

Brookville City Council
Public Hearing
October 22, 2020

The Public Hearing for proposed Ordinance No. 2020-06 to amend the Zoning Classification of certain lots in the Meadows of Brookville, Section Five was called to order by Mayor Letner at 7:30 p.m. on October 22, 2020 at the Brookville Fire Station 76 Training Center. The meeting was also streamed live on the City of Brookville's Facebook page and broadcast on the Webex video conference application. The Pledge of Allegiance was recited. Council Members Crane, Fowler, Schreier, Swabb, Wilder and Zimmerlin; Planning Commission Chairperson Henderson, Members Claggett, Cordes and Sievers; Manager Keaton, Finance Director Brandt, Law Director Stephan and Clerk Duncan were present. Planning Commission Vice Chairperson Boose was absent.

Mayor Letner began the Public Hearing, which is a combined meeting with Council and Planning Commission on proposed Ordinance No. 2020-06.

The Public Hearing was recorded and is on file with the Clerk at the Municipal Offices. The audio recording and a transcript of the meeting are also available on the City website at www.brookvilleohio.com.

Clerk Duncan announced this Public Hearing is to consider the adoption of proposed Ordinance No. 2020-06 which amends the Zoning Classification of Lots 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, and part of Lot 2609 of the City of Brookville from its present Zoning Classification of (R-1C) Urban Residential District to the New Classification of (R-3) Multi Family Residential District.

Clerk Duncan stated a Legal Notice was published in the September 30 and October 7 edition of the Brookville Star advising of the Public Hearing. A notice of the Public Hearing was also published on the City's website and on the City's Facebook page. Notices of this Public Hearing were mailed to all property owners in the Meadows of Brookville, advising of the Public Hearing and the zoning changes proposed in Ordinance 2020-06.

Clerk Duncan inquired whether any Council Member or Planning Commission Member needs to abstain from participating in this Public Hearing? Member Schreier indicated he needs to abstain from participating as he has a family member that resides in the Meadows of Brookville.

Clerk Duncan administered the Oath of Witness to Mike Oxner of Professional Associates, Tim Taylor of Taywood Enterprises and Gemma Maxwell of Fischer Homes.

Law Director Stephan announced the Public Hearing is to consider the application of Taywood Enterprises, Inc. for rezoning lots 2413 to 2424 and part of lot 2609 of Meadows of Brookville subdivision for R-1C to R-3. The application contains a proposed preliminary plat that would establish 48 lots for zero lot line dwellings in the area to be rezoned. Zero Lot line dwellings are a special use in R-3 zoning and are defined in Section 1163.03 (B)(38). This type of R-3 zoning has previously been approved and developed in the Meadows of Brookville, Section 4. However, this rezoning would be a modification of prior decisions of Planning Commission and City Council in 2008 that this area for the proposed rezoning would remain as platted in Meadows of Brookville, Section 5 for single family homes. Law Director Stephan advised City Staff has recommended that the applicant limit the number of driveway entrances onto Westbrook Road to the existing number of driveway entrances. The applicant has developed a proposed design that provides a driveway for each zero-lot line dwelling that merges into one driveway entrance at the Westbrook Road right-of-way. City Staff is also recommending that in the event this rezoning is approved by Planning Commission and City Council, the rezoning would be limited to this specific R-3 zero-lot line development and would not be an approval for any other R-3 project. In addition, it is recommended that the rezoning approval will provide a time period for commencement of the project. Law Director Stephan stated in the event the project does not commence, this R-3 approval will terminate.

A presentation was made by Mike Oxner, of Professional Associates and Gemma Maxwell, of Fischer Homes regarding the proposed construction of zero-lot line homes in the Meadows of Brookville, Section Five.

Clerk Duncan administered the Oath of Witness to Tim Nelson, of 213 Brooke Woode Drive; Pete Chakiris, of 6465 Wellbaum Road; Karen Braund, of 15 Heckathorn Road and Del Braund, of 15 Heckathorn Road.

Testimony was given by Tim Nelson, of 213 Brooke Woode Drive; Pete Chakiris, of 6465 Wellbaum Road; Karen Braund, of 15 Heckathorn Road and Del Braund, of 15 Heckathorn Road.

Four exhibits were presented to the Clerk and are on file at the Municipal Offices. The first exhibit was a copy of the written testimony given by Pete Chakiris. The second exhibit was a copy of the written testimony given by Karen Braund. The third exhibit was a written statement submitted by Mary Jo Klaus of 150 Brooke Woode Drive, which Clerk Duncan read aloud. The fourth exhibit was a list of citizens present in the fire bay who stated they were unable to hear the presentation.

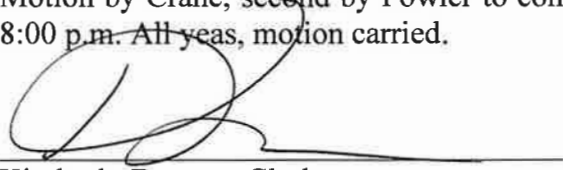
Clerk Duncan then administered the Oath of Witness to Bill Stout, of 170 Brooke Woode Drive; Mike Swartz, of 193 Brooke Parke Avenue; Jason Petry, of 41 Meadow Brooke Avenue and James Bailey, of 52 Meadow Brooke Avenue.

Testimony was given by Bill Stout, of 170 Brooke Woode Drive; Mike Swartz, of 193 Brooke Parke Avenue; Jason Petry, of 41 Meadow Brooke Avenue and James Bailey, of 52 Meadow Brooke Avenue.

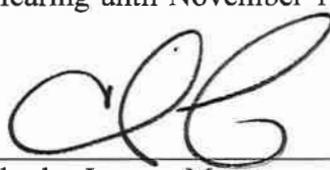
After the presentation and testimony, there were questions by Brookville City Council and Planning Commission Members, followed by comments and questions from the general public.

A complete transcript of the Public Hearing was made by Monica K. Schrader, of Mike Mobley Reporting. The transcript of the Public Hearing is available in the City Offices and published on the City of Brookville website, at www.brookvilleohio.com.

Motion by Crane, second by Fowler to continue the Public Hearing until November 17, 2020 at 8:00 p.m. All yeas, motion carried.



Kimberly Duncan, Clerk



Charles Letner, Mayor

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CITY OF BROOKVILLE PUBLIC HEARING
THURSDAY, OCTOBER 22, 2020
BEGINNING AT 7:00 P.M.
BROOKVILLE FIRE STATION 76 TRAINING ROOM
775 E. UPPER LEWISBURG SALEM ROAD
BROOKVILLE, OHIO 45309
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APPEARANCES:

Mayor:	Chuck Letner
Vice Mayor:	James Zimmerlin
City Manager:	Sonja Keaton
Finance Director:	Michelle Brandt
Zoning Officer:	Jim Snedeker
Clerk of Council:	Kim Duncan
Law Director:	Rod Stephan
Council Members:	Stephen Crane
	JD Fowler
	Curt Schreier
	Matthew Swabb
	Kim Wilder
Planning Commission:	Jessi Sievers
	Ryan Henderson
	Ken Claggett
	Don Cordes

ALSO PRESENT:

Gemma Maxwell, Fischer Homes
Tim Taylor, Taywood Enterprises
Mike Oxner, Professional Associates

1 MAYOR LETNER: Good evening,
2 everyone, and welcome to the City of Brookville
3 public hearing for October -- I am sorry, yeah,
4 October 22. Could I please ask you to stand for
5 the Pledge of Allegiance?

6 (Pledge of Allegiance.)

7 MAYOR LETNER: Kim, may I have the
8 roll call, please?

9 KIM DUNCAN: Mayor Letner?

10 MAYOR LETNER: Here.

11 KIM DUNCAN: Vice Mayor Zimmerlin?

12 JAMES ZIMMERLAN: Here.

13 KIM DUNCAN: Member Crane?

14 STEPHEN CRANE: Here.

15 KIM DUNCAN: Member Fowler?

16 J.D. FOWLER: Here.

17 KIM DUNCAN: Member Schreier?

18 CURT SCHREIER: Here.

19 KIM DUNCAN: Member Swabb?

20 MATTHEW SWABB: Here.

21 KIM DUNCAN: Member Wilder?

22 KIM WILDER: Here.

23 KIM DUNCAN: Planning commission
24 chairperson Henderson?

25 RYAN HENDERSON: Here.

1 KIM DUNCAN: Member Cordes?

2 DON CORDES: Here.

3 KIM DUNCAN: Member Claggett?

4 KEN CLAGGETT: Here.

5 KIM DUNCAN: Member Sievers?

6 JESSI SIEVERS: Here.

7 KIM DUNCAN: And Member Boose is
8 absent this evening.

9 MAYOR LETNER: Thank you, Kim.

10 Member Boose is absent for a personal reason, so
11 we have excused that absence tonight. Let me
12 begin by giving you a summary of what we are going
13 to do here in the public hearing.

14 It's been a couple years since we
15 have had one, but the clerk will provide notice
16 of the public hearing. There will be a staff
17 report by the law director, Rod Stephan. The
18 clerk will administer the oath to presentaters
19 [sic], and the presenters will be recognized.

20 After that, questions by council
21 and planning commission members for the
22 presenters, and the clerk will administer the
23 oath to the public of those that want to
24 testify. So when it comes your turn for the
25 five minutes, everybody has to be sworn in,

1 just so we are clear on that.

2 The public comments are for five
3 minutes. Anyone that is going to present
4 testimony, you need to step up to the podium
5 and state your name, your address, if you have
6 been sworn in for the record. And if you have
7 not been sworn in, the clerk will administer
8 that at that time.

9 Council members and planning
10 commission members who wishes to speak, please
11 state your name prior to speaking so the clerk
12 can hear you, those who want to speak. And we
13 will ask that those that are with us on Webex
14 to please mute themselves until they are
15 speaking.

16 Anyone from the public who wishes
17 to speak this evening must do so via Webex.
18 Facebook Live is only for viewing for public
19 hearing. Are we clear on that?

20 MICHELLE BRANDT: Chuck, I am being
21 told that people can't hear anything, including
22 out there. So we have a mic that should fix that
23 so -- and fortunately, we have two mics. But
24 whoever is talking is going to have to hold this
25 so that people on Webex can hear.

1 MAYOR LETNER: Are we good here?

2 (Pause in proceedings.)

3 MAYOR LETNER: I am going to go over
4 again the summary of the public hearing, just so
5 everybody that didn't hear the first time will
6 hear this time. We are going to begin with the
7 clerk, and she will provide notice of the public
8 hearing.

9 There will be a staff report by
10 Law Director Stephan. The clerk will
11 administer the oath to presentaters, and the
12 presenters will be recognized. Questions by
13 council or any planning commission members for
14 the presentment, the clerk will administer the
15 oath to the public who wishes to speak.

16 We are going to give each person
17 that wants to speak five minutes. I want you
18 to state -- step up to the podium and state
19 your name, your address, and if you have been
20 sworn in for the record. And if you have not
21 been sworn in, the clerk will administer the
22 oath.

23 Council members and planning
24 commission members who wishes to speak, please
25 state your name prior to speaking so the clerk

1 can hear who is speaking. Ask those who are
2 attending via Webex to please mute themselves
3 unless they are speaking, and anyone from the
4 public who wishes to speak this evening must do
5 so via Webex. Facebook Live is only the
6 viewing for the public hearing.

7 Are we all clear on that? Very
8 good. So then we will start with the clerk of
9 council, notice of hearing.

10 KIM DUNCAN: This public hearing is
11 to consider --

12 MAYOR LETNER: I am going to pass the
13 mic to Kim Duncan, our Clerk of Council.

14 KIM DUNCAN: This public hearing is
15 to consider the adoption of proposed ordinance
16 No. 2020-06, which amends the zoning
17 classification of lots 2413, 2414, 2415, 2416,
18 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424,
19 and part of lot 2609 of the City of Brookville
20 from its present zoning classification of R1C
21 urban residential district to the new
22 classification of R3, multifamily residential
23 district.

24 A legal notice was published in the
25 September 30 and October 7th edition of the

1 Brookville Star advising of the public hearing.
2 Letters were mailed out to all property owners in
3 the Meadows of Brookville advising of the public
4 hearing and the zoning changes proposed in
5 ordinance 2020-06.

6 Does any council member need to
7 abstain from participating in this public
8 hearing? Member Schreier has indicated that he
9 needs to abstain.

10 CURT SCHREIER: I have a direct
11 relative in the Meadows of Brookville. I have
12 been advised to abstain.

13 KIM DUNCAN: Do I need to repeat that
14 for the record or --

15 MAYOR LETNER: Please do, Kim.

16 CURT SCHREIER: Having a direct
17 relative living in Meadows of Brookville -- this
18 is Curt Schreier -- I have been advised to
19 abstain.

20 KIM DUNCAN: Thank you, Member
21 Schreier. At this time, I would like to ask all
22 who are speaking on behalf of the applicant to
23 please stand to be sworn in.

24 (Thereupon, Tim Taylor and Mike Oxner
25 were duly sworn.)

1 MAYOR LETNER: And I believe we can
2 go ahead and go with Law Director Stephan at this
3 time.

4 ROD STEPHAN: Thank you for providing
5 the staff report for this proposed rezoning. The
6 public hearing tonight is to consider the
7 application of Taywood Enterprises, Inc., for
8 rezoning lots 2413 to 2424 and part of lot 2609 of
9 Meadows of Brookville subdivision from R1C to R3.

10 The application contains a
11 proposed preliminary plat that would establish
12 48 lots for zero lot line dwellings in the area
13 to be rezoned. Zero lot line dwellings are a
14 special use in R3 zoning and are defined in
15 Section 1163.03(B)(38).

16 This type of R3 zoning for zero
17 lot line dwellings has previously been approved
18 and developed in Meadows of Brookville
19 Section 4. However, this rezoning would be a
20 modification of prior decisions of planning
21 commission city council in 2008 that this area
22 for the proposed rezoning would remain as
23 platted in Meadows of Brookville Section 5 for
24 single family homes.

25 The City staff has recommended

1 that the applicant limit the number of driveway
2 entrances onto Westbrook Road to the existing
3 number of driveway entrances. The applicant
4 has developed a proposed design that provides a
5 driveway for each zero lot line dwelling that
6 merges into one driveway entrance at the
7 Westbrook Road right-of-way.

8 City staff is also recommending
9 that in the event this rezoning is approved by
10 planning commission and city council, the
11 rezoning would be limited to this specific R3
12 zero lot line development and would not be an
13 approval for any other R3 project. In
14 addition, it is recommended that the rezoning
15 approval will provide a time period for
16 commencement of the project. And in the event
17 the project does not commence, this R3 zoning
18 approval will terminate.

19 KIM DUNCAN: Now, I am going to go
20 down -- I believe, Mr. Oxner, you are the first
21 presenter this evening.

22 MICHELLE BRANDT: We are still having
23 technical difficulties, sorry.

24 (Pause in proceedings.)

25 ROD STEPHAN: Correct me if I am

1 wrong, to meet the standards, are we going to be
2 able to have people that were joining virtually,
3 will they be able to participate as far as
4 testimony?

5 MICHELLE BRANDT: They can still -- I
6 mean, they are still on here and we will be able
7 to hear them, we just won't be able to see them.
8 Well, we might be able to. I am honestly not
9 sure. I am not that IT of a person.

10 MAYOR LETNER: Are we okay there,
11 Rod?

12 ROD STEPHAN: Yeah, we will move
13 forward. If we get to a point where we have
14 witnesses that are not able to testify, then we
15 will continue to another date so those people get
16 their opportunity. But hopefully they can testify
17 through the audio.

18 MAYOR LETNER: And for those of you
19 that are listening remote, Rod said if we have any
20 further difficulties, we will postpone the meeting
21 and take it up at another date. But at this time,
22 we are going to continue on. I hope everybody can
23 hear me. I am going to present Mike Oxner. He is
24 going to speak. Mike?

25 MIKE OXNER: Thank you, Mr. Mayor.

1 Members of council and planning commission and
2 guests, my name is Mike Oxner. I am a consulting
3 engineer for Professional Associates, 516 Patricia
4 Faye Court here in Brookville. I am here tonight
5 to represent Taywood Enterprises. Tim Taylor, the
6 developer, is here.

7 Along with our presentation, we
8 have representatives of Fischer Homes that will
9 be giving you some information on the units
10 that we are proposing for this development. If
11 I can, I would like to take just a couple
12 minutes and clue everybody in and give a little
13 bit of history of this plat, kind of bring
14 everybody up to speed as to what's happened
15 over the years.

16 This property was originally
17 annexed to the City of Brookville in 1993.
18 Rezoning of the property was accomplished on
19 January 4, 1994. It went to R1C. And a
20 preliminary master plan, a 118 lot subdivision
21 was submitted, and Section 1 construction plans
22 were approved by the planning commission
23 November of 1993 subject to rezoning by
24 council.

25 The Meadows of Brookville

1 Section 2 came along as approved by a planning
2 commission in 1995. Section 3 was approved by
3 a planning commission in 1996. And Section 4,
4 development plans consisting -- or starting a
5 discussion for twin homes was started in 1998.

6 Eventual rezoning a portion of our
7 plat to R3 was recommended for approval by the
8 planning commission in May of 1998, and then
9 that was finalized by council in June 1998.

10 Section 5 of the revised preliminary plan was
11 approved by a planning commission in October of
12 2005.

13 Section 5 final plans were
14 approved by a planning commission in 2006, and
15 then Section 5 was replatted or unplatted in
16 October of 2008. That's the last revision to
17 The Meadows of Brookville plat that has taken
18 place on this property.

19 We are seeking tonight to consider
20 rezoning about four and a half acres from R1C
21 to R3 with a special use for twin homes;
22 attached single family homes, if you will.

23 There is a layout that we have presented
24 showing what we have intended for the property.

25 Earlier this year, we were

1 approached by Fischer Homes to see if we could
2 reconfigure this plat to accommodate their new
3 twin homes and additionally take up the balance
4 of the property in single family. That's an
5 ongoing discussion with Fischer Homes at this
6 point, but they are going to be our builder of
7 record for the property.

8 As I understand, they are a fairly
9 substantial builder. They are currently
10 building as I know in Huber Heights, Fairborn,
11 Cincinnati, Columbus, and Kentucky, among other
12 places. There has been considerable rumors and
13 discussions floating around regarding what we
14 are proposing. I would just like to clear the
15 air on a couple of items.

16 One, these are single, single
17 family attached for sale individual units.
18 This is not a rental program. This is not a
19 low income program. This is not a rent
20 supplement program of any kind. These are all
21 market rate for sale units.

22 Fischer Homes will get into the
23 specifics of the cost and the sizes of these
24 units as we go along tonight. There has been
25 considerable discussion about having these

1 units in this development. I would like to
2 point out a notice of R3 was permitted in
3 Section 4. These are the units that back up to
4 Smitty's salvage yard.

5 At the time that came along, there
6 was a considerable inability to get homes sold
7 backing up to that, and that was one of the
8 reasons that we went forward with a twin home
9 design in Section 4. We are kind of facing a
10 similar situation with the lots facing on
11 Westbrook Road.

12 Originally, these -- these were
13 shown as single family units. And Tim Taylor
14 with Taywood Enterprises has been trying to
15 market those lots for quite a number of years,
16 and it has been over 12 years since anything
17 was done or has been done in this subdivision
18 in this particular section.

19 Also, I might point out in
20 Section 5, when it came time to get this
21 developed, Montgomery County got involved in
22 the plat and required that Westbrook Road be
23 widened substantially. This created a
24 substantial cost burden on the developer that
25 we had not anticipated originally.

1 And at that point, we decided to
2 make a proposal to council and planning
3 commission to provide single family homes and
4 take up some additional lots fronting on
5 Westbrook Road. This would allow us to at
6 least amortize the additional cost that we
7 incurred, the developer incurred, on Westbrook
8 Road.

9 So this brings us back to today.
10 Fischer Homes is willing to step up to the
11 plate. They proposed a very substantial
12 product to be built on this plat. We are very
13 enthused with having them on our side and
14 willing to move forward with the twin homes,
15 single family detached, and single family
16 attached units.

17 I think the units that they are
18 proposing would be an asset to the community.
19 I don't think there is any way we could look at
20 these units and say that they are going to
21 degrade any kind of property values in the
22 project, especially since we already have some
23 twin homes in the project on Brooke Woode
24 Drive.

25 As Rod pointed out, one of the

1 requirements of staff was that we provide
2 single entry driveways off of Westbrook Road.
3 This complies with some of the comments and
4 requirements of Montgomery County Engineering,
5 as they are trying to restrict the number of
6 entrances onto Westbrook Road.

7 And with the additional widening
8 out of the road, it gives us the ability to
9 safely get off the main thoroughfare type road
10 and get into these units safely. Additionally,
11 we plan on providing a homeowners' association
12 for this project which will maintain that and
13 some of the adjacent common areas.

14 The extent of that homeowners'
15 association and what areas will be maintained
16 has not been resolved at this time. The
17 original intent of this whole subdivision was
18 to have all of the lots be part of a
19 homeowners' association.

20 Unfortunately, that did not come
21 to pass. Hopefully with this development, we
22 can pick up some of that maintenance expense
23 and get that burden passed on to our units.

24 Other than that, all the utilities
25 are available at the edge of the property or,

1 in fact, along Westbrook Road have already been
2 installed. I think everything is in place.
3 The drainage plans have already been approved a
4 number of years back, so we are in compliance
5 with that aspect.

6 So I don't see anything else,
7 other than just looking at this and approving
8 having a twin home project put on the -- in
9 this project. So other than that, I will pass
10 it over to Fischer Homes, if I can, and have
11 them give you a breakdown of the units and what
12 we can expect.

13 MAYOR LETNER: Thank you, Mike. At
14 this time, I would like to turn it over to Gemma
15 Maxwell, who is with Fischer Homes.

16 GEMMA MAXWELL: Thank you very much.
17 I appreciate you letting us come in today to speak
18 on The Meadows of Brookville. I want to thank the
19 mayor, planning commission members, city council
20 members, and city staff today for that
21 introduction for the zoning and the summary we
22 have had so far.

23 I will try and be more
24 descriptive, since we do have people at home
25 that necessarily can't see the PowerPoint, so I

1 will try to be as descriptive as possible as I
2 go through the presentation.

3 Next slide. A little bit about
4 Fischer Homes, we are a local company. Our
5 corporate headquarters is located in Erlanger,
6 Kentucky. We have been in the Cincinnati
7 market for more than 40 years.

8 Our founder, Henry and Elaine
9 Fischer, founded the company in 1980 and are
10 still around and involved in the company to
11 this day. We are currently the No. 1 home
12 builder in the Cincinnati market and have been
13 for many, many years.

14 We entered the Dayton market in
15 January of 2020 by purchasing -- acquiring
16 Inverness Builders. And we have made huge
17 strides in the market already, and we are very
18 excited about our jump into the --

19 MICHELLE BRANDT: I am sorry, it's
20 still not working.

21 (Pause in proceedings.)

22 KIM DUNCAN: You will have to speak
23 loud because I don't think you are going over
24 this, but you are going out over Webex so that
25 they can hear you out in the bay.

1 MICHELLE BRANDT: But they should be
2 able to see the slides because I shared those, so
3 hopefully.

4 GEMMA MAXWELL: So I should speak
5 loud and start over.

6 KIM DUNCAN: I don't think you need
7 to hold that farther away. You just need to speak
8 loud enough that everyone in here can hear you.
9 And you can probably pull your mask down since you
10 are, you know, far enough away from everyone.

11 GEMMA MAXWELL: All right, great.
12 Thank you. My name is Gemma Maxwell. I am the
13 manager for Fischer Homes. Thank you, Mayor,
14 planning commission members, city council members,
15 and city staff for having us today to talk about
16 The Meadows of Brookville.

17 I will go through my presentation
18 today, talk a little bit about Fischer Homes as
19 a company, our products that we have planned
20 for this community. I am happy to answer any
21 questions anybody has at the end as we go
22 along.

23 So Fischer Homes, we are new to
24 the Dayton market, so I wanted to share a
25 little bit about us and what makes us a unique

1 home builder. We are a local company. We were
2 founded in 1980 by Henry and Elaine Fischer.
3 Our headquarters is in Erlanger, Kentucky, just
4 across the river in the Greater Cincinnati
5 metro area.

6 We are the No. 1 home builder in
7 Cincinnati and have been for many, many years.
8 We are privately held. We are not a public
9 home builder, and we entered the Dayton market
10 in January of 2020. We have made a jump up
11 into this area.

12 We are already established in a
13 number of communities throughout Dayton, with
14 room for expansion. This market is growing.
15 We see a lot of jobs coming up to Dayton. We
16 have made a big investment coming up into the
17 Dayton market, so we are really excited about
18 that.

19 Our mission as a home builder is
20 to deliver the best total new home solution.
21 We believe that the community, as well as the
22 home, is really important in the sense of
23 homes. So we put a lot of thought and
24 attention and thoughtful detail into our
25 communities, not just the homes and the

1 elevations themselves but the landscaping, the
2 layout of the communities, everything about it
3 makes the community special.

4 We want that legacy and that feel
5 and look to last not just five years down the
6 road but 20, 30, 40 years down the road. And
7 that's our reputation in Cincinnati is our
8 communities last the test of time.

9 So we have a full staff on board
10 at Fischer in our corporate office,
11 architecture teams that help design our floor
12 plans, our elevations. We are constantly
13 refreshing them and bringing in new market
14 trends into our homes to get the best possible
15 product for our customers.

16 That's what makes us different.
17 We are constantly refreshing that as we go
18 along every couple years taking a look at our
19 product, not assuming we know it the best,
20 seeing what others are doing better than us and
21 constantly looking to innovate.

22 So nearby communities you could
23 consult to take a look at our products, and
24 those are Carriage Trails. We are newly
25 established, and they are in Huber Heights in a

1 certain section over there. As of January, we
2 started building homes in there.

3 We have -- The Springs of Settlers
4 Walk is a more long-term established community
5 for us in the Springboro area. We are active
6 in Bluffs of Trebein, which is over in Fairborn
7 on the east side of town, and then we have
8 Aberdeen, which is a community coming soon in
9 Miamisburg. It's also on the west side over
10 here.

11 Next slide. Something that's very
12 important to Fischer in the longstanding, you
13 know, culture within the company is giving back
14 in our communities. Philanthropic initiatives
15 are very important to Henry and Elaine, and
16 that permeates throughout our company and our
17 culture.

18 Some examples of that in our
19 Cincinnati market specifically are a family
20 care center we established in Kings Island. So
21 that's a place for new moms and people with
22 young kids to go and do diaper changes, store
23 breast milk, you know, formula, have a place
24 set aside for them, for young families.

25 We have a similar facility in the

1 Great American Ballpark in Cincinnati that we
2 helped establish with them there. You know,
3 it's still intact today, and the ballpark loves
4 it, the same thing with Kings Island. So
5 taking that -- you know, me as a young mom,
6 that's really important for us, and I think
7 that's really great.

8 And one of -- the biggest
9 initiative I would say is that Jude Children's
10 Research Hospital, we have built over fifteen
11 St. Jude dream homes for St. Jude. All the
12 money going to charity as of this year, we have
13 helped to raise over \$10,000,000 for St. Jude.

14 So that just speaks a little bit
15 about Fischer. We are excited to establish
16 ourselves in the Dayton market and contribute
17 and come up with -- you know, get involved in
18 Dayton in specific ways up here in that way,
19 too.

20 Next slide. So community context,
21 I think we kind of went through that between
22 Rod's presentation and the details. I will
23 just go through -- the next slide, it's just an
24 aerial photo of the community. I am sure
25 everybody is familiar with where it's located,

1 and then a close-up of the community itself.

2 So then moving on to our community
3 vision. Skip ahead there, too. So our
4 products for Meadows of Brookville that we
5 intend to build are paired patio homes. Now,
6 this as shared prior is a for sale product.

7 Fischer Homes is a single family
8 home builder. We only build for sale products.
9 These would be for purchase for customers
10 interested in purchasing these homes. The
11 floor plans are just over 1,650 square feet.

12 They are built on a slab. Two to
13 three bedrooms, depending on what the customer
14 prefers in the home, as well as two and a half
15 bathrooms, two car garage included, patio on
16 the back.

17 And intended -- the estimated
18 price point for these homes lands right at
19 \$200,000. So these are some examples, an image
20 here, one of our town homes in our Northern
21 Kentucky community you can see here, and then
22 we can go on to the next slide.

23 These are built on fee simple
24 lots. We think that's really important for
25 this product. Not only does the customer own

1 the home, they own the lot that it sits on. So
2 it's exactly like a single family detached
3 home. The only difference is your home butts
4 right up against your neighbor's, so it's a
5 single family attached product.

6 It's not put into a condo
7 association, it's a homeowners'
8 association. So, again, that homeowner owns
9 that lot that their home sits on.

10 We call this one of our lifestyle
11 products, so lifestyle to us means that you get
12 your time back. So it's a product where you
13 are not worrying about the exterior maintenance
14 of the home.

15 One of the things this homeowners'
16 association would do is cover and maintain the
17 exterior of the home that's shared between the
18 homeowners, things like the roof, the siding,
19 those kinds of things. So you know that
20 long-term the HOA is going to take care of
21 those homes in the long-term and replace and
22 repair anything that needs to be repaired in
23 time.

24 In addition to the landscaping we
25 do on every lot, which is a detailed landscape

1 package, we are working with Tim, the
2 developer, to spruce up the landscaping at both
3 entry monuments to improve the look and feel of
4 the community there. We think entry to the
5 community is a big aspect, and so we are going
6 to make some improvements there to what's
7 existing in the community.

8 The next slide, it's another shot
9 of the products in one of our existing
10 communities. We do have a mix of elevations.
11 We stagger those as you go down the street. We
12 also mix colors and textures as you move down
13 so it doesn't have that cookie cutter feel to
14 it; as you can see, separate front doors,
15 separate garages.

16 Really, again, just that single
17 family product with a zero lot line on them, if
18 that makes sense to everybody. Then moving on
19 to the next slide, we have some interior shots.
20 So it is a very open concept, floor plan.

21 We have got 9 foot ceilings
22 throughout, living room, kitchen on that first
23 floor, bedrooms and bathrooms above, laundry on
24 the second floor. There are a few options that
25 customers can pick between, whether they want

1 two or three bedrooms.

2 Customers also get the choice to
3 choose interior finishes like floors, cabinets,
4 countertops, all the standard things like a
5 single family home, a new construction single
6 family home. So in summary, I hope that
7 summarized our product; our intended, you know,
8 purpose in The Meadows of Brookville.

9 Next slide. We can go to the next
10 slide, sorry. So to summarize, this is a for
11 sale lifestyle product. It will be in an
12 established homeowners' association, a single
13 family attached product.

14 We believe this diversifies the
15 housing stock in Brookville. It's something
16 new that maybe Brookville hasn't had previous.
17 We see a variety of different customers that
18 enjoy this product, from downsizers looking for
19 something with less maintenance on it to young
20 families who are looking for something similar
21 with a few bedrooms.

22 It fits a wide variety of people
23 that are looking for this kind of housing.
24 Again, an established homeowners' association,
25 and we believe it will enhance the property

1 values in the surrounding area.

2 And with that, on the next slide,
3 I am happy to answer any questions, staff,
4 planning commission, city council has or any
5 from the public as needed.

6 MAYOR LETNER: Do we have any
7 questions for Gemma tonight? Gemma, thank you
8 very much.

9 GEMMA MAXWELL: My pleasure.

10 MAYOR LETNER: I will take Kim's
11 phone. I think we are still there.

12 MICHELLE BRANDT: I honestly have no
13 idea.

14 MAYOR LETNER: At this time, we are
15 going to receive public comments. In order to do
16 that, we are going to limit everybody to five
17 minutes. And what you have to do is be sworn in
18 and take the oath by the clerk. So anybody
19 wishing to speak tonight, please raise your hand
20 and the clerk will swear you in. Kim?

21 (Thereupon, those giving testimony
22 were duly sworn.)

23 KIM DUNCAN: All right, thank you.
24 Who would --

25 MAYOR LETNER: Who wants to go first?

1 KIM DUNCAN: -- like to go first?

2 MAYOR LETNER: Tim, state your name
3 and address.

4 TIM NELSON: I am Tim Nelson, 213
5 Brooke Woode, Brookville, Ohio. In 2006 I spoke
6 with this -- well, a different group, the same
7 situation, about the same circumstances, and I
8 warned against setting precedence, and precedence
9 has lasted a long time. Fourteen years later, we
10 are here again.

11 When I bought a house over there,
12 I adhered to the covenants supplied by
13 Brookville at the closing. As every other
14 person that bought in that plat and built in
15 that plat, they built under a set of guidelines
16 and expectations and plans that this is what we
17 bought, this is what it will be, this is what
18 it will stay.

19 We counted on the elected
20 officials to protect our interests. That
21 didn't go so well, so here we are back again.
22 And in light of the fact that the developer
23 says that he had a hard time selling lots, what
24 have you, I have lived there since 2004.

25 I have seen no real infrastructure

1 put in any of that property that you have.
2 Correct me if I am wrong, there is no sanitary
3 sewer in there, there is no water in there.
4 There may be electricity on some of it, and
5 there certainly isn't any fire hydrants.

6 So if you wanted to sell, what
7 would you have sold? There is no curb, there
8 is no street, it's not improved. So I am not
9 buying the hard luck that I couldn't sell them.
10 All you had was a piece of paper and a plot of
11 ground.

12 And I don't see where it's a
13 taxpayer's responsibility and a form of fascism
14 to bail out an investor for an investment that
15 didn't pan out. I also don't see where it's
16 the taxpayer's responsibility to pick up the
17 tab for certain things so an individual can
18 come out ahead or follow through with a plan
19 that we never really adhered to to begin with.

20 I am asking you as a board to do
21 the right thing. Put the plat where it was and
22 leave it alone. I mean, we have already been
23 through a couple changes, and I have one
24 question. And I am not going to take up
25 everybody's time.

1 I don't need a question and
2 answer. It is my understanding that that
3 sanitary system in that plat is on a lift
4 station. The lift station is at the corner of
5 Heckathorn and the bike path.

6 That lift station carries it
7 across the road, and it takes it to a second
8 lift station. When you add up all the lots,
9 and I'm off a little bit because I can't
10 really -- but we are looking at over a 20
11 percent increase in capacity on that sanitary
12 lift station, not one to two.

13 Who is paying for that? If the
14 infrastructure is not in place, who pays for
15 that? The taxpayers certainly shouldn't. If
16 we would have been held to the original plan,
17 we would be fine.

18 So I expect that question
19 somewhere down the road to be answered because
20 I don't think it's been addressed. So really
21 that's all I have to say. I appreciate your
22 time, and I appreciate trying to get the IT to
23 work. So don't take what I said out of
24 context, so I appreciate your time. Thank you.

25 MAYOR LETNER: Tim, thank you for

1 your comments.

2 PETE CHAKIRIS: My name is Pete
3 Chakiris. I live at 6465 Wellbaum Road,
4 Brookville, Ohio. I am not a lifelong resident of
5 Brookville, but I have lived and worked here for
6 the past 50 years.

7 I have seen the community grow and
8 change over time. I believe in Brookville
9 community living locally, raising a family
10 here, financially investing in the city and the
11 Brookville townships.

12 I heard a comment that the growth
13 seems to be stagnant at this time. That may be
14 true, but I don't think we need to lower our
15 standards in the community to create growth.
16 When I bought my lots from the twin homes, I
17 did it with the understanding that 10 lots
18 would be the only twin home lots available in
19 The Meadows of Brookville.

20 This was to serve as a buffer from
21 Smitty's, which is zoned industrial. Knowing
22 that, I made an investment decision with 10
23 blocks maximum being the deciding factor that
24 there would not be an oversaturation of rental
25 properties.

1 Putting 48 units, even though they
2 say they will be individually, will decrease my
3 property value and my investment value by
4 increasing the demand for rentals. I also
5 built single family homes in the development.

6 One of the selling points to
7 homeowners that I would state, the only twin
8 homes were located on Brooke Woode Drive. The
9 original doubles are located at the rear of the
10 development, not out front where the facing
11 development is projected.

12 When an out-of-town developer
13 comes in, they develop, build, profit, and
14 leave the community with what's left behind.
15 They have no ties to the community. I want to
16 quote some excerpts from the planning
17 commission regular minutes meeting dated
18 August 21st, 2008.

19 Quote, they are kind of in a
20 holding pattern. The intern, Mr. Taylor, has
21 gotten property tax bills for all the lots in
22 Section 5, which is a heavy burden. The tax
23 bills total approximately \$32,000.

24 Mr. Oxner stated that what they
25 like to do is unplat the portion that is

1 outlined on the map, which includes portions of
2 Brooke Parke Avenue, Litten Court, and 32 lots
3 back to a single parcel. Mr. Oxner stated we
4 could enter into an agreement with the planning
5 commission and the City that this is the way
6 the project would be developed in the future.

7 There will be safeguards in place
8 that development will move forward, as
9 initially approved. Chairperson Watkins asked
10 Mr. -- or Law Director Stephan if this can be
11 done. Law Director Stephan stated it is
12 doable.

13 We have an agreement with the
14 developer that he is subject to the preliminary
15 plat, as approved by the planning commission.
16 And when he wants to redevelop that area, it
17 needs to be developed pursuant to the
18 preliminary plat that was previously approved.

19 Law Director Stephan stated that
20 Mr. Taylor is willing to enter into an
21 agreement. Member Swabb, not this (indicating)
22 member, I believe his dad, stated he does not
23 have any problem with allowing replat as long
24 as we have assurances that when it is time to
25 develop the area, it follows the original plan.

1 For the reasons I stated above and
2 in view of the planning commission minutes, I
3 am opposed to the rezoning of The Meadows of
4 Brookville. I also recommend the planning
5 commission and the City of Brookville
6 disapprove Mr. Taylor's rezoning request.
7 Thank you.

8 MAYOR LETNER: Thank you, Pete.
9 Thank you for your comments. Next? State your
10 name and address, please.

11 KAREN BRAUND: Karen Braund. I have
12 something I would like to pass out to everybody,
13 if I could.

14 (Pause in proceedings.)

15 (Thereupon, those giving testimony
16 were duly sworn.)

17 MAYOR LETNER: Please state your name
18 and address.

19 KAREN BRAUND: Karen Braund, 15
20 Heckathorn, corner of Westbrook and Heckathorn.
21 My husband Dale and I have been there for 21-plus
22 years. Okay. Sadly, my opinions are based on
23 actions speaking louder than words.

24 The residents of The Meadows of
25 Brookville quite frankly have been taken

1 advantage of by Tim Taylor and Mike Oxner.
2 This goes back to '05, '06, and '08. My
3 perspective, the ball was dropped.

4 Mr. Oxner, you referred to due
5 diligence back in 2006. I have done my due
6 diligence this time. And yes, there was
7 rezoning in 2005, or there was actually a
8 proposed rezoning that set precedence. It was
9 voted down.

10 If setting precedence was not
11 enough, let's move forward to the
12 September 15th, '05, planning commission where
13 you, Mr. Taylor, gave us \$180,000 to \$250,000
14 price points for the homes along Westbrook
15 Road.

16 Thirty days later, that turned
17 into with no apparent anything, and I don't
18 know that anybody really caught this, to
19 \$150,000 to \$185,000 range. That's a huge
20 disparity, \$100,000 difference of a swing
21 without any -- anything.

22 What I heard this evening was a
23 history, a brief history. We have left a lot
24 out. And where we, the residents, find
25 ourselves is in a situation where they can come

1 up here, say whatever they want, and we are
2 left with the repercussions after the fact
3 because you all are making decisions not on
4 full information.

5 Yes, there was a holding pattern
6 back in 2008. Oh, wait, in March of '06,
7 Mr. Oxner said we are going to see the homes on
8 Westbrook Road substantially better. In '08,
9 these two gentlemen came with their hat in hand
10 asking for a tax abatement, tax savings, tax
11 reduction, label it what you will.

12 Both the bodies voted and gave
13 them that. Based on his numbers, \$32,000 a
14 year, he got a savings off of that. Thirteen
15 years of taxes, that is in excess of \$200,000.
16 There is nobody giving me six digits, nobody
17 giving him six digits or anybody else or in the
18 firehouse six digits of anything.

19 In conjunction with that, what was
20 not mentioned in the memo that Rod gave to you
21 was Rod's words. We can do something that is
22 relatively simple based on this issue. Law
23 Director Stephan stated to some extent we have
24 this under control in that there is a
25 preliminary plat that is approved, and planning

1 commission and city council would have to
2 approve changes to the preliminary plat design.

3 The agreement would add
4 contractual promise from the developer that
5 they are going to follow the preliminary plat,
6 and we can make it binding on successors and
7 assigns. Immediately after that, the vote was
8 taken at planning.

9 That, obviously, then passed with
10 all yeas. It transferred to city council,
11 passed with all yeas. In that motion at city
12 council, it stated to require an agreement, the
13 developer will be required to develop the
14 replatted portion of The Meadows of Brookville
15 Section 5 in the future as approved by the
16 preliminary plat plan.

17 Adding insult to injury, on
18 September the 24th of '15, despite the promises
19 and commitments that were made by these
20 individuals, Tim Taylor and Taywood Enterprises
21 amended the covenants and restrictions. What I
22 passed out to you is what I got from Montgomery
23 County on file for Section 5, which is the plat
24 that he said he was going to develop consistent
25 with that filing.

1 On there, No. 2 -- I know it's
2 little. But, Kim, when I am done I will hit
3 send and get you the PDF of that so you can all
4 zoom in. No. 2, rights, covenants, and
5 restrictions give the 1,500 single story and
6 1,700 double story minimum requirements.

7 He amended that and downgraded it
8 to match your R1C minimum requirements of 1,400
9 unbeknownst to the City, unbeknownst to Zoning,
10 unbeknownst to anybody else. Why? Don't know.
11 I just have seen so many inconsistencies, so
12 many were changing.

13 Are we done? Can I wrap it up
14 real quick?

15 MAYOR LETNER: Thirty seconds.

16 KAREN BRAUND: I know most of you are
17 new to these bodies and committees. However, you
18 are elected officials charged with looking after
19 our, the citizens of Brookville's, best interests.

20 Prior bodies were concerned that
21 our investment, both in our homes and our
22 community, not be negatively impacted because a
23 developer is subpar and cannot in 14 years
24 build even one home, also going back to the
25 question that I asked again at the last city

1 council meeting about due diligence. I am
2 sincerely hopeful that everybody understands
3 the importance of due diligence at this point.

4 I respectfully ask both bodies to
5 do the right thing, uphold the commitments made
6 to us, the residents of the City of Brookville,
7 thus making us legally whole, holding the
8 developer and the engineer accountable. Quite
9 frankly, if we are made legally whole, we all
10 go away, we have got nothing to say at that
11 point.

12 MAYOR LETNER: Thank you, Karen.

13 KAREN BRAUND: And that's it. I do
14 have something I would like to present on behalf
15 of all the residents afterward, which is a
16 petition that we have signed. I also have another
17 resident statement that I can give to Kim. Or if
18 you would like me to read it, I can do that. She
19 was unable to attend today.

20 MAYOR LETNER: You can give it to the
21 clerk. Thank you so much for your comments.

22 If you will state your name and
23 address.

24 DEL BRAUND: Thank you, sir. I am
25 Del Braund, 15 Heckathorn Road. So here we are

1 again. Why are we here? Back on March 21st,
2 2006, when I addressed the council regarding the
3 plat modifications I said, quote, unquote, it
4 doesn't appear all the information was presented
5 to the council correctly.

6 I felt the council should use this
7 experience as a learning curve and have it --
8 and urge the council to not make the same
9 mistakes with other developments as they had
10 with ours. What I meant was, one, hold the
11 developers accountable so the City doesn't get
12 hoodwinked.

13 Two, be transparent in your
14 decisions and not closed door -- or backdoor
15 sessions and meetings. Three, be responsible
16 to your residents' needs and concerns, as this
17 is your job. It's why you make the big bucks.

18 One thing I have learned from
19 talking to a large portion of our neighborhood
20 is we have similar common vision of what we
21 want our plat to look like. I found out the
22 diverseness of our background, as only a
23 handful of us actually are old town lifers of
24 Brookville, although a lot of us have decades
25 here now.

1 Regurgitating my story from two
2 decades ago when we bought what I was told was
3 originally a model home for the plat, I wanted
4 to move close to my aging parents in New
5 Madison and loved the small town feel. We lead
6 a relatively quiet life on the corner and try
7 to make good -- be good stewards of our little
8 patch out there.

9 Back to our neighbors, quite a
10 diverse group. Computer and IT folks, factory
11 workers, educators in our schools, fire, EMS,
12 law enforcement, CareFlight nurses, county and
13 city employees, a pretty solid cross-section;
14 young families, widowers, stay-at-home parents,
15 neighbors with disabilities, and a plethora of
16 retirees from over -- from over -- or all over
17 moved to this plat because of the feel and the
18 atmosphere.

19 In summary of talks with neighbors
20 from Meadows of Brookville, several points:
21 Our neighborhood is in a place you just plan on
22 being there for a few years. We all want to be
23 there and almost to a person, whether retired
24 here or raising children, love it for the
25 reason it was presented and sold to us as

1 single family homes and a community that also
2 would be finished that way.

3 We did not come here tonight to be
4 difficult because we aren't very nice people
5 and here we go again, which I find insulting,
6 but we come here tonight because I care deeply
7 about our community. We care about our
8 community and Brookville, and our caring begins
9 with a sense of pride in where we live.

10 Can the same be said by whomever
11 develops Zone 5? What is their motivation for
12 being here? Almost to a person, the well over
13 80 percent of residents who signed in
14 opposition had that look, a look of
15 disappointment, almost disparagement, of being
16 had and sold out by either the developer or
17 you.

18 When discussing doubles,
19 townhouses, whatever the buzz term is, I had
20 heard over and over visiting the neighbors
21 three words, it's about money. And six words,
22 my property value is going down, so here we are
23 several years down the road, no single -- or no
24 new single homes, not even one model home has
25 ever been built or ground broke.

1 Why is that? Is it an
2 overachieving development plan or -- or, excuse
3 me, an underachieving development plan or
4 possibly beating the City into submission to
5 achieve more profit master plan? Every
6 homeowner here is in agreement.

7 If they build single family homes
8 similar to our homes within the zoning specs
9 that have been in place forever, we'd have
10 nothing to complain about. This proposed
11 change has terrible optics on behalf of the men
12 and women leading our community.

13 You are our stewards and elected
14 officials charged with protecting our interests
15 and our largest investment. We ask you not to
16 be complicit in allowing an ordinance and/or
17 variance which would appear to allow the
18 developers -- would allow the developers to
19 profit from altering the original appearance of
20 our neighborhood plat in what we feel is a
21 violation of Ordinance 1111.05(D)(3).

22 Yes, times move on, things change.
23 Council members have changed, but this issue
24 has already been put to rest in the past by a
25 prudent discussion by planning board and comes

1 down in part to honoring your word and
2 commitments as a governing body and standing up
3 for your citizens.

4 The developer in this instance,
5 whomever it becomes, will get more concessions,
6 more abatements, and greater profit for his or
7 her bottom line at the expense of we, the
8 taxpayers, who will be left holding the bag and
9 living with your legacy of decisions.

10 And so I ask, what has changed?

11 Why are we here? Thank you.

12 MAYOR LETNER: Thank you. Thank you
13 for your comments.

14 THE WITNESS: Thank you.

15 MAYOR LETNER: I think that was
16 everybody that was sworn in.

17 KIM DUNCAN: Okay. I will go ahead
18 and read -- this is from -- from Mary Jo Klaus at
19 150 Brooke Woode. Mrs. Braund brought this in,
20 and I am going to go ahead and read it into the
21 record.

22 This letter is to encourage you to
23 not change the zoning of the lots in Meadows of
24 Brookville to multifamily residential. I moved to
25 this home after I retired because it was a quiet,

1 safe neighborhood, and it was close to my family.
2 This area has been designed for single family
3 homes.

4 Most of us have built our homes
5 with that fact in place. There is not room to
6 build 48 multifamily homes without creating
7 problems for those of us that live here.

8 According to your plans, there are
9 only two streets out of the area. They are
10 Brooke Woode Drive and Heckathorn Drive. If
11 there are two drivers in each home, that would
12 put ninety more cars trying to get to work and
13 to school.

14 That would not even include any
15 new single family homes with drivers. There
16 have been numerous accidents at these two
17 intersections, and it is extremely hard to get
18 out onto Westbrook Road.

19 Adding all of these homes will
20 also disturb the peaceful surroundings in this
21 neighborhood. I fear it would also affect the
22 resale of my home if I ever wanted to move. I
23 respectfully ask that you reject this
24 multifamily zoning classification.

25 Sincerely, Mary Jo Klaus, 150

1 Brooke Woode Drive.

2 MAYOR LETNER: Thank you, Kim, for
3 your comments. And before we dismiss the first
4 group, I want to reintroduce Rod Stephan because
5 he has a comment. Since we have had some
6 technical difficulties tonight, we just want to
7 put everybody at ease that everybody is going to
8 get their chance to speak.

9 And if they are not here, if they
10 didn't hear on Webex -- well, I will let Rod --
11 Rod, go ahead, please.

12 ROD STEPHAN: We are going to allow
13 anybody else that's here tonight to testify. We
14 are going to also continue this public hearing to
15 a second date to give citizens an opportunity to
16 testify who were planning to testify virtually and
17 who have not been able to do so tonight because of
18 the technical issues we have.

19 We want to make sure everyone has
20 access and an opportunity to testify, so we are
21 going to have a second date. We will talk
22 about that at the end of the meeting. Right
23 now what I would like to do is if there is
24 anybody still here at the firehouse who would
25 like to testify tonight, we can do that.

1 SONJA KEATON: There are some in the
2 back.

3 MAYOR LETNER: At this time, we will
4 dismiss the first group, this way here. You can
5 go out this way.

6 ROD STEPHAN: We advised that they
7 could have one representative present the whole
8 time.

9 MAYOR LETNER: Okay, very good.
10 Silent?

11 ROD STEPHAN: Yeah, she is not going
12 to testify again.

13 MAYOR LETNER: You are not going to
14 testify again. Let's take a five-minute recess so
15 if anybody needs a restroom break or whatever.

16 (Recess taken.)

17 MAYOR LETNER: Thank you, everyone.
18 Just to give you an update, since we had the IT
19 problem I went out to the bay of the firehouse and
20 expressed my concerns to them as far as what has
21 transpired tonight with our IT problem.

22 And as Rod said, we are going to
23 let the people -- I think we have got four more
24 that want to speak, and we will swear you in
25 here in a minute. But I want to let you know

1 that all voices will be heard, and we are not
2 trying to exclude anybody.

3 It is an IT problem. We had it
4 worked out at 4:30 this afternoon, and it went
5 south after that when we started tonight. So
6 you are not being excluded. Your voices are
7 going to be heard.

8 And if anybody else out there in
9 the subdivision thinks that we didn't hear them
10 or that they didn't -- they missed their
11 chance, that's not the case because it's going
12 to be on our website. And, Kim, will that be
13 sometime tomorrow?

14 KIM DUNCAN: We should be able to
15 upload it tomorrow, yes.

16 MAYOR LETNER: So you will be able to
17 hear the audio portion of everything that has been
18 said here today. And then once again, as Rod
19 stated, we are going to set another date to
20 entertain public comments.

21 So having said that, Kim, I am
22 going to let you swear in anybody that wants to
23 speak and we will give you five minutes. Kim
24 is going to swear you in, and then we will give
25 each person five minutes. Are we good? Kim,

1 please.

2 (Thereupon, all those giving
3 testimony were duly sworn.)

4 MAYOR LETNER: And I don't know who
5 wants to start first. But for the audio portion
6 that we are still trying to do on Webex, I will
7 have you hold Kim's phone. And just don't speak
8 directly into it, but pretty close.

9 Please state your name, your
10 address. And if you will kind of reference
11 Sonja back here, we'll give you five minutes.
12 It's coded so when you get to a certain point,
13 it lets you know your five minutes are up.

14 BILL STOUT: All right.

15 MAYOR LETNER: Thank you.

16 BILL STOUT: My name is Bill Stout.
17 I live at 170 Brooke Woode Drive. The back of my
18 home faces the land that is proposed to be -- have
19 things built on it. I have papers in front of me
20 showing me pictures, but -- I see the pictures,
21 but I am strictly against about what's going on.

22 I want everybody to know that
23 because my understanding was that each lot was
24 to be a single family home. And as far as
25 these homes and apartments you have in the

1 paper, on this paper, they are two story.
2 Let's keep in mind that the people that spent a
3 lot of money for privacy fences that won't be
4 privacy fences no more.

5 And I think these homes -- these
6 apartments and the larger homes will create a
7 problem for everybody. Maybe not in that
8 particular plat, but the surrounding homes to
9 that plat.

10 I believe it will create more
11 traffic, more kids, and more problems. I
12 believe it's wrong to force something like this
13 onto people that doesn't want it, and I'm one
14 of them. And I'll tell you, we invested a lot
15 of money in my house, me and my wife.

16 And if you brought in these
17 apartments, these two stories, my house
18 wouldn't be worth what it's worth right now,
19 and I just can't let that go. When you put
20 your life savings into your place and you --
21 you know, and you hope to stay there until the
22 end, I guess.

23 But I -- I wanted everybody here
24 to know that has concerns with these
25 apartments, with this land, that I, for one, is

1 strictly against it, and a lot of other people
2 are, too. I don't know anybody that's for it.

3 So I just -- I want my words
4 understood, and I want to be heard. You know,
5 sometimes it's easy to go behind closed doors
6 and say, well, there's a lot of money involved
7 here, and we sure could use the money.

8 And I am talking about Brookville.
9 Now, Brookville is a nice town. I am not
10 knocking it because all towns need money. And
11 I don't think anything should go on behind
12 closed doors because that's going to create a
13 bigger problem.

14 And those are my statements, and I
15 thank you for listening.

16 MAYOR LETNER: Bill, thank you for
17 your time. Who is next? State your name and your
18 address, and you have five minutes. Thank you.

19 MIKE SWARTZ: My name is Mike Swartz.
20 I live at 193 Brook Parke. And I just want to say
21 I don't know what went on in here because out
22 there it was like listening to fish in an
23 aquarium. You couldn't hear a thing. It was
24 garbled or whatever.

25 So I don't know what was said in

1 here. So I came into or -- you know, what
2 other people were saying in here. But I just
3 want to be put on the record that I am against
4 it because it's going to depreciate the whole
5 area.

6 It's just when we moved in in '97,
7 it was still being built, and we were promised
8 that those were all going to be large two-story
9 homes or ranch style homes and there was going
10 to be a community area. The community area is
11 a swamp right now.

12 There is nothing there. It's just
13 a reservoir. In the springtime, that floods.
14 I have had my property -- my shed has been
15 under water because that field is flooded down
16 in my area. It over -- it's never getting
17 taken care of.

18 He barely mows it, and then he
19 mows it with this old brush hog. There is no
20 safety devices on it, and it kicks stones at
21 the side of my house. I have multiple holes in
22 the side of my house and in my camping trailer
23 where the stones from his brush hog has done
24 damage to my property.

25 He has hit my fence with his

1 backhoe when he was digging the ditch putting
2 the cement down in there, and it's just been --
3 it hasn't gone any way like I was promised.

4 It looked like a great
5 neighborhood. I love Brookville. Brookville
6 is a great city. I hate to see it get
7 destroyed by adding these small, you know,
8 little dwellings. I don't even consider them
9 houses, they are just that small, and I hated
10 to see them get subdivided.

11 I feel that Westbrook is going to
12 be the last area to get developed because it's
13 a main drag, and people don't want -- they
14 don't like to live on the main street. If he
15 would just finish the street, Brook Parke
16 Street there and set up those lots, I think you
17 could sell some of those lots for bigger homes.

18 But he -- you know, there is -- no
19 development has been done in there in 20 years.
20 You can barely get him to mow the lawn. But I
21 just want to go on the record that I am against
22 it, and that's all I have got to say.

23 MAYOR LETNER: Thank you for your
24 comments. State your name, address and you have
25 got five minutes.

1 JASON PETRY: My name is Jason Petry.
2 I love at 41 Meadow Brooke Avenue, which is
3 actually next door to him (indicating) on the east
4 side, if you will. We moved to Brookville -- this
5 is our third year. We love it here.

6 And the way I understood our
7 development, I was in one of the first phases,
8 and we like it. And my main issue with double
9 homes going in is if that road is connected to
10 the other side, not just with single family
11 homes but doubles, the traffic doubles.

12 I have got an eight-year-old son
13 and a new baby on the way. So I am just -- I
14 am concerned with traffic, No. 1. And
15 secondly, we got to hear the first person that
16 came up here and spoke, and he talked about
17 infrastructure and lift stations and things
18 like that.

19 And I have kind of a unique
20 understanding of how much that can cost, and I
21 don't have any understanding of how taxes or
22 anything are levied. But I would be worried
23 that somehow us living in the development and
24 the rest of the city would have to pay for
25 newer updated infrastructure.

1 And I had thoughts organized, but
2 it went by the wayside. Thirdly, as he brought
3 up with Westbrook, the way I could see this
4 going is those might get built. But even if
5 people do live in there, they are going to not
6 like living on a 55.

7 And as we all that live around
8 here know, people go a lot faster than 55 on
9 that road. It's kind of dangerous. So given
10 the way Brookville is a community, you know,
11 the main reason we moved here was the school
12 system.

13 I can't see people rationally
14 wanting to move into that kind of a situation.
15 Like if we did have nicer, larger homes like
16 where we all live put in on that road, I would
17 be all for that.

18 It gives the community a sense as
19 its own, not this kind of section, this kind of
20 section, this kind of section, all (inaudible).
21 And with that, I am finished.

22 MAYOR LETNER: Thank you for your
23 comments. Please state your name, your address,
24 and you have five minutes.

25 JAMES BAILEY: James Bailey, 52

1 Meadow Brooke Avenue. First off, thanks for
2 coming tonight, Tim and Mike. I like your cowboy
3 boots, Tim. I live at 52 Meadow Brook. I have
4 got a little daughter and a son, and I am all for
5 you guys building houses right there where you
6 guys are talking about building them, but I don't
7 want duplexes there.

8 I want, you know, nice like
9 \$250,000 Fischer homes, like a little bit nicer
10 homes than what you guys are planning on to put
11 in. And when people talk about increasing
12 traffic, you are talking about doubling down on
13 traffic per household.

14 And then we need to get promises
15 that have been made to be kept. So anything
16 that you guys put forward, you could say that
17 tonight, and I wouldn't believe it for a second
18 because you have said things over the years and
19 it hasn't been done.

20 But if you want to put single
21 family nice homes there, let's go. Let's go
22 forth, and I'll be the first one to stand up
23 and say let's go. So the common area is a
24 swamp, it's a disaster. And it looks awful
25 from the street when you drive by it.

1 And I don't know if you mow it.
2 They said you mow it, but I don't know if you
3 do or not. So whoever mows it with a bush hog,
4 it doesn't make it look the nicest. And
5 Fischer Homes is going to do the landscaping.

6 They are not going to landscape
7 the common area that the City mows every week
8 behind my house between Meadow Brooke and
9 Heckathorn. A big concern between being Jay's
10 house and Jake (inaudible's) house and Justin
11 Deter's house is that that waterway can't
12 handle all the water.

13 And when you build large surface
14 area roofs on duplexes, all that rain runoff
15 without the proper curb and places for that
16 water to go with no retention pond, although
17 that's labeled a retention pond, but it floods,
18 and it's come up to Justin's house before.

19 And you guys have more water
20 runoff from those roofs, and it's going to
21 flood that ditch. And it's going to come in to
22 Justin's house or Jake's house, and then is
23 Taywood Enterprise going to be responsible for
24 that or Mike Oxner and Professional Associates
25 or Fischer Homes?

1 No, it's going to be the
2 homeowner, and that's a big concern. To get
3 the proper infrastructure and not putting in
4 duplexes to strain the value of my home is a
5 big concern for me. But if you guys want to
6 put in nice single family homes, let's go do
7 it. With that being said, that's all I have.

8 MAYOR LETNER: James, thank you for
9 your comments. I think that concludes our
10 citizens comments. That was everyone that was
11 sworn in, I believe, Kim? Okay. I guess at this
12 time do we have any questions from our members or
13 planning commission?

14 MATTHEW SWABB: I do, Chuck.

15 MAYOR LETNER: Matt, go ahead.

16 MATTHEW SWABB: So I have three
17 questions, and they are all fairly simple. The
18 first one is kind of for anyone up there. When
19 exactly was Section 4 of the development
20 completed, the section leading back to the
21 industrial area?

22 TIM TAYLOR: When was it what, now?

23 MATTHEW SWABB: When was it
24 completed, the section that backs up to the
25 industrial area?

1 MIKE OXNER: Section 4 was approved
2 roughly 1999 by planning commission and council
3 right in that time. And as soon as that was done,
4 they started construction on it. So it would have
5 been in 2000, 2001 time frame.

6 MATTHEW SWABB: Thank you. And
7 then my other two questions are for
8 Ms. Maxwell. I was curious about the other
9 developments you guys have made specifically in
10 the Dayton area. Are those all multifamily
11 residential buildings or is it kind of a
12 mixture or is it just single family homes?

13 GEMMA MAXWELL: Our entrance into the
14 Dayton market was buying out established single
15 family builders. So the majority of communities
16 we went into were single family attached
17 neighborhoods. With that being said, the future
18 plan for future phases does include products like
19 this and places like Carriage Trails and other
20 communities we are working on now.

21 So currently it's mostly single
22 family detached because it's an artifact of the
23 builder we bought out, but the intentions going
24 forth will be a mix of both.

25 MATTHEW SWABB: Gotcha. And then my

1 other question for you was I believe the number
2 was approximately \$200,000 for the sale price?

3 GEMMA MAXWELL: Correct.

4 MATTHEW SWABB: Is that based off of
5 property value and looking at the Brookville area
6 or is that based off past sales of property that
7 are --

8 GEMMA MAXWELL: That's using a
9 combination of the lot price, the cost to build
10 the home, and the different -- and then an
11 estimate of how many upgrades we typically get
12 people to choose to put into the home. So it's an
13 average of those things.

14 MATTHEW SWABB: Awesome, thank you.
15 I don't have anything else for you guys. I
16 appreciate you coming out.

17 MAYOR LETNER: Thank you, Matt.

18 STEPHEN CRANE: I was just wondering,
19 did you ever look at single family homes for that
20 development and any reason you went with this type
21 of arrangement?

22 GEMMA MAXWELL: With the depth of the
23 lots, it wasn't possible for us to fit single
24 family detached homes on those existing lots. We
25 do have plans in the future section to put our

1 Maple Street product lines of single family
2 detached homes. But the frontage along Westbrook
3 and then a few blocks behind it, it is not
4 possible to double -- to put single -- our product
5 back there, so that's why the change. This
6 product fits and felt like a good alternative to
7 that.

8 MAYOR LETNER: Anybody else? Ken?

9 KEN CLAGGETT: Ken Claggett, planning
10 commission. One of the gentlemen mentioned cost
11 to the City, abatements and that kind of thing.
12 We are not giving money to this project at all,
13 are we?

14 MAYOR LETNER: No.

15 KEN CLAGGETT: That's all I have.

16 MAYOR LETNER: Anybody else? Mr. Tim
17 Taylor.

18 TIM TAYLOR: Thank you. There's
19 quite a few things that's been said here tonight
20 that's not even close to accurate. I did make the
21 statement years ago when I wanted to get that, I
22 was paying taxes on 45 lots.

23 And it was a mistake, I just made
24 a clerical error. And we were getting rid of
25 the 32, letting 13 air. And when I said that,

1 I had no intention of changing anything. These
2 folks came to me and said the lots are too
3 shallow for this, but they can give us a home
4 of quality on the doubles, and that's the only
5 reason we are here tonight to try to make that
6 happen.

7 And they are at a higher value
8 than most homes are selling for in the area in
9 the plat. So it -- I am pretty sure it's going
10 to increase the property value of all the
11 homes.

12 Somebody made a comment I have
13 done nothing in there, I have put no money in
14 it. I have got a half million dollars in that
15 thing where I had to widen the road, put the
16 curbs in, all the sanitary water, storm for the
17 first 13 lots and the retention pond.

18 So I have dumped a boatload of
19 money in this thing. It didn't just sit there,
20 like was said tonight. The way these things
21 have gotten twisted, I have never hit that
22 gentleman's house or his thing with a rock.

23 We do use a bush hog, and that's
24 never happened. The property values will go
25 up. Somebody mentioned apartments, they are

1 not apartments, that is a misconception and
2 it's -- that needs to be cleared up. The whole
3 intention here is to bring something to
4 Brookville and make it worth more.

5 I met with some of these folks,
6 and they saw it and they agreed. It's just we
7 have to get on board on what's right for
8 Brookville. And is it going to be good for me?
9 You betcha. I have sit on this long enough,
10 and wouldn't that be nice.

11 The covenants when they were
12 changed, that was something that came up. I
13 almost had the whole thing sold to another, you
14 know, firm. But they had some homes that were
15 smaller square footage.

16 I set the covenants on my own to
17 get a higher thing, and then the covenants I
18 changed it to meet every home on what is in the
19 existing now. I didn't do anything to lower
20 the value, I just brought it down to meet what
21 was existing. So I did nothing wrong there.

22 And the covenants is something
23 that I came up with on my past things, this is
24 not my first time. So I just used what was
25 there. That's the reason I have done that.

1 Anybody ever wants to call me with
2 any questions, I'll be as honest as I can be.
3 I am not trying to get by with anything. I
4 agree with you on what you said. I haven't
5 really given any thought to the added flow of
6 traffic.

7 I will say that the infrastructure
8 is set up to handle the runoff water. The
9 calculations have been made. As I am saying
10 that, I can let Mike verify all that, but the
11 county won't approve it if it's not.

12 You know, that's why the detention
13 [sic] pond was there. So I don't know, I think
14 that covers it. Any questions?

15 STEPHEN CRANE: I have one more
16 question. I mean, the HOA --

17 JAMES ZIMMERLIN: You need to give
18 him the phone.

19 TIM TAYLOR: Yes, sir?

20 STEPHEN CRANE: This is Stephen Crane
21 asking a question. The HOA, you guys mentioned it
22 in a couple of your discussions. What is the
23 intent there? I mean, eventually are we going to
24 be handing over the responsibilities to an HOA to
25 take care of, you know, the common areas or, you

1 know, I mean --

2 TIM TAYLOR: Yes.

3 STEPHEN CRANE: And the intention --
4 I mean, what is the final intention?

5 MAYOR LETNER: Do you want to answer
6 that, Tim?

7 TIM TAYLOR: I will surely do it.
8 When Fischer Homes came to me and we were in the
9 meeting, the City asked what about an HOA. And
10 Fischer Homes, they had no issue. They are going
11 to help me put it together.

12 It's an exorbitant cost for me to
13 put that together, and I am responsible for
14 keeping that until 60, I think 60 -- a certain
15 percentage of the homes are done. And that
16 would help take care of the detention pond.

17 That would help take care of the
18 common areas, and that was the purpose of it.
19 So yeah, that --

20 STEPHEN CRANE: So the intention is
21 to hand it over to -- an HOA will be established
22 for the homeowners to --

23 TIM TAYLOR: Only in this plat
24 because I don't think it would be fair for me to
25 have these guys pay for an HOA. You didn't buy

1 into that, and it wouldn't be right to you. You
2 know, that's -- but it would be strictly for this
3 that we are developing.

4 STEPHEN CRANE: Because honestly, I
5 would like to see the City possibly get out of
6 taking care of that area as far as mowing and so
7 forth.

8 TIM TAYLOR: It's a win for the City.

9 STEPHEN CRANE: If we can have an HOA
10 already that's going to be there, why can't we
11 just make it for the whole development?

12 TIM TAYLOR: Exactly. Well, I can't
13 answer that. But I do know -- right now I know we
14 can do it for that amount, and I have agreed to do
15 that if this goes. Thank you.

16 MAYOR LETNER: Thank you, Tim.

17 TIM TAYLOR: You're welcome.

18 Planning commission Don Cordes, Don?

19 DON CORDES: Forgive me if I don't
20 use the right terminology. But they were talking
21 with the first group about additional housing
22 required additional pumping, pumping up, a lift
23 station. If that is required to be updated, whose
24 responsibility is it to pay for it?

25 MAYOR LETNER: Well, Sonja, do you

1 want to answer it?

2 SONJA KEATON: Let's turn it over to
3 Mr. Oxner.

4 MAYOR LETNER: Mike Oxner.

5 MIKE OXNER: Thank you. If an
6 upgrade is required for the lift station, that
7 would be this developer's responsibility. It's a
8 very simple change out. The system was set up so
9 it was originally designed for let's say 120 units
10 or something like that. And the change out is
11 just replacing the motors on the pumps.
12 Everything else is in place.

13 DON CORDES: Thank you.

14 MAYOR LETNER: Did that answer your
15 question, Don?

16 DON CORDES: Yes, it did.

17 MAYOR LETNER: Okay. Do we have
18 anyone else? In that case, if we have no other
19 questions from our committee, no more public
20 comments, I will ask for adjournment.

21 JASON PETRY: Are we allowed to ask
22 questions again, or is it just for you guys?

23 MAYOR LETNER: Well, that was public
24 comment. There was -- Rod?

25 ROD STEPHAN: I would say before we

1 adjourn, I would like to have a motion to continue
2 the public hearing to another date. We have some
3 members and some citizens who are going to
4 participate virtually that have not had an
5 opportunity. I do think we need to give
6 everybody a second chance, particularly those that
7 were going to participate virtually, so --

8 MAYOR LETNER: I agree with you, Rod,
9 a date to be determined.

10 ROD STEPHAN: Yeah. I mean, we have
11 looked at the calendar briefly. You know,
12 November 12th is a Thursday or November 17th, I
13 believe, is a council meeting night. We could
14 have two weeks of notice in the Brookville Star
15 again plus two weeks on our website to try to give
16 everybody an opportunity to participate and also
17 everybody an opportunity to review the audio for
18 tonight.

19 MAYOR LETNER: To Jay's question here
20 also, are they allowed at this point to entertain
21 comments to Mr. Taylor and Mr. Oxner?

22 ROD STEPHAN: Well, as part of the
23 five-minute process they can ask questions. If
24 you want to open the time period for additional
25 questions, you can. I mean, you are the chair.

1 MAYOR LETNER: Well, I guess at this
2 point -- and Jay, if you have a question, I think
3 you had used about three minutes as I was timing.
4 So if you have a question you would like to ask?
5 Let me give you the phone here.

6 JASON PETRY: So the first summer I
7 moved in, you were in the retention basin back
8 there by Westbrook with the backhoe saying -- and
9 you is Mr. Tim Taylor. Sorry, you don't know who
10 I am pointing at. You said you had to dig it out
11 because all the silt washed into the retention
12 basin from the farm fields across the way.

13 TIM TAYLOR: Yes.

14 JASON PETRY: So that leads me to
15 believe the development as it is already can't
16 handle what's being washed into it as far as storm
17 water because my ditch was cleaned out this summer
18 by the City. They took care of it, and it's a lot
19 of work to do that.

20 And then they went to the other
21 side and they cleaned out near -- it looks like
22 about a 36 inch tile, I haven't gone and
23 measured. But you have a 4 foot wide at the
24 bottom ditch that I had pictures from this past
25 spring, it's up to that culvert.

1 And you are trying to tell me that
2 all that water is going to make it into this 36
3 inch tile and not flood anybody's properties.
4 So that's what I was -- part of my
5 infrastructure earlier, it didn't make a whole
6 lot of sense to me.

7 And then especially after they
8 cleaned it, it flows even better, but it still
9 can't handle it. So that was my question, and
10 I didn't know how you guys were going to
11 address that, adding all these extra homes.
12 And I would have asked earlier, I didn't know
13 that was my time to do. So that was my
14 question.

15 MAYOR LETNER: Did you want to
16 respond, Mr. Oxner?

17 MIKE OXNER: Yes, thank you. I am
18 not sure that you understand totally how a
19 detention basin is supposed to function. What we
20 do is we retard the flow, the peak flows, and
21 those back up into those low areas.

22 And so that water level will
23 fluctuate, depending on how strong or how
24 intense the rainfalls are. That's the way we
25 design it. That keeps it from flooding

1 downstream. So all those low areas that are
2 set aside for that purpose, those will retard
3 the flow. That water level in those basins
4 will fluctuate up and down, depending on the
5 amount.

6 JASON PETRY: It goes right over the
7 top of it.

8 KAREN BRAUND: We have got video.

9 MIKE OXNER: All I can say is if they
10 are going over the top, a couple things could
11 happen. One, something is plugged up, something
12 is returning it, or it's too small.

13 JASON PETRY: And then we just call
14 Tim, and he comes out and fixes it?

15 KAREN BRAUND: But no, there is a
16 river on Westbrook Road that runs through
17 Westbrook. You can't drive cars on Westbrook. It
18 runs through my backyard to the detention basin,
19 which is filled and down toward their homes.

20 MIKE OXNER: All I can say, if that's
21 the condition, that's something that we need to
22 look at because that's certainly not the way it's
23 supposed to function. So it's an issue to take a
24 look at, and we will certainly do that.

25 MAYOR LETNER: Thank you, Mike.

1 Bill, I think you had one minute left on yours.

2 BILL STOUT: Well, I would like to
3 respond to the gentleman's question about having
4 another meeting for everybody. I think these
5 meetings are wrong. I think everybody, everybody
6 that comes to them should be out there to hear
7 each other's questions and answers.

8 I don't think you should sit out
9 there for no two hours while somebody is in
10 here making a statement that you can't hear out
11 there anyways. And I think out there is the
12 place to be for everybody.

13 You know, everybody wants to hear
14 what I've got to say, he's got to say, he's got
15 to say, he's got to say, and we don't get to
16 hear it if we are setting out there. So if you
17 have another meeting, I strongly suggest that
18 everybody goes out there and set up.

19 You know, I know the COVID is --
20 is a bad thing, and that's why we wear a mask.
21 So everybody goes out there to the meeting, but
22 where are the masks, just like we are doing in
23 here? You know, so everybody should hear what
24 everybody else is saying.

25 MAYOR LETNER: Thank you, Bill. Just

1 to make a point on yours, the IT problem we had,
2 everything worked good at 4:30. And then when we
3 started this proceeding at 7:00 o'clock, it kind
4 of went south on us. We tried to correct it, and
5 that's why we are going to have a follow-up
6 meeting.

7 The other thing is we are trying
8 to run a fire department out there. So to fill
9 up our bays and bring our apparatuses out of
10 the building is -- this is very important to
11 everybody, but so is our emergency. So we have
12 got to have a situation for them to operate out
13 there.

14 BILL STOUT: Well, I understand that.
15 But the room that you have got out there, though,
16 I believe would be sufficient.

17 MAYOR LETNER: Well, we thought we
18 had it worked out where the COVID we could
19 entertain 10 people here at a time along with our
20 group, and that's why we were bringing them in in
21 shifts.

22 And then the audio portion went
23 bad, especially the video portion, the online
24 portion. We are going to try to correct that.
25 But all voices are going to be heard, though,

1 trust me.

2 BILL STOUT: I understand that, but
3 you should hear what I've got to say, he's got to
4 say, he's got to say, and he's got to say and the
5 rest of these people and the people that didn't
6 get a chance to come in here that left because
7 they was tired of setting out there.

8 MAYOR LETNER: We are giving them
9 that chance. But also like I discussed earlier,
10 it's going to be on the website, the audio
11 portion. So you will be able to listen on the
12 website, on Brookville's website, tomorrow and
13 hear everything everybody has to say within these
14 chambers, so nobody is being excluded.

15 BILL STOUT: Well, okay.

16 MAYOR LETNER: Anybody else have a
17 comment tonight? Okay. At this time, I will ask
18 for an adjournment.

19 ROD STEPHAN: Well, I would like
20 to -- we are not adjourning the public hearing. I
21 guess it's a motion to continue. If we don't want
22 to set a specific date, it's a motion to continue
23 to a date to be determined. I mean, is there a
24 preference from the members?

25 JAMES ZIMMERLAN: I mean, obviously

1 the 17th would work because we already have
2 council. So, I mean, the other date, I think
3 probably most of us have to look at our calendars.

4 MAYOR LETNER: So I have a consensus
5 that November 17th we resume. Anybody?

6 KEN CLAGGETT: Is that a regular
7 council meeting night?

8 MAYOR LETNER: That is our regular
9 council meeting. But, once again, the planning
10 commission will be included. Ken? Ryan?

11 RYAN HENDERSON: I have got a
12 conflict that night. I can try to move it.

13 MAYOR LETNER: Okay, Jessi? Jessi is
14 good. Matt?

15 MATTHEW SWABB: I am good.

16 MAYOR LETNER: Kim?

17 KIM WILDER: I am good.

18 MAYOR LETNER: James?

19 JD FOWLER: We are doing it at 7:30
20 in lieu of the council meeting?

21 MAYOR LETNER: It would have to be in
22 addition of. And let me speak here, and if I am
23 wrong you can correct me. But we will -- we will
24 do our regular council meeting at 7:30. And then
25 at 8:00 o'clock we will break for public hearing.

1 And then once that's done, we will
2 resume our council meeting. Is that fair, Rod?
3 Everybody is in agreeance with that?

4 JAMES ZIMMERLIN: Yes, sir.

5 MAYOR LETNER: He has to close the
6 public hearing.

7 ROD STEPHAN: So I guess just have a
8 motion to continue this public hearing until
9 November 17th at 8:00 o'clock.

10 MAYOR LETNER: Do I have a motion to
11 do that?

12 STEPHEN CRANE: I will make a motion.

13 JD FOWLER: I will second it.

14 MAYOR LETNER: First and a second. I
15 am going to call for a vote this time for all
16 members. JD?

17 JD FOWLER: Yea.

18 MAYOR LETNER: James?

19 JAMES ZIMMERLIN: Yea.

20 MAYOR LETNER: Curt?

21 CURT SCHREIER: Yea.

22 MAYOR LETNER: Stephen?

23 STEPHEN CRANE: Yea.

24 MAYOR LETNER: Kim?

25 KIM WILDER: Yea.

1 MAYOR LETNER: Matthew?

2 MATTHEW SWABB: Yea.

3 MAYOR LETNER: Jessi?

4 JESSI SIEVERS: Yea.

5 MAYOR LETNER: Ryan?

6 RYAN HENDERSON: Yea.

7 MAYOR LETNER: Ken?

8 KEN CLAGGETT: Yea.

9 MAYOR LETNER: Don?

10 DON CORDES: Yea.

11 MAYOR LETNER: I vote yea. The
12 motion carries. This will be continued on
13 November 17th during our regular council meeting
14 at 8:00 o'clock. Thank you very much for
15 attending. I appreciate everyone's comments.

16 (Thereupon, the meeting was adjourned
17 at 9:20 p.m.)

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1 STATE OF OHIO)
2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Monica K. Schrader, a Notary Public
4 within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the above-named
7 proceeding was reduced to writing by me
8 stenographically in the presence of the parties
9 and thereafter reduced to typewriting.

10 I FURTHER CERTIFY that I am not a relative
11 or Attorney of either party nor in any manner
12 interested in the event of this action.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and seal of office at Dayton, Ohio, on this
15 27th day of October, 2020.

DRAFT

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Monica K. Schrader

MONICA K. SCHRADER
NOTARY PUBLIC, STATE OF OHIO
My commission expires 4-18-2025

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