

Brookville City Council
Regular Meeting
August 16, 2022

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on August 16, 2022. 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, Requarth, Schreier, 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 Fowler, second by Zimmerlin to adopt the Agenda as presented. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to approve the August 2, 2022 Special Meeting Minutes. All yeas, motion carried.

Motion by Fowler, second by Schreier to approve the August 2, 2022 Regular Meeting Minutes. All yeas, motion carried.

Mayor Letner recognized Angie Dull as the Citizen of the Month for the month of August. Mayor Letner stated Angie is instrumental in the success of the Community Picnic and represents our Chamber of Commerce and our businesses very well.

Ms. Dull thanked Mayor Letner, stating she has a great job, and she is fortunate to work for a great group of volunteers in this great community.

Manager Keaton reported she followed up with the Southwest Ohio Purchasers for Government representative, who advertised for bids for a rock salt contract from August 1, 2022 – July 31, 2023 with a 12-month option to renew from August 1, 2023 – July 31, 2024. The Southwest Ohio Purchasers advertises for rock salt bids on a biennial basis to save costs. The option to renew is not mandatory, it is an available option. The City can enter into a 1-year contract, with the option to renew from August 1, 2023 – July 31, 2024. By next June, we need to revisit the second-year option. Manager Keaton advised as she reported during the last Council Meeting, the lowest bidder for Brookville was American Rock Salt Company, LLC at a cost of \$79.16 per ton delivered price from August 1, 2022 through July 31, 2023. Manager Keaton requested Council approve the 2022/2023 Rock Salt Bid for the purchase of 300 tons at a cost of \$79.16 per ton from American Rock Salt Company, LLC.

Motion by Zimmerlin, second by Fowler to approve the 2022/2023 Rock Salt Bid for the purchase of 300 tons at a cost of \$79.16 per ton from American Rock Salt Company, LLC. All yeas, motion carried.

Manager Keaton reported we are currently advertising for bids on the Westbrook/Albert Road Stormwater Project. The bid opening is scheduled for August 29. The bid results will be presented to Council at the first meeting in September.

Manager Keaton reported the Safe Routes to School Project is completed. Manager Keaton advised she and Street Superintendent Homan walked the project this morning with ODOT.

Manager Keaton reported the Sludge Press Facility Project is wrapping up. We are still waiting on two entry doors, and the chimney for the used oil furnace.

Manager Keaton advised the Delta Theta Tau Sorority plans to donate funds toward a new drinking fountain that will be installed near Building 3 in Golden Gate Park.

Manager Keaton reported on the cost of the N. Wolf Creek Street Waterline Replacement OPWC Project. The total project cost is \$1,472,646 which includes a 10% contingency, engineering, and advertising. Manager Keaton advised we are submitting this application as a 25% grant (\$368,162) and a 75% loan (\$1,104,484) over a 30-year period at zero percent interest. Annual debt payments would be \$36,816.15.

Manager Keaton reported Clerk Duncan received two letters of interest for our open Board/Commission seats and asked if Council would like to schedule interviews with these two individuals?

The consensus is to hold interviews on August 29, 2022 at 6:00 p.m.

Manager Keaton provided Council with a spreadsheet titled "Refuse 2023 Proposals" that displays the 2017 Budget and YTD Expenditures, a 2023 in-house proposal, and a 2023 Rumpke proposal. Manager Keaton stated our last year picking up trash in-house was 2017 with three Service Department employees. With the 2023 in-house proposal, the payroll figures include hiring two additional employees in the Service Department and leasing a new refuse truck. The 2023 Rumpke proposal includes selling our 2015 refuse truck. The totals for each column are at the bottom of the sheet. Manager Keaton stated in 2006, we had 12 full-time employees and two seasonal employees in the Service Department. One of the 12 full-time employees was the Fleet Mechanic. Today, we employ 11 in the Service Department including the Fleet Mechanic. We had one seasonal employee this spring for approximately 6 weeks. We currently have three Service Department employees that are eligible to retire, and one employee who is eligible to retire in four years. A former City Manager frequently worked in the Service Department and assisted with mowing and snow removal. Manager Keaton stated since 2017, we have taken on more mowing of various areas, such as: Meadows of Brookville detention areas, Historical Society buildings and caboose, Terrace Park median strip, Fire Station 76, Market Street storm detention pond, the green space at 308-312 South Wolf Creek Street, and both sides of the bike path from Arlington to Brookville Rental. In recent years, due to the downturn in our income tax receipts and the defeat of levies, we cut back on overtime in the Service Department. Prior to cutting back on overtime, the employees frequently worked overtime to keep up with mowing. Manager Keaton stated if we implement refuse in-house, we will have ongoing maintenance costs on our 2015 trash truck. Brand new rear axle tires, of which we have eight and two front steer tires currently cost \$4,753.04. In looking back at our maintenance records, tires must be replaced every 12 to 18 months. New hydraulic hoses were recently installed on the 2015 truck at a cost of \$300. Manager Keaton advised Council has a list of items our former refuse employees are currently working on daily. The average age today of our former refuse employees is 47½. Manager Keaton reported she reached out to the Village of Lewisburg as they still pick up their refuse in-house. Lewisburg increased their refuse rates in February 2019 to \$20/month. They have one refuse truck for a population of 1,800. If their truck breaks down, they contact Rumpke for a truck and driver and use their two employees to pick up trash. There is an hourly fee for the Rumpke truck and driver.

Member Requarth stated the bottom line is that it will cost \$80,000 more to pick up refuse in-house versus using Rumpke.

Member Zimmerlin stated there may still be a potential savings by contracting out our mowing.

Member Requarth commented that the school looked into contracting out mowing and it was very expensive.

Manager Keaton stated we struggled this year to find a contractor to do our property maintenance mowing.

Member Zimmerlin inquired if the in-house figures include billing?

Finance Director Brandt replied it is included. The billing would not change if we brought refuse collection in-house.

Mayor Letner asked how much Rumpke would charge to pick-up just recycling?

Manager Keaton replied that is not in the bid, but she reached out to Rumpke, who advised they charge Urbana \$4.50 per unit per month to pick up recycling only. Manager Keaton advised we currently have 2,331 customers.

Member Crane observed selling the 2015 refuse truck represents savings for just one year.

Manager Keaton replied if we sell the refuse truck, our in-house maintenance costs and fuel costs for it will be gone.

Member Zimmerlin commented a lot of the increases are in the later years of the proposed contract. Member Zimmerlin asked if the increases in the Rumpke contract are higher than what our increases would be?

Finance Director Brandt replied everything in-house will increase such as wages, insurance costs, fuel costs and Workers Compensation. The Rumpke increase will not be more than the \$80,000 difference for us to go in-house because our costs will go up consistently as well.

Manager Keaton explained if we increased the refuse rate to \$20 per month per resident now, as recommended by Finance Director Brandt, we could keep it locked in for that five-year period.

Member Requarth stated we can justify going with the Rumpke contract and locking in the rate for five years.

Member Zimmerlin commented we just had to do our due diligence to get the cheapest option for our residents.

Manager Keaton advised we locked in for five years on our last contract and recommended we do the same with this contract.

Member Requarth inquired if Rumpke has a way out if we lock in the contract for five years?

Manager Keaton stated we would each have a way out, but Montgomery County has not increased their generation fees for a number of years. The diesel prices and labor could increase but Rumpke covered those in their quote.

Motion by Requarth, second by Fowler to accept the Alternate Bid submitted by Rumpke for curbside solid waste and recycling collection to begin on January 1, 2023 for five years, and to authorize increasing the refuse rate to \$20 per month per resident beginning January 1, 2023. All yeas, motion carried.

Finance Director Brandt had no report.

Fire Chief Fletcher reported the Fire Department has had an extraordinarily busy few weeks with a major fire, several fatalities along the interstate and fire in a business along Upper Lewisburg Salem Road that they were able to take down quickly.

Fire Chief Fletcher reported our Fire Inspectors have completed all of our school inspections and found no issues.

Fire Chief Fletcher reported he is still working with Dollar General to get them into compliance with the fire code. They are just above the minimum expectation to keep the doors open. Fire Chief Fletcher advised he will continue to work with them on a day-by-day basis.

Fire Chief Fletcher reported the City Manager has authorized him to dispose of surplus property. The majority of these items will not bring a great deal of money on GovDeals. Fire Chief Fletcher requested Council authorization to donate surplus gear and fire equipment to the fire departments that were negatively impacted by the flooding in Kentucky. The New Lebanon Fire Chief is heading an effort to collect and transport gear and equipment to those areas.

Member Zimmerlin commented this is the right thing to do as so many came to help us in our time of need.

The consensus was to authorize Fire Chief Fletcher to donate surplus gear and fire equipment to the fire departments that were negatively impacted by the flooding in Kentucky.

Mayor Letner commended the Fire Department for representing the City so well in these busy times.

Police Chief Jerome reported he met with Brookville School Superintendent Jason Wood today. The Police Department will be in full force tomorrow morning and the rest of the week with the start of the school year. The Police Department will be meeting with students to explain the importance of crosswalk safety as pedestrian traffic will likely increase with the new Safe Routes to School sidewalks. Police Chief Jerome advised there are similar crosswalks and flashing lights in other parts of the nation, such as beach towns, and it is not unique to our city. Education of students, parents and teachers are the key to making the new Safe Routes to School successful.

Police Chief Jerome reported the Brookville Soccer Association Parade went off without a hitch.

Police Chief Jerome introduced the new Police Chaplain Laird Baldwin, who is part of our new wellness program.

Pastor Baldwin stated he is the pastor of Bible Baptist Fellowship Church on Market Street. He is also a member of the Miami Valley Crime Prevention Association and a Certified Crime Prevention Specialist with the Ohio Crime Prevention Association. Pastor Baldwin advised he will serve as a civilian member of the Police Department, where it is his responsibility to help and support the Police Officers, watching after their spiritual and emotional welfare, as well as their personal and professional lives. Pastor Baldwin stated the importance of chaplaincy cannot be understated and it is a privilege to serve the Brookville Police Officers and the community.

Police Chief Jerome and Captain Morgan gave a presentation of the new body cam system. Some internet connectivity issues were experienced. Police Chief Jerome advised they will give another presentation at a future meeting. Police Chief Jerome reported the addition of body cams has been a real asset to the Police Department.

Mayor Letner recognized VFW Post #3288 for the donation that allowed us to purchase the body cams and software. This puts another tool in our tool bag that was greatly needed and will be beneficial down the road.

Law Director Stephan reported the employment agreement for City Manager Sonja Keaton has expired and requested that City Council approve a new employment agreement. The agreement will be for a period of three years and incorporates rates of pay as adopted by City Council in the pay resolutions for each year of the contract. The other terms of the employment agreement remain the same as the existing contract. Law Director Stephan requested that the motion be retroactively approved with an effective date of July 21, 2022.

Motion by Requarth, second by Zimmerlin to approve a new three-year employment agreement for City Manager Sonja Keaton, retroactively to July 21, 2022 as recommended by Law Director Stephan. All yeas, motion carried.

Mayor Letner thanked Angie Dull for being his citizen of the month, stating the Community Picnic was great this year, thanks to Angie and the Chamber of Commerce.

Mayor Letner stated the first day of school is this week and reminded everyone to drive carefully. Mayor Letner stated the new Superintendent Jason Wood has acquired a great school system in the City of Brookville.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 22-19. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the third reading and adopt Resolution No. 22-19 entitled "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED." All yeas, motion carried.

Motion by Zimmerlin, second by Requarth to read proposed Resolution No. 22-20. All yeas, motion carried.

Motion by Wilder, second by Fowler to accept the third reading and adopt Resolution No. 22-20 entitled "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED." All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to read proposed Resolution No. 22-26. All yeas, motion carried.

Motion by Requarth, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 22-26 entitled "A RESOLUTION REAPPOINTING MS. KIMBERLY D. DUNCAN AS CLERK OF COUNCIL FOR THE CITY OF BROOKVILLE, OHIO, AND ESTABLISHING HER ANNUAL SALARY AND EMPLOYMENT BENEFITS, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Member Fowler, Park Board Liaison, reported the Brookville Baseball Association will be doing some repair work on Fields 4 and 8 at Golden Gate Park. Opening Day was well attended for the Brookville Soccer Association. There will be a Wiffle Ball Tournament at Golden Gate Park on September 5, 2022.

Member Schreier, Planning Commission Liaison, had no report.

Cheri Simon, property owner of 12347 Wolf Creek Pike, stated her property is in Perry Township, across from the sewer plant, and she is here to get on the record. Ms. Simon stated she and neighboring residents have been approached by a developer with a concept development for the property. There is an easement that runs through the properties and the developer wants to discuss the easement rights. Ms. Simon stated the residents concerns are regarding drainage. They currently have major drainage issues with a 50-acre field that drains onto their properties. A development concept of 56 homes would add a considerable amount of stormwater drainage to their property and to Wolf Creek. Ms. Simon stated she has been in touch with Stephen Bridenbaugh at Montgomery County Soil and Water and Mark Stewart at the Montgomery County Engineer's Office. Ms. Simon stated she wants to make sure the City does not rubber stamp this

development concept and asked that any development is done with the proper storm drainage runoff. They have video proof of the current water runoff onto their properties. They realize that they cannot expect to never have the land around them developed. They just want to make sure it is done with care for the people that have lived there all of their lives. Ms. Simon stated again they want to get on record that there are major drainage issues. The developer wants to meet with all of the residents in the area regarding an easement that he needs them to sign off on. Another concern they have is that the property will be totally eradicated without trees and green space. Ms. Simon stated that Mr. Stewart from the Montgomery County Engineer's office advised her there could be a requirement for the Army Corps of Engineers to look at any drainage study due to the fact that Wolf Creek shows up on the USGS map.

Mayor Letner stated he appreciates Ms. Simon's concerns. This proposed development is in a very preliminary engineering stage at this point. If a site plan is developed, residents will be able to come and express their concerns.

Ms. Simon asked if Montgomery County would review these plans, or just the City of Brookville's engineering firm?

Law Director Stephan replied any subdivision plan would have a two-step review, first by our engineer and then by the Montgomery County Engineer, who signs off at the end of the process. If the stormwater management portion of it needs to be reviewed by the Army Corps of Engineers, then we would have them review that.

Member Zimmerlin inquired if any plans have been presented yet?

Law Director Stephan replied we have not received any plans. If and when we do, we can notify Ms. Simon and the other residents and bring them into the process.

Rodney Mullins, of 660 S. Wolf Creek Street, stated he lives beside the sewer plant, and he is the one who will get all of the water. He is already in the flood plain. The tornado took two houses and two cars from him.

Galen Woodhouse, of 12357 Wolf Creek Pike, stated the water starts in the field behind him. His property took a direct hit from the tornado three years ago and it wiped out four acres of trees. He has a deep concern about the proposed development as he just spent a significant amount of money to try to mitigate some of the water. He stated he has met with the developer, who wants him to sign off on an easement. Mr. Woodhouse asked if he has to sign off on the easement now? Can Council give him any advice?

Law Director Stephen replied there is an easement that runs through their properties, which is their access point. The proposed plan would create a street that goes to the existing properties to give them continued access. Law Director Stephan stated beyond that Mr. Woodhouse should seek legal counsel.

Jim Simon, of 12347 Wolf Creek Pike, asked if a zoning decision on city property affects neighboring township property, does that bring in the county?


Law Director Stephan replied in this situation, all of the entrances onto public streets would be within the city boundaries. This makes it a City Planning Commission decision, not a County Planning Commission decision. We would notify adjoining property owners if there is a proposed re-zoning. In this case there would not be any re-zoning as the proposed project is a permitted use. Law Director Stephan stated the City will notify the township residents when plans are submitted and of any related Planning Commission and City Council meetings.


Mayor Letner commented that clear cutting Wolf Creek mitigated a lot of problems we have had with flooding in the past.

Mr. Mullins stated when he built his house his property was not in a flood plain, but it is now.

Law Director Stephan advised our basic concept with our stormwater management is that we do not want to make any situation worse. We want to contain any water from any development. That is what our engineers will try to achieve. If you add in the fact that Wolf Creek is a tributary, that could lead to a review by the Army Corps of Engineers. Law Director Stephan stated if this project moves forward, the City will do everything we can to engineer this project properly.

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



Kimberly Duncan, Clerk

Charles Letner, Mayor