

Brookville City Council  
Regular Meeting  
December 21, 2021

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on December 21, 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, Police Chief Jerome and Clerk Duncan were present.

Roll Call by Clerk Duncan.

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

Motion by Schreier, second by Zimmerlin to approve the December 7, 2021 Budget Work Session Minutes. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to approve the December 7, 2021 Regular Meeting Minutes. All yeas, motion carried.

Mayor Letner reported we recently lost a very valuable team member of the City of Brookville, Dale Godsey, who passed away early Sunday morning. Dale had been employed by the City for 28 years and had a wealth of knowledge. Mayor Letner called for a moment of silence to recognize Dale, stating he was Brookville through and through and will be missed.

Manager Keaton expressed her condolences to the family of Service Department Foreman Dale Godsey, who was a valued employee. Manager Keaton advised she and Dale began their employment with the City on the same day, which was September 27, 1993. Manager Keaton stated Dale will be sorely missed.

Manager Keaton advised it also with great sadness that she must announce the passing of Lee Vance, husband of Jennifer Vance. Jennifer is a Member of our Park Board. Manager Keaton asked everyone to keep Dale and Jenny's family in their thoughts and prayers as they go through this difficult time.

Manager Keaton reported she and Finance Director Brandt recently attended the County Auditor Annual Update meeting. Brookville's tentative taxable values increased \$3,900,950, or 3%. A/R values increased \$1,460,830, or 1.5% and C/I values increased \$2,220,140, or 7.1%. These new proposed values must still be approved by the State. This increase is due to new construction in the city. Property owners should see reduction factors on voted levies, as they bring in the same amount of money as when they were voted in.

Manager Keaton stated she is delighted to announce Finance Director Brandt received the Auditor of State Award for the Finance Department audit for year ending December 31, 2020. The Auditor of State audits nearly 6,000 entities and only a small percentage of entities are eligible for this award. Congratulations to Michelle Brandt and the Finance Department for receiving this award.

Manager Keaton reported MetroNet began their third week of installing fiber in Brookville. We have experienced a few disruptions and citizen grumbles with this installation, but we are working through that.

Manager Keaton reported under Old Business, she is requesting Council accept the second reading, dispense with the third reading, and adopt proposed Resolution No. 21-33. ODOT needs a copy of the adopted Resolution, Fiscal Officer's Certificate, Signed Contract and check by December 31, 2021.

Manager Keaton wished everyone a Merry Christmas, and a happy, healthy, and safe New Year.

Member Fowler inquired about the progress MetroNet has made so far?

Manager Keaton replied installation has been completed in Hunters Run and MetroNet is now working in Golden Gate Estates. They have also completed the upper section of Market Street and are working their way through. They are waiting on AES approval to connect on their poles, which should happen in February. MetroNet hopes to complete their fiber installation in June or July.

Member Requarth inquired if the Walnut Street project has been completed?

Manager Keaton replied it is complete with the exception of installing three fire hydrants. The hydrants will be installed upon delivery, which should be in early January.

Member Fowler asked whether the speed limit signs have been installed near the Meadows of Brookville?

Manager Keaton replied not all of the signs have been installed. The eastbound 45 mph speed limit sign is still up. The westbound sign was installed on an existing pole. The 55 mph signs will be installed just past Heckathorn Road once ODOT approval is received.

Finance Director Brandt requested Council authorization to receipt 90% of the revenue received from EMS Billing into the General Fund for operations of the Fire Department and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund for 2022.

Motion by Requarth, second by Fowler to authorize Finance Director Brandt to receipt 90% of the revenue received from EMS Billing into the General Fund for operations of the Fire Department and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund for 2022. All yeas, motion carried.

Finance Director Brandt requested Council approval to set the labor rate for the Service Department Mechanic at \$50 per hour for 2022, for work performed on the city fleet.

Motion by Schreier, second by Wilder to set the labor rate for the Service Department Mechanic at \$50 per hour for 2022, for work performed on the city fleet. All yeas, motion carried.

Finance Director Brandt requested Council approval to issue Super Blanket Purchase Order Certificates in 2022 for recurring monthly and quarterly expenditures.

Motion by Fowler, second by Zimmerlin to allow Finance Director Brandt to issue Super Blanket Purchase Order Certificates in 2022 for recurring monthly and quarterly expenditures. All yeas, motion carried.

Finance Director Brandt requested Council accept the first reading and dispense with the second and third reading to adopt proposed Resolution No. 21-36 as provided in 4.07(A)(1) of the Charter of the City.

Motion by Fowler, second by Zimmerlin to read proposed Resolution No. 21-36. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-36 entitled "A RESOLUTION TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF BROOKVILLE, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022." All yeas, motion carried.

Finance Director Brandt requested Council accept the first reading and dispense with the second and third reading to adopt proposed Resolution No. 21-37 which amends the 2021 Appropriations and Estimated Resources. This Resolution shall take effect immediately after passage of this Resolution as provided in 4.07(A)(1) of the Charter of the City.

Motion by Requarth, second by Fowler to read proposed Resolution No. 21-37. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-37 entitled "A RESOLUTION AMENDING THE 2021 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE, AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW." All yeas, motion carried.

Finance Director Brandt reported our platform for CivicClerk is updating on December 29, 2021. Council will receive an email and will have 24 hours to validate their account.

Mayor Letner and Council congratulated Finance Director Brandt on the Auditor of State Award.

Fire Chief Fletcher had no report.

Police Chief Jerome reported the Police Department adopted five families for Christmas and shopped for them with donations from Pak-Rite and Ritter Plumbing. The beard money donations were used to donate to the Shepard's Hands and FISH food pantries. Police Chief Jerome thanked Administrative Assistant Alexa Staas for her help with these projects.

Police Chief Jerome reported the Police Department served a search warrant on Sunday morning and he will report further on that in January.

Law Director Stephan had no report and wished everyone Merry Christmas and Happy New Year.

Mayor Letner invited everyone to attend the Prayer Breakfast on January 13 at 7:30 a.m. The breakfast will be held at the Brookville School Board Office, located at 75 June Place.

Mayor Letner advised he will continue the Citizen of the Month program in 2022 as he has already received several nominations for some very deserving citizens.

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

Motion by Fowler, second by Wilder to accept the second reading, dispense with the third reading and adopt Resolution No. 21-33 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ON THE SAFE ROUTES TO SCHOOL INFRASTRUCTURE PROJECT." All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 21-35. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the first reading of Resolution No. 21-35. All yeas, motion carried.

Member Fowler, Park Board Liaison, had no report but commented the light display looks fantastic. He thanked the Park Board for their dedication and hard work.

Bonnie Cordes, of 760 Kimmel Trail, commented the wind has been hard on the light display this year.

Member Schreier, Planning Commission Liaison, had no report.

Mark Haworth of 10352 Upper Lewisburg Salem Road, asked what the status is on the 18 acres next to the firehouse?

Mayor Letner replied it is still vacant.

Mr. Haworth asked if there is anything going on with it?

Mayor Letner replied no, not at this time.

Mr. Haworth stated not at this time. You don't know anything?

Mayor Letner replied there is nothing going on with it at this time.

Mr. Haworth commented in July, Council approved a Resolution directing the Montgomery County Board of Elections to place a five-year 3.85 mill property tax levy for the general construction, reconstruction, resurfacing and repair of streets, roads and bridges on the November 2<sup>nd</sup> ballot. It is the third time Council placed the levy on the ballot. Council had asked voters to approve the street maintenance levy two previous times only to have the two levies fail. This levy again failed. Mr. Haworth stated the City Manager said there will be cuts and that was supposed to be discussed at the December 7 meeting and he did not hear anything.

Manager Keaton advised she shared with Council the proposed budget cuts at a Work Session that was held prior to the December 7 Council meeting. Manager Keaton stated she would be glad to share them with Mr. Haworth.

Mr. Haworth declined, stating he was going to let the cat out of the bag, stating that Council is all aware that the land was purchased next to the firehouse yesterday. Mr. Haworth stated he just asked Mayor Letner if he knew anything about it and he replied he did not know anything about it.

Mayor Letner replied he did not say that. Mayor Letner stated Mr. Haworth asked if there was anything going on and he replied no there is not.

Mr. Haworth began to speak and Mayor Letner asked if he could interrupt and take 30 seconds of his time?

Mr. Haworth replied that was fine, as long as it did not take away from his allotted five minutes.

Mayor Letner asked Mr. Haworth if his address is 10352 Upper Lewisburg Salem Road?

Mr. Haworth stated that is correct.

Mayor Letner stated just for the record, any address that is within the City of Brookville has three digits. Mayor Letner asked Mr. Haworth what his vested interest is as he does not live within the City of Brookville?

Mr. Haworth proceeded, asking how Council can explain to the citizens of Brookville that voted no overwhelmingly on November 2<sup>nd</sup> on the street levy and the micro-housing development next to the fire station, that we the City just blew over \$200,000 of hard earned tax dollars on the 18 acres of land next to the firehouse? Mr. Haworth stated our streets are in desperate need of repair and the street levy has failed three times and our city leaders are buying land that we don't need. The City Manager states that she will be making budget cuts, yet we have the funds to purchase the land. This whole land purchase was planned in secret executive meetings by City Council. Mr. Haworth stated in his opinion this is one of the most sneakiest deals that he has ever witnessed.

Member Requarth replied Mr. Haworth is right, the City has actually tried to pass five levies in the last three years, two for the park and three for the roads. When this land was brought into the city, it was meant for development. The citizens overturned the rezoning of the land. Member Requarth stated Council did have an Executive Session, but they also came back into the Council Chambers, and in public, passed the motion to purchase the land. Mr. Requarth stated prior to the Executive Session, the question was asked if there would be any action taken, and the reply was that it was possible. If no one hung around to hear the outcome of the Executive Session that is not

on Council. The approval to buy the land was in a public meeting. Member Requarth commented of the people sitting on Council, he probably had the most reservations, because of the message that it sends. We are running levies on the ballot, and yet we are spending \$200,000 on land. But the flip side is, as Manager Keaton mentioned earlier about taxes rolling back, running the city is a business. That land sitting there as a bean field or corn field does not make us any money. Since the citizens of this city choose not to help support added expenses as they come along, the only way that we can increase our revenue is to get more customers, like any business. To get more customers that land needs to be developed. Member Requarth stated the general consensus is there will be no more rezoning of the land. It will be developed under R-1B, which is how it was brought into the city. What it comes down to is if the citizens are not going to pass levies, which is their right, then we are going to have to increase revenue. Right now, over 70% of our General Fund revenue is from city income tax, so we have to bring more tax paying citizens into the city. The bottom line is that this is a business.

Mr. Haworth asked if the City is going to build houses now since they purchased the land?

Member Requarth replied no.

Mr. Haworth asked what was the purpose of buying the land?

Member Zimmerlin replied so we have control.

Mr. Haworth stated its all about control but yet our streets are in dire straights. We could have used that money to repair the streets.

Member Zimmerlin stated we have already lost out on a couple other parcels in town. We have a TIF along Market Street and we cannot use part of it because it was purchased by someone else. We have a third phase of another development that we cannot execute on because it was purchased by someone else. Member Zimmerlin stated Council is not going to ask for another levy, because they have already been turned down five times. We have to think outside the box and start considering other ways to generate revenue. There are only three ways to generate revenue-increase income tax, increase roof tops or make cuts. Member Zimmerlin said what are we going to cut? Our part-time firefighters? Our twelve Police Officers? We do not have a lot of money to cut so we have to generate revenue. We have gotten the message from the public and are not putting another levy on the ballot, so we are thinking of other avenues and how we make the city better.

Mr. Haworth stated you bought this for control. Control of what?

Member Zimmerlin replied the interest of the property and of the development. We have other parcels in the City that we own.

Mr. Haworth stated why not just keep it for sale and let a developer buy it and develop it?

Member Requarth replied we were afraid that someone would buy it and leave it just like it is, a bean field or a corn field in town. The only way we can make sure that it gets developed now is to own it. Mr. Requarth stated he hopes in the next six months we do not own it anymore.

Mr. Haworth stated 80% of the voters that voted that rezoning down wanted a bean field.

Many members spoke at once. Member Fowler stated he thought they wanted R-1B.

Mr. Haworth stated they are not all about the proud and progressive. Progressive seems to be a bad word here lately in the news.

Member Zimmerlin stated that land has been R-1B since the Comprehensive Plan was done. It has not been a secret.

Law Director Stephan stated it was rezoned R-1B Planned Development from Conservation around 2016. It was originally zoned Conservation when it was annexed to the city, and then it was rezoned to R-1B Planned Development.

Member Zimmerlin stated it has been our intention for years to make that land a residential development. It has not been a secret.

Mr. Haworth asked why Council had to go into secret meetings?

Member Zimmerlin replied Council goes into Executive Session on all sorts of things.

Mayor Letner stated it was approved after the Executive Session on December 7, 2021. It is in the minutes. It was public knowledge. Mayor Letner stated if you had stayed around you would know that. Mayor Letner advised before they went into Executive Session it was stated there may be action taken. Council did take action and it is recorded in the minutes.

Mayor Letner told Mr. Haworth he had one minute left.

Mr. Haworth stated Mayor Letner asked him a question about how he does not live in the city and how it affects him. Mr. Haworth stated it affects him because where he lives is right next door to where you are doing this and what you did started out at 67 homes and that got shot down. Then it went to 59 homes, and everybody unanimously approved that. Mr. Haworth stated 80% of the voters said no, they made the wrong decision on November 2<sup>nd</sup>.

Mayor Letner replied that was based on what Mr. Haworth's group told them. That is not based on what we told them.

Mr. Haworth stated it was not his group.

Mayor Letner replied you spearheaded it and funded it. We let you use our facility.

Mr. Haworth said he funded it?

Mayor Letner stated we are not going to get into a back and forth and told Mr. Haworth he had 30 seconds to finalize his statement.

Member Requarth stated the rezoning was the issue on the ballot.

Mr. Haworth commented the bottom line is he has lived in Brookville all of his life and he loves this city and loves living here. He just wants the right choices made and 80% of the voters are thinking the same way he is.

Member Fowler stated we are not building R-1C homes.

Member Crane agreed we are not building R-1C homes, it will be R-1B., so what is the problem?

Mr. Haworth commented if Council had stuck with the original plan, we would not be having this conversation.

Several Council Members replied at once, stating this is the original plan. It is back to R-1B zoning.

Mr. Haworth stated you wanted to put 59 homes on 18 acres, only 15 feet apart and that was way too dense.

Manager Keaton commented it has to be developed according to the R-1B, PD zoning requirements in our zoning book, which is not 15 feet apart. That was R-1C.

Mayor Letner thanked Mr. Haworth for his comments.

Paul Kimmel, of 119 Sycamore Street, stated he has lived and worked in Brookville for the last twelve years. He loves this community and the people who call it home, until recently. Mr. Kimmel stated he resides in an apartment building and he has never had issues with anyone. He is a single dad and at one point had custody of four children. His oldest daughter is now married and his oldest son is in the College Promise Program at Miami University. Mr. Kimmel stated last year the landlord rented to a couple after ignoring advice not to rent to them. Mr. Kimmel stated these neighbors are loud and disorderly, and will not or cannot control their children. His home is no longer a place of refuge, but a place of nuisance, disorderly conduct and vindictive behavior. He endures constant noise, pounding and possibly children riding a scooter across the floors above him. They have interfered with the parking by placing a basketball hoop in the parking lot. He has contacted his landlord and the police. The landlord has used many excuses to avoid eviction. He has reached his breaking point. The police have issued warnings and citations and have been met with combative behavior. He is here today with a plea for help from those with authority to rectify a situation that clearly violates his right to quiet enjoyment within his home. Perhaps they can help persuade the act of an eviction from those who have clearly breached their lease and continue to be a nuisance to our community.

Mayor Letner asked Mr. Kimmel if he has spoken to the Police Chief?

Mr. Kimmel stated he has not. He came to Council on the advice of several Police Officers. He is out of options as his landlord will not do anything.

Police Chief Jerome stated coming to an open Council meeting is not the proper way to solve the problem. Police Chief Jerome advised he would be happy to address Mr. Kimmel's concerns. It sounds like the Police Department is responding and are doing their job, but a situation like this can be a long process. Without the landlord's support, it is a complicated process to declare it a nuisance. Police Chief Jerome stated he would like the opportunity to meet with Mr. Kimmel. He cannot solve the problem overnight but they can definitely develop a plan.

Member Requarth stated he is looking at the Police report where the tenants in question were arrested and asked if Children's Services have been contacted?

Police Chief Jerome stated he believes Children's Services were contacted in that instance because children were in the car at the time of arrest.

Fire Chief Fletcher stated one of the most challenging things they run into is Ohio law provides a lot of protection for residents in their homes. There is a large expectation placed upon fire and police before they are allowed to act and many times their hands are tied. Fire Chief Fletcher agreed meeting with Police Chief Jerome is the best course of action at this point.

Member Requarth asked if we are sure if the children are being taken care of?

Police Chief Jerome stated he is aware of the steps that should be taken to ensure the children's safety. Now that he has been made aware of the situation, we can explore all of the steps for the safety of the children and to help Mr. Kimmel rectify the problem.

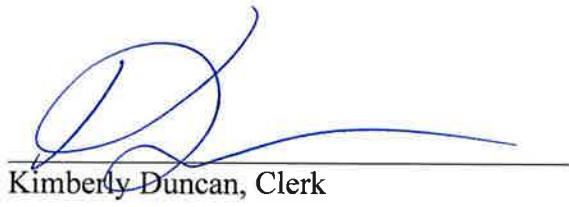
Member Zimmerlin commented Council recently heard a presentation from Montgomery County mediation services recently, and suggested they get involved to help mediate the situation between the landlord and tenant.

Manager Keaton advised she can provide Mr. Kimmel with that information.

Mr. Kimmel replied he would be open to anything.

Mayor Letner thanked Mr. Kimmel for coming and stated the Police Chief and City Manager will be good resources for his situation.

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



Kimberly Duncan, Clerk



Charles Letner, Mayor