

Brookville City Council  
Regular Meeting  
August 3, 2021

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on August 3, 2021. The meeting was held in the City Council Chambers and virtually using the Cisco Webex application. The Pledge of Allegiance was recited. Members Fowler, Schreier and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Police Chief Jerome and Clerk Duncan were present. Member Crane, Member Wilder and Fire Chief Fletcher were absent.

Roll Call by Clerk Duncan.

Mayor Letner advised the Agenda should be amended to add the recognition of Mick Waltz as the Citizen of the Month.

Motion by Fowler, second by Zimmerlin to approve the Agenda with an amendment. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to approve the Regular Meeting Minutes of July 20, 2021. All yeas, motion carried.

Mayor Letner announced the Citizen of the Month for the month of August is Mick Waltz. Mayor Letner read a proclamation recognizing him as a valuable asset to the community. Mayor Letner called Mick Waltz the velvet fog of Brookville, stating if people do not know his face, they definitely know his voice, as he has volunteered his time to emcee the Brookville Community Picnic and other local events.

Mick Waltz thanked Mayor Letner for recognizing him and stated it is his pleasure to do what he does for the hard-working people of Brookville.

Manager Keaton announced she is excited and pleased to announce Pak-Rite Industries, Inc. is the new tenant in the building at 1 Collective Way, formerly the Payless building. Pak-Rite will be holding a job fair onsite on August 11 and August 12. Pak-Rite has 250+ open positions that need filled. Manager Keaton thanked Zoning Officer Jim Snedeker for working diligently on this project over the last 2.5 months. Manager Keaton also thanked Montgomery County, Jobs Ohio and the Dayton Development Coalition for their role in bringing this project to fruition in Brookville.

Manager Keaton reported the installation of the new roof at 401 Albert Road is complete. There are a few pieces of trim that still need to be installed, but overall the project looks good.

Manager Keaton reported Resolution No. 21-13, which puts the street levy back on the November ballot, has been filed with the Montgomery County Board of Elections.

Manager Keaton reported she submitted a grant with the SRT (Small Rural Tribal) Body Worn Camera Program on July 23. The cost for 14 body-worn cameras and equipment totaled \$13,359.00 and we requested \$6,679.50 in grant funding. The grant would not cover the annual data storage cost of \$3,920.00 associated with wearing those body-worn cameras. Manager Keaton advised the results of the grant application will be announced in September.

Manager Keaton reported the Walnut Street Waterline Replacement Project bids were opened yesterday. We received six responsive bids and three non-responsive bids. Manager Keaton announced the bid packets have been reviewed and recommended that Council accept the lowest and responsive bid of \$196,000 from Finfrock Construction Company, Incorporated. This bid is below the engineer's estimate of \$240,204, which included the small portion of Salem Street that was added to the project. This bid is just below the amount we applied for and were approved for from the Ohio Public Works Commission.

Manager Keaton advised she reached out to the Ohio Public Works Commission and requested an extension on completion of this project due to the current delay and high cost of materials. The approved completion date is extended to May 13, 2022. Manager Keaton advised she will have more of a timeline for the project after a pre-construction meeting with Finfrock Construction.

Manager Keaton provided a breakdown of two projects she will be submitting grant applications for later this month through the Ohio Public Works Commission:

Hay Avenue Roadway Improvements, Phase II

- The Total Project Cost is \$754,740, which includes a 10% contingency, engineering, and advertising. We are submitting this application as a 25% grant (\$188,685) and a 75% loan (\$566,055) over a 29-year period at zero percent interest. Here is a breakdown of the estimated annual debt payment by Fund if this project receives approval.
  - Street Fund - \$518,808 - \$17,890 annually
  - Storm Fund - \$ 96,456 - \$ 3,326 annually
  - Water Fund - \$139,476 - \$ 4,810 annually

Jefferson Street Waterline Replacement

- The Total Project Cost is \$193,000, which includes a 10% contingency, engineering, and advertising. We are submitting this application as a 25% grant (\$48,250) and a 75% loan (\$144,750) over a 30-year period at zero percent interest. Here is a breakdown of the estimated annual debt payment for the Water Fund if this project receives approval.
- Water Fund - \$144,750 - \$4,825 annually

Member Schreier asked if the 10% contingency with the fluctuation in building costs is fairly accurate or is it starting to drop?

Manager Keaton replied it is starting to come down. Manager Keaton stated she was shocked by the range of the bids submitted. We were fortunate to get such a low bid.

Mayor Letner commented that Manager Keaton and Law Director Stephan also deserve thanks for their outstanding work to bring Pak-Rite to the City of Brookville.

Motion by Zimmerlin, second by Fowler to accept the lowest responsive bid of \$196,000 from Finfrock Construction Company, Incorporated for the Walnut Street Waterline Replacement Project. All yeas, motion carried.

Finance Director Brandt reported we received just over \$300,000 from our first round of ARPA funds. There are a lot of restrictions on how that money can be spent, and she is working with Manager Keaton on where to allocate these funds.

Finance Director Brandt presented the July 31, 2021 Fund Balance Report.

Motion by Schreier, second by Fowler to accept the July 31, 2021 Fund Balance as presented. All yeas, motion carried.

Mayor Letner advised Fire Chief Fletcher is not present as he is currently on a fire call in Clay Township.

Police Chief Jerome reported calls are still up and the Police Department will continue to be busy with the start of school in 16 days.

Police Chief Jerome reported the Citizens Police Academy deadline has been extended until next Friday in order to generate more interest and allow participants to sign up.

Police Chief Jerome announced Ghostly Night Out is scheduled for the end of October and they are starting to promote the event.

Police Chief Jerome reported the Brookville Community Network is holding a school supply drive on August 14 at Studio 201 on Market Street from 9:00 a.m. until 11:00 a.m. He encouraged everyone to participate. Brookville Grille and a private citizen Bonnie Bertelson have already donated two tables full of supplies to kick off the event.

Member Zimmerlin asked if Police Chief Jerome has considered offering the Citizens Academy to high school age students who might be interested in a future in law enforcement?

Police Chief Jerome replied that is a good idea and he will look into it.

Police Chief Jerome reported the Police Department is going to sponsor a Thanksgiving Lunch on the second Saturday in November to be held at the school.

Law Director Stephan reported Ordinance No. 2021-04 is on the Agenda for the third and final reading. Approval of Ordinance 2021-04 will rezone Part Lot 1743 (Parcel C05 00109 0020), being approximately 18.072 acres at 10400 Upper Lewisburg Salem Road from its present classification of R-1B (PD) Urban Residential Development Overlay District to the new classification of (PR) Planned Residential District. Law Director Stephan reported also on the Agenda is approval of the Preliminary Development Plan for the proposed single family housing project to be developed within the Planned Residential District established by Ordinance No. 2021-04. The 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 structures as required in 1151.10(f) of the Code of Ordinances. The plan meets the open space requirement of 25% as required in 1151.10(j). The density for the proposed project is 3.26 units per acre, which is below the maximum of six (6) 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 thirty (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 landscaping be required in the setback area along Albert Road. The proposed plan is consistent with the Comprehensive Land Use Plan of the City of Brookville which provides for single family housing in this area. Planning Commission did vote unanimously at its June 17, 2021 meeting to recommend approval of this Preliminary Development Plan. Law Director Stephan stated in the event that City Council does approve Ordinance No. 2021-04 and approves the Preliminary Development Plan, the developer will then be required to submit a Final Development Plan that substantially conforms to the Preliminary Development Plan for final approval by Planning Commission and City Council.

Law Director Stephan reported City Council also has before them a Memorandum of Understanding (MOU) between the City of Brookville and DDC Management, which sets forth certain affirmative actions the City will take to assist with the development of the project. The MOU outlines the proposed structure of tax increment financing to assist with the cost of the project. The MOU also discusses proposed sanitary sewer easement that the City would acquire to provide access to this site for sanitary sewer. Law Director Stephan noted that the sanitary sewer easement has been signed by Beverly McGregor and filed with Montgomery County. The MOU sets a course forward and staff and DDC Management would be working along the terms of the MOU and bringing TIF legislation back to City Council in September. Law Director Stephan requested City Council approve the MOU to approve the direction that City staff and DDC Management are headed with respect to the items listed in the MOU and specifically the TIF legislation.

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

Motion by Zimmerlin, second by Schreier to accept the third reading of 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 Zimmerlin, second by Fowler to approve the Preliminary Development Plan of Part Lot 1743 (County Auditor Parcel No. C05 00109 0020) located at 10400 Upper Lewisburg Salem Road. All yeas, motion carried.

Motion Schreier, second by Zimmerlin to authorize the City Manager to enter into a Memorandum of Understanding (MOU) with DDC Management. All yeas, motion carried.

Law Director Stephan reported proposed Ordinance No. 2021-12 would prohibit parking on public streets during snow emergencies, which he prepared at the direction of the City Manager. The proposed Ordinance provides that no person shall park any vehicle on any street or roadway during a snow emergency. A snow emergency shall exist when three or more inches of snow have fallen in the City of Brookville or in a section thereof. The snow emergency shall continue until snow plowing operations in the City are complete. The City Manager shall announce the commencement of the snow emergency, and the termination of the snow emergency. However, the dissemination of this announcement of a snow emergency shall not relieve owners or operators of motor vehicles of the duty to ascertain the existence of weather conditions requiring the removal of parked vehicles from the streets or roadways of the City. The proposed Ordinance would permit any vehicle parked in violation of this section to be towed, and the offender would be guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of this section within one year of a new violation of this section, the offender shall be guilty of a misdemeanor of the fourth degree.

Member Zimmerlin asked if a resident has multiple cars with a one-car driveway, how will we handle the situation?

Mayor Letner replied they can park in their lawns. This will ensure the safe passage of our snow removal equipment and that we have a place to put our snow.

Member Schreier asked if the three inches of snow is per event?

Mayor Letner replied that is correct.

Member Schreier asked if there is a notification process that cars must be moved off the street?

Police Chief Jerome replied he has heard from neighboring communities the learning curve is quick regarding no parking on street during snow events. People find places to park. They can park in the municipal lots off Market, or on Sycamore.

Law Director Stephan stated proposed Ordinance No. 2021-13 is an Ordinance to provide regulations on feral cats. The City Manager asked this Ordinance be prepared as there are some citizens feeding feral cats. The proposed Ordinance defines feral cats as cats that are wild, stray or not owned. A domestic cat turned wild shall be considered feral. The proposed Ordinance states it is unlawful for any person to continue to feed a feral cat. It shall be prima facie evidence of a violation of this section if a person shall knowingly or recklessly leave food or any other type of feed outdoors after daylight hours; or leave food or any other type of feed outdoors unattended not in the presence of the owner's domestic cat; or allow feral cats running at large to feed on one's own property. Any person feeding feral cats may be required to cooperate with any humane program sponsored by the City or operating under the City's auspices, that traps feral cats for the purpose of spaying/neutering the cats and immunizing the cats from rabies, "tipping" the cat's ear and then returning the cat to its environment in the general vicinity in which it was trapped. Law Director Stephan advised whoever violates this section would be guilty of a minor misdemeanor.

Member Zimmerlin commented he has a cat that he lets outside for a few hours daily and asked how you distinguish between a domestic cat and a feral cat?

Police Chief Jerome stated it is easy for the Police to see where people are feeding cats. He commented there is an apartment complex in town where they feed cats and the stench is overwhelming because the cats defecate in the flower beds. People are also pouring out food on the sidewalks at the plaza for feral cats. Police Chief Jerome stated while these people think they

are doing a good thing, they are actually creating a hazard. The proposed Ordinance will help the Police deal with this issue.

Manager Keaton stated leaving food out for the cats also attracts skunks, which is a problem in our community.

Member Schreier asked if this type of ordinance has been effective in other communities?

Manager Keaton replied she has not discussed the issue with other communities.

Law Director Stephan stated many communities in the area have a feral cat ordinance.

Member Zimmerlin stated this ordinance is to punish those who are feeding feral cats and is not directed at pet owners.

Police Chief Jerome commented that prior to passing an ordinance mandating that pet owners clean up after their dogs, our soccer park was filled with dog feces. The ordinance made a difference and gave officers a means to control it.

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

Motion by Fowler, second by Schreier to accept the first reading of proposed Ordinance No. 2021-12. All yeas, motion carried.

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

Motion by Fowler, second by Schreier to accept the first reading of proposed Ordinance No. 2021-13. All yeas, motion carried.

Mayor Letner thanked the Chamber of Commerce, city staff, volunteers and vendors for helping to make the Community Picnic a success. Mayor Letner also thanked Crocs for sponsoring the fireworks show and thanked all those who attended.

Mayor Letner thanked Mick Waltz for emceeing the Community Picnic and for being his Citizen of the Month.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 21-22. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to accept the second reading of proposed Resolution No. 21-22. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 21-23. All yeas, motion carried.

Motion by Schreier, second by Zimmerlin to accept the second reading of proposed Resolution No. 21-23. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to read proposed Ordinance No. 2021-10. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to accept the second reading of proposed Ordinance No. 2021-10. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to read proposed Ordinance No. 2021-11. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to accept the second reading of proposed Ordinance No. 2021-11. All yeas, motion carried.

Member Fowler, Park Liaison, stated the Community Picnic went off without a hitch and had a record number of attendees.

Member Schreier, Planning Commission Liaison, had no report.

Kenneth Davis, of 837 Salem Street, stated he has a lot of property against this new development, and he is worried about people running through his property and tearing things up. He has a lot of gopher holes and does not want any broken legs. Mr. Davis stated they need to put a fence up along there if they are going to build homes like that. Mr. Davis also commented there are a lot of speeders going down Salem Street. It is like a drag strip on the weekend, with people going at least 60 mph. Mr. Davis stated there needs to be something done about it.

Mayor Letner replied we are looking at that area and at Columbia Street. We may place additional signage to remind people to slow down.

Mr. Davis stated there are little kids out there. He had a nephew killed that way.

Member Zimmerlin asked if we could put the mobile speed sign up on Salem Street?

Police Chief Jerome replied it has been tough to get the sign out due to staffing, but he will get it out there.

Manager Keaton read a text from Fire Chief Fletcher that stated there was a significant fire tonight that is now under control. He will have a monthly report to Council at some point tomorrow. There were no injuries, but a couple of cats were rescued and sent to an animal hospital. Fire Chief Fletcher stated as usual, the boys and girls made an excellent stop on this fire, and he is a proud Fire Chief.

Mayor Letner recognized that the Fire Chief and his crew are a great group, and he is proud of them.

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



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Kimberly Duncan, Clerk



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Charles Letner, Mayor