

Brookville City Council
Regular Meeting
April 19, 2022

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

Roll Call by Clerk Duncan.

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

Motion by Zimmerlin, second by Fowler to approve the April 5, 2022 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Letner recognized Kathy Dafler as the Citizen of the Month for the month of February. Mayor Letner read a proclamation honoring Kathy Dafler for her many years as the school nurse at Brookville Schools and her dedication to helping students and families in need.

Ms. Dafler thanked the Mayor for the recognition, stating it is easy to do things for the citizens of Brookville.

Police Chief Jerome commented there is no one more deserving than Kathy Dafler, who has helped thousands of students during her tenure.

Manager Keaton reported the Walnut Street Waterline Project is complete. Manager Keaton requested Council approval for Change Order #2 on this project. Change Order #2 adjusts the quantities used during the project resulting in a decrease of \$13,256 for a total contract price of \$193,019. The original contract price was \$196,000. Last November Council approved Change Order #1, which increased the project by \$10,275. Manager Keaton reported we were approved for an Ohio Public Works Commission 50% Grant, totaling \$99,993 and an OPWC 50% Loan totaling \$99,994. With this Change Order, this project came in under what we were approved for. The original Engineer's Estimate for this project was \$240,204.

Motion by Fowler, second by Wilder to approve Change Order #2 on the Walnut Street Waterline Project, which adjusts the quantities used during the project resulting in a decrease of \$13,256, for a total contract price of \$193,019. All yeas, motion carried.

Manager Keaton reported Brumbaugh Construction wrapped up the installation of storm sewer this week on Hay Avenue. Brumbaugh's schedule shows installation of curb and sidewalk beginning the first week of May and paving of the roadway at the end of May. This schedule is subject to change in the event of inclement weather.

Manager Keaton reported a pre-construction meeting was held last week on the Safe Routes to School Project. The start date is May 31, 2022 with completion by August 14, 2022. The contractor on this project is Double Jay Construction out of Englewood, Ohio.

Manager Keaton reported she reached out to ODOT regarding litter pickup on the entrance/exit ramps of I-70. ODOT is currently working to get the inmate litter collection crew out soon. During their last visit, this crew picked up 80 bags of litter between the 20 and 25-mile markers. Manager Keaton advised another way to reduce litter on our ramps would be to implement an Adopt-A-Highway Program and provided Council with some literature on the program. This program allows volunteer groups to adopt a two-mile section or an interchange along a state, federal or interstate route. Groups are asked to adopt a section for two years and pick up litter four times each year.

Volunteers are recognized with blue roadway signs at the end of their adopted segment. Manager Keaton asked anyone who is interested in forming a group to contact her to get signed up.

Manager Keaton reported the former CERT vehicle sold on GovDeals for \$9,600. There were 82 bidders on this vehicle. The auction was to end at 7:30 p.m. but since we opted to extend the auction if bidding is active, the auction closed at 7:48 p.m.

Manager Keaton reported beginning with the May 3rd Primary, the Station 76 Fire Department Training Room will be used as a polling location for Brookville Precincts A and Clay Township B precincts. The Montgomery County Board of Elections will be sending out post cards advising residents of their polling location.

Manager Keaton reminded everyone of the RETREET event scheduled for Saturday, April 30. Volunteers are still needed to assist with planting trees. Volunteers can register on the City of Brookville website.

Manager Keaton reminded everyone of BBC Opening Day Parade is on April 30, beginning at 10:00 a.m.

Manager Keaton reported the City received notice from the Ohio Division of Liquor Control that all C and D permits to sell alcoholic beverages within the city will expire on June 1, 2022. To maintain permit privileges, every permit holder must file a renewal application. The Ohio Revised Code provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. Manager Keaton advised Police Chief Jerome has indicated he has no objections to any of these renewals. Manager Keaton stated if City Council does not have any objections, she will need a motion to waive the right to object to the renewals of the C and D Liquor Permits within the City of Brookville.

Motion by Zimmerlin, second by Schreier to waive the right to object to the renewals of the C and D Liquor Permits to sell alcoholic beverages within the City of Brookville, Ohio. All yeas, motion carried.

Member Fowler inquired if cameras could be installed to monitor the interstate ramps and possibly fine truck drivers who are littering?

Manager Keaton replied she could look into it. Someone would have to monitor the camera footage. Manager Keaton stated some of the litter on the ramps comes from the commercial businesses not closing their dumpster lids.

Fire Chief Fletcher commented we did a study a few years ago on the feasibility of installing cameras throughout the city and found we were lacking the necessary fiber optic cable in many places.

Member Zimmerlin asked if this would be different now with MetroNet coming in?

Fire Chief Fletcher replied the investment required by the City to install, monitor and store the data also deterred the project.

Member Zimmerlin inquired if the litter issue has increased due to the fact there is more traffic with GM and Pak-Rite, or is it just from transient traffic?

Manager Keaton replied she thinks it is coming from the transient traffic.

Police Chief Jerome stated the truck stops are now charging to park. When the rest areas are full, the truck drivers go to any available ramp when their automatic logbooks shut them down. Police Chief Jerome stated they had a recent assault at a gas station and even with the license number and company name on the truck it still took two weeks to identify who the driver was as some companies have thousands of drivers. It would be very difficult to cite the drivers using cameras.

Manager Keaton commented a lot of the litter blows from the fast-food lots.

Member Zimmerlin asked if the State could put up a barrier of some sort to prevent people from parking on the ramp.

Police Chief Jerome commented that the State has gotten away from posting on ramps as the truckers need a place to park.

Fire Chief Fletcher commented billions of dollars are spent protecting sharp edges and bridge abutments with guard rails to keep people from running into solid objects along the highway and then we tolerate these trucks on very sharp corners. On numerous occasions, the Fire Department has had to cut people out from under vehicles that are parked along the side of the road. Fire Chief Fletcher stated it is a big problem without a quick and easy solution.

Mayor Letner stated while he feels for the truckers, they also have time to plan on their logbook for places to park and not wait until the last minute. We have had one fatality and have issued numerous citations. There is a truck stop westbound at mile marker 11 and a rest area eastbound. This is not something we should tolerate and we need to correct it.

Police Chief Jerome stated the truckers have also found their way to the industrial campus, and the officers have no way of knowing whether they actually have deliveries in the campus or if they are just parking there. It literally takes a midnight officer most of his shift to stay north and keep control of the situation. There are only two officers per shift.

Mayor Letner asked if there will be road closures during the Safe Routes to School project?

Manager Keaton replied the traffic will be reduced to one lane on Johnsville Brookville Road and on Westbrook Road for a period of time while they install the sidewalks. There may be some short closures during the day, but we do not know when until the project gets underway.

Finance Director Brandt requested Council authorization to transfer \$100,000 to the Park Fund and \$100,000 to the Street M&R Fund as appropriated.

Motion by Zimmerlin, second by Fowler to authorize the transfer of \$100,000 to the Park Fund and \$100,000 to the Street M&R Fund as appropriated. All yeas, motion carried.

Fire Chief Fletcher reported he and Captain Wolfe met with their protective gear vendor recently. The lead time to receive the orders has gone from 90 days to eight months because of unavailability of materials, lack of personnel and other factors. Our vendor has assured us they will not add the surcharges that some companies are adding to existing orders.

Fire Chief Fletcher reported the Fire Department will burn off the school's land lab at the end of April or first part of May. They will send out a community notification prior to burning.

Police Chief Jerome reported the Police Department has partnered with the Drug Enforcement Agency to host a DEA National Prescription Drug Take Back Day on April 30 from 10:00 a.m. until 2:00 p.m. The program encourages the public to remove unneeded medications from their homes as a measure of preventing medication misuse and opioid addiction from ever starting. The program allows us to dispose of the twelve boxes of prescription drugs we have collected over the year.

Law Director Stephan reported as of today we have issued five permits for single-family housing in Hunters Run, Section 2 and construction will begin in 45-60 days.

Member Zimmerlin inquired whether these models are different than the models at the Meadows of Brookville?

Law Director Stephan replied the minimum square footage requirement is different in the Hunters Run subdivision. The minimum square footage is 1,600 square feet and there is a 25% masonry requirement in the covenants. Some models will be very similar.

Member Fowler inquired how large the five models are that the permits have been issued for?

Law Director Stephan replied several of the models are over 2,000 square feet. Law Director Stephan stated he can provide Council with the same report he gives to Planning Commission, which lists each permit issued and the square footage of the model being built.

Member Schreier asked if one of the homes will be a model?

Law Director Stephan replied a model will be constructed at the end of Hunters Run Drive where the existing housing development ends.

Mayor Letner thanked Kathy Dafler for being his Citizen of the Month, stating she has been phenomenal for the city, schools and students.

Under Old Business, Mayor Letner opened the floor for discussion regarding proposed fireworks legislation.

Member Fowler stated he would like to see fireworks allowed on New Year's Day and the Fourth of July or just not pass any legislation and revisit it later if needed.

Member Zimmerlin commented he did some research and looked at some municipalities in Indiana, where this has been allowed for some time. Member Zimmerlin commented he is of the same opinion as Member Fowler as far as allowing fireworks on the 4th of July and New Year's. Some Indiana communities allow fireworks on the 4th of July from 5:00 p.m. until a few hours after sunset, just depending on the holiday. There are a lot of things to consider such as animals and pets and he respects that. Member Zimmerlin stated he does not know if he is in favor of restricting fireworks at this time. If there is an issue down the road, we can revisit restricting or adjusting.

Member Schreier stated his initial thought was to keep the ordinance that is in force now, which would be completely voting against having any allowable fireworks. Member Schreier stated to allow us to come to a compromise, we may need to have at least one or two days where fireworks are allowed.

Member Zimmerlin stated we could wait until July and see what happens on the July 4th holiday. If it is a significant problem we could address it then.

Member Wilder stated she was ready to vote in favor of proposed Ordinance No. 2022-03 as recommended by city staff. Member Wilder stated she worries about the animals but mainly the veterans. Member Wilder stated at the last meeting we were thanking the VFW for paying for the body cams and yet we are possibly going to allow fireworks. Member Wilder stated she thinks it is more of a problem than we want to admit. Member Wilder asked Member Fowler if he was proposing to allow fireworks on just the 4th of July, or the days leading up to it as well?

Member Fowler replied he is not saying we need to allow every day that specified in the new Bill, but he does think we should have a couple days where fireworks are allowed and specify the times. He does not want to have a blanket statement of not allowing any days for fireworks in the City of Brookville when the rest of Ohio is allowing it.

Member Wilder replied the rest of Ohio is not allowing it.

Member Fowler commented a lot of cities and municipalities are.

Member Zimmerlin stated the research he did on the Indiana communities who allowed it had varying dates and time restrictions. Member Zimmerlin stated he does not really see a need to allow fireworks outside of the Fourth of July.

Member Crane commented he would like to go with the city staff recommendation. He has worked too many times in the hospital pharmacy dispensing personal injury items to feel it is a good idea. Member Crane agreed it affects pets and personal property.

Member Requarth stated he is on the fence on the issue. The problem with allowing it is that any damage to a neighbor's property becomes a civil matter. If there is a law against it, then the police will handle it. The first time someone gets hurt or someone's house burns down they will ask why Council allowed it. Member Requarth stated if we allow it, those who do not practice moderation will make it hard on everyone.

Member Zimmerlin commented there are a lot of houses that look like they are in the city limits but are really in the township. A lot of those houses may set off fireworks.

Member Requarth asked if the townships are passing any legislation regarding fireworks.

Fire Chief Fletcher stated he thinks the ability to pass legislation rests with municipalities, not townships. Fireworks set off in the township should be maintained on the property where they are being legally shot.

Member Schreier stated we could allow the fireworks on the 4th of July and New Year's and then scale it back if there is an issue.

Law Director Stephan stated looking through the statute it appears Council could modify it in the future. The home rule authority applies to counties, townships and municipal corporations so townships have the ability to restrict the date or time fireworks are allowed.

Police Chief Jerome stated Jefferson Township is not passing any restrictions and it is his understanding neither Clay nor Perry Township plan to impose restrictions.

Member Wilder commented Jefferson Township has a fireworks company.

Fire Chief Fletcher commented the Fire Department sometimes has to sign off on permits for those that want to have their own fireworks show in the townships. When there is partial enforcement, it puts them in a position that makes their job more difficult.

Ron Ullery, of 560 W. Westbrook Road, stated his property backs up to the soccer fields at Westbrook Park. Last year, people set off fireworks in Westbrook Park and he did not appreciate all the debris on his car and his home. Mr. Ullery suggested that fireworks be prohibited on any city property.

Fire Chief Fletcher stated the property owner must give permission for fireworks to be set off on their property.

Jo Wilder, of 64 Urban Lane, stated her neighbors set off fireworks last year, and the debris burned a hole in her pool cover. She did not report it last year but if it happens again this year, she will confront her neighbor and report it.

Member Schreier commented to a certain extent people are going to do what they want, whether or not we have something enforceable.

Mayor Letner recommended that Council accept Ordinance No. 2022-03 as presented.

Motion by Wilder, second by Crane to place proposed Ordinance No. 2022-03 on the May 3, 2022 Council Agenda as presented by City Staff. Wilder yea, Requarth yea, Crane yea, Fowler nay, Zimmerlin nay, Schreier yea, Letner yea. Motion carried with five yeas and two nays.

Manager Keaton advised Chapter 961 of our Ordinance prohibits fireworks in our city parks.

Ms. Wilder inquired whether Brookville has a noise ordinance?

Police Chief Jerome replied we have a noise ordinance that covers many different types of noise.

Member Fowler, Park Board Liaison, reported the new Gaga Ball Pit at Westbrook Park is being heavily used.

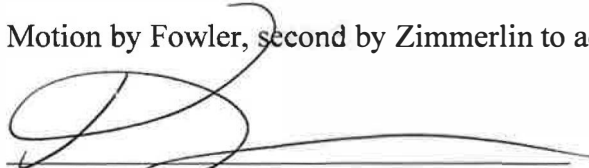
Member Schreier, Planning Commission Liaison, had no report.

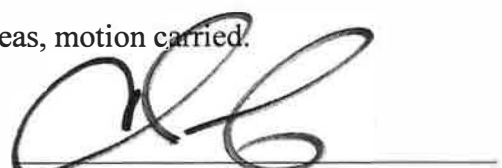
Motion by Fowler, second by Wilder to go into Executive Session regarding ORC 121.22(G)(8) to consider confidential information of an applicant for economic development assistance that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to go into Executive Session regarding ORC 121.22(G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee. All yeas, motion carried.

Motion by Fowler, second by Crane to go back into Regular Session.

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



Kimberly Duncan, Clerk

Charles Letner, Mayor