

Brookville City Council
Regular Meeting
September 6, 2022

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on September 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 Crane, Requarth, Schreier and Wilder; Manager Keaton, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher, Police Chief Jerome and Clerk Duncan were present. Members Fowler and Zimmerlin were absent.

Roll Call by Clerk Duncan.

Manager Keaton advised the Agenda needs to be amended to include Adam Blevins, who is representing the Brookville High School Marching Band.

Motion by Schreier, second by Requarth to adopt the Agenda with an addition. All yeas, motion carried.

Motion by Wilder, second by Schreier to approve the August 16, 2022 Regular Meeting Minutes. All yeas, motion carried.

Adam Blevins, representing the Brookville High School Marching Band, requested Council approval of a March-a-thon to be held on October 1, 2022 from 10:00 a.m. until noon. The event will start at Brookhaven and go throughout the city, ending on the bike path on Upper Lewisburg Salem Road, with pickup in the area of LCNB and Rob's Restaurant. The March-a-thon is a fall fundraiser as well as an opportunity for the community to get involved with the band.

Motion by Requarth, second by Crane to approve the Brookville High School Marching Band March-a-thon event on October 1, 2022 from 10:00 a.m. until 12:00 p.m. as presented. All yeas, motion carried.

Manager Keaton stated she is delighted to announce the Brookville Fire Department was awarded a FEMA Assistance to Firefighters Grant totaling \$180,761.90 for the replacement of our Self-Contained Breathing Apparatus. Manager Keaton advised Fire Chief Fletcher can elaborate more on this award in his report.

Manager Keaton reported our sludge press has been moved inside our new building and placed on the concrete slab and contractors have hooked up electric to the press. City staff will be installing piping from the press to the digester. The two entry doors were delivered last week and will be installed this week, which should complete this project.

Manager Keaton reported bids were opened on August 29, 2022 for the Westbrook and Albert Drainage Improvement Project. Council has a copy of the Bid Tabulation sheet. We received two responsive bids. One bid was from Associated Excavating, Inc. in the amount of \$44,375 with an anticipated start date of early 2023. The second bid is from Coate Construction LLC in the amount of \$78,996 with an anticipated start date of October 1, 2022. Manager Keaton stated although she would like to get this project done quickly, she cannot see spending an additional \$35,000 of our ARPA funding on this project. Manager Keaton recommended Council accept the lowest and responsive bid of \$44,375 from Associated Excavating, Inc.

Motion by Requarth, second by Wilder to accept the lowest and responsive bid of \$44,375 from Associated Excavating, Inc. for the Westbrook and Albert Drainage Improvement Project. All yeas, motion carried.

Manager Keaton reported the Service Department has been busy the last two weeks with flail mowing, repainting stop bars at Blue Pride and Western Ave., spraying BBC diamonds, retracing

parking lot lines in the rear parking lot of Golden Gate Park, installing a fire hydrant riser on Western and Westbrook, removing a tree stump near Powell Park, removing brush adjacent to the BMX building, rotating a fire hydrant on Johnsville Brookville Road, completing a punchout walkthrough on the Sludge Press Building, repairing a catch basin on Beechwood at Brookside, repairing the footbridge near the Pee Wee football field, installing a slide on the Pee Wee Football playset, seeding Gateway Park where several trees were removed, and lastly they had 57 water shut-offs and resumes. Several employees attended the Montgomery County Soil and Water Ditch Maintenance Meeting.

Finance Director Brandt presented the August 31, 2022 Fund Balance.

Motion by Schreier, second by Wilder to accept the August 31, 2022 Fund Balance as presented. All yeas, motion carried.

Fire Chief Fletcher reported Captain Ferguson, who became our full-time Captain about a month ago, is present tonight in preparation to represent the Fire Department at future Council meetings when needed.

Fire Chief Fletcher reported the call volume in August was average with several serious calls. They also experienced an uptick in overdoses due to some strong opioids that have made it into the region recently. Fire Chief Fletcher advised the Fire Department is still experiencing some COVID related calls, but it is not a surge. However, some staff have been ill with COVID.

Fire Chief Fletcher reported the newly awarded FEMA Assistance to Firefighters Grant for the Self-Contained Breathing Apparatus allows the Fire Department to keep \$186,000 in their Capital Improvements Budget to be used for other major needs. Fire Chief Fletcher reported he used the same grant writer to apply for another grant opportunity, which may fund three staff positions.

Fire Chief Fletcher reported the Fire Department will be hosting a blood drive at Fire Station 76 on Tuesday, September 27, 2022 from 2:00 p.m. until 6:00 p.m.

Fire Chief Fletcher advised Fire Captain Ferguson is handling all Fire Prevention and Education for the Fire Department.

Fire Captain Ferguson reported the Fire Department will host a Fire Prevention Open House on October 9, 2022 from 1:00 p.m. until 4:00 p.m. in lieu of the Fire Prevention Parade. The event will include many learning opportunities, food, trucks, cruisers and cars.

Fire Chief Fletcher requested Council approval to close Market Street at the intersection of Upper Lewisburg Salem Road during this event.

Motion by Requarth, second by Schreier to close Market Street from Upper Lewisburg Salem Road to Amvets Post 1789 for the Fire Prevention Open House Event on October 9, 2022 from 1:00 p.m. until 4:00 p.m. All yeas, motion carried.

Fire Chief Fletcher reported he attended the DMAX open house which confirmed for him that this is a top-notch operation, and we are lucky to have them in Brookville.

Fire Chief Fletcher reported the Fire Department is currently conducting their Fall fire hydrant inspections. The Service Department is notified of any hydrants in need of repair.

Member Schreier inquired once the grant funds are used to purchase our new equipment, will we have any Self-Contained Breathing Apparatus with useful life left that we could donate to other communities?

Fire Chief Fletcher replied there is the potential to donate to another department. There could also be some trade-in value on the existing equipment

Police Chief Jerome reported the Police Department received a Gold Designation from Lexipol this year for their compliance with policies, procedures and training.

Police Chief Jerome reported the new Part-time Administrative Assistant is very useful to the Police Department. She has entered all the past UCR data and continues to keep it up to date. She reviewed and logged 259 body cam videos in the month of August. Any videos that need further review are referred to the Supervisors.

Police Chief Jerome reported everything is going well with the new school year.

Law Director Stephan reported the Harper Creek Final Development Plan and Final Subdivision Record Plan are before City Council tonight for final approval. The plan is consistent with the Preliminary Plan approved by Planning Commission and City Council. Planning Commission unanimously approved this Final Development Plan and Final Subdivision Record Plan at its August meeting. The plan provides for 43 lots for single-family housing under the R-1B zoning requirements. Law Director Stephan requested that City Council approve the Harper Creek Final Development Plan and Final Subdivision Record Plan, subject to execution of the Development Agreement for this project and final review and approval by City Staff and the City Engineer.

Motion by Schreier, second by Wilder to approve the Harper Creek Final Development Plan and Final Subdivision Record Plan, subject to execution of the Development Agreement for this project and final review and approval by City Staff and the City Engineer. All yeas, motion carried.

Law Director Stephan reported the Board of Commissioners for Montgomery County approved the annexation of 59.401 acres in Clay Township to the City of Brookville on August 23, 2022. This property is located on Brookville Phillipsburg Road and Upper Lewisburg Salem Road. The City must wait sixty days from this approval prior to accepting the annexation. Law Director Stephan advised he will bring that legislation back to Council after the waiting period has expired.

Law Director Stephan advised the local option liquor election questions for the El Bronco Restaurant, located at 485 Arlington Road, did make the ballot and will be an Issue on the November 8, 2022 ballot for voters in the Brookville B precinct.

Member Schreier inquired if the Issue passes on the ballot, how long will it take for a liquor license to be issued?

Law Director Stephan stated if the Issue passes, El Bronco will be able to move forward with the Division of Liquor Control once the election is certified.

Mayor Letner thanked DMAX for allowing City staff to tour their facility last weekend.

Mayor Letner announced this Saturday, the VFW is hosting their Super Raffle fundraiser. Mayor Letner stated the VFW is very generous and supportive of the City of Brookville and encouraged everyone to participate in this fundraiser.

Mayor Letner recognized Damian Kristof as the newly appointed member of Planning Commission.

Mayor Letner announced Council also appointed Loren Wilson to serve on Park Board.

Adam Blevins, Park Board President, advised Park Board will begin planning the Christmas in the Park event at their upcoming meeting. Mr. Blevins stated he appreciates Council's support of this event.

Member Schreier, Planning Commission liaison, reported in addition to Harper Creek, Planning Commission approved a Special Use Permit for the addition of a drive-thru at the Brookville Express on Market Street.

Stephanie Irwin, stated she and Mark McGregor, live at 9770 Pleasant Plain Road. She indicated their property is one of the neighboring properties adjoining the BH DEVCO development at 7590 Arlington Road. Ms. Irwin stated their property is part of the parcel that is already zoned I-2. They heard about the proposed development from their neighbor, John Hoelscher, who received notice about the rezoning of the Highway Service parcel to I-2. Ms. Irwin stated they heard there was a Public Hearing on July 19, 2022 where property owners had an opportunity to ask questions about the development and air their concerns. She noted that there are nine additional property owners in Clay Township whose properties share that boundary with the proposed development and the other parcel and the proposed development in total. She stated they would like to be included in any future Public Hearings, any other communications from the City regarding the development and notifications of changes to the site plan. Ms. Irwin stated they will be sharing this information with their neighbors. Ms. Irwin stated they saw the Preliminary Plan that was submitted to the Planning Commission, and saw it was taken off the agenda at the last Planning Commission meeting. They appreciate that because Mr. Hoelscher told them he received a letter notifying him of the upcoming meeting. None of the other nine property owners were notified of the meeting. Ms. Irwin stated they would like to attend, which she assumes is okay, given that they share that boundary, and they do have questions and concerns about some of the variances. Mrs. Irwin stated they are not here to complain about the development as they understand the purpose of it. They would like to minimize the impact to their property given that the wooded barrier between their property and the development will be removed. Ms. Irwin stated they are aware of the landscape buffer that is going to be put in place. They would like to work with the City on what they can do to limit their exposure to variances like a 100-foot height limit on the building, setbacks reduced to 100 feet and lighting increased to 35 feet. Ms. Irwin stated the current tree line does block noise and light pollution for them. Those changes to the property are going to be significant and have a detrimental effect to their quality of life. They understand the developer is open to making changes. There is plenty of opportunity to do that, and they would like to be included in that.

Mayor Letner thanked Ms. Irwin for her comments.

John Hoelscher, of 9800 Pleasant Plain Road, stated he went to one of the zoning meetings and no one asked for questions while he was there. Mr. Hoelscher stated you want to be good neighbors and we want to be good neighbors. There are other people that are tied into that I-2 zoning and none of those people were given any notification that you were changing the variances. We want to be good neighbors too. Mr. Hoelscher stated one thing that has bothered him was that the Mayor did not think about what he said at the Public Hearing. Mr. Hoelscher stated he is paraphrasing but the Mayor said this I-2 will be good for the City of Brookville and for those across the highway, and it will not affect the residents of Brookville. Mr. Hoelscher stated the bottom line is we are your neighbors too and it will affect us. Mr. Hoelscher stated he thinks the Mayor owes the people of Clay Township an apology. Mr. Hoelscher stated Law Director Stephan should make sure he gets the rest of the paperwork out so the rest of people can be notified.

Brawny Welch, of 227 E. McKinley Street, stated he has lived in his home for eight years. The last two years have been a nightmare with the tenants of the apartment building across the street, between the arguments, the fighting, the drag racing and now the trash and beer bottles in his yard. Mr. Welch stated he has had to intervene and separate a man and a woman who were arguing. He is at the point of telling his children to get out of the side yard and go to the other side of the house because of things going on. The Police are there every other day. Mr. Welch stated he is at a loss on what to do. He is bringing it to Council's attention to see if they can brainstorm about ways to stop this. Mr. Welch stated he has invested a lot in his house, and he is not going to move. He also does not want to have to tell his kids they cannot play in their yard because of the fighting and arguing across the street.

Mayor Letner asked Mr. Welch if he has spoken to the Police Chief about the situation?

Mr. Welch replied he has spoken with the Police Officers who have responded to disturbance calls at the apartments, but he has not spoken to the Police Chief. He stated he does not call the Police often because they are there all the time anyway. He stated maybe he needs to call the Police every day. Mr. Welch stated he and his wife used to eat dinner on the back deck and with everything going on over there it was like the Dixie Stampede, with dinner and a show. But now it is not so funny anymore. Mr. Welch stated his home, and his neighborhood are in a very nice area, but he no longer feels safe letting his kids play in the yard. He is exhausted and has had enough.

Mayor Letner thanked Mr. Welch for coming and replied we will get with the Police Chief to see what we can do about it.

Member Schreier asked if the citizen comments tonight will affect the informal meeting tomorrow between the property owners and BH DEVCO?

Law Director Stephan replied this is an informal meeting between BH DEVCO, the property owners who were notified of the rezoning, and City Staff, to discuss the concerns raised in the Public Hearing. Law Director Stephan stated they will also address the additional concerns heard this evening.

Member Requarth asked if the notices went to all adjoining properties to the proposed development, or only to the ones adjoining the part that was being rezoned?

Law Director Stephan replied the notices of the rezoning were sent to the property owners that were adjacent to or directly across the road from the area that is being rezoned. There are other property owners that abut the I-2 area that is further back from the highway, which is not part of the rezoning.

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



Kimberly Duncan, Clerk



Charles Letner, Mayor