

Brookville City Council
Regular Meeting
July 19, 2022

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on July 19, 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.

Manager Keaton requested to amend the Agenda to add proposed Resolution Numbers 22-12 through 22-18, which are pay Resolutions for city employees and to add proposed Resolution No. 22-24, which establishes the ONEOHIO Opioid Fund.

Motion by Fowler, second by Zimmerlin to adopt the Agenda with the additions. All yeas, motion carried.

Motion by Schreier, second by Wilder to approve the July 5, 2022 Special Meeting Minutes. Requarth yea, Crane yea, Fowler yea, Zimmerlin abstained, Schreier yea, Wilder yea, Letner yea. Motion carried with six yeas and one abstention.

Motion by Requarth, second by Fowler to approve the July 5, 2022 Regular Meeting Minutes. Crane yea, Fowler yea, Zimmerlin abstained, Schreier yea, Wilder yea, Requarth yea, Letner yea. Motion carried with six yeas and one abstention.

Mayor Letner presented the Citizen of the month award to AES employee and Brookville resident Casey Little for assisting the city and its residents during the recent electric outages due to the storm.

Fire Chief Fletcher commented Casey Little's assistance to the Fire Department was greatly appreciated during the recent storms.

Dustin Holcomb, of Brookville Soccer Association, requested approval of the BSA Opening Day Parade on August 13, 2022 at 9:00 a.m. as presented. Parade staging will be in front of the VFW on Carr Drive. The parade route will be from Carr Drive to Cusick Street to Market Street to Wolf Creek Street to Arlington Road to Westbrook Park.

Motion by Schreier, second by Wilder to approve the BSA Opening Day Parade on August 13, 2022 at 9:00 a.m. Fowler abstained, Zimmerlin abstained, Schreier yea, Wilder yea, Requarth yea, Crane yea, Letner yea. Motion carried with five yeas and two abstentions.

Manager Keaton reported over the last week, she received two resignation letters, one from Park Trustee Jennifer Vance and the other from Planning Commission member Jessi Sievers. Jennifer Vance will remain on Park Board until a new Board Member is appointed. Jessi Sievers resignation is effective August 1. Manager Keaton requested Council accept the resignations and authorize the Clerk of Council to advertise the open positions.

Motion by Requarth, second by Fowler to accept the resignations of Park Trustee Jennifer Vance and Planning Commission Member Jessi Sievers and to authorize Clerk Duncan to advertise the open positions. All yeas, motion carried.

Manager Keaton reported she is pleased to announce we received our second tranche of ARPA funds last Friday.

Manager Keaton reported Community Development Block Grant applications were due to Montgomery County by July 15. An application for CDBG funding was submitted for Golden Gate Park and Westbrook Park Handicapped Accessibility Improvements. This project provides for construction of approximately 600 linear foot of pedestrian walkway in Golden Gate Park and approximately 220 linear foot of pedestrian walkway in Westbrook Park. Manager Keaton provided Council with pictures of the areas where the walkways will be constructed. This project will allow physically challenged users better access to and from parking lots, playing fields, and picnic shelters in both parks. Total project cost is \$185,370. We are requesting \$141,870 in grant funding with the City contributing \$43,500. Manager Keaton requested Council authorization to allow this grant application to be considered for CDBG funding and to enter into subsequent contracts if we are funded. Manager Keaton advised if we receive funding, this project will take place in 2023.

Motion by Zimmerlin, second by Fowler to authorize Manager Keaton to submit a CDBG Grant Application for \$141,870 to fund the Golden Gate Park and Westbrook Park Handicapped Accessibility Improvements and to enter into subsequent contracts if funded. All yeas, motion carried.

Manager Keaton reported proposed Resolution No. 22-19 and proposed Resolution No. 22-20 are on the agenda this evening for a first reading. These Resolutions allow the City to prepare and submit applications to the Ohio Public Works Commission. On the Hay Avenue project, Phase II will begin where Phase I left off just beyond Mulberry Street and will continue to the bikeway. The second application is to replace the 4" waterline on N. Wolf Creek Street with an 8" waterline, from Western Avenue to Arlington Road, prior to that roadway being resurfaced in 2024. Manager Keaton advised she will provide Council with an update on how these projects will be submitted to OPWC at the next Council Meeting. Applications are due August 31.

Manager Keaton reported proposed Resolution No. 22-12 through proposed Resolution No. 22-18 are pay Resolutions that reflect the same percentage increase that was approved for the Police Union. These proposed Resolutions go into effect with the pay period that includes July 1, 2022.

Manager Keaton advised she received word last week from DMAX that the Open House/Family Day scheduled for August 28 will be for DMAX employees and their families only due to the recent uptick in COVID. They are looking to schedule another day in September for Council and Staff to tour the plant to see actual operations.

Manager Keaton encouraged everyone to attend the 71st Annual Community Picnic on July 28, 29 and 30. The picnic will end on Saturday evening with fireworks at 10:00 p.m.

Finance Director Brandt reported the 2023 Montgomery County Budget Commission Meeting will be held on Wednesday, August 25, 2022. Annually all public entities need to complete and submit a form to the Auditor's Office that indicates if they want to waive or request a hearing before the Montgomery County Budget Commission for the 2022/2023 Tax Information/Budget and/or Inside Millage. Finance Director Brand requested Council waive the hearing before the Montgomery County Budget Commission for the 2022/2023 Tax Information/Budget and/or Inside Millage.

Motion by Zimmerlin, second by Schreier to waive the hearing before the Montgomery County Budget Commission for the 2022/2023 Tax Information/Budget and/or Inside Millage. All yeas, motion carried.

Finance Director Brandt requested Council approval of proposed Resolution No. 22-04 to create the Opioid Fund for monies received from the Opioid settlement.

Member Requarth asked how much the settlement was?

Finance Director Brandt replied it was just over \$1,800.

Manager Keaton stated we will receive approximately \$43,000 over the next 18 years.

Law Director Stephan commented there is also a regional grant that we need to explore which could be a larger sum of money.

Fire Chief Fletcher reported the Fire Department has investigated some complaints recently regarding Family Dollar and Dollar General. Family Dollar is under an interior reconstruction project and corrected all the items our fire inspectors cited. Dollar General has approximately 30% more inventory than the space can hold. Fire Chief Fletcher reported he has given Dollar General until tomorrow afternoon to comply with cited items or the Fire Department will secure their front door until they comply. Fire Chief Fletcher stated he wants to see all businesses thrive in Brookville, but they must be safe for our citizens.

Fire Chief Fletcher reported he met with the new fireworks company contracted for the fireworks show at the Community Picnic. He and the Police Chief have reviewed and approved the plan.

Police Chief Jerome reported the OPBA contract negotiations went well and thanked Manager Keaton for navigating them through the process.

Police Chief Jerome reported he recently met with Gale Colston and signed the Special Use Liquor Permit application for the upcoming Pink Ribbon Girls event in September.

Police Chief Jerome reported he will send out a message to the citizens regarding the new fireworks ordinance that recently went into effect.

Law Director Stephan reported on July 15, 2022, a petition for annexation was filed with the Clerk of the Board of County Commissioners for Montgomery County seeking annexation of 59.401 acres, more or less, from Clay Township to the City of Brookville. This property is located on Upper Lewisburg Salem Road and Brookville Phillipsburg Road. As part of the process, Council needs to approve certain Resolutions and we need to submit these to the Board of County Commissioners within 20 days. Law Director Stephan stated he is requesting to declare an emergency on proposed Resolution No. 22-21, Resolution No. 22-22 and Resolution No. 22-23. Proposed Resolution No. 22-21 addresses what municipal services we will provide to this territory if the annexation is approved by the Board of County Commissioners. Proposed Resolution 22-22 establishes the requirement of a buffer mandated by Ohio Revised Code 709.023. In the event that the proposed annexation from Clay Township to the City of Brookville is approved, the buffer is required if there is incompatible zoning placed on this property compared to the township uses that are in place. Proposed Resolution 22-23 is a Resolution wherein the City is consenting to the proposed annexation of 59.401 acres.

Member Zimmerlin inquired whether there has been any discussion with Clay Township Trustees?

Law Director Stephan replied he has delivered the petition for annexation to Clay Township Fiscal Officer Holly Buchanan, but he has not had any direct contact with any of the trustees. Law Director Stephan stated this petition is filed under the expedited Type 2 annexation process provided in ORC 709.023. Under this process, this property will remain in the township for real property tax purposes. The township will continue to receive tax dollars from this property and will not lose any money on this annexation. If there is development on this property, they will receive additional tax dollars.

Law Director Stephan reported he has met with the owners of the former K's Restaurant location and found they are unable to get a liquor permit for that location. After speaking with the Board of Elections and reviewing the Division of Liquor Control's analysis of the County records related to elections in Brookville, he found the site is considered dry under State of Ohio Law. Because

that property was annexed into Brookville after 1933, there must be a specific election in that precinct or for that specific property for a liquor permit to be issued to a particular property. Law Director Stephan advised he has been working with the new owners to get this issue on the ballot in November and hopefully secure a liquor permit for their site and to also allow them to have Sunday alcohol sales. Law Director Stephan advised to get this on the ballot for voters within Brookville Precinct B, 250 signatures are needed. There will be people circulating petitions and citizens in Precinct B should sign the petition if they want to see a Mexican restaurant in Brookville.

Member Zimmerlin asked if the liquor permit would stay with the property?

Law Director Stephan replied he will have to verify, but he thinks the same use could continue.

Motion by Zimmerlin, second by Fowler to recess the Regular Meeting and open the Public Hearing. All yeas, motion carried.

Clerk Duncan announced the Public Hearing is to consider the adoption of proposed Ordinance 2022-04, AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PART OF LOT 2222 OF THE CITY OF BROOKVILLE FROM ITS PRESENT CLASSIFICATION OF (HS) HIGHWAY SERVICE DISTRICT TO THE NEW CLASSIFICATION OF (I-2) GENERAL INDUSTRIAL DISTRICT. The property to be rezoned is part of County Auditor Parcel C05 00616 0001. Clerk Duncan stated a Legal Notice was published in the July 6 and July 13 editions of the Brookville Star advising of the Public Hearing and she received one phone call regarding this Public Hearing.

Clerk Duncan inquired whether any Council Members need to abstain from participating in this Public Hearing?

No Council Members indicated they needed to abstain.

Law Director Stephan inquired if any Planning Commission Member needs to abstain from participating in this Public Hearing?

No Planning Members indicated they needed to abstain.

Law Director Stephan reported this Public Hearing is to consider and receive public comment on proposed Ordinance No. 2022-04 which rezones part of lot 2222 in the City of Brookville from its present classification of Highway Service District to the new classification of I-2, General Industrial District. The Highway Service property is approximately 35 acres located on Arlington Road north of I-70. The proposed rezoning to I-2 General Industrial would permit industrial and distribution uses. Council and Planning Commission have received a preliminary concept plan from BH DEVCO for development of this site for industrial and distribution uses. The rezoning is necessary to permit this project to move forward.

Clerk Duncan administered the Oath of Witness to Steve Backman, of 2425 East Camelback Road, Phoenix, Arizona, 85016.

Mr. Backman advised he is with BH DEVCO, an industrial development company, and he and his partner have developed about 14 million square feet of industrial property across seven states. His company recently put the 90 acres on the northeast corner of I-70 and Arlington Road under contract. A portion of that property is zoned HS- Highway Service District and they need the I-2 General Industrial zoning for the park development that they are proposing. Mr. Backman displayed the concept plan on the screen and indicated the area they would like to rezone. The plan includes five buildings, with the largest, Building A, being the first phase of development. Mr. Backman stated this building will be built in the current HS zoning so that is why the I-2 zoning is necessary for this project. Mr. Backman advised they talked with Planning Commission about

providing a vegetative barrier along the northern property line and making sure the intersections align. Mr. Backman stated he feels that they have a certainty of outcome with this project, which is probably one of the most important things as they talk to potential tenants and or users of buildings. Mr. Backman stated he would be happy to answer any questions.

Member Fowler asked if they have a tenant for the main building at this time?

Mr. Backman replied it is being marketed but they do not have a specific user at this time.

Member Zimmerlin asked what the time frame would be to fill all of the buildings?

Mr. Backman stated typically they have a tenant before the roof is on the building.

Member Zimmerlin asked how long the entire project will take?

Mr. Backman stated Building A should be completed by the first quarter of 2024 and the other buildings should be about six months behind that.

Clerk Duncan administered the Oath of Witness to Caryl Hoelscher, of 9800 Pleasant Plain Road, Brookville, Ohio 45309.

Mrs. Hoelscher stated they have a fish pond very close to the proposed building site and they are concerned about pollution coming onto their property.

Mr. Backman stated they hope to be a good neighbor and he would be happy to meet with her and talk about the development in more detail. The development will have CCR's, which stands for codes, covenants and requirements. The City has requirements over property which prohibits noxious uses and there are requirements that prohibit the runoff of pollutants. In addition, BH DEVCO will place CCR's on the property to prohibit noxious uses such as noise, smell and runoff. Mr. Backman advised they have completed a drainage study and found the properties to the north of the proposed development site actually drain onto their property and not the other way around. They will accept this rainwater draining onto their property and get it to where it needs to go.

Clerk Duncan administered the Oath of Witness to John Hoelscher, of 9800 Pleasant Plain Road, Brookville, Ohio 45309.

Mr. Hoelscher stated they had this argument when I-2 and HS was placed back in the back. He can guarantee that when it rains, the drainage runs off of the proposed development site and helps fill his pond. Mr. Hoelscher stated he is concerned about light pollution, because this will likely be a 24/7 operation. He is also concerned about noise pollution. He has a friend who lives on the other side of Pleasant Plain Road, and the constant beeping of trucks is unbelievably loud. Mr. Hoelscher asked what can be done about the water drainage and the noise and light pollution?

Law Director Stephan replied the City will be mandating a landscape buffer along the entire northern boundary.

Mrs. Hoelscher asked if there will also be a fence to prevent people from coming onto their property?

Law Director Stephan stated the City could look at requiring a fence, in addition to the landscape buffer. The landscape buffer will be significant.

Mrs. Hoelscher stated they have planted evergreens along their property there, along with some trees that may be about ten feet tall.

Clerk Duncan administered the Oath of Witness to Chris Mullennix, of 1005 Arlington Road, Brookville, Ohio 45309.

Mrs. Mullennix stated their property faces the side of Building A. Their property already gets all the water from that field. They are scared to death of the new development draining even more water onto their property. Mrs. Mullennix stated they have already been working with Clay Township and Montgomery County on this drainage issue. They literally have a canoe rental in their yard every time it rains. The water covers the road, and she has seen it as high as three-fourths of car tires that travel on the road. Their property floods more times than she can count in a year, and results in hours and hours of cleanup. Mrs. Mullennix stated they were scared when Payless was built but this new development will literally be her front yard.

Mr. Backman stated he is not aware of the existing drainage conditions Mrs. Mullennix is referring to, but he is certainly happy to look into it with their civil engineer. Their obligation when they develop a property is to make sure the amount of runoff does not increase. This means they have to hold the water on property, either with swales or storm pipes, until it is able to drain off slowly. They are working through their first grading plan and once they get through that they will be able to show where they will retain the water on the property. Mr. Backman stated they have an obligation not to make the drainage problem any worse and are willing to work with city staff to mitigate causing additional drainage problems.

Mrs. Mullennix stated it will be hard to stop water that comes that fast and that hard.

Clerk Duncan administered the Oath of Witness to Chad Mullennix, of 1005 Arlington Road, Brookville, Ohio 45309.

Mr. Mullennix inquired if there are any plans to widen Arlington Road?

Law Director Stephan replied the City is having a traffic study done. Montgomery County Engineering, ODOT, the City of Brookville and the developer will be participating in the traffic study. The study may result in the recommendation to widen Arlington Road or adding a traffic signal at East Campus Boulevard. Law Director Stephan stated the City will comply with the traffic study recommendations.

Mr. Backman agreed and stated they do anticipate adding some right turn lanes. The traffic study will include the anticipated traffic from the full build out of this development, and recommendations will be made based on that.

Mr. Mullennix commented there is already a lot of traffic now with the existing businesses, especially around 3:30 p.m. when the day shift lets out.

Mrs. Hoelscher stated her fear is people looking at her house and wondering what is inside.

Mr. Hoelscher commented his wife is concerned about the criminal element and whether Clay Township Police Department can protect their house.

Mr. Hoelscher stated there is a sizable woods on the proposed development site and asked if it would be flattened?

Mr. Backman replied if there is anything determined in their studies that needs to be protected, they will certainly do that, but their plan would be to take those trees out.

Mr. Hoelscher stated there are a lot of deer in that woods. He stated the woods are often swampy, and he is concerned about where that water will go. Mr. Hoelscher asked how far from their property line will the boundary be, or what is a reasonable boundary to protect their property?

Law Director Stephan replied our code requires a landscape buffer when there is a business use against a residential district. We are going to require this even though the Hoelscher property is in Clay Township. We have a landscape architect working on this design, which will be presented to our Planning Commission. Law Director Stephan advised he can provide this information to the Hoelschers if they provide their contact information. Law Director Stephan stated it will not be within five feet and asked Mr. Backman to estimate how far the boundary will be from the Hoelscher property.

Mr. Backman stated there will be a road or common drive on the northern boundary, and the landscape buffer will likely be about twenty feet from the property line to the edge of the road in order to provide a true screen.

Mr. Hoelscher stated one of the property owners on Arlington is zoned all HS and he is wondering how he will be protected?

Mr. Backman replied the landscape buffer that they are referring to will be along the entire northern boundary of the property.

Mrs. Hoelscher asked if the buffer will be flowers and grass, or will it include trees?

Mr. Backman replied it will be more trees to obstruct the line of sight and attenuate sound and light.

Mrs. Hoelscher stated that would be nice because their home is a two-story house.

Mr. Hoelscher commented there is a 16-inch culvert that goes across the road that the Mullennix property is getting water from. Mr. Hoelscher commented a long time ago, there was a concern regarding private wells in the area. The only private well he is aware of is on the church property. He asked if the church with its private well will be forced to hook up to city water?

Mayor Letner asked if he is referring to the church in Bachman, which is in Clay Township?

Mr. Hoelscher replied he knows the church is in the township, but he thought there was a rule that developments could not be within certain locations where there are public wells.

Law Director Stephan stated the developer will have to comply with our regulations controlling stormwater, run-off and pollution discharge from this site. This plan has to control stormwater on-site and the City will do everything we can to control water run-off on this site.

Member Fowler asked if there are detention ponds on the property now?

Law Director Stephan replied there are not.

Member Fowler stated in theory when these buildings are built the drainage should be better than it is now.

Law Director Stephan stated in theory that is correct because we will be controlling all water from the site versus now it is a farm field with runoff into two county ditches.

Mr. Hoelscher commented his only problem with that is his pond is filled with that runoff.

Law Director Stephan stated we have regulations that we are going to enforce related to stormwater.

Mrs. Hoelscher asked if the buildings will have wells or City of Brookville water?

Law Director Stephan replied we have a city water line that runs the entire length of this property so they will operate on city water.

Member Crane asked where the culvert is that they are referring to?

Manager Keaton replied it is underneath Arlington Road.

Member Schreier asked if the developer has pictures of these runoff events from residents, would that help with the contouring of the site.

Mr. Backman stated it could be helpful. The engineers are currently working on the grading plan, and he believes they understand what the culverts can take on. He would like to know more as the drainage issues are news to him tonight. Mr. Backman stated they are trying to do is push the drainage to the south of Building A. Mr. Backman stated he will commit to look into it and would be happy to meet with the residents to get more information. Mr. Backman indicated they will certainly follow city regulations and if they can make improvements along the way they will certainly do that.

Mr. Hoelscher suggested they send someone out in the spring to see where the water comes from. He stated right now we are not in a rainy season, but in general it is dry right now. The front of his property becomes a swimming pool in the spring. Mr. Hoelscher thinks it would be a good idea to wait and see where the water comes from in the spring.

Member Requarth asked what is allowed in the current zoning and what will be allowed when it is changed to I-2?

Law Director Stephan replied the 35 acres of property on this site which is zoned HS allows restaurants, gas stations and motels. A special use in HS is truck service stations or truck stops. To be straightforward with everyone here, one of the biggest advantages the City sees with this project is eliminating a HS area where a truck stop can be built. I-2 allows distribution centers, industrial uses and/or office space in some of the smaller buildings. Law Director Stephan stated the City is looking for tenants because these jobs can provide income for the City of Brookville through income tax.

Mrs. Hoelscher asked where the buildings will be in relation to the roadway?

Mr. Bachman indicated on the map where the buildings will be in relation to the roadway.

Member Zimmerlin inquired if any of the water retention will contribute to Wolf Creek as he does not want to exacerbate any issues?

Law Director Stephan replied our regulations require them to retain water on site. We definitely need to look at that because as Wolf Creek goes to the south there are stormwater issues.

Mrs. Hoelscher asked why they don't just build a tremendous pond to put the stormwater in.

Mr. Backman replied there are four detention basins on the proposed development plan. The reason they put more on this property was to not create any additional flow on Wolf Creek.

Mrs. Mullennix stated the Montgomery County Engineer advised her the water from the proposed development site and from her yard goes to Wolf Creek.

Mr. Backman replied that is correct. All of the water gets across Arlington Road in four locations and goes to Wolf Creek. Mr. Backman indicated on the map where they are taking more of the water from the north and pushing it to the south. Mr. Backman reiterated that they would be happy to set up a meeting with all of the concerned neighbors so that they can be a good neighbor.

Law Director Stephan advised we can work with Montgomery County and the township to improve drainage for everyone.

Member Schreier stated Planning Commission also discussed adding a landscape buffer on the west for the aesthetics from Arlington Road.

Law Director Stephan stated we can probably have some type of landscaping on Arlington and definitely around the detention areas.

Clerk Duncan administered the Oath of Witness to Robert Reheman, of 7778 Arlington Road, Brookville, Ohio 45309.

Mr. Reheman stated water does drain to Wolf Creek, but it does not drain fast enough, so it runs into the ditch, overflows and runs across the Mullennix property. Mr. Reheman asked what the difference is between a manufacturing plant that runs three shifts and a truck stop? Mr. Reheman asked why the developers are proposing to add a road when they could run everything in through the road that is by Speedway? This would eliminate bringing semi-trucks in on the north side of the property and running them back through. This could get pretty nasty when you have truck drivers peeing in jugs and throwing them out beside the roadway.

Member Zimmerlin stated there will be three entry points when it is all built out.

Mrs. Hoelscher asked if they would be able to open their windows at night or would they have to keep them closed to keep the noise out.

Member Requarth stated he lived along I-70 for twenty years and only heard it when it was quiet because you get used to the noise.

Mr. Hoelscher asked if the City could regulate when trucks could come in so they would not have to listen to trucks beeping all night? This was discussed when the fairgrounds were proposed.

Mayor Letner replied it would be difficult to regulate when trucks can come in. The decibel range of the audio back up signals is federally regulated. It is illegal to turn them off.

Mrs. Hoelscher asked if they should sell their property before this development is built?

Mayor Letner replied that would be a personal choice. There are trucks coming in and out of Speedway all night long.

Mr. Hoelscher stated they do not hear the Speedway trucks. They do hear the highway.

Mr. Reheman stated he used to drive a semi-truck and even if he arrived at two o'clock in the morning, he would take his load in.

Member Zimmerlin encouraged the Clay Township residents to take Mr. Backman up on his offer to meet with them, stating this is early in the process and there are a lot more steps to go through.

Law Director Stephan advised after tonight's Public Hearing, this goes back before Planning Commission on Thursday, who will make a final recommendation on the rezoning. Then it will go back before City Council for two additional readings, unless Council dispenses with the third reading.

Law Director Stephan advised BH DEVCO will also be submitting a site plan and a subdivision plan for the project. Once finished, the complete site plan, along with the traffic study and the landscape plan will be reviewed again by Planning Commission and City Council in public

meetings. We will make that information available for anyone to attend. We are working to make sure this site is the best we can do under our standards. This information will all be available on our website and anyone that wants direct notice can send us an email or provide a written request.

Mrs. Hoelscher asked why the developer cannot start on the south side, where there are no residents?

Law Director Stephan stated an AES power transmission line runs through the site, with 75 acres to the north and a much smaller area to the south. The primary purpose of this project is to build the larger buildings for larger tenants. If the power transmission line was not running through the middle of this property, this site plan would probably look a lot different. Buildings cannot be constructed under the transmission line.

Motion by Fowler, second by Zimmerlin to close the Public Hearing. All yeas, motion carried.

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

Mayor Letner thanked Casey Little for being his citizen of the month, stating she does a good service for the City and for her company.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 22-11. All yeas, motion carried.

Motion by Zimmerlin, second by Requarth to accept the first reading, dispense with the second and third reading and adopt Resolution No. 22-11 entitled "A RESOLUTION REAPPOINTING MS. SONJA M. KEATON CITY MANAGER FOR THE CITY OF BROOKVILLE, OHIO, AND ESTABLISHING HER ANNUAL SALARY AND EMPLOYMENT BENEFITS, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to read Resolution No. 22-12, 22-13, 22-14, 22-15, 22-16, 22-17 and 22-18. All yeas motion carried.

Motion by Requarth, second by Zimmerlin to accept the first reading, dispense with the second and third reading and adopt Resolution No. 22-12 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR FULL-TIME HOURLY CITY EMPLOYEES, AND DECLARING IT AN EMERGENCY."; Resolution No. 22-13 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR SEASONAL AND/OR TEMPORARY, AND PERMANENT PART-TIME HOURLY CITY EMPLOYEES, AND DECLARING IT AN EMERGENCY."; Resolution No. 22-14 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CLERK OF COUNCIL, AND DECLARING IT AN EMERGENCY."; Resolution No. 22-15 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CITY MANAGER, AND DECLARING IT AN EMERGENCY."; Resolution No. 22-16 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FINANCE, AND DECLARING IT AN EMERGENCY."; Resolution No. 22-17 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FIRE, AND DECLARING IT AN EMERGENCY."; and Resolution No. 22-18 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF POLICE, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

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

Motion by Requarth, second by Fowler to accept the first reading of proposed Resolution No. 22-19. All yeas, motion carried.

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

Motion by Fowler, second by Wilder to accept the first reading of proposed Resolution No. 22-20. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 22-21. 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. 22-21 entitled "A RESOLUTION REGARDING MUNICIPAL SERVICES TO BE PROVIDED TO THE TERRITORY CONTAINED IN A PROPOSED ANNEXATION OF 59.401 ACRES, MORE OR LESS, FROM CLAY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO IF ANNEXATION OF SAID TERRITORY IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

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

Motion by Schreier, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 22-22 entitled "A RESOLUTION REQUIRING THE ESTABLISHMENT OF A BUFFER WHEN MANDATED BY OHIO REVISED CODE SECTION 709.023 IN THE EVENT THAT THE PROPOSED ANNEXATION OF 59.401 ACRES, MORE OR LESS, FROM CLAY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO IS APPROVED, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 22-23. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 22-23 entitled "A RESOLUTION CONSENTING TO THE PROPOSED ANNEXATION OF 59.401 ACRES, MORE OR LESS, FROM CLAY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO IS APPROVED, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 22-24. All yeas, motion carried.

Motion by Fowler, second by Crane to amend the title of Resolution No. 22-24 to add "AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 22-24 entitled "A RESOLUTION ESTABLISHING THE ONEOHIO OPIOID FUND (B14) AND AUTHORIZING THE FINANCE DIRECTOR TO MAINTAIN REQUIRED BOOKS AND RECORDS TO EVIDENCE PAYMENTS INTO AND WITHDRAWALS FROM SAID FUND AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

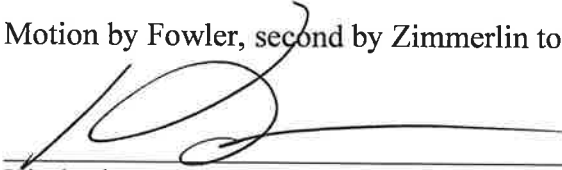
Member Fowler, Park Liaison, stated he was unable to attend the July Park Board meeting. Member Fowler thanked Trustee Vance for her service on Park Board.


Member Schreier, Planning Commission Liaison, had no report.

Jessica Wells, of 21 Heckathorn Road, asked what the zoning will be of the 59 acres to be annexed on Upper Lewisburg Salem Road and how is annexation beneficial to the City of Brookville if Clay Township continues to receive the revenues.

Law Director Stephan replied the zoning category will be assigned after the annexation is completed. City Council and Planning Commission will make the final decision on the zoning category of the property. The property will remain in the township for property tax purposes so Clay Township levies will continue to apply to the property. The City will receive income tax dollars from the property and any property tax levies that we would apply and generate on that property.

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



Kimberly Duncan, Clerk

Charles Letner, Mayor