

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 73<sup>rd</sup> 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.

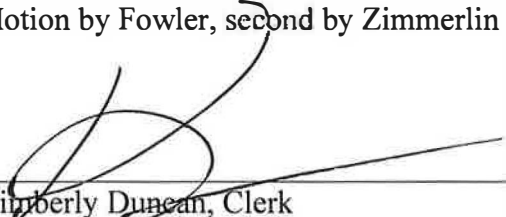
Mark Haworth, 10352 Upper Lewisburg Salem Road, expressed concern about the impact of new developments on the sewer plant and potential contamination of waterways.

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.

  
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Kimberly Duncan, Clerk  
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Charles Letner, Mayor