

Brookville City Council
Regular Meeting
December 7, 2021

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

Roll Call by Acting Clerk Brandt.

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

Motion by Fowler, second by Zimmerlin to approve the November 16, 2021 Regular Meeting Minutes. All yeas, motion carried.

Mayor Letner announced this will be his last recognition of the Citizen of the Month. He has recognized some great people this year. All were very deserving and each one represented the spirit of Brookville. Mayor Letner announced the Citizens of the Month for the month of December are the Brookville city employees and read a Proclamation to recognize them for their outstanding public service to the City of Brookville and its citizens.

Becky Ditmer, President of the Brookville Historical Society, presented the Historical Society Budget and requested financial assistance from the City of Brookville to continue to operate. This past year had many unexpected expenses. The grant money that the City provided in 2021 allowed them to continue to operate and keep up with property maintenance. Ms. Ditmer stated they are facing some large expenses in 2022 as well. They would appreciate any financial assistance the City can provide.

Member Fowler asked if the Brookville Historical Society is doing anything to increase their donations?

Ms. Ditmer reported they had a game booth at the Community Picnic which they made a small profit from. They had a membership drive and sent out 50 membership applications to local businesses. The Historical Society Members are almost all seniors and most are not active. They have had increased attendance with their recent open houses.

Member Zimmerlin asked if the Historical Society has ever worked with local universities for helpers or archival programs?

Carolyn Haney, of the Historical Society, stated they have never investigated that option.

Member Requarth asked if the City always grants a \$7,500 grant to the Historical Society?

Mayor Letner replied the we always give them a grant, which was increased last year. The City also took over the mowing and snow removal at the Historical Society properties.

Mrs. Haney stated they had a generous anonymous donation that helped to pay for the new furnace and air conditioning in their Hay Avenue building. They received a grant from the Strausburg Foundation to paint the Spitler House, but there were \$4,600 in repairs that had to be made before the painting could be done. Mrs. Haney stated it is hard to get their story out to people. Many do not know the Spitler House is on the National Register of Historic Places.

Mayor Letner recommended the City sustain the \$7,500 grant for the Brookville Historical Society for 2022.

Motion by Requarth, second by Fowler to approve a \$7,500 grant for the Brookville Historical Society for operating expenses in 2022. All yeas, motion carried.

Manager Keaton reported the kickoff of the Christmas in the Park lighting display was a huge success and thanked the Park Board for their vision and for tirelessly working on the event. Manager Keaton also thanked the Walmart foundation for providing Community Grant Assistance that has allowed us to build upon our light display. Manager Keaton thanked Cub Scout Troop 47 for their expanded display this season and the various other groups that put on light displays. She thanked her husband, Ray Keaton, JD Fowler and Angie Dull for their help with the event and Don Cordes for his donation and for conducting the children's Christmas play at the Community Theatre. Manager Keaton also thanked the more than 200 patrons who attended the kick-off event and donated just over \$691.00.

Manager Keaton thanked the Brookville Chamber of Commerce for their Christmas Tree Lighting event on December 1. Despite the rain, many people attended the event and patronized our downtown merchants.

Manager Keaton reported MetroNet began installation of their fiber in Brookville this week. They are starting on East Upper Lewisburg Salem Road and in Hunters Run. They will then cross over into Golden Gate Estates. MetroNet is currently working on underground construction in anticipation of AES Ohio releasing poles to them for aerial attachments. They intend to get the pole attachment authorization on February 1, 2022, at which time they will begin aerial construction and fiber placement, weather permitting.

Manager Keaton reported our Priority One Montgomery County Solid Waste Grant for the purchase of 18,000 pounds of rubber mulch for our playgrounds received approval. The Solid Waste District had another successful grant submission process, with requests for funds exceeding funding that they had available. All Priority One grants that were submitted received approval. That project will take place in 2022 as the project cycle changed with approvals in November and projects commencing in the following year.

Manager Keaton advised the City received notification that CenterPoint Energy, formerly, Vectren, is required to conduct leak surveys on all piping including underground mains, services, and exposed piping up to the outlet of the gas meter. CenterPoint Energy has contracted Heath Consultants to complete this survey in our area on underground and inside piping if the meter is inside the residence. Heath Consultants Techs will have a visible picture ID, be in a company uniform, and have a CenterPoint Energy contact phone number that a customer can call for verification. Heath technicians use personal vehicles so residents should not be alarmed if they don't see a CenterPoint Energy vehicle. Inside inspections should take approximately five minutes. The inside meter inspection project is scheduled to start in January and last until February.

Member Zimmerlin asked if there is any mitigation on behalf of the customer if leaks are detected?

Manager Keaton replied that will be between CenterPoint Energy and the customer.

Member Fowler asked if we will be notifying residents with a mailer?

Manager Keaton advised it will be posted on our website and on our Facebook page. We could put a notice in our next water bill so residents are aware. We will also ask the Brookville Star to publish it in the newspaper.

Manager Keaton advised Council has a copy of the certified election results for the November election.

Manager Keaton reported as of December 3, the Service Department has picked up 133 cubic yards of leaves, or approximately 27 tons. Leaf pick-up will continue through December 17. After that date, residents can put leaves in with their regular refuse.

Manager Keaton requested Council accept the first reading of proposed Resolution No. 21-33, which is the Final Resolution for the Safe Routes to School Project. The project consists of crosswalk improvements at the Johnsville-Brookville Road/Blue Pride Drive, Johnsville-Brookville Road/Westbrook Road, Westbrook Road/Western Avenue, and Western Avenue/Blue Pride Drive intersections and construction of sidewalk along the east side of Johnsville-Brookville Road between Blue Pride Drive and Westbrook Road, including curb ramps, rectangular rapid flashing beacons, signage, and pavement markings. Council approved the Preliminary Legislation for this project in May of 2020. Proposed Resolution No. 21-33 includes a Fiscal Officer's Certificate that states the funds for this project have been lawfully appropriated. ODOT needs a copy of the adopted Resolution, Fiscal Officer's Certificate, Signed Contract and check by December 30, 2021.

Member Fowler commented regarding MetroNet, the citizens of Brookville are excited to have another option.

Manager Keaton replied competition is a good thing most of the time.

Finance Director Brandt presented the November 30, 2021 Fund Balance for Council review and approval.

Motion by Zimmerlin, second by Schreier to accept the November 30, 2021 Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt requested Council authorization to transfer funds from the General Fund to the Street Fund in the amount of \$100,000. This amount is included in the appropriations from the beginning of the year.

Motion by Fowler, second by Wilder to authorize the transfer of \$100,000 from the General Fund to the Street Fund as appropriated. All yeas, motion carried.

Fire Chief Fletcher, on behalf of the Fire Department, thanked Mayor Letner for recognizing the employees as the Citizens of the Month.

Fire Chief Fletcher advised he was hopeful that he could pull the information to prepare an Operations Report, however, they are still having problems with the new system. Fire Chief Fletcher reported they did have a big downturn this month from nearly 200 calls last month to 134 calls in the month of November. This amount is typical for this time of year. Last month our area was a Covid hotspot and many of the calls were Covid related.

Fire Chief Fletcher advised he has provided Council with a memorandum outlining some provisions in House Bill 172 that specifically deal with Ohio fireworks. He is not sounding an alarm, but he wants Council to be aware beginning July 1, 2022 the fireworks law does change significantly and local governments are given the ability to set restrictions. Fire Chief Fletcher suggested we take a proactive route and have some regulations in place before July 1.

Member Requarth inquired if this will be discussed among the Fire Chief's Association?

Fire Chief Fletcher stated this has been on their radar for the past eighteen months. Commercial fireworks will be unrestricted beginning July 1, which could be disastrous. We have the ability to put some restrictions on fireworks types, size, and that they can be shot in the city limits.

Member Crane inquired if other cities in the area are considering legislation?

Fire Chief Fletcher replied every city in the area will be looking at it but he does not know what their approaches are at this time. Although the bill has passed, there are still rules and regulations that will be set by the Fire Marshall's office. Much of the fire enforcement will be on the businesses that sell the fireworks; but the use of the fireworks will also need to be regulated.

Member Zimmerlin stated we should still establish commercial regulations in case we have a business that comes in wanting to open within the City of Brookville.

Fire Chief Fletcher said he has no concern with commercial regulations as those will be set. His concern is more for the general citizen acquiring fireworks and having no regulations within the City where they are in tight, congested areas.

Member Schreier commented the memorandum says consumer grade fireworks and you are referencing commercial grade fireworks.

Fire Chief Fletcher replied consumer grade fireworks have the potential to be a threat.

Member Wilder asked how difficult it will be to enforce new regulations versus the regulations we have in place now?

Police Chief Jerome stated it is easy to enforce right now because it is illegal to shoot fireworks off within the city. Once this law goes into effect, the police will get calls about neighbors shooting fireworks and damaging roofs. The Officers will have to determine whether there is criminal intent or if it is a civil matter. The new law also states that people can shoot fireworks all weekend long and not just on the Fourth of July. Police Chief Jerome advised we need to regulate the hours or the police will get fireworks complaints in the middle of the night.

Fire Chief Fletcher agreed we definitely need to regulate it.

Police Chief Jerome stated the Police Department has always taken a common sense approach and are able to control fireworks with a verbal warning. Once it is legal things may be different.

Fire Chief Fletcher commented he lives in the country and sees how setting off fireworks affects animals. He can only imagine how that will be for pets in town.

Member Requarth commented there will likely be a lot of common sense solutions that come out of resourcing with other communities on the different rules and regulations that need to be set.

Discussion followed about how it could affect people with PTSD and Special Needs individuals.

Police Chief Jerome commented the Police Department witnessed a very serious hoarding issue at a recent call. This turned into a zoning issue and they had to involve Rod Stephan to sort it out. This brought up some zoning regulations that may need to be considered in 2022.

Police Chief Jerome reported the number of calls for the month of November are lower. The school has the SRO back on campus and he has had an active few weeks. Police Chief Jerome encouraged citizens to call the Police Department or contact the school before they call the FBI or Homeland Security if they have questions about something they see on Facebook. Police Chief Jerome commented our children are one of the most valuable assets in our lives. The Brookville Police Department does a good job of protecting our kids and would never put them in danger. People need to trust that and not believe what they see on Facebook.

Law Director Stephan advised under New Business, the Brookville Retail & Industrial Campus, Section Three Record Plan is a replat of part lot 2174 into a new city lot. This property is 53.566 acres on West Campus Boulevard. This replat is a necessary step in the process of GM exercising its option to purchase this area. Planning Commission reviewed and unanimously approved this at its last meeting and he is requesting approval by City Council.

Motion by Fowler, second by Zimmerlin to approve the Brookville Retail & Industrial Campus, Section Three Record Plan as presented. All yeas, motion carried.

Mayor Letner reported he spoke to Pack 47 last night and gave them an update on what we do at the city and what his responsibilities are. There were some smart fifth graders in the group, which demonstrates what kind of product our schools are putting out.

Mayor Letner thanked Fire Chief Fletcher and his group for the Firefighters Dinner. The slide show was enjoyable, the food was good, and it was an enjoyable evening.

Mayor Letner reported Clerk Duncan is back to work part-time and will be back to her full-time duties soon. Mayor Letner stated this is good news.

Member Zimmerlin inquired if there will be a Prayer Breakfast this year?

Mayor Letner replied the Prayer Breakfast will be held on January 13, 2022 at the old Westbrook School cafeteria. The breakfast will be provided by Brookville Grille and begins at 7:30 a.m. The Chamber of Commerce worked out a deal with Brookville Grille where the breakfast is free in exchange for them using Brookville Grille to cater the annual Chamber of Commerce dinner. Mayor Letner invited everyone to attend the breakfast. RSVP's should be submitted to the Chamber of Commerce office.

Motion by Zimmerlin, second by Schreier to read proposed Resolution No. 21-33. All yeas, motion carried.

Motion by Requarth, second by Wilder to accept the first reading of proposed Resolution No. 21-33. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 21-34. All yeas, motion carried.

Motion by Requarth, second by Wilder to accept the first reading of proposed Resolution No. 21-34. All yeas, motion carried.

Member Fowler reported Park Board has been busy with the Christmas in the Park event. The kick-off night went well and gift bags were given out to 200 children. Member Fowler thanked the Park Board for their hard work.

Member Fowler, Park Liaison, reported The Girls Wings (Team 1) won 1st place at the Ohio Area State Tournament. This is the first team to win a State Championship. GW1 went undefeated throughout the regular season, the MVW Area tournaments and the State Tournament, finishing with a 21-0 record. The team was coached by Eric Nawroth, Megan Mullins and Brad Baughman and sponsored by Dayton Eye Care. Member Fowler congratulated the team on this first in Brookville history.

Member Zimmerlin commented there were seven Brookville teams that went to the State tournament this year.

Member Schreier, Planning Commission liaison, reported Planning Commission met on November 18. This was Zoning Officer Snedeker's last meeting and he read his retirement statement with a lot of history that was nice to hear. Planning Commission approved the Brookville Retail & Industrial Campus, Section Three Record Plan and approved a Special Use Permit for a firearms coating home business. Planning Commission also discussed and approved vacating an alley behind 120 West Westbrook Road. Member Schreier commented the Park looks great and thanked Park Board for the Christmas in the Park event.

Bonnie Cordes, of 760 Kimmel Trail, thanked the Fire Department for their help with the Christmas in the Park event. She also thanked him for publicizing the event on their digital sign. Ms. Cordes also thanked the Police Department, Manager Keaton, the Service Department and Member Fowler for their help with the event. Ms. Cordes extended her thanks and appreciation to the Brookville Flower Shop, Optimist Club, Delta Theta Tau Sorority, Troop 47, FFA, Chamber of Commerce, Arro Landscaping, Kiwanis and anyone else who participated in making the event a success.

Jessica Wells, of 21 Heckathorn Road, thanked everyone involved in the Christmas in the Park event. The park looked great and her first grader was excited to receive a goodie bag from Officer

Snell. Ms. Wells commented she saw the speed limit on both westbound and eastbound Westbrook Road has changed between Brooke Woode Drive and 10757 East Westbrook Road. Mrs. Wells stated it is not clear where the 55 mph speed limit begins on eastbound Westbrook Road and asked for clarification. Ms. Wells also asked when the speed limit changed and what was the process to change the speed limit?

Manager Keaton replied she requested the Montgomery County Engineer to do a traffic study since the construction of the twelve new homes on East Westbrook Road, along with the additional homes on the inside of that plat. The traffic study was completed and their recommendation is to reduce the speed limit to 45 mph once you leave the city limits up to Heckathorn Road. It is the same coming back in westbound. This has been approved by the County Commissioners and sent to ODOT, who must give the final approval on a speed limit in a township. Manager Keaton stated she does not know why they went ahead and put the signs up. Many years ago, there was a 45 mph speed limit as you left the city limits and right before you entered the city limits. Manager Keaton stated she has not received an answer on why they removed the 55 mph signs.

Ms. Wells asked if right now the 45 mph zone is to Heckathorn Road or just to Brooke Woode Drive?

Manager Keaton replied she believes they put the sign up right before Brooke Woode Drive. It is her understanding that once you cross Heckathorn Road the speed limit increases but it has not been posted yet. That is one of the questions she has in to the County Engineers.

Ms. Wells stated she thinks it is a great recommendation and was excited to see the speed limit was lowered. One of her questions was why the speed limit did not extend past the new houses and thanked Manager Keaton for clearing it up for her.

Manager Keaton advised she will report back to Council when the County Engineers answer her questions.

Motion by Fowler, second by Zimmerlin to go into Executive Session per O.R.C. 121.22(G)(2) to consider the purchase of property for public purposes. All yeas, motion carried.

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

Law Director Stephan requested Council amend the previous motion to accept the first reading of proposed Resolution No. 21-34 to approve the first reading, dispense with the second and third reading and then the Resolution would be in effect pursuant to Section 4.07 (A)(1) of the City Charter.

Motion by Zimmerlin, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-34 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.

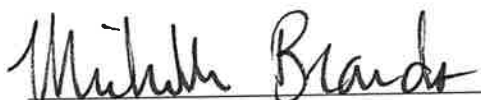
Law Director Stephan requested Council approval to authorize the City Manager to execute an assignment of real property Purchase Agreement for purchase of certain real property in the City of Brookville, Montgomery County Auditor Parcel #C05 00109 0020.

Motion by Zimmerlin, second by Fowler to authorize the City Manager to execute an assignment of real property Purchase Agreement for purchase of certain real property in the City of Brookville, Montgomery County Auditor Parcel #C05 00109 0020. All yeas, motion carried.

Law Director Stephan requested a motion to authorize the City Manager to execute a contract for sale of certain real property in the City of Brookville, Montgomery County Auditor Parcel #C05 00109 0020.

Motion by Zimmerlin, second by Crane to authorize the City Manager to execute a contract for sale of certain real property in the City of Brookville, Montgomery County Auditor Parcel #C05 00109 0020. All yeas, motion carried.

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


Michelle Brandt, Acting Clerk


Charles Letner, Mayor