

Brookville City Council
Regular Meeting
December 6, 2022

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on December 6, 2022. The meeting was held in the City Council Chambers and virtually using the Cisco Webex application. The Pledge of Allegiance was recited. Members Fowler, Requarth, Schreier, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher, Major Simon, and Clerk Duncan were present. Member Crane and Police Chief Jerome were absent.

Roll Call by Clerk Duncan.

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

Motion by Fowler, second by Schreier to approve the November 15, 2022 Regular Meeting Minutes. All yeas, motion carried.

Paula Balcom and Jordan Jeffries, EMS Coordinators for Miami Valley Hospital, presented the Premier Health Life Saving Awards to Police Officers Westerheide and Snell, and EMS Members Mark Wysong and Justin Veverka for their outstanding efforts within the community, which resulted in saving a life. EMS Member Andrew Stewart, not present, also received the award.

Fire Chief Fletcher thanked Paula Balcom and Jordan Jeffries for being their Fire Department liaisons with the hospital and for recognizing our personnel.

Police Major Simon reported the Chamber of Commerce Tree Lighting went well and commended the Service Department for their help with the event.

Police Major Simon reported the new police cruiser has been completely outfitted and placed in service.

Manager Keaton reported the kickoff of the Christmas in the Park lighting display was a success despite the strong winds and rain that we experienced. Manager Keaton thanked Park Board for their vision and for tirelessly working on this event. Manager Keaton also thanked the Walmart Foundation for providing Community Grant assistance and the other donors that allowed Park Board to build upon their light display. Manager Keaton thanked Cub Scout Pack 47 for their grand display this year, the various groups that set up their displays throughout the park, the Service Department and volunteers that assisted with setup, and all that drove through the park last Friday evening and donated funds to better the project. Manager Keaton reported we received \$353.25 in donations.

Manager Keaton thanked the Brookville Area Chamber of Commerce for their Christmas Tree Lighting event on November 30. They had a great turnout for the tree lighting and many people visited the Market Street businesses.

Manager Keaton reported we recently sold our sludge press trailer on GovDeals for \$16,300, and our 2004 Ford pickup truck for \$3,200.

Manager Keaton advised she received the packet for tomorrow's OPWC District 4 meeting. The Board is scheduled to approve the 2022/2023 funding slate. The draft slate shows 12 of the 30 State Capital Improvement Projects (SCIP) submitted will be funded. It appears that our Hay Avenue Roadway Improvements, Phase 2 project will be funded, as we ranked 12th with a score of 41.

Manager Keaton reported after absentee and provisional ballots were counted, the Perry Township Fire & EMS levy had 1,199 votes for the tax levy and 1,196 against the tax levy. With the final

vote so close, this levy qualifies for an automatic recount, which is scheduled for tomorrow morning.

Manager Keaton reported MVRPC approved our site to install two electric charging stations in the city parking lot off Arlington Road, in front of our Service Garage. There is an Electric Vehicle Charger Project Partner Agreement that we need to enter into with the Miami Valley Regional Planning Commission. Council has been provided a brief summary of the Agreement, which has been reviewed and approved by our Law Director. Manager Keaton asked if there are any questions regarding the Agreement.

Member Requarth clarified that the city has no investment in electric charging stations and asked who will be in charge of maintenance?

Manager Keaton replied MVRPC will select a vendor who will own and maintain the charging stations for a five-year period. At the end of this time period, we can choose whether to continue the program.

Manager Keaton requested Council authorization to enter into the Electric Vehicle Charger Project Partner Agreement with MVRPC.

Motion by Requarth, second by Fowler to authorize Manager Keaton to enter into the Electric Vehicle Charger Project Partner Agreement with MVRPC. All yeas, motion carried.

Manager Keaton reported electric aggregation was a hot topic early this year when AES substantially increased electric bills in June. Six communities in Montgomery County had electric or electric and natural gas aggregation on the November 2022 ballot with all six unanimously passing. Manager Keaton advised Council has been provided information on government aggregation. Government Aggregation lets a city negotiate with electric and/or natural gas providers on behalf of a large number of customers. Aggregation allows a municipality, in conjunction with other jurisdictions in the area, to negotiate a bulk rate for electricity and/or natural gas supplied to residents and small businesses. Once a community puts an aggregation program on the ballot, and voters approve that, it is not a done deal. A community still needs to negotiate a favorable electric and/or natural gas rate that makes sense for the community.

Manager Keaton stated as outlined in the Electric & Natural Gas Aggregation packet, the Miami Valley Communications Council, of which Brookville is an affiliate member, is seeking regulatory approval early next year to have an Electric Aggregation Program and a Natural Gas Aggregation Program. MVCC is currently working with Palmer Energy headquartered in Toledo. Palmer Energy currently provides aggregation programs and consulting services to many communities and counties throughout Ohio. Council has a copy of a power point presentation received this morning that was put together by Palmer Energy and McNamee & McNamee, counsel for the Miami Valley Communications Council. Manager Keaton advised if Council is interested, she can have a representative from Palmer Energy attend a future Council Meeting to provide Council with more information on aggregation programs, and to answer any questions. Manager Keaton opened the floor for discussion to see if Council is interested in putting government aggregation before voters in 2023.

Member Fowler asked if any cities in the area participate in an aggregation program?

Manager Keaton replied many southern communities previously had government aggregation on ballots years ago. Clayton had electric aggregation, and Englewood, Vandalia, Trotwood, and West Carrollton had electric and natural gas aggregation on the November 2022 ballot. There are currently 17 communities that are either members or affiliate members of the Miami Valley Cable Council that have expressed interest in participating in their aggregation program. Another 15 recently expressed an interest in participating.

Member Requarth commented Clay Township is in an aggregate program.

Manager Keaton replied, yes, she believes they are in an aggregation program along with Perry Township.

Member Schreier inquired what the general savings is for customers in the aggregation program?

Manager Keaton replied it varies based on usage, but the average is \$300 per year.

Member Fowler asked if this would go through another company, like an IGS or something like that?

Manager Keaton replied yes, Palmer Energy is working with the Miami Valley Cable Council; MVCC would be working directly with Palmer Energy and Palmer would gather all the information and prepare and RFP and make a recommendation to MVCC.

Member Fowler commented that we would be looking at the opt-out program, meaning our citizens would have to opt-out if they do not want to participate.

Manager Keaton responded that she is leaning toward the opt-out program. MVCC strongly encourages opt-out programs as the participation rate typically exceeds 80% compared to 20% or less with the opt-in program.

Member Fowler asked if residents would be automatically in the aggregate program unless they opt out?

Manager Keaton replied that is correct, unless they are under contract with another company.

Manager Keaton stated if Council is interested in moving forward, she will schedule a presentation from Palmer Energy at a future Council meeting. If Council wants to put this on the May 2, 2023 Primary, we have to submit our paperwork to the Montgomery County Board of Elections by 4:00 p.m. on February 1, 2023. For the November 7, 2023 General Election, we have to submit our paperwork to the Board of Elections by 4:00 p.m. on August 9, 2023.

The consensus is to move forward with a presentation by Palmer Energy.

Manager Keaton reported the Brookville Historical Society is requesting Council consideration for any financial assistance that can be granted to them in 2023. Council has copies of their revenues and expenditures from January 1 through November 30, 2022. Becky Ditmer and Carolyn Haney are present this evening to answer any questions Council may have.

Member Fowler inquired what the Historical Society is doing to increase their revenue?

Carolyn Haney, of the Brookville Historical Society, replied the Historical Society relies on donations to operate. They received a grant from another source this year and an anonymous donation which enabled them to complete some deferred maintenance. They have tried different avenues and had some success this year with open houses. There is a lot of wonderful material and history in the Spitler House and in the research building. Ms. Haney stated they need a volunteer who is proficient in Facebook to help with genealogical inquiries.

The consensus is to wait until a full Council is present to decide on any grant funding from the City for the Historical Society.

Finance Director Brandt presented the November 30, 2022 Fund Balance report.

Motion by Fowler, second by Schreier to approve the November 30, 2022 Fund Balance as presented.

Finance Director Brandt requested Council authorization to transfer \$100,000 from the General Fund to the Street, Maintenance and Repair Fund as approved in appropriations.

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

Mayor Letner called for a motion to open the Public Hearing before City Council and Planning Commission, which is a combined Public Hearing on proposed Ordinance No. 2022-05, an Ordinance amending Chapter 1137 General Business District of the Code of Ordinances of the City of Brookville, Ohio.

Motion by Fowler, second by Schreier to open the combined Public Hearing on proposed Ordinance No. 2022-05, an Ordinance amending Chapter 1137 General Business District of the Code of Ordinances of the City of Brookville, Ohio. All yeas, motion carried.

The Public Hearing was recorded and is on file with the Clerk at the Municipal Offices. The audio recording of the meeting is available on the city website at www.brookvilleohio.com.

Clerk Duncan announced the Public Hearing is to consider proposed Ordinance No. 2022-05, an Ordinance amending Chapter 1137 General Business District of the Code of Ordinances of the City of Brookville, Ohio to authorize mixed residential and business uses in the General Business District. A Legal Notice was published on the City of Brookville website and in the November 23 and November 30 editions of the Brookville Star advising of the Public Hearing. The City Office did not receive any inquiries regarding the Public Hearing.

Clerk Duncan asked if any Council Member or Planning Commission member need to abstain from participating in this Public Hearing?

No one indicated the need to abstain.

Law Director Stephan stated proposed Ordinance No. 2022-05 will amend the General Business Zoning District to establish a new Special Use for Mixed Use Development. Mixed Use Development will include residential and business uses within the same structure or in close proximity within the same General Business District. Residential uses would include all permitted and Special Uses in the R-3 zoning district. The business uses would include all permitted and Special Uses in the GB zoning district. This type of mixed use currently exists in the Community Center District on Market Street where we have properties that include business and residential uses within the same structure. The proposed zoning amendment would apply in existing GB zoning districts and any other areas that are zoned GB in the future.

Clerk Duncan opened the floor for discussion and stated anyone wishing to speak should state their name and address for the record.

Clerk Duncan administered the Oath of Witness to Mark Haworth, of 10352 Upper Lewisburg Salem Road.

Mr. Haworth asked if this proposed zoning was for apartments that can be mixed into the General Business?

Law Director Stephan replied it would include single-family, two-family, three-family or four-family units within a building.

Mr. Haworth inquired whether any of this would be government funded.

Law Director Stephan replied this has nothing to do with government funding. The proposed Ordinance just establishes a zoning category.

Mr. Haworth asked if other cities have thrived with this type of zoning and what is the actual idea behind it?

Law Director Stephan replied the idea is to create neighborhoods where residents can enjoy living and visiting various businesses by walking or traveling short distances. This is seen in other cities in Montgomery and Greene County. Beavercreek has a Mixed Use Ordinance at the Greene and other locations. Law Director Stephan advised we currently have this on Market Street with residential above the Market Street businesses.

Mr. Haworth asked how much land is available for this type of use?

Law Director Stephan replied the area around Brookside Plaza is zoned General Business. The primary undeveloped area in Brookville is the Market Street extension from Amvets to Upper Lewisburg Salem Road.

Mayor Letner thanked the Planning Commission Members in attendance and called for a motion to go back into Regular Session.

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

Fire Chief Fletcher reported November was another busy month and they are well above average in the number of calls.

Fire Chief Fletcher reported the Fire Department recognized several members at their annual dinner last Saturday. In addition to those recognized this evening, Captain Wolfe and Members Vaughn, Wilson and Veverka were recognized for a separate lifesaving event.

Fire Chief Fletcher reported a former Fire Department member visited Station 76 today to thank the Fire/EMS crew that provided care during a recent life-threatening health crisis.

Fire Chief Fletcher reported the Fire and Police Departments responded to a fatal accident this week at the intersection of Upper Lewisburg Salem and Arlington Roads. Fire Chief Fletcher thanked AES for their quick response to get the streetlights and to the third party vendor for getting the traffic signals working again after the accident.

Law Director Stephan had no report.

Mayor Letner thanked the Chamber of Commerce for sponsoring the annual Christmas Tree Lighting. Mayor Letner thanked Park Board, Troop 47 and all the display sponsors for the Christmas in the Park event.

Motion by Fowler, second by Schreier to read proposed Resolution No. 22-31. All yeas, motion carried.

Motion by Requarth, second by Wilder to accept the second reading of proposed Resolution No. 22-31. All yeas, motion carried.

Motion by Fowler, second by Wilder to read proposed Ordinance No. 2022-07. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the second reading of proposed Ordinance No. 2022-07. All yeas, motion carried.

Member Fowler reported the Christmas in the Park event went well and thanked Park Board for their hard work.

Member Schreier reported Planning Commission reported Potter's House Christian Center submitted an application for an electronic message center on the side of their building, and Planning Members considered whether the zoning code should be amended to permit electronic message centers on wall signs. The consensus was not to move forward with that change.

Law Director Stephan stated the applicant asked to put an electronic message center on the side of the building and our current code only allows electronic message centers on ground signs. Law Director Stephan stated there are currently a few churches in Brookville with electronic message centers on ground signs in Brookville. Planning Commission's recommendation was not to change the text to allow electronic message centers on buildings.

Member Fowler inquired what the reasoning was for Planning Commission's decision?


Member Schreier replied if they allowed it for one business, then potentially any business could put up a sign with bright lights facing the street.

Mayor Letner called for a motion to go into Executive Session per O.R.C. 121.22 (G)(2) to consider the purchase of property for public purposes.

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

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



Kimberly Duncan, Clerk

Charles Letner, Mayor