before and they hold their value. There is nothing about this fire engine that scares him from anything he has read about it. We are at the point now where we need to get Council on board and up to speed with fleet and be able to purchase if that is something we want to do.

Member Schreier asked, is the front line back up reserve dates for the fourth pumper realistic numbers 2021-2036? You've got a fifteen-year life span and another nine years this truck will be 41 years old when it's decommissioned?

Chief Fletcher replied, are you talking about the pumper we are trying to purchase?

Member Schreier replied, yes, is that what you have listed as the fourth vehicle on your ISO recommendation paperwork.

Chief Fletcher replied, no. The paperwork is predicting what money is needed over the next number of years that actually took into account purchasing a brand-new vehicle. The vehicle we are trying to purchase, I expect 10 plus years out of it based on the success we have had with the used tanker we purchased seven years ago.

Member Zimmerlin stated, we are looking at around \$16,000 a year essentially with that life span.

Chief Fletcher stated that he wanted to have this talk tonight because he hasn't talked to Council for awhile about the fleet and he knew there would be questions. He stated that Blair Mullins, the Fleet Mechanic, is a huge key as to why the City can get the life out of the fleet that we do. The cost of repairs would also probably be double if we were sending our vehicles to an outside mechanic.

Member Requarth stated the Fire Department gets to run their tires two more years than the school buses.

Chief Fletcher replied that is correct. We have a couple fire engines that are \$450 a tire and there is nothing we can do about it we have to change them every five years. We don't want to take on the liability since fire trucks get in accidents so easily. We don't want to run the risk of blowing a tire and open ourselves up to liability.

Member Fowler asked, do we want to look at lease options?

Chief Fletcher stated, I would ask for you to authorize us enough money to make a deposit. The reason being, we had another pumper that would have been a potential vehicle for us, but it was gone before we could even get to you to discuss.

Member Crane asked, is the deposit refundable?

Chief Fletcher responded, yes.

Mayor Letner asked, how much for the down payment? Five thousand dollars, or ten percent?

Chief Fletcher responded, I would do ten percent.

Motion by Zimmerlan, second by Requarth to authorize the City Manager to make a down payment not to exceed \$17,000 for the 2005 Pierce Pumper. All yeas, motion carried.

Chief Fletcher stated he wanted to thank Bonnie Cordes for including the Fire Department in the flag project like many others in town. The flags will be on display all week for Patriot's Day on Saturday. He encouraged anyone else who has a flag to fly it and not forget what Patriot's Day is all about.

Mayor Letner advised that the Police Chief was absent and that everyone has a copy of his report.

Law Director Stephan advised that Resolution No. 21-26 before Council under New Business is a resolution directing the Board of Elections in Montgomery County to place on the November 2, 2021 ballot a referendum on Ordinance No. 2021-04. Ordinance No. 2021-04 was passed by City Council on August 3, 2021 and amended zoning classification on Part Lot 1743 in the City of Brookville from its present classification of R1-B (PD) Urban Residential Planned Development Overlay district to the new classification of PR Planned Residential district. Under the City of Brookville Charter Section 10.02, there is a procedure for referendum on any Resolution or Ordinance passed by Council except those excluded under Section 4.07 of the Charter, if within 30 days of its passage a petition signed by electors, equal in number to ten percent of the number of votes cast in the last proceeding regular municipal election is filed with the Clerk of Council. A petition for referendum on Ordinance No. 2021-04 was filed with the Clerk of Council on August 27, 2021. This petition was referred to the Montgomery County Board of Elections for verification of the signatures. The Clerk of Council under the Charter is required to provide a certificate to Council of the sufficiency of the petition.

Law Director Stephan read into the record the Certificate of the Clerk of Council. Clerk of Council received on August 27, 2021 a petition for referendum on Ordinance 2021-04 under 10.02 of the Charter of the City of Brookville petition for referendum, signed by elector's equal in number to ten percent of the number of votes cast in the last regular municipal election may be filed with the Clerk of Council within 30 days of the passage of an Ordinance requesting the Ordinance be submitted to a vote of the electors. Ordinance 2021-04 was approved by the City Council on August 3, 2021. The petition was filed within 30 days of the passage of Ordinance 2021-04. The petition was referred to the Montgomery County Board of Elections to determine if the petition contained sufficient, valid signatures. The Board of Elections determined that the required number of signatures to place the petition for referendum on the ballot was 117. The Board of Elections verified 464 valid signatures on the petition. The Board also verified that all members on the committee for referendum and all circulators for the petition were registered electors in the City of Brookville as required by the Charter. The Petition also meets all the requirements of the Charter and applicable State of Ohio laws. Therefore, I am certifying to City Council the petition for referendum on Ordinance 2021-04 is sufficient to be placed on the ballot of City Council. Electronically signed by Kimberly Duncan on September 3, 2021 and approved by the Law Director as to the form of the certificate.

Law Director Stephan asked that Council approve proposed Resolution No. 21-26 tonight and dispense with the second and third readings so that we can immediately transfer this to the Board of Elections. We need to have this there immediately to get it on the Ballot in November. He thanked the Board of Elections for their prompt attention to this and acknowledge that they have a representative here to pick up the Resolution, so again thank you for your assistance.

Mayor Letner asked if there were any questions for the Law Director?

Member Zimmerlan asked if there was a process in these cases that we could accept the petition and say that we agree with the old classification, or whatever issue is at hand and then without it going to the ballot resolve the issue?

Law Director Stephan responded that process is in the initiative process under the Charter, but it is not in the referendum process. We could look at this as a charter amendment. In the initiative process citizens are proposing an Ordinance and then Council has a choice to make under that process which is to either accept that Ordinance or propose modifications back to the citizens or to reject. Then if it is totally rejected it goes to the ballot. This is a different process. You've passed an Ordinance. You said this is your decision and the referendum provides a process for citizens that would like to challenge that decision to put it on the ballot. It's a different process.

Member Zimmerlan stated he understands the cost of sending things to the ballot and knows we already have some issues on the ballot, but in an odd year when there is a lot of noise maybe we want to look at the decision we previously made again.

Law Director Stephan stated he thinks it makes a lot of sense in the initiative context and that he would investigate whether any other entity has it in their referendum process.

Member Schreier asked, based on Resolution No. 21-26 they have met all the requirements, there is no other things that would be gaps they could come back with later, they have met all the requirements with the petition?

Law Director Stephan answered, they met all the requirements, they had sufficient signatures, there were some signatures rejected, but they have sufficient signatures. We want to move forward with this because if we don't get it on the ballot in November, we would probably be looking at May and that is a long time.

Motion made by Requarth, second by Fowler to read proposed Resolution No. 21-26. All yeas, motion carried.

Motion by Requarth, second by Fowler to accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 21-26 entitled "A RESOLUTION DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY TO PLACE ON THE NOVEMBER 2, 2021 BALLOT A REFERENDUM ON ORDINANCE 2021-04." All yeas, motion carried.

Mayor Letner stated that he had the pleasure of swearing in the new Police Captain, Captain Morgan. Captain Morgan was one of three candidates, and it was a close running with all the numbers being close together. We are excited to have him on board.

Mayor Letner read a letter stating "Hey Chief my name is Jeremy Morris and I'm the head coach for the Ohio United 10 fast pitch select softball team out of Lebanon. I'm also a Brookville resident. My Assistant Coach, and I are former law enforcement officers ourselves. We had practice in Brookville last night and had the luxury of meeting one of your female officers. I apologize for not capturing her name (Jessica Moore), but I just wanted to commend her and your department for their continued professionalism and excellence in service. She was driving through Golden Gate Park last night and took the time to stop and introduce herself and play around with the girls for a little bit. I know the girls really enjoyed this, as did the parents themselves, as I received a lot of compliments on the department. Again, I just wanted to take the time to say thank you for your continued leadership and your departments overall excellence to service. We truly do appreciate all you do." Mayor Letner personally thanked Jessica for taking time out of her busy day and interacting with the kids because that is what policing is all about.

Motion by Fowler, second by Zimmerlin to read proposed Ordinance No. 2021-12. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to accept the third reading and adopt proposed Ordinance No. 2021-12 entitled "AN ORDINANCE ADOPTING SECTION 351.16 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO TO PROHIBIT PARKING DURING SNOW EMERGENCIES." Crane yea, Fowler yea, Zimmerlin yea, Schreier yea, Wilder yea, Requarth nay and Letner yea. Motion carried with six yeas and one nay.

Motion by Zimmerlin, second by Schreier to read the proposed Ordinance No. 2021-13. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to accept the third reading and adopt proposed Ordinance No. 2021-13 entitled "AN ORDINANCE ADOPTING SECTION 505.21 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO TO PROVIDE REGULATIONS ON FERAL CATS." All yeas, motion carried.

Mayor Letner stated this evening, Council interviewed two candidates for the vacant seat on the Planning Commission Board and it was a unanimous choice.

Motion by Schreier, second by Wilder to appoint Ronda Dittrick to fill the unexpired term of Jeff Requarth on Planning Commission. All yeas, motion carried.

Member Fowler had no Park Board report.

Member Schreier had nothing to report on the Planning Commission.

Acting Clerk Brandt read aloud an email from Lionel Balcom, of 146 Ashmark Court. He stated feral cats are the best thing that has happened to his yard. Before the feral cats I could not grow anything from seed in my garden or flower beds, the rabbits would eat the plants. The spring after I saw feral cats, I got to see my first crocus bloom. Then I saw other flowers and the seeds I planted in my garden came up and began to grow. It appears the feral cats controlled the rabbit population. As you can see for me, and my yard, feral cats are a good thing.

Motion by Schreier, second by Zimmerlin to go into Executive Session in accordance with 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. All yeas, motion carried.

Mayor Letner called Council back into Regular Session.

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



Michelle Brandt, Acting Clerk



Charles Letner, Mayor