

Brookville City Council
Regular Meeting
April 20, 2021

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on April 20, 2021. The meeting was held in the City Council Chambers and virtually using the Cisco Webex application. Members Crane, Fowler, Schreier, Swabb, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Clerk Duncan, Fire Chief Fletcher and Police Chief Jerome were present.

Roll Call by Clerk Duncan.

The Pledge of Allegiance was recited, led by the Military Order of the Purple Heart Honor Guard.

Mayor Letner read a proclamation designating the City of Brookville, Ohio a Purple Heart City. Mayor Letner thanked the Military Order for coming and accepted a Purple Heart City plaque, stating he will be proud to display it in the City building.

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

Motion by Fowler, second by Swabb to approve the Regular Council Meeting Minutes of April 6, 2021. All yeas, motion carried.

Mayor Letner read aloud a letter from Brookville resident Craig Danks, thanking the Brookville Fire Department and Brookville Police Department for responding to his house the evening of Monday, March 22 when he fell through the drywall attic floor to the concrete garage floor. Mr. Danks specifically thanked Police Officer Jessica Moore, Paramedic Amanda Michel, FF/EMT Megan Vaughn, Lt. Josh Gwin, FF/EMT Chad Wakefield, Captain Mike Hensley, and FF/EMT Andrew Forino who responded to the call. Mr. Danks indicated Police Officer Jessica Moore was known to them as she had stopped while on duty this winter to help his wife shovel snow.

Mr. Danks was present virtually, and thanked Mayor Letner for reading his letter, stating he is so grateful he would not have been able to get through it without choking up.

Mayor Letner commented our Police and Fire Departments are second to none, and he is thankful every day for each and every one of them.

Manager Keaton reported the BBC Opening Day Parade is scheduled for May 8 with lineup beginning at 9:00 a.m. on Carr Drive with the parade beginning at 10:00 a.m. The parade route will be Carr Drive to Cusick Avenue, left on Market Street, right on Wolf Creek Street, right on Arlington Road, right on E. Upper Lewisburg-Salem Road to Golden Gate Park.

Manager Keaton reported the Brookville High School Senior Parade is scheduled for May 26 with the parade beginning at 6:30 p.m. on Carr Drive. The parade route will be Carr Drive to Cusick Avenue, left on Market Street, left on Wolf Creek Street, right on Western Avenue, right on Westbrook Road to Westbrook Park.

Motion by Zimmerlin, second by Swabb to allow Brookville Baseball Club to hold their Opening Day Parade on May 8, 2021 and to approve the parade route as presented. All yeas, motion carried.

Motion by Fowler, second by Swabb to allow Brookville High School to hold the Brookville High School Senior Parade on May 26, 2021 and to approve the parade route as presented. All yeas, motion carried.

Manager Keaton reported during the month of April, the City sold surplus property on GovDeals netting the City \$4,754. Manager Keaton stated since 2008, we have netted just over \$307,000 from the sale of surplus property on GovDeals.

Manager Keaton encouraged everyone to vote on May 4, 2021 as the City has two levies on the ballot. Issue 1 is an additional tax for five years for city parks, which will generate approximately \$118,304 annually and will cost the homeowner with a home valued at \$150,000, \$50.59 annually or \$0.97 weekly. Issue 2 is an additional tax for five years for general construction, reconstruction, resurfacing and repair of streets. This levy will allow the City to restore our Annual Street Resurfacing Program and provide matching funds for grant loans to repair our streets. This levy will generate approximately \$474,500 annually and will cost the homeowner with a home valued at \$150,000, \$202.36 annually or \$3.89 weekly. Manager Keaton stated as the City Manager and previously the Finance Director for twenty years, she would not have recommended that Council put these levies on the ballot if they were not necessary. Manager Keaton assured the citizens of this community that these levy funds are necessary. The passage of these two levies will ease the burden on our General Fund.

Manager Keaton reported for Finance Director Brandt who was present virtually but was experiencing technical difficulties with her audio. Manager Keaton reported the City of Brookville was recently selected for testing of our Ohio Police and Fire pension withholdings. The testing has been completed by the Auditor of State and the City received a clean audit report.

Manager Keaton advised Council has been provided a copy of the 2021 Water & Sewer Rate Survey conducted by the City of Oakwood. The report shows that Brookville ranks 56th out of 66 jurisdictions on water cost, 15th out of 63 jurisdictions on sewer cost and 30th out of 63 jurisdictions on combined water and sewer costs.

Manager Keaton reported we did receive our refund check from FEMA for the tornado clean-up reimbursements.

Fire Chief Fletcher had no report.

Mayor Letner congratulated the Police Chief and the Fire Chief for the letter received from Mr. Danks.

Fire Chief Fletcher commented that he hears from residents on a weekly basis who express their thanks to the Fire Department. Fire Chief Fletcher commented of all the entities he has been associated with, Brookville residents seem to show the most appreciation.

Police Chief Jerome stated he usually hears after the fact about acts of kindness his officers perform, such as helping shovel snow or paying for a hotel room for those in need. He learns about them from citizens on the street and not from his Officers.

Police Chief Jerome reported reportable incidents and traffic citations are still up.

Police Chief Jerome reported he and all of his Officers recently completed their annual re-certification on tasers through both video and written training and exams.

Police Chief Jerome reported when the Animal Resource Center is full, they stop taking dogs that are not vicious. Police Chief Jerome stressed the Police Department tries to reunite dogs with their owners whenever possible, but they do not have the facilities to collect stray dogs and care for them in the meantime. Police Chief Jerome reported he plans to discuss this at the next Chiefs Association meeting to see how other entities are handling their stray dog situations.

Police Chief Jerome reported last night an elderly gentleman was walking his dog on Vine Street and another dog attacked his dog, causing major injuries. The owner was also seen by medics because he was so overwhelmed he thought he was having a heart attack. Police Chief Jerome stated the Police Department charges people when they do not control their pets.

Member Zimmerlin asked what happens to a vicious dog in these incidents when the Animal Resource Center is full?

Police Chief Jerome stated the Animal Resource Center will always pick up vicious, neglected, abused or suffering dogs, or in incidents when dogs will be left in the home alone.

Police Chief Jerome reported several felony warrants have been issued for Brandon Ashman as a result of their recent drug investigation. Police Chief Jerome stated he is proud of our Officers as they put a lot of work into this investigation.

Law Director Stephan reported proposed Ordinance No. 2021-04 is to commence the rezoning process for a proposed single-family project for property located along Albert Road and Upper Lewisburg Salem Road as recommended by Planning Commission. Law Director Stephan requested a first reading on this tonight and that a Public Hearing be scheduled at the Council meeting on June 1, 2021. Law Director Stephan noted this is a Planned Development process. There will also be a Public Hearing at the Planning Commission meeting on May 20, 2021.

Member Crane asked if this proposed ordinance is just to rezone this property to residential, not to vote on the new development?

Law Director Stephan replied Planning Commission has heard one Preliminary Planned Development presentation. Planned Development requires two Public Hearings. The Public Hearing in May at the Planning Commission meeting will be regarding the plan. The June Public Hearing will be for Council to consider Planning Commission's recommendations regarding the plan and to consider the rezoning. After the June Public Hearing, there will be a final recommendation from Planning Commission regarding re-zoning. Then it will come back to Council for two additional readings. Law Director Stephan stated it is a lengthy process with plenty of opportunity for public comment.

Law Director Stephan advised Planning Commission also requested Council be presented with proposed Ordinance 2021-05 for a first reading. This ordinance would amend the zoning code related to rear yard setbacks in our single-family districts, which are R-1A, R-1B and R-1C. The lots become progressively smaller as you go from R-1A to R-1B and R-1C. Right now, the rear yard setback is 40 feet for all three zoning classifications. Planning Commission has made an initial recommendation that we consider reducing the rear yard setback to 35' for R-1B and 30' for R-1C. This would allow larger homes to be built on these lots as we move through to the smaller lots. This is an initial recommendation that will require a Public Hearing to consider public input. Law Director Stephan requested a motion from City Council to schedule a Public Hearing on May 18, 2021 for public comment.

Member Zimmerlin inquired whether these setbacks will be in line with zoning in other communities?

Law Director Stephan stated Staff has looked at other communities and most of them have smaller rear yard setbacks than our current setback of 40' and most of them go down as you get into smaller lots. Law Director Stephan stated we will provide additional information at the Public Hearing.

Law Director Stephan reported proposed Ordinance 2021-06 is at the recommendation from Planning Commission to amend our zoning code with respect to solar energy equipment. Planning Commission reviewed draft ordinances and ordinances from other jurisdictions. Law Director Stephan requested a Public Hearing on this on May 18. Law Director Stephan presented Exhibit 'A' which outlines Solar Energy systems and proposed changes to the zoning code. Law Director Stephan stated Planning Commission has been reviewing this code and had a recent Public Hearing involving solar panels and a variance application.

Member Schreier stated we originally had no solar panels allowed in the rear yard setback. The proposed ordinance would change this significantly by allowing solar panels to be 10 feet from the edges of the yard. Member Schreier stated if you have 30' or 35', or 40' rear yard setback it would pretty much preclude anyone from doing this. With the concern of the recent variance request, which was an 8-foot solar panel versus 6-foot height ordinance on fences, we wanted to build that into the requirements. This would then be an accessory where the Zoning Officer could approve the application if it meets all of the requirements, without some kind of hearing by Planning Commission.

Law Director Stephan reported Planning Commission also recommended Council hear proposed Ordinance 2021-07 which would amend the definition of building line, setback line and yard. This ordinance will change the setback to measure from the foundation rather than other portions of the structure. This would allow bigger houses to be constructed on the same size lot and eliminate the need to keep addressing variances or require homeowners to change their plans.

Member Schreier commented this change will also bring us in line with how other communities measure the setbacks.

Mayor Letner announced tomorrow is Administrative Professionals Day and we have four of the finest right here in Brookville- Kim Duncan, Angie Weiss, Belinda Brunner and Alexa Staas. Mayor Letner stated he has thanked them all personally, but he also wanted to recognize them publicly. Mayor Letner stated it is a shame it takes a special day to recognize them because they should be recognized every day.

Mayor Letner stated two weeks from today is Election Day and we have two levies on the ballot. Mayor Letner said the need has not changed; we are not crying wolf. As Manager Keaton stated she is very frugal with the way she spends money. We are not wasting money; our checkbook and meetings are open. Mayor Letner stated we are not out to get in your pocket, what we need is your help. Mayor Letner stated he is asking for your yes vote on Issue 1 and Issue 2 on May 4, 2021.

Motion by Zimmerlin, second by Swabb to read proposed Ordinance No. 2021-04. All yeas, motion carried.

Motion by Fowler, second by Wilder to accept the first reading of proposed Ordinance No. 2021-04 entitled "AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PART LOT 1743 OF 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." All yeas, motion carried.

Motion by Fowler, second by Wilder to read proposed Ordinance No. 2021-05. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept the first reading of proposed Ordinance No. 2021-05 entitled "AN ORDINANCE AMENDING SECTION 1123.03 (b)(2) AND 1125.03 (b)(2) OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.

Motion by Zimmerlin, second by Swabb to read proposed Ordinance No. 2021-06. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to accept the first reading of proposed Ordinance No. 2021-06 entitled "AN ORDINANCE AMENDING SECTION 1157.01 and 1157.10 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO TO REGULATE SOLAR ENERGY EQUIPMENT." All yeas, motion carried.

Motion by Wilder, second by Fowler to read proposed Ordinance No. 2021-07. All yeas, motion carried.

Motion by Zimmerlin, second by Crane to accept the first reading of proposed Ordinance No. 2021-07 entitled "AN ORDINANCE AMENDING THE DEFINITION OF BUILDING LINE, SETBACK LINE AND YARD IN SECTION 1103.03 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

Member Fowler, Park Board Liaison reported Park Board had a presentation by a youth working on his Eagle Scout badge to install a Gaga ball pit at Golden Gate Park. Park Board also discussed food trucks in the park.

Member Schreier, Planning Commission Liaison, reported in addition to what has already been discussed this evening, Planning Commission heard a presentation from DDC Management for 69 homes at the corner of Upper Lewisburg Salem and Albert Road. This was an information sharing session with Planning Commission, with several public comments.


Member Schreier also thanked Law Director Stephan and Zoning Officer Snedeker for providing a lot of information for the past few Planning Commission meetings and for working quickly to put the proposed ordinances together to be reviewed by Council.

Member Fowler asked if there were any major issues regarding the recent presentation at Planning Commission?

Member Schreier replied density was brought up by several people and obviously there is a cost versus profit issue the developer has to consider.

Mayor Letner commented green space is also an issue.

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



Kimberly Duncan, Clerk

Charles Letner, Mayor