

Brookville City Council
Regular Meeting
November 19, 2024

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on November 5, 2024. The meeting was held in the City Council Chambers. The Pledge of Allegiance was recited. Members Crane, Piper, Schreier, Wilder and Zimmerlin; Manager Kuntz, Law Director Stephan, Finance Director Brandt, Fire Chief Fletcher, Police Chief Jerome and Clerk Duncan were present. Member Fowler was absent.

Roll Call by Clerk Duncan.

Motion by Piper, second by Wilder to accept the November 5, 2024 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Kuntz reported Bonnie Cordes has resigned from the Park Board, effective immediately. Manager Kuntz thanked her for her years of service to the board and the entire Brookville community. Manager Kuntz announced the Park Board will recommend a replacement for in the near future.

Manager Kuntz requested authorization to renew the city's annual agreement with the Public Defender's Office to provide legal services to indigent adults charged with violations of ordinances within the specific municipality. The agreement specifies Brookville will pay \$197.61 per case in which the public defender provides representation.

Motion by Crane, second by Zimmerlin to authorize Manager Kuntz to enter into an agreement with the Public Defender's Office for 2025 to provide legal services to indigent adults charged with violations of ordinances within the specific municipality, at a cost of \$197.61 per case. All yeas, motion carried.

Manager Kuntz reported the annual Christmas in the Park event kicks off on Friday, December 6 at 6:00 p.m. at Golden Gate Park. Manager Kuntz thanked all the business, civic organizations, volunteers and city staff who work hard to make this program possible. Manager Kuntz also thanked the Park Board members for all their work putting this event on annually for the entire Brookville community.

Manager Kuntz reported the city offices will be closed on Thursday, November 28 for the Thanksgiving holiday. Refuse and recycling services will be delayed one day for those residents who have pick-up on Thursday.

Manager Kuntz reminded everyone to shop local during the holiday season to help build a stronger, more vibrant Brookville. The Market Street Connection is hosting a Pink Friday event on November 22, 2024 in historic downtown Brookville. In addition to Pink Friday, the annual Small Business Saturday event is on November 30, the Saturday after Thanksgiving.

Manager Kuntz congratulated Tik Takos on their one-year anniversary on November 24, 2024. Tik Tacos have established themselves as one of the go-to eateries in Brookville and we wish them continued success.

Manager Kuntz requested Council approval of an updated Permit Fee schedule which brings us more in line with jurisdictions in the surrounding area.

Motion by Schreier, second by Piper to approve the updated Permit Fee schedule as presented. All yeas, motion carried.

Manager Kuntz wished staff and citizens a Happy Thanksgiving.

Finance Director Brandt presented the Fund Balance for October 31, 2024.

Motion by Zimmerlin, second by Wilder to accept the October 31, 2024 Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt requested Council approval of proposed Resolution No. 24-24 to authorize an advance of taxes.

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

Motion by Schreier, second by Piper to accept the first reading of proposed Resolution No. 24-24. All yeas, motion carried.

Finance Director Brandt requested Council approval of proposed Ordinance No. 2024-15 and proposed Ordinance No. 2024-16, which increases the water and sewer tap fees to bring us more in line with other communities. Finance Director Brandt also requested approval of proposed Ordinance No. 2024-17 which increases the sewer rate for utility customers by 5%.

Motion by Zimmerlin, second by Crane to read proposed Ordinance No. 2024-15. All yeas, motion carried.

Motion by Schreier, second by Wilder to accept the first reading of Ordinance No. 2024-15. All yeas, motion carried.

Motion by Zimmerlin, second by Crane to read proposed Ordinance No. 2024-16. All yeas, motion carried.

Motion by Piper, second by Wilder to accept the first reading of Ordinance No. 2024-16. All yeas, motion carried.

Motion by Zimmerlin, second by Crane to read proposed Ordinance No. 2024-17. All yeas, motion carried.

Motion by Zimmerlin, second by Crane to accept the first reading of proposed Ordinance No. 2024-17. All yeas, motion carried.

Finance Director Brandt requested Council approval of proposed Ordinance No. 2024-18 which allows her to create Blanket Purchase Orders.

Motion by Zimmerlin, second by Schreier to read proposed Ordinance No. 2024-18. All yeas, motion carried.

Motion by Wilder, second by Schreier to accept the first reading of proposed Ordinance No. 2024-18. All yeas, motion carried.

Fire Chief Fletcher had no report.

Police Chief Jerome thanked Brookville Schools for the Veterans Day assembly. He also thanked Bridge Credit Union for sponsoring the Veterans Day lunch at Rob's Restaurant and the MVCTC Criminal Justice students and the many others who helped serve the lunch to veterans.

Law Director Stephan requested an Executive Session under O.R.C. 121.22 (G)(3). Law Director Stephan recommended Mayor Letner and Vice Mayor Zimmerlin abstain from the motion and the session.

Motion by Schreier, second by Piper to go into Executive Session under O.R.C. 121.22 (G)(3) to consult with an attorney for the public body concerning pending or imminent court action. Crane yea, Piper yea, Schreier yea, Wilder yea, Zimmerlin abstained, Letner abstained. Motion carried with four yeas and two abstentions.

Motion by Schreier, second by Wilder to go back into Regular Session. All yeas, motion carried.

Law Director Stephan reported on November 5, 2024 the city received a formal protest filed by Attorney Dennis Leiberan on the recall petitions on Mayor Letner and Council Member Zimmerlin. Law Director Stephan requested that Council accept the first reading, dispense with the second and third reading and adopt both proposed Resolution No. 24-22 and proposed Resolution No. 24-23, which direct the Board of Elections to hold a special election for the recall of Mayor Chuck Letner and Council Member James Zimmerlin.

Motion by Schreier, second by Piper to read proposed Resolution No. 24-22. Crane yea, Piper yea, Schreier yea, Wilder yea, Zimmerlin abstained, Letner abstained. Motion carried with four yeas and two abstentions.

Motion by Schreier, second by Wilder to accept the first reading, dispense with the second and third reading and adopt Resolution No. 24-22 entitled "A RESOLUTION DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY, OHIO TO HOLD A SPECIAL ELECTION IN THE CITY OF BROOKVILLE ON JANUARY 7, 2025 ON THE RECALL OF MAYOR CHARLES LETNER. Crane yea, Piper yea, Schreier yea, Wilder yea, Zimmerlin abstained, Letner abstained. Motion carried with four yeas and two abstentions.

Motion by Piper, second by Wilder to read proposed Resolution No. 24-23. Crane yea, Piper yea, Schreier yea, Wilder yea, Zimmerlin abstained, Letner abstained. Motion carried with four yeas and two abstentions.

Motion by Piper, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 24-22 entitled "A RESOLUTION DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY, OHIO TO HOLD A SPECIAL ELECTION IN THE CITY OF BROOKVILLE ON JANUARY 7, 2025 ON THE RECALL OF COUNCIL MEMBER JAMES ZIMMERLIN. Crane yea, Piper yea, Schreier yea, Wilder yea, Zimmerlin abstained, Letner abstained. Motion carried with four yeas and two abstentions.

Law Director Stephan reported the Board of Elections has indicated that they are not the appropriate entity to handle a formal protest of the certification of the recall petitions.

Mayor Letner thanked the Brookville Chamber of Commerce for their annual dinner and congratulated Carolyn Haney and Bonnie Cordes on being recognized at the banquet for their years of service on Park Board.

Mayor Letner also recognized the Brookville students for the wonderful Veterans Day assembly.

Mayor Letner reported he visited the DMAX facility and everything is moving forward on schedule.

Motion by Zimmerlin, second by Wilder to read proposed Ordinance No. 2024-14. All yeas, motion carried.

Motion by Wilder, second by Schreier to accept the second reading of proposed Ordinance No. 2024-14. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 24-21. All yeas, motion carried.

Motion by Piper, second by Schreier to accept the second reading of proposed Resolution No. 24-21. All yeas, motion carried.

Member Schreier, Planning Commission Liaison, had no report.

Bruce Garber, 434 Sycamore Street, stated public input should be taken for the rezoning of the land across from the firehouse.

Jeff Rezabek, Montgomery County Board of Elections, stated with the passage of Resolutions 24-22 and 24-23, the elections will begin this Friday for overseas military. Early voting will begin on December 9 in addition to the January 7, 2025 election date. There are four precincts in Brookville, and the cost to the city of Brookville for the special election will be \$3,000 to \$4,000 per precinct, plus election staff overtime. There will be one polling location for the special election.

Member Crane clarified that the special election will cost the city a minimum of \$16,000.

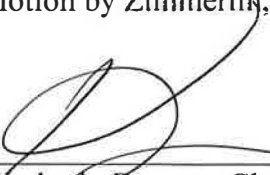
Jared Ledford, 441 Meadow Glen Avenue, stated he agreed the public should participate in the rezoning hearing. Mr. Ledford stated in reference to the recent referendum, he believes voters were mistaken about what they were actually voting on. Mr. Ledford stated the amount of discord in the community is embarrassing and shines a negative light on the city.

Mark Haworth, 10352 Upper Lewisburg Salem Road, stated the last public hearing was packed with negative comments. He hopes Council will listen to residents at the next public hearing. Mr. Haworth stated the recall is a result of Council not listening to residents.

Matthew Williamson, 277 Johnsville Brookville Road, was concerned that proposed Ordinance No. 2024-16 would include additional stormwater charges. Mr. Williamson encouraged city Council to do the right thing for the city.

Loren Wilson, 522 Caleb Drive, requested that Council consider legalizing backyard chickens with regulations.

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



Kimberly Duncan, Clerk

Charles Letner, Mayor