

Brookville City Council
Regular Meeting
January 3, 2023

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on January 3, 2023. 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 Zimmerlin, second by Fowler to adopt the Agenda as presented. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to approve the December 12, 2022 Budget Work Session Minutes. Crane abstained, Fowler yea, Zimmerlin abstained, Schreier yea, Wilder yea, Requarth yea, Letner yea. Motion carried with five yeas and two abstentions.

Motion by Zimmerlin, second by Wilder to approve the December 20, 2022 Regular Meeting Minutes. Fowler abstained, Zimmerlin yea, Schreier abstained, Wilder yea, Requarth yea, Crane yea, Letner yea. Motion carried with five yeas and two abstentions.

Manager Keaton began by wishing everyone a Happy New Year.

Manager Keaton stated she is glad to see everyone survived Winter Storm Elliott. That storm was brutal. The drifting snow was challenging for our snowplow drivers to stay on top of. They plowed streets from Thursday evening to Saturday, and at times, with the cold temperatures and strong winds they had to pull the trucks in the garage to thaw the salt that froze in the bed of the dump trucks. Salt does not work well when temperatures are below 15 degrees. The Service Department repaired two water main breaks over the last week, one on Villa Drive on December 27 and the other on Arlington Road this past Saturday. Manager Keaton thanked the Service Department for their efforts during the storm.

Manager Keaton provided some pictures of the snow drifts on Meadow Glen Avenue from Winter Storm Elliott.

Manager Keaton reported the Fire & EMS Agreement between the City of Brookville and Clay Township expired on December 31, 2022. Manager Keaton reported we have been negotiating with Clay Township on a new Agreement for several months, and she is pleased to report both parties settled on a new Agreement. Clay Township Trustees recently voted on the new two-year Fire & EMS Service Agreement that began on January 1, 2023. Manager Keaton requested Council authorize her to enter into a two-year Agreement with Clay Township for Fire & EMS Service beginning January 1, 2023.

Motion by Requarth, second by Zimmerlin to authorize the City Manager to enter into a two-year Agreement with Clay Township for Fire & EMS Service beginning January 1, 2023. All yeas, motion carried.

Manager Keaton reported the Fire & EMS Agreement between the City of Brookville and Perry Township also expired on December 31, 2022. Manager Keaton reported we are still negotiating a new Agreement. The expiring Agreement has a 90-day grace period.

Manager Keaton reported proposed Resolution No. 23-01 is an annual Resolution that allows the City to sell surplus property at a public auction, a private sale, by internet auction, or by donation to a government entity. Manager Keaton requested Council adopt proposed Resolution No. 23-01 as an emergency so we can proceed with the sale of our refuse truck.

Motion by Fowler, second by Schreier to read proposed Resolution No. 23-01. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 23-01 entitled "A RESOLUTION AUTHORIZING THE CITY MANANGER TO DISPOSE OF SURPLUS PROPERTY EITHER AT A PUBLIC AUCTION, A PRIVATE SALE, BY INTERNET AUCTION OR BY DONATION TO A GOVERNMENT ENTITY, OR TO A NON-PROFIT ORGANIZATION, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Keaton requested Council authorization to sell our 2015 Freightliner refuse truck and five used refuse truck tires to Rumpke for \$133,500.

Member Requarth inquired whether we advertised the refuse truck for bids?

Manager Keaton replied Rumpke approached us with an offer to purchase the refuse truck and she negotiated the purchase price after she and our Fleet Mechanic researched the value. Manager Keaton advised we purchased this refuse truck in April of 2015 for \$155,884.

Motion by Schreier, second by Fowler to authorize the City Manager to sell our 2015 Freightliner refuse truck and five used refuse truck tires to Rumpke for \$133,500. All yeas, motion carried.

Manager Keaton requested Council accept the first reading, dispense with the second and third reading and adopt proposed Ordinance No. 2023-01 that directs the Montgomery County Board of Elections to place on the May 2, 2023 ballot the question of whether the City of Brookville should effect a governmental electricity aggregation program with opt out provisions pursuant to Section 4928.20 and a natural gas aggregation program with opt out provisions pursuant to Section 4929.26 of the Ohio Revised Code.

Motion by Zimmerlin, second by Wilder to read proposed Ordinance No. 2023-01. All yeas, motion carried.

Motion by Fowler, second by Requarth to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2023-01 entitled "AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY, OHIO TO PLACE ON THE BALLOT AT THE ELECTION TO BE HELD ON MAY 2, 2023 THE QUESTION OF WHETHER THE CITY OF BROOKVILLE, OHIO SHOULD EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT OUT PROVISIONS PURSUANT TO SECTION 4928.20 AND A NATURAL GAS AGGREGATION PROGRAM WITH OPT OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE." All yeas, motion carried.

Manager Keaton presented a request from the Brookville Historical Society for financial assistance in 2023. Council has a copy of a letter from Becky Ditmer, President of the Brookville Historical Society.

Motion by Requarth, second by Schreier to approve a \$7,500 grant for the Brookville Historical Society for operating expenses in 2023. All yeas, motion carried.

Member Zimmerlin inquired whether residents should call the city office to have their Christmas trees picked up?

Manager Keaton replied Christmas trees will be picked up with regular refuse on scheduled pick-up days.

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

Motion by Zimmerlin, second by Fowler to accept the December 31, 2022 Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt requested Council authorization to transfer funds from the General Fund to the following funds as appropriated: \$100,000 to the Street Maintenance and Repair Fund, \$85,000 to the Note Retirement Fund, \$371,200 to the Bond Retirement Fund.

Motion by Wilder, second by Zimmerlin to authorize the transfer of \$100,000 to the Street Maintenance and Repair Fund, \$85,000 to the Note Retirement Fund and \$371,200 to the Bond Retirement Fund from the General Fund as appropriated. All yeas, motion carried.

Finance Director Brandt requested Council approval of our membership with the Miami Valley Regional Planning Commission (MVRPC) for 2023, and to appoint Chuck Letner as Member and City Manager, Sonja Keaton as Alternate to the MVRPC Board; and Rod Stephan as Member and Manager Keaton as Alternate to the Technical Advisory Committee for 2023. The dues are \$3,174.17 and are based on the 2020 census population figures. The dues are computed at fifty-three cents per capita. This is the first increase since 1990. A copy of the 2021 Benefits Report for the City of Brookville is attached. This report shows that Brookville received nearly \$20,000 or a 636% return on our investment.

Motion by Zimmerlin, second by Schreier to approve our membership with MVRPC for 2023, and to appoint Mayor Letner as Member and Manager Keaton as Alternate to the MVRPC Board; and Law Director Stephan as Member and Manager Keaton as Alternate to the Technical Advisory Committee for 2023. All yeas, motion carried.

Finance Director Brandt requested Council approval of proposed Ordinance No. 2023-02, which increases the refuse rate by \$15 per quarter and proposed Ordinance No. 2023-04 which increases the sewer rates for the City of Brookville. The sewer increase is 5%, which will result in a \$3-\$6 per quarter increase for residential customers.

Motion by Fowler, second by Zimmerlin to read proposed Ordinance No. 2023-02. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to accept the first reading of proposed Ordinance No. 2023-02. All yeas, motion carried.

Motion by Requarth, second by Fowler to read proposed Ordinance No. 2023-04. All yeas, motion carried.

Motion by Requarth, second by Schreier to accept the first reading of proposed Ordinance No. 2023-04. All yeas, motion carried.

Member Requarth asked when these increases would take effect?

Finance Director Brandt replied the increases will take effect on the billing for the quarter ending March 1.

Fire Chief Fletcher presented the Total Record Volume by Incident Type Report for 2022. Fire Chief Fletcher reported 2022 was a busier year than normal and set a record with 2,108 total calls for the year.

Fire Chief Fletcher advised the Fire Department is still seeing a lot of activity relating to COVID and influenza, and we, along with other departments in the area, had a spike in overdose activity recently when some strong heroin came through our region.

Police Chief Jerome reported on December 23, 2022, during Winter Storm Elliott, the highway coming through Brookville was shut down for six hours, which resulted in thousands of cars and trucks exiting the interstate. Police Chief Jerome commended the Service Department, under Joe

Hamiel's leadership, for their assistance clearing the road and the lots on Campus Drive and Nutrition Way to allow for semi-truck parking. The Service Department also assisted a semi-truck stuck in the middle of the road in front of Reichard Chevrolet, which likely would have resulted in many accidents without their assistance.

Police Chief Jerome also commended the Service Department for handling a water problem at an apartment building occupied by elderly residents. The water was bursting out of a kitchen. Service Department Superintendent Joe Hamiel came out immediately after hours to shut off the water and prevent further damage. Police Chief Jerome stated Superintendent Hamiel and the Service Department make the City look good, and stated this is a perfect example of teamwork among the departments.

Police Chief Jerome reported the Police Department participated in the Santa's Sleigh event on December 28. The parade began in Vandalia and ended at Children's Medical in Dayton.

Police Chief Jerome reported upcoming events for the Police Department are the Lights, Sirens & Pizza Event on January 10, Coffee With A Cop on January 11 and the Prayer Breakfast on January 12.

Law Director Stephan reported proposed Ordinance 2023-03 is before City Council tonight for a first reading. The proposed Ordinance establishes the Harper Creek District TIF Site and grants a 30-year tax increment financing exemption to finance public infrastructure within that district. Funds from this TIF will be used to construct streets, water lines, sanitary sewer lines and other public infrastructure for the Harper Creek subdivision. This 30-year, 100% exemption has been approved by the Brookville Local School District and the Miami Valley Career Technology Center School District and Compensation Agreements have been approved by the school district boards, which provide school districts with compensation from the TIF funds during the 30-year period. The proposed Ordinance authorizes the City Manager to execute the compensation agreements and to take all other actions necessary to complete tax increment financing exemption. Law Director Stephan requested that City Council dispense with the second and third readings of this proposed Ordinance.

Member Fowler commented that the proposed Ordinance is not a tax on the citizens of Brookville.

Motion by Fowler, second by Zimmerlin to read proposed Ordinance No. 2023-03. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2023-03 entitled "AN ORDINANCE DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN THE CITY OF BROOKVILLE, OHIO, HARPER CREEK INCENTIVE DISTRICT TIF SITE, TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40(C) OF THE OHIO REVISED CODE, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, AUTHORIZING THE EXECUTION OF A SCHOOL AGREEMENT AND A SERVICE AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY, AND ESTABLISHING A TAX INCREMENT EQUIVALENT FUND." Requarth abstained, Crane yea, Fowler yea, Zimmerlin yea, Schreier yea, Wilder yea, Letner yea. Motion passed with six yeas and one abstention.

Mayor Letner encouraged everyone to attend the Community Prayer Breakfast at the School Board building on January 12, 2023.

Mayor Letner announced he is suspending his Citizen of the Month program for the time being and will revisit it later in the year. It has been a fun program and a lot of great citizens have been recognized.

Motion by Fowler, second by Zimmerlin to read proposed Ordinance No. 2022-05. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to accept the third reading and adopt Ordinance No. 2022-05 entitled "AN ORDINANCE AMENDING CHAPTER 1137 GENERAL BUSINESS DISTRICT OF THE CODE OF ORDINANCES FOR THE CITY OF BROOKVILLE, OHIO TO AUTHORIZE MIXED RESIDENTIAL AND BUSINESS USES IN THE GENERAL BUSINESS DISTRICT." All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to re-appoint Member Schreier as Planning Commission Liaison. Zimmerlin yea, Schreier abstained, Wilder yea, Requarth yea, Crane yea, Fowler yea, Letner yea. Motion carried with six yeas and one abstention.

Motion by Schreier, second by Zimmerlin to re-appoint Member Fowler as Park Board Liaison. Schreier yea, Wilder yea, Requarth yea, Crane yea, Fowler abstained, Zimmerlin yea, Letner yea. Motion carried with six yeas and one abstention.

Member Fowler, Park Liaison, had no report.

Member Schreier, Planning Liaison, had no report.

Motion Fowler, second by Zimmerlin to go into Executive Session under O.R.C. 121.22(G)(8) to consider confidential information of an applicant for economic development assistance and finding the Executive Session is necessary to protect the interests of the applicant. All yeas, motion carried.

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

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



Kimberly Duncan, Clerk

Charles Letner, Mayor