

Brookville City Council
Regular Meeting
July 2, 2024

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on July 2, 2024. 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, Piper, Schreier, Wilder and Zimmerlin; Manager Kuntz, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher, Police Chief Jerome and Clerk Duncan were present.

Roll Call by Clerk Duncan.

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

Motion by Piper, second by Wilder to accept the June 18, 2024 Regular Meeting Minutes as presented. All yeas, motion carried.

Police Chief Jerome recognized Green Tokai Co. LTD for their generous donation of a top-of-the-line safety shield used to enter buildings during search warrants, active shooter incidents or other such critical events.

Manager Kuntz reported after several unforeseen delays relating to utility companies moving their private infrastructure from utility poles, the Hay Avenue Phase II infrastructure project should be finishing up in the next couple of weeks.

Manager Kuntz reported we received the final Change Order for the Wolf Creek Watermain Replacement project. The Change Order amount is for -\$41,883.44. The reason for most of the Change Order is for material not needed for the project.

Motion by Fowler, second by Zimmerlin to approve the Change Order on the Wolf Creek Watermain Replacement Project in the amount of -\$41,833.44. All yeas, motion carried.

Manager Kuntz advised we also received a Change Order for the Hay Avenue Phase II Infrastructure project. Our engineer is currently reviewing the Change Order and discussing some of the items listed on the Change Order request with the contractor for clarification. Manager Kuntz stated staff should have a revised request for approval by the July 16 meeting.

Manager Kuntz report Service Superintendent Hamiel and Choice One Engineering recently had a pre-construction meeting with Barrett Paving and ODOT staff regarding the Wolf Creek Resurfacing Project, which is scheduled to begin in the middle of September. Traffic will be maintained during this project and the street will be restored to full width capacity during non-working hours. Signage requirements will be enforced during the entirety of the project.

Manager Kuntz stated a few weeks ago he sent out an email regarding City Council's possible interest in joining the First Tier Suburb Consortium. The Consortium was originally organized in 2005 as a Council of Governments under Ohio law to focus on the challenges and opportunities unique to mature or maturing inner ring suburbs. The Consortium has expanded to include communities outside inner rings suburbs and currently includes ten cities and two townships, all located within Montgomery County. There is a one-time \$100 application fee and an annual \$250 membership fee. Brookville would need to designate two representatives and an alternate to attend from current City Council. Representatives would be expected to attend monthly meetings during the evening hours, usually starting between 5:00 and 6:00.

The consensus of Council is to revisit this subject after the first of the year.

Manager Kuntz reported the annual Brookville Soccer Association has submitted a Special Event Permit for Council approval. The permit is for the 2024 Fall Opening Day Parade on August 10, from 9:00 a.m. until 9:30 a.m. The parade will start on Carr Drive, travel through downtown, west on Wolf Creek, south on Arlington before entering Westbrook Park. Staff has reviewed the permit and has no issues.

Motion by Piper, second by Zimmerlin to approve the Special Event Permit for the Brookville Soccer Association Fall Opening Day Parade on August 10, 2024 as presented. All yeas, motion carried.

Manager Kuntz reported Bridge Credit Union has also submitted a Special Event Permit for a Community Shredding Day at Bridge Credit Union, 425 Rona Parkway, on August 10, 2024. This event would take place following the soccer parade, from 10:00 a.m. until 1:00 p.m. Included in this event would be two food trucks. Staff has reviewed this application and has no issues with the event.

Motion by Schreier, second by Wilder to approve the Special Event Permit for a Community Shredding Day at Bridge Credit Union, 425 Rona Parkway, on August 10, 2024 as presented. All yeas, motion carried.

Manager Kuntz reported the Service Department has done a lot of mowing and landscaping over the past two weeks, which has saved the city a lot of money. Other items the Service Department completed included:

- Removed old shrubs around Gazebo in GGP and planted new and mulched,
- Mowed 10 acres at industrial campus,
- Mowed grass in parks and town,
- Sprayed round up for weed control in parks and town,
- Replaced 1 pump and floats in Market St lift station,
- Hauled soil from WWTP to Tip Stone,
- Installed weight limit signs at McKinley St bridge,
- Collected trash in parks and uptown,
- Water flowers, trees in parks and uptown,
- Planted grass seed in GGP where tree stumps were removed,
- Replaced slide at the castle playground,
- Trimmed bushes in GGP and along the exit,
- Installed an air conditioner in radio room at the PD,
- Trimmed back trees on Wolf Creek by WWTP for traffic visibility,
- Pothole patched and finished asphalt,
- Removed trees from Salem St and Walnut to repair storm tile, and
- Provided trash cans and barricades for Third Thursday event

Manager Kuntz reported Rite Aid Corporation has announced they will be closing all of their Ohio locations. The last day of operations for our local Rite Aid will be August 15, 2024. Manager Kuntz stated we are sad to see them go as they have provided a service to our community for many years.

Manager Kuntz reminded everyone the city offices will be closed on the Fourth of July and wished everyone a safe and happy holiday.

Member Piper inquired about the playground construction currently underway near the Community Theater.

Manager Kuntz replied this will be an inclusive playground, made possible by a CDBG grant and a Solid Waste grant, both through Montgomery County. Construction should be completed in two to four weeks.

Finance Director Brandt reported the employee health insurance renewal rates without going to market and Anthem came back with a 17.8% increase. Due to the significant increase we decided to complete FormFire and go to market. Anthem came back from market with the lowest increase of 9%. Anthem is allowing us to renew with a dual plan again this year, but rather than go with our current dual health insurance plan that includes a PPO and an HSA plan, we have decided since we had no enrollment in the PPO plan to move to a dual HSA plan with one plan being an Embedded plan as it has been in the past and another plan being an HSA Non-Embedded Plan. The City will continue to fund 85% of the monthly health insurance premium with the employee contributing 15% of the monthly premium. Our Anthem Dental was not up for renewal, but they did offer a plan that would pay for 90% of out of network providers for our employees. This change in plan would cost the City \$1,140. The City funds 100% of dental insurance. Vision insurance is not up for renewal. Finance Director Brandt requested Council approve the renewal under the Anthem Blue Access 2024 HSA Option plan, which allows the City to offer dual health insurance plans, with the employee contributing 15% and the employer contributing 85% of the monthly rate. The City will contribute \$1,000 for each single employee and \$2,000 for an employee and dependent contract under the Blue Access guarantee HSA plans; and to renew our dental insurance with Anthem Dental to include 90% for out of network providers paid 100% by the employer.

Member Zimmerlin inquired whether the city bids out with a consortium?

Finance Director Brandt replied the consortium chose not to bid on our insurance.

Manager Kuntz commented the Ohio Municipal League is offering an insurance co-op that we will be eligible for next year.

Motion by Zimmerlin, second by Fowler to renew the Anthem Blue Access 2024 HSA Option plan, offering dual health insurance plans, with the employee contributing 15% and the employer contributing 85% of the monthly rate. The City will contribute \$1,000 for each single employee and \$2,000 for an employee and dependent contract under the Blue Access guarantee HSA plans; and to renew our dental insurance with Anthem Dental to include 90% for out of network providers paid 100% by the employer. All yeas, motion carried.

Finance Director Brandt reported proposed Resolution No. 24-11 will set the pay rate for our new full-time firefighter prior to their employment later this month. Finance Director Brandt requested Council dispense with the second and third readings of this Resolution in order to the rate in place prior to first day of employment.

Motion by Zimmerlin, second by Piper to read proposed Resolution No. 24-11. 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. 24-11 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR FULL-TIME HOURLY CITY EMPLOYEES." All yeas, motion carried.

Fire Chief Fletcher presented the June Operations Report, which showed June was an extremely busy month, with 200 calls for service.

Fire Chief Fletcher reported the Fire Department has been offered an opportunity by our vendor to claim a stock ambulance unit as it is going through production. The unit will not be completed for several years.

Discussion followed.

Motion by Zimmerlin, second by Crane to authorize Manager Kuntz to enter into an agreement with Horton Emergency Ambulances to build an ambulance, with the amount not to exceed \$340,000. All yeas, motion carried.

Police Chief Jerome presented the June Operations Report, which shows reportable incidents and citations are down and traffic stops are up year to date.

Police Chief Jerome reminded everyone that fireworks are prohibited in the City of Brookville.

Law Director Stephan reported proposed Ordinance No. 2024-09 is before City Council for a second reading. The ordinance would establish the cultivation, processing and laboratory testing of medical marijuana and adult-use cannabis as a permitted use in the I-2 zoning district. The proposed ordinance also expressly prohibits the issuance of a permit for a retail dispensary in any zoning district in the City of Brookville. Planning Commission reviewed the proposed ordinance at their last meeting and voted 5 to 2 to recommend that City Council disapprove the proposed ordinance. Under Section 4.11 of the Charter, a two-thirds vote of City Council is necessary to approve the proposed ordinance and override the recommendation of Planning Commission. If two-thirds of Council does approve proposed Ordinance No. 2024-09, it is requested that the third reading of the ordinance be dispensed with to provide a timely approval of the ordinance for the proposed project at 325 Carr Drive, which was discussed at the Planning Commission meeting. In the event proposed Ordinance No. 2024-09 is not approved by City Council, it is requested that City Council pass a motion to extend the current moratorium for an additional 120 days. A new ordinance would then be prepared and submitted to City Council and Planning Commission to prohibit all forms of marijuana businesses in cultivation, processing, testing and retail facilities.

Member Piper inquired if Council approves the proposed ordinance, can the proposed ordinance be amended to only allow one cultivation, processing, testing and retail facility in our industrial area?

Law Director Stephan replied this can be done as state law allows us to prohibit or limit the number of permits.

Member Schreier commented one of the items not discussed at the Planning Commission meeting was any economics regarding the improvement of the building and property taxes. There was lengthy discussion on the various potential incomes for the city. Some of the discussion was right on the boundaries of where Planning Commission should have gone with that discussion. Member Schreier asked if staff could elaborate on the revenues from that source?

Law Director Stephan replied the building and land at 325 Carr Drive are currently valued by the Montgomery County Auditor at \$1,323,270. The property taxes on the property are \$31,523.09. The Brookville Local School district receives \$17,733.62 from property taxes on the property. The City of Brookville receives \$602.08 from property taxes on the property. The City would not provide any tax abatement or other tax incentives for this project. The proposed project would invest \$3,554,000 in the building in the first phase of the project. It is expected that investment would lead to an increased value of the building and increase the property taxes. With respect to income taxes, the first phase would employ approximately 54 employees, with an estimated income tax revenue of \$40,000 - \$60,000. The company is looking at a second phase of the project if they receive a level 2 cultivation license. The company would then invest an additional \$4,609,000 in the project, and the number of employees would increase to approximately 85. Law Director Stephan advised that the building has been vacant for several years, and we have received no income tax revenue.

Manager Kuntz commented he was not present at the Planning Commission meeting, however he listened to the audio, and it seemed there was some confusion and additional questions that were not answered. Staff has had the opportunity to do some more research, which resulted in better information specific to the text amendment which allows for this type of use in our industrial

district, as well as additional research on the revenue potential of the project in relation to some of the other businesses in the City of Brookville.

Finance Director Brandt reported the estimated income tax withholdings would be \$40,000 initially, which is a very conservative number based off of every employee making the lowest end of the pay scale provided by the cultivator. Based solely on the conservative estimate, they would be within the top 25 companies in the City of Brookville for our income tax withholdings. This \$40,000 in income tax is just an estimate of withholdings from employees and does not include the income that will be received on net profits. Prior to the cultivation facility moving in we would also see the income tax revenue from the contractors hired to renovate the facility. Once renovation is completed, we would also see an increase in the property tax revenue due to the increase in value. Finance Director Brandt stressed that diversification of revenue streams is very beneficial and important within a city and can happen in several different ways. Some cities diversify with income tax funds and levy funds. Levies have not proven to work out well with our city. Finance Director Brandt stated another form of diversification is through types of industry. Since the city relies on income tax to operate, diversifying our industry is crucial to us so that we do not have all our eggs in one type of industry's basket. Finance Director Brandt advised the city should spread them amongst as many types of industry as possible so that any one industry experiences a decline, we will not as harshly see the impacts of the one industry.

Manager Kuntz commented retail dispensaries will still be prohibited with the passage of this proposed ordinance. There are only 37 cultivation licenses in the State of Ohio and Montgomery County only has two of those. Life safety services was discussed in the Planning Commission meeting, this has been reviewed by both the Police and Fire Chief if Council has any questions that need to be answered. Staff feels comfortable with this type of use in the industrial zoning district. Based on the number of employees, the proposed business would immediately be among the top five employers in that industrial park. Manager Kuntz stated in 2020, the proposed site had 109 employees. It has been sitting empty since then, generating no income tax.

Member Schreier stated the proposed investment would double the property taxes. The lion's share of that would go to the school, but the city would also benefit receive some revenue.

Finance Director Brandt stated MVCTC and the library would also see funds from this project.

Member Piper asked Police Chief Jerome for his input on the proposed project.

Police Chief Jerome stated to put this in perspective, marijuana is now a legal drug, like alcohol. We typically waive hearings for liquor permits within the city. Chief Jerome reminded everyone the proposed project is not a dispensary. It is a highly secure locked down cultivation plant with live camera footage that the police department can pull up and watch at any time. The employees are federally background checked.

Fire Chief Fletcher stated when he visited the facility it reminded him of a laboratory, such as the laboratory in Miami Valley North Hospital. The facility is an extremely clean agribusiness. Every part of the plant is regulated and tracked by the State of Ohio. There is nothing leaving the facility that is not supposed to be. The proposed facility is extremely fire safe, as opposed to a storage facility where the contents of the building are not regulated, and it is not subject to regular inspections.

Police Chief Jerome stated if he was asked what his concerns would be about bringing in a big box store versus the proposed business, the difference would be night and day. A big box facility would bring numerous calls daily and the proposed business would bring virtually no calls for service. Chief Jerome commented that a few years ago, Council was talking about cancelling parades and other events due to the budget being so tight. We are in better shape with one large project that came in, but if we lost any more businesses we could be right back in the same situation. Retaining police officers is difficult, so the more employees and stability the city has, the easier it is to retain staff.

Member Fowler inquired if the proposed ordinance can be amended to only allow one permit for cultivation and testing?

Law Director Stephan replied that is correct, the proposed ordinance can be amended to only allow one permit for cultivation and testing.

Motion by Zimmerlin, second by Schreier to read proposed Ordinance No. 2024-09. Schreier yea, Wilder yea, Piper yea, Crane nay, Fowler yea, Zimmerlin yea, Letner yea. Motion carried with six yeas and one nay.

Motion by Letner, second by Zimmerlin to accept the second reading, dispense with the third reading and adopt proposed Ordinance No. 2024-09 entitled “AN ORDINANCE AMENDING CHAPTER 1170 MEDICAL MARIJUANA AND CHAPTER 1145-I-2 GENERAL INDUSTRIAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO” with the amendment to limit the number of zoning permits for the cultivation, processing and laboratory testing of medical marijuana and adult use cannabis in the City of Brookville to one (1) permit. Wilder nay, Piper yea, Crane nay, Fowler yea, Zimmerlin yea, Schreier yea, Letner yea. Motion carried with five yeas and two nays.

Mayor Letner announced the Montgomery County Fair starts this Sunday and encouraged everyone to attend.

Member Fowler, Park Board Liaison, had no report.

Member Schreier, Planning Commission Liaison, reported the Planning Commission meeting consisted of discussion and review of Ordinance No. 2024-09.

Mark Haworth, 10352 Upper Lewisburg Salem Road, asked if there are any new developments with the referendum filed with the city regarding the land across from the firehouse.

Law Director Stephan a petition for referendum was filed today. The city will review the referendum and has ten days to respond. If we find that it has sufficient signatures, we will bring legislation before City Council at the next meeting to place the legislation on the ballot.

Mr. Haworth voiced concerns about Council listening to the citizens.

Bruce Garber, 434 Sycamore Street, stated the way the property tax voted millage levies are calculated, the school would not receive additional levy money from a new business making a large capital investment in a business.

Nicole Haworth, 10352 Upper Lewisburg Salem Road, inquired whether everyone on the Council is sworn in under oath and expressed concern regarding public officials or employees stealing time.

Damian Kristof, 61 Oak Street, announced the library is partnering with the Brookville Historical Society on July 13, 2024 to do a story-time geared for all ages at the Spitler House.

Mike Hughes, 278 Johnsville Brookville Road, commented comparing the cultivation operation to a big box store is an unfair comparison. Mr. Hughes had concerns about Council’s approval of Ordinance No. 2024-09, and stated Council needs to know all of the facts before they vote. Mr. Hughes also expressed concerns over the new vape shop that opened on Market Street. Mr. Hughes also questioned the capacity of the WWTP.

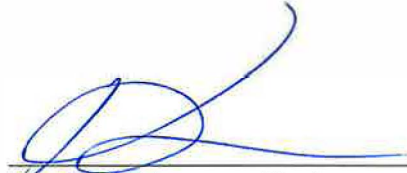
Tony Ezerski, 222 Maple Street, had concerns about the consideration given to Planning Commission’s recommendation regarding Ordinance No. 2024-09.

Beth Reed, 899 Upper Lewisburg Salem Road, stated she hopes that Council considered the precinct vote results when they voted on Ordinance No. 2024-09.

Alex Janssen, 10368 Upper Lewisburg Salem Road, stated he was the veteran that Council made fun of and stated he really wants to keep Brookville rural.

Mr. Ezerski inquired whether Council voted against a Planning Commission recommendation in the past.

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



Kimberly Duncan, Clerk



Charles Letner, Mayor

