



CITY COUNCIL
Tuesday, August 6, 2024, 7:30 PM
301 SYCAMORE STREET, BROOKVILLE, OHIO 45309
937-833-2135
www.brookvilleohio.com

Join Online: <https://brookvilleoh.webex.com/brookvilleoh/j.php?MTID=md126c47d4c8ed62fd3a7cc6cdde93fde>

Meeting number: 2631 949 5698 Password: P4Jbn3t8JPA

Join by phone: +1-415-655-0001 US Toll Access code: 263 194 95698

Agenda

I. Opening of Regular Council Meeting

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call

II. Adoption of Agenda

III. Approval of Minutes

- a. Approval of July 16, 2024 Regular Meeting Minutes

IV. Reports of Municipal Officers

- a. City Manager
- b. Finance Director
- c. Fire Chief
- d. Police Chief
- e. Law Director
- f. Mayor Chuck Letner

V. Old Business

VI. New Business

- a. Final Subdivision Record Plan - Meadowlark Subdivision - Phase I
- b. First reading of proposed Resolution No. 24-14 entitled "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED."

Mayor Chuck Letner • Vice Mayor James Zimmerlin
Council Members: Stephen Crane • JD Fowler • Dennis Piper • Curt Schreier • Kim Wilder



- c. First reading of proposed Ordinance No. 2024-10 entitled " AN ORDINANCE AMENDING SECTION 961.16 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO."
- d. First reading of proposed Ordinance No. 2024-11 entitled "AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF ZONING PERMITS FOR RETAIL ESTABLISHMENTS PRIMARILY SELLING TOBACCO OR VAPING PRODUCTS IN THE CITY OF BROOKVILLE, OHIO."

VII. Reports of Boards and Commissions

- a. Member Fowler, Park Board Liaison
- b. Member Schreier, Planning Commission Liaison

VIII. Public Comments (5 minutes per speaker)

IX. Executive Session

- a. O.R.C. 121.22(G)(1) To consider the employment of a public employee or official.

X. Motion for Adjournment

Please note: Council welcomes the comments and input of the public during Council Meetings. In order to provide an orderly fashion in which all interested parties have an opportunity to address Council, Council has adopted the following procedure for citizen's comments during any portion of the Council Meeting or Public Hearing.

Any citizen who wishes to address Council should state their name, address and then their comments. Speakers should not approach Council Members without first obtaining permission. After completion of their comments, Council would request that the speakers return to their seat so that any other interested persons could then be recognized and address Council.

The purpose of this procedure is to afford the maximum opportunity for citizen input without any type of disruption of the Council proceedings. While others are addressing Council from the podium, Council requests that audience members not make comments to Council or to other individuals to prevent any potential confusion or disruption.

Brookville City Council
Regular Meeting
July 16, 2024

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on July 16, 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 Wilder, second by Schreier to accept the Agenda as presented. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept the July 2, 2024 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Letner administered the Oath of Office to newly hired full-time Career/Firefighter/Paramedic Kaleb Broomhall.

Police Captain Morgan gave a presentation on the Public Safety Leadership Academy at Ohio State University. The eleven-week academy for senior law enforcement was hosted by the John Glen School of Public Affairs. Police Chief Jerome presented Captain Morgan with the Eagle Award for successfully completing this training.

Manager Kuntz reported in 2019, Michelle Brandt was hired to serve in the role as Finance Director for the City of Brookville. Over the past few years, she has assumed additional responsibilities, specifically the majority of the responsibilities traditionally carried out by a Human Resource professional. Included with these responsibilities is taking additional training ensuring the city is following all applicable state and federal employee and workplace regulations, including FMLA standards, overseeing the city's health insurance program and currently overseeing the implementation of the city's new employee manual and policies. She will also be completing a review of all non-bargaining job positions and salary scales later this year with the goal of making recommendations on appropriate salary and hourly adjustments to bring our non-bargaining staff in line with surrounding and similar sized communities and recognizing everyone's significant contributions to the city. Manager Kuntz stated as a result of these added duties, he believes it is appropriate to change Michelle Brandt's job title from Finance Director to Finance and Human Resources Director. Manager Kuntz advised proposed Resolution No. 24-12 is the legislation for the new job title, and requested Council dispense with the second and third reading and approve the proposed Resolution with an effective date beginning with the pay period including July 1, 2024.

Motion by Zimmerlin, second by Piper to read proposed Resolution No. 24-12. All yeas, motion carried.

Motion by Fowler, second by Piper to accept the first reading, dispense with the second and third reading and adopt Resolution No. 24-12 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE FINANCE AND HUMAN RESOURCES DIRECTOR." All yeas, motion carried.

Manager Kuntz reported the Brookville Fire Department purchased chain saws using a VFW grant and gas monitors for the department's vehicles using a VFW and Center Point grant. Manager Kuntz reported these grants enabled the city to purchase needed equipment while saving city resources.

Manager Kuntz provided an update on the VIP Smoke Shop in downtown Brookville, advising that although the operator did apply for a zoning permit for the use at the location, they have not received the appropriate Montgomery County Building Department and Brookville Fire Department permits or passed inspections. The Brookville Fire Department issued a “Stop Work Order” to the operator on July 9 and Montgomery County is planning to issue a similar order soon. Until the operator brings the property current with all applicable permits and inspections, they will not be permitted to operate. Staff will continue to monitor this operation and will provide updates when appropriate.

Manager Kuntz reminded everyone of two great community events happening in Brookville this month. The Market Street Connection Third Thursday event at Gruenig Park is Thursday, July 18, from 4:00 p.m. until 7:00 p.m. The 73rd annual Brookville Community Picnic, hosted and organized by the Brookville Area Chamber of Commerce is July 25 through July 27 at Golden Gate Park.

Manager Kuntz requested approval of Change Order #3 and Change Order #4 on the Hay Avenue Reconstruction Project, which have both been certified by our engineers. The change orders were for removal of some cisterns and additional work that was required on site. The total for both Change Orders is \$10,560.

Motion by Zimmerlin, second by Fowler to approve Change Order #3 and Change Order #4 on the Hay Avenue Reconstruction Project, for a total amount of \$10,560. All yeas, motion carried.

Manager Kuntz thanked the Brookville Area Chamber of Commerce as well as the Small Business Administration for hosting the Small Business Classes at Fire Station 76. The event has been well attended and is providing very helpful information for local small business owners.

Manager Kuntz reported the Request for Proposals (RFP) for the Comprehensive Land Use Plan has been published until mid-August on several state and national platforms.

Mayor Letner requested an update on the inclusive playground that is under construction.

Manager Kuntz advised we are waiting on the surface installers to finish the job. If it is not completed by the Community Picnic, the area will be secured until it can be completed.

Finance Director Brandt presented the June 30, 2024 Fund Balance Report.

Motion by Schreier, second by Zimmerlin to accept the June 30, 2024 Fund Balance Report as presented. All yeas, motion carried.

Finance Director Brandt requested Council approval of the personnel policy changes to accommodate the new full-time firefighter and his 24/48 schedule.

Motion by Piper, second by Fowler to approve the updated personnel policies as presented. All yeas, motion carried.

Fire Chief Fletcher congratulated Kaleb Broomhall on his new full-time position and thanked all of the staff involved who helped with the hiring process.

Fire Chief Fletcher thanked the VFW and Center Point Energy for their grant assistance. Fire Chief Fletcher reported the Smith Family Foundation for grant assistance to make improvements at the Fire Department Training Center.

Police Chief Jerome reported the Walk the Block With a Cop Program began last week in Golden Gate Estates. The program was initiated by Crime Prevention Officer Forest Wilson. Police Chief

Jerome reported the Police Department is still promoting the 9 p.m. Routine, which encourages residents to lock their vehicles, and close and lock up their sheds and garages. Police Chief Jerome reported the Police Department is also hosting a Neighborhood Watch Meeting in the Meadows of Brookville, along with a second Walk with a Cop Event this Saturday evening.

Police Chief Jerome thanked the Smith Family Foundation for a generous donation to the Police Department. Police Chief Jerome reported our new cruiser should be outfitted and on the road within the next few weeks. Police Chief Jerome reported police staff recently painted the police department for the first time in 13 years.

Law Director Stephan reported proposed Resolution No. 24-13 is a resolution directing the Board of Elections of Montgomery County to place a referendum regarding Ordinance No. 2024-07 on the November ballot. Law Director Stephan stated Section 10.02 of the city charter provides a procedure for referendum on any ordinance or resolution passed by city council if within 30 days of its passage a petition signed by electors is equal to ten percent of the number of votes cast in the last preceding regular municipal election is filed with the Clerk of Council. A petition for referendum on Ordinance No. 2024-07 was filed with the Clerk of Council on July 2, 2024. The petition for referendum was submitted to Montgomery County Board of Elections for verification of petition signatures. The Montgomery County Board of Elections found that the required number of valid signatures to place this on the ballot is 251 and verified that there are 420 valid signatures on the petition. The Montgomery County Board of Elections also verified that the committee petitioners and all circulators of the petition are registered electors who reside within the City of Brookville, as required by our charter. The Clerk of Council has certified to Council that the petitions are sufficient to require that the referendum be placed on the ballot. Law Director Stephan requested Council accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 24-13 in order to meet the deadline to include it on the November ballot.

Motion by Zimmerlin, second by Schreier to read proposed Resolution No. 24-13. All yeas, motion carried.

Motion by Fowler, second by Piper to accept the first reading, dispense with the second and third reading and adopt Resolution No. 24-13 entitled "A RESOLUTION DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY TO PLACE ON THE NOVEMBER 5, 2024 BALLOT A REFERENDUM ON ORDINANCE 2024-07." All yeas, motion carried.

Mayor Letner reported he recently had the pleasure of participating in the opening of the Montgomery County Fair, where Brookville was well represented.

Manager Kuntz advised a City Council Member has requested we look at permitted uses in our zoning classifications, specifically regarding vape shops.

Member Fowler stated he would like to change the zoning to not allow any more vape shops on Market Street, as well as prohibit payday lending businesses. Member Fowler asked what uses we are allowed to restrict.

Mayor Letner stated we should be able to limit bright signage on the vape shops with our sign ordinance.

Member Zimmerlin asked staff to comment on what types of businesses Council can and cannot disallow.

Law Director Stephan stated in the Community Center District, which is the Market Street area, there are a wide variety of permitted uses and a broad variety of retail uses, and specifically tobacco shops are listed as a permitted use. We could limit the reducing the number of permitted uses and create more special uses, which would require Planning Commission approval. Law Director Stephan stated if Council wants to exclude tobacco and vape, his recommendation would be to

take a hard look at the code and shrink the number of permitted uses to have greater control over the district.

Mayor Letner commented many of our local gas stations sell vaping products and asked if we would be tying their hands too?

Law Director Stephan stated the existing gas station on Market Street sells essentially all the same products as the vape shop. We cannot take away existing permits, but we could limit the number going forward.

Member Zimmerlin asked if Council has the ability to propose changes in areas other than the Community Center District, specifically the bright signage at the vape shop located in the plaza.

Law Director Stephan replied Council can look at other areas and could also look at amending the sign code.

Member Wilder inquired whether color is something we can regulate?

Law Director Stephan replied Council could create a Historic District under Ohio Laws or adopt Planned Development or a Quasi Historical District to limit colors and control exterior materials. Law Director Stephan stated we are limited in taking away existing building materials or colors that are currently present.

General discussion followed.

The consensus is that staff will do the research and bring some proposed recommendations back to Council by the end of September. Staff can also provide recommendations on potential moratoriums for specific types of businesses until the land use plan is adopted.

Member Fowler, Park Board Liaison, reported the Boys Scouts have done some updates to their building and are working on the amphitheater design. There was discussion regarding the need to repave the streets and tennis courts at Golden Gate Park.

Member Schreier, Planning Commission Liaison, had no report.

Bruce Garber, 434 Sycamore Street, expressed concerns about the legality of amending and dispensing with the second and third readings of ordinances and resolutions.

Dave Monnin, 295 Sunrise Avenue, questioned why we would want to extend our Market Street business district when we cannot take care of the business district that we have, citing the old Brookville Star building, bike shop, lube shop, Lamplighter and the municipal parking lot as needing maintenance.

Mike Hughes, 278 Johnsville Brookville Road, raised concerns about the wastewater treatment plant's capacity and accused Council members of not having accurate data or doing proper research.

Matthew Williamson, 277 Johnsville Brookville Road, asked Council for due diligence towards the growth of Brookville and representing the citizens of Brookville when they vote on an issue.

Mark Haworth, 10352 Upper Lewisburg Salem Road, expressed concern about the impact of new developments on the sewer plant and potential contamination of waterways.

Motion by Zimmerlin, second by Schreier to go into Executive Session under O.R.C. 121.22(G)(1) To consider the employment of a public employee or official. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to go into Executive Session under O.R.C. 121.22(G)(8) To consider the confidential information of an applicant for economic development assistance under 5709.40 to 5709.43. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin, to resume Regular Session. All yeas, motion carried.

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

Kimberly Duncan, Clerk

Charles Letner, Mayor

To: Mayor & Council
From: Jack Kuntz, City Manager
RE: Manager's Report
Date: 07/31/2024

Several meetings ago, staff updated City Council on the downgrading of the McKinley Street Bridge, specifically with new load level restrictions placed on the bridge via the Ohio Department of Transportation due to some deterioration of the bridge. The bridge continues to be safe for regular traffic, however some of our fire apparatus and other large commercial sized vehicles are no longer able to travel across the bridge. Signs have been placed on both sides of the bridge by the city's Service Department. Staff has been working with Choice One Engineering and it's been determined the project should score favorably with this year's OPWC funding cycle. The total project cost would be \$335,673 and the city's local match would be from remaining ARPA funds and would total approximately \$135,673. Staff requests the City Council authorize the city manager to sign any required documents and submit a funding application to the Ohio Public Works Commission's 2024 funding cycle for the McKinley Street Bridge Project.

Beginning in 2020, the Ohio General Assembly passed several bills that temporarily permitted public bodies to meet virtually instead of in person, as is required by Ohio's Open Meetings Act (R.C 121.22). The most recent legislation allowing virtual meetings took effect February 17, 2022, and expired June 30, 2022. Brookville is one of the last remaining communities in our region that has continued to offer virtual participation despite state legislation expiring over two years ago. Moving forward, Brookville will continue to live stream public meetings on the city's digital Webex platform, however engagement options will no longer be available. Recordings of the city's public meetings will also continue to be available on the city's website. This transition will begin at the Parks Board meeting on August 13 and then the next City Council meeting on August 20.

The city recently entered into an agreement with Cargill for road salt for 2024/2025. Brookville went through SWOP4G, which is the state bid program for road rock salt. Cargill was the lowest bid. The city will be receiving up to 300 tons from Cargill at a price of \$65.11 per ton, which is almost \$20 per ton less than the next lowest bid.

The Brookville Records Commission held a meeting on July 30 to discuss and vote on the city's RC-3 form to be submitted to the state of Ohio for record disposal and the updated RC-2 form, specific for the city's Records Retention Schedule. This was the first Records Commission meeting since 2018 and the first time since 2005 the city's Records Retention Schedule was updated. These two items are very important in ensuring the city is transparent and consistent with keeping vital city records safe. The new updated schedule is also important to ensure new technology and virtual public records are kept and stored in accordance with industry and state requirements. Records such as police body camera videos and social media posts were obviously not previously included with our retention schedule which was last updated almost 20 years ago. I'd like to thank all the department heads and various staff members who worked on this very tedious project over the past several months. I also would like to thank Chief

Jerome who spearheaded this project and coordinated all the various department's RC-2 and RC-3 updates which will now be submitted to the state for review and final approval.

Below are some of the things our Service Department has been working on over the past few weeks.

- Repaired sink hole at O'Riellys auto parts
- Trash in parks and town
- Mowed grass in parks and town
- Sprayed Round Up in town
- Seeded and strawed multiple areas in parks from stump removal
- Installed electric panels in park for Community Picnic
- Worked on pond fountains
- Installed snow fence and caution tape for fireworks
- Repaired watermain break on Mound St
- Repaired watermain break on Johnsville Brookville Rd
- Watered flowers uptown
- Trimmed weed growth along creek in GGP
- Trimmed weeds, cleaned up trash and sprayed at the skate park
- Started cleaning up at the pipe yard and fire training center
- Repaired yard on Wolf Creek from water service repair
- Repaired water service on Brooke Park

I would like to congratulate and thank the Brookville Area Chamber of Commerce for an awesome Community Picnic at Golden Gate Park. The amount of work that goes into this annual event is unthinkable and it obviously once again proved to be a great event for the entire community. I'd also like to thank all the city departments and staff who worked with the Chamber over the course of picnic week for making sure the city was able to assist in anything the Chamber needed.



City of **BROOKVILLE** **POLICE**

Chief Douglas Jerome

djerome@brookvilleohio.com



Council Meeting Agenda **August 6, 2024**

Reportable Incidents

01/01/2023 – 07/31/2023 = 304

01/01/2024 – 07/31/2024 = 262

Citations

01/01/2023 – 07/31/2023 = 251

01/01/2024 – 07/31/2024 = 219

Traffic Stops

July 2023 - 123

July 1, 2024 to date - 127

Brookville Police Department

Incident Arrest Blotter

Arrest Date	Time	Suspect's Name	Address, Charges(s)	Incident ID
07/22/2024	12:00 PM	JAMES ELBERT EUGENE	530 E GRAND, SPRINGFIELD, OH 45505 35: WARRANT ARREST	2024-00249
07/23/2024	05:23 PM	STEPHANIE MARIE LUI	2001 RIVERBROOK CT, TROTWOOD, OH 45426 451021: FAILURE TO REINSTATE	2024-00252
07/25/2024	09:18 AM	GLENN D. JOHNSON	372 LEISURE APT 3, BROOKVILLE, OH 45309 35: WARRANT ARREST	2024-00255
07/26/2024	08:00 AM	KASAUNDRA L. WALKER	808 PLEASANT CT, BROOKVILLE, OH 45309 35: WARRANT ARREST	2024-00258
07/29/2024	09:11 PM	ROBERT E. HARTMIER	AT LARGE, BROOKVILLE, OH 45309 290322: Menacing 292702B: Illegal distribution of tobacco products - vending	2024-00264

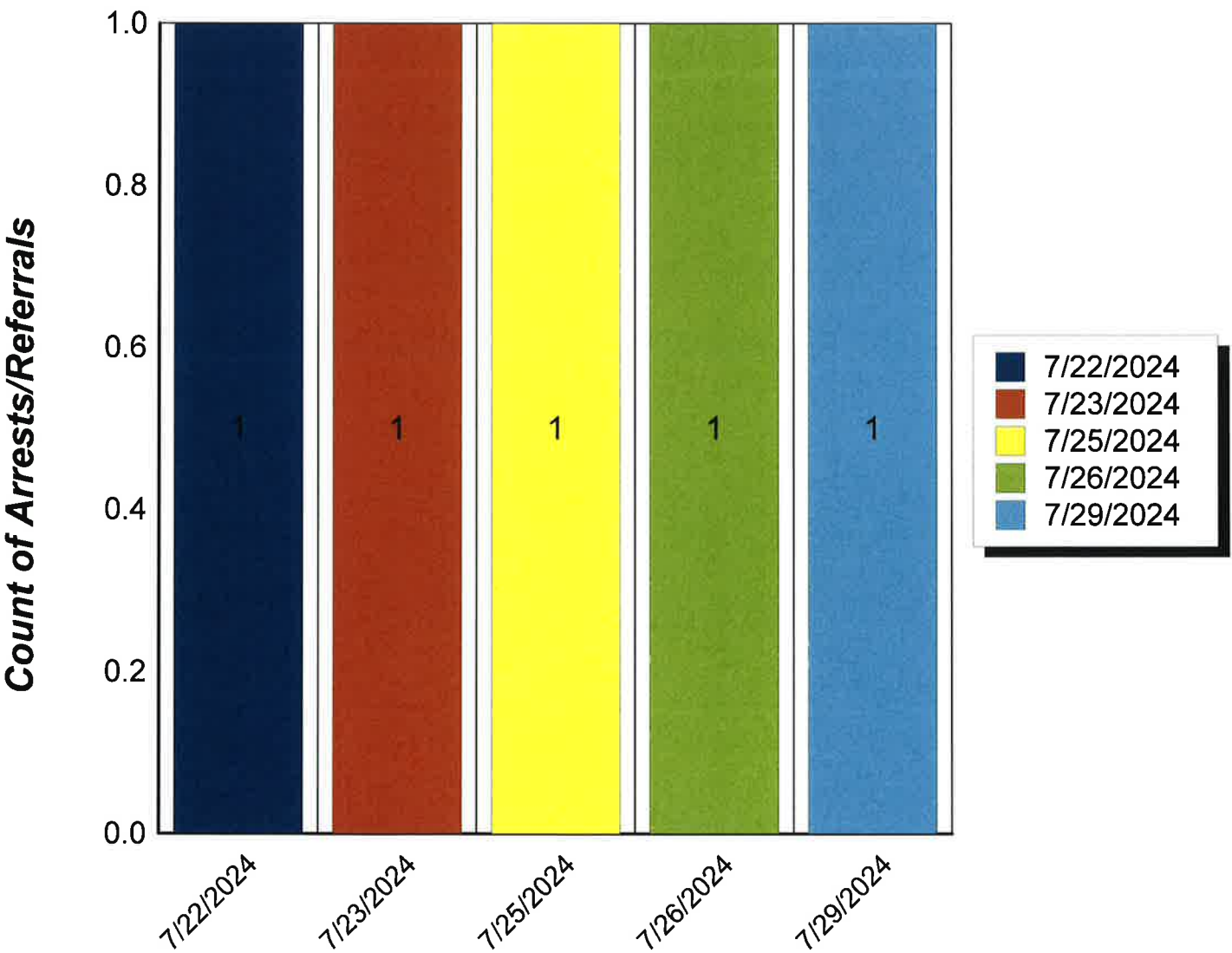
Total Selected = 5

Brookville Police Department

Arrest Log by Date

Arrest Date	Total Arrests
July 22, 2024	1
July 23, 2024	1
July 25, 2024	1
July 26, 2024	1
July 29, 2024	1
Total Selected = 5	

Arrest Log by Date

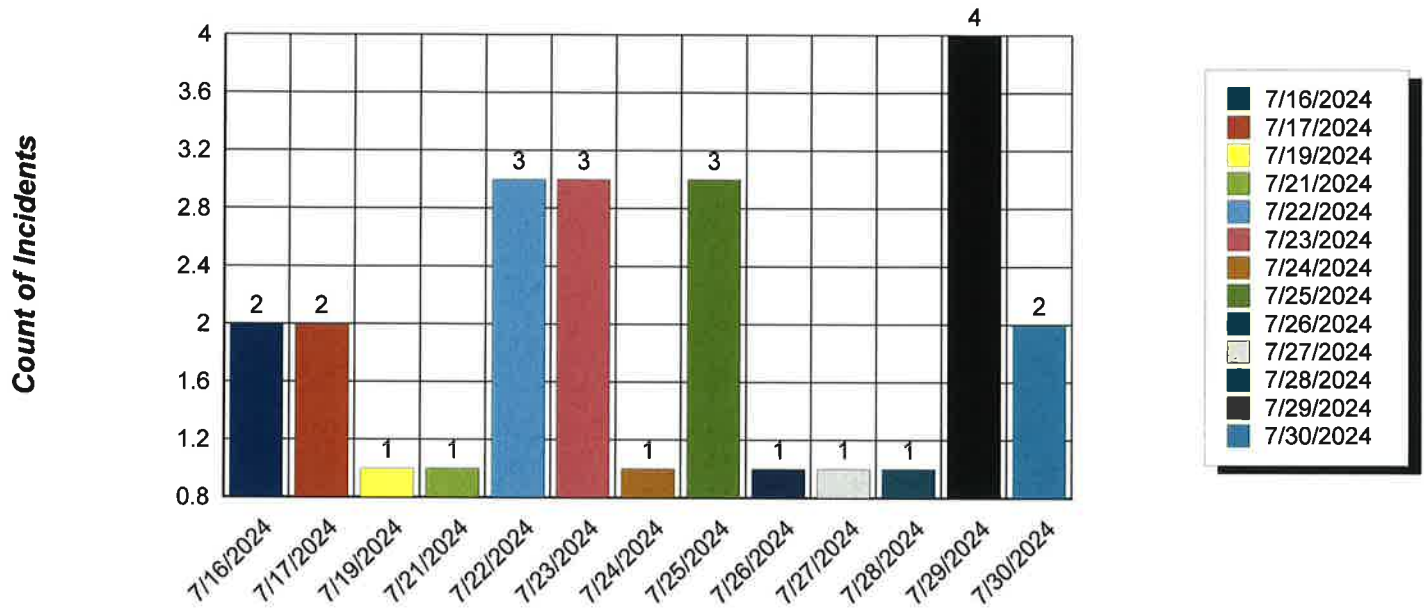


Brookville Police Department

Incident Log by Date Reported

Date Reported	Day of Week	Total Reported
07/16/2024	Tuesday	2
07/17/2024	Wednesday	2
07/19/2024	Friday	1
07/21/2024	Sunday	1
07/22/2024	Monday	3
07/23/2024	Tuesday	3
07/24/2024	Wednesday	1
07/25/2024	Thursday	3
07/26/2024	Friday	1
07/27/2024	Saturday	1
07/28/2024	Sunday	1
07/29/2024	Monday	4
07/30/2024	Tuesday	2
Total Selected = 25		

Incident Log by Date Reported



Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
-------------	----------------	-------------	---------------	--------------	--------

July 16, 2024

2024-00242	227 MARKET STREET BROOKVILLE PD	SIGNAL 6B - PETTY THEFT	12/14/2023	07/17/2024	EXCEPTIONALLY CLEARED
------------	------------------------------------	-------------------------	------------	------------	-----------------------

Offenses UCR Offense Description
1 01 291302A3 - Theft - deception

2024-00243	6 CORONADO DRIVE BROOKVILLE PD	SIGNAL 17 - SEX OFFENSE	07/16/2024		OPEN CASE
------------	-----------------------------------	-------------------------	------------	--	-----------

Offenses UCR Offense Description
1 02 290731A1 - Disseminate matter harmful to juveniles-sell/deliv

Total Incidents Reported for Date: 2

July 17, 2024

2024-00244	301 SYCAMORE STREET BROOKVILLE PD	SIGNAL 17 - SEX OFFENSE	07/13/2024		OPEN CASE
------------	--------------------------------------	-------------------------	------------	--	-----------

Offenses UCR Offense Description
1 02 2907321A1 - Pandering obscenity involving minor - produce mate

2024-00245	300 CROSSWELL AVE. BROOKVILLE PD	SIGNAL 26I - APPLICATION FOR EMERGENCY ADMISSION	07/17/2024	07/17/2024	EXCEPTIONALLY CLEARED
------------	-------------------------------------	--	------------	------------	-----------------------

Offenses UCR Offense Description
1 N/A 5122.10 - APPLICATION FOR EMERGENCY ADMISSION

Total Incidents Reported for Date: 2

July 19, 2024

2024-00246	16 WALNUT ST BROOKVILLE PD	SIGNAL 35 - WARRANT ARREST	07/19/2024	07/19/2024	ARREST
------------	-------------------------------	----------------------------	------------	------------	--------

Offenses UCR Offense Description
1 N/A 35 - WARRANT ARREST

Total Incidents Reported for Date: 1

July 21, 2024

2024-00247	15 ROCK BROOKVILLE PD	SIGNAL 55 - TRAFFIC VIOLATION	07/21/2024	07/21/2024	EXCEPTIONALLY CLEARED
------------	--------------------------	-------------------------------	------------	------------	-----------------------

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
-------------	----------------	-------------	---------------	--------------	--------

July 21, 2024

Offenses	UCR	Offense Description
1	N/A	33510(a) - EXPIRED LICENSE PLATE

Total Incidents Reported for Date: 1

July 22, 2024

2024-00248	780 ARLINGTON RD BROOKVILLE PD	SIGNAL 260 - CRIMINAL TRESPASS	07/22/2024	07/22/2024	EXCEPTIONALLY CLEARED
------------	-----------------------------------	--------------------------------	------------	------------	-----------------------

Offenses	UCR	Offense Description
1	02	291121A - Criminal trespass

2024-00249	CLARK COUNTY JAIL BROOKVILLE PD	SIGNAL 35 - WARRANT ARREST	07/22/2024	07/22/2024	ARREST
------------	------------------------------------	----------------------------	------------	------------	--------

Offenses	UCR	Offense Description
1	N/A	35 - WARRANT ARREST

2024-00250	402 VINNIE BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	07/21/2024	07/22/2024	EXCEPTIONALLY CLEARED
------------	-----------------------------	---------------------------------	------------	------------	-----------------------

Offenses	UCR	Offense Description
1	02	26I - INFORMATION REPORT

Total Incidents Reported for Date: 3

July 23, 2024

2024-00251	N WOLF CREEK ST & GAINS ST BROOKVILLE PD	SIGNAL 22 - OPEN CONTAINER IN A MOTOR VEHICLE	07/23/2024	07/23/2024	ARREST
------------	---	---	------------	------------	--------

Offenses	UCR	Offense Description
2	02	430162B5 - Open container liquor - stationary motor vehicle
	N/A	451121 - SPEEDING

2024-00252	MARKET ST/E UPPER LEWIS BURG SALEM BROOKVILLE PD	SIGNAL 35 - WARRANT ARREST	07/23/2024	07/23/2024	ARREST
------------	---	----------------------------	------------	------------	--------

Offenses	UCR	Offense Description
3	N/A	35 - WARRANT ARREST
	N/A	451121 - SPEEDING
	N/A	451021 - FAILURE TO REINSTATE

2024-00253	TERRACE PARK & BAYVIEW	SIGNAL 55 - TRAFFIC VIOLATION	07/23/2024	07/23/2024	
------------	------------------------	-------------------------------	------------	------------	--

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
-------------	----------------	-------------	---------------	--------------	--------

July 23, 2024

BROOKVILLE PD		EXCEPTIONALLY CLEARED			
Offenses	UCR	Offense Description			
3	N/A	451305 - NO TAIL LIGHTS; REAR PLATE LIGHT			
	N/A	451112 - OBEYING TRAFFIC CONTROL DEVICES			
	N/A	451016 - FRA SUSPENSION			

Total Incidents Reported for Date: 3

July 24, 2024

2024-00254	133 ASHMARK COURT BROOKVILLE PD	SIGNAL 53A - PROPERTY DAMAGE ACCIDENT	07/24/2024	07/24/2024	EXCEPTIONALLY CLEARED
Offenses	UCR	Offense Description			
1	N/A	4511202 - REASONABLE CONTROL			

Total Incidents Reported for Date: 1

July 25, 2024

2024-00255	1 MCMAKEN LN BROOKVILLE PD	SIGNAL 35 - WARRANT	07/25/2024	07/25/2024	ARREST
Offenses	UCR	Offense Description			
2	N/A	35 - WARRANT ARREST			
	02	292514C1 - Illegal use or possession of drug paraphernalia			
2024-00256	55 ROBERT WRIGHT BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	07/25/2024	07/25/2024	EXCEPTIONALLY CLEARED
Offenses	UCR	Offense Description			
1	02	26I - INFORMATION REPORT			
2024-00257	247 PLYMOUTH BROOKVILLE PD	SIGNAL 55 - TRAFFIC VIOLATION	07/25/2024	07/25/2024	EXCEPTIONALLY CLEARED
Offenses	UCR	Offense Description			
3	N/A	451016 - FRA SUSPENSION			
	N/A	451305 - NO TAIL LIGHTS; REAR PLATE LIGHT			
	N/A	451016 - FRA SUSPENSION			

Total Incidents Reported for Date: 3

July 26, 2024

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
-------------	----------------	-------------	---------------	--------------	--------

July 26, 2024

2024-00258	808 PLEASANT BROOKVILLE PD	SIGNAL 35 - WARRANT ARREST	07/26/2024	07/26/2024	ARREST
Offenses UCR Offense Description 1 N/A 35 - WARRANT ARREST					
Total Incidents Reported for Date: 1					

July 27, 2024

2024-00259	545 UPPER LEWISBURG SALEM RD. BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	07/27/2024	07/27/2024	EXCEPTIONALLY CLEARED
Total Incidents Reported for Date: 1					

July 28, 2024

2024-00260	569 FLANDERS BROOKVILLE PD	SIGNAL 11 - IDENTITY THEFT	07/28/2024		OPEN CASE
Offenses UCR Offense Description 1 06 291349A - Taking identity of another					
Total Incidents Reported for Date: 1					

July 29, 2024

2024-00261	EB INTERSTATE 70 ENTRANCE RAMP BROOKVILLE PD	SIGNAL 35 - WARRANT ARREST	07/29/2024		OPEN CASE
Offenses UCR Offense Description 1 N/A 35 - WARRANT ARREST					
2024-00262	429 MARKET ST BROOKVILLE PD	SIGNAL 9 - ASSAULT	07/29/2024	07/29/2024	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 04 290313A - Assault - knowingly harm victim					
2024-00263	429 MARKET STREET BROOKVILLE PD	SIGNAL 04 - FELONIOUS ASSAULT	07/29/2024		
Offenses UCR Offense Description 1 04 290311A - Felonious assault					
2024-00264	429 MARKET	SIGNAL 26O - MENACING	07/29/2024	07/29/2024	

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
July 29, 2024					
	BROOKVILLE PD				ARREST
Offenses UCR Offense Description					
2	04	290322 - Menacing			
	02	292702B - Illegal distribution of tobacco products - vending			
<i>Total Incidents Reported for Date: 4</i>					
July 30, 2024					
2024-00265	429 MARKET STREET BROOKVILLE PD	SIGNAL 26DB - DECEASED BODY	07/30/2024		OPEN CASE
Offenses UCR Offense Description					
1	02	26DB - DEAD BODY			
2024-00266	801 ARLINGTON BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	07/30/2024		OPEN CASE
Offenses UCR Offense Description					
1	02	26I - INFORMATION REPORT			
<i>Total Incidents Reported for Date: 2</i>					
Total Selected = 25					

MEMORANDUM:

DATE: JULY 30, 2024

TO: CITY OF BROOKVILLE CITY COUNCIL

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: FINAL SUBDIVISION PLAN MEADOWLARK SUBDIVISION, PHASE ONE

The Meadowlark Subdivision, Phase One record plan is before City Council for approval. A copy of the final subdivision plan is submitted to City Council with this memorandum.

Planning Commission did approve the Meadowlark Subdivision, Phase One record plan at its July 18, 2024 meeting. The plan is consistent with the preliminary plan that had been approved by Planning Commission at its July 21, 2022 meeting.

The Meadowlark Subdivision-Phase One consists of 26 lots that will have thirteen paired patio homes built on the 26 lots. Each side of the paired patio home will be sold separately. A presentation from Fischer Homes regarding the paired patio homes is also submitted to City Council with this memorandum.

It is requested that City Council approve the Meadowlark Subdivision-Phase One Final Record Plan.

No.

RESOLUTION NO. 24-14

Passed

Yr.

A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Brookville is planning to make capital improvements to McKinley Street Bridge Rehabilitation; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: The City Manager is hereby authorized to apply to the OPWC for funds as described above.

SECTION II: The City Manager is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

SECTION III: This Resolution shall take effect immediately and be in force thirty (30) days after passage as provided by the Charter of City of Brookville.

PASSED this _____ day of _____, 2024.

ATTEST:

KIMBERLY DUNCAN, CLERK

CHARLES LETNER, MAYOR

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Resolution No. 2024-14, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2024.

KIMBERLY DUNCAN, CLERK

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 2024-14 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2024, to the _____ day of _____, 2024, both days inclusive.

KIMBERLY DUNCAN, CLERK

RECORD OF ORDINANCES

Ordinance No. 2024-10 Passed , 20

AN ORDINANCE AMENDING SECTION 961.16 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO

WHEREAS, Section 961.01 prohibits the use of alcoholic beverages, intoxicating liquors, and intoxicating or hallucinogenic drugs in public parks; and

WHEREAS, a recent initiative passed by Ohio voters permits the use of marijuana by adults.

WHEREAS, the Park Board and City Council desire to amend the park regulations to clarify that use of marijuana is not permitted in any public park within the City of Brookville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: Section 961.01 of the Code of Ordinances is hereby amended as follows:

961.01 ALCOHOLIC BEVERAGES; INTOXICATING LIQUORS, MARIJUANA, INTOXICATING OR HALLUCINOGENIC DRUGS.

(a) No person shall take into a public park or use within a public park of any kind of alcoholic beverage, intoxicating liquor, marijuana, intoxicating or hallucinogenic drugs within a public park.

(b) No person shall enter or remain in a public park while under the influence of an alcoholic beverage, intoxicating liquor, marijuana, or intoxicating or hallucinogenic drugs.

SECTION II: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION III: This Ordinance shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

PASSED this day of , 2024.

ATTEST:

Kimberly Duncan, Clerk Charles Letner, Mayor

RECORD OF ORDINANCES

Ordinance No. _____, Passed _____, 20____

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2024-10, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2024.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2024-10 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2024, to the _____ day of _____, 2024, both days inclusive.

Kimberly Duncan, Clerk

RECORD OF ORDINANCES

Ordinance No. 2024-11, Passed, 20

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF ZONING PERMITS FOR RETAIL ESTABLISHMENTS PRIMARILY SELLING TOBACCO OR VAPING PRODUCTS IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, there are several retail establishments in the City of Brookville primarily selling tobacco or vaping products; and

WHEREAS, the City Council has received citizen complaints about the operation of retail establishments primarily selling tobacco or vaping products in the City of Brookville.

WHEREAS, the City Council desires to enact a temporary moratorium on the issuance of any additional zoning permits for retail establishments primarily selling tobacco or vaping products while the zoning code is amended to provide additional controls over the issuance of zoning permits for retail establishments primarily selling tobacco or vaping products.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: A moratorium of One Hundred Eighty (180) days on the issuance of any zoning permits for retail establishments primarily selling tobacco or vaping products is hereby adopted, and no zoning permits shall be issued during the moratorium for any retail establishments primarily selling tobacco or vaping products.

SECTION II: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION III: This Ordinance shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

PASSED this day of , 2024.

ATTEST:

Kimberly Duncan, Clerk Charles Letner, Mayor

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____, Passed _____, 20____

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2024-11, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2024.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2024-11 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2024, to the _____ day of _____, 2024, both days inclusive.

Kimberly Duncan, Clerk