

Brookville City Council
Regular Meeting
March 2, 2021

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on March 2, 2021. 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, Schreier, Swabb, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Clerk Duncan, Fire Chief Fletcher and Police Chief Jerome were present.

Roll Call by Clerk Duncan.

Motion by Swabb, second by Fowler to approve the Agenda as presented. All yeas, motion carried.

Motion by Schreier, second by Zimmerlin to approve the Regular Council Meeting Minutes of February 16, 2021. Zimmerlin abstained, Swabb ye, Fowler ye, Crane ye, Schreier ye, Wilder ye, Letner ye. Motion carried with six yeas and one abstention.

Mayor Letner recognized David Nugent as the March Citizen of the Month for his community service repairing and donating bicycles to area children in need. Mayor Letner stated he is very proud of Mr. Nugent and what he does for the community.

Manager Keaton reported Park Board has scheduled our Annual Park Cleanup Day for Saturday, March 27 from 10:00 a.m. to noon. Trash bags, rakes and gloves will be available at Shelter #4.

Manager Keaton advised the City recently submitted three Montgomery County Solid Waste Recycling Incentive Grant applications.

1. To purchase six recycled plastic 6' "City of Brookville" park benches and 13 recycled plastic picnic tables. Four of the park benches will be placed in various storefronts on Market Street with two benches placed in our parks. The picnic tables will replace wood picnic tables in our parks. Total project cost is \$19,012.36 with the grant paying \$13,308.65 (70%) and the City paying \$5,703.71 (30%).
2. To replace the last of our single-wall above ground used oil storage tank with a double-wall above ground used oil storage tank in the Service Maintenance Garage. Total project cost is \$5,625 with the grant paying \$3,937.50 (70%) and the City paying \$1,687.50 (30%).
3. This grant is a resubmittal from last year for a Brush Chipper to replace our 2004 unit. The total project cost is \$62,610 with the grant paying \$43,827 (70%) and the City paying \$18,783 (30%).

Manager Keaton stated the grant applications will be scored during April and we should learn by early May if our applications are approved. Manager Keaton advised she will report back to Council at that time.

Manager Keaton reported that due to current law in the State of Ohio, because of House Bill 197 that went into effect last March, income tax refund requests cannot be processed at this time. Any refund of the tax withheld from an individual's pre-COVID-19 work municipality, while people worked from home or another location, will not be available until litigation is completed. The City of Vandalia will hold refund requests in a suspended status until litigation is concluded. Should the outcome of this litigation determine that a refund is allowed, refunds will be processed. Should the outcome of the litigation determine that a refund is not allowed, a notice will be mailed out that a refund is not available.

Member Schreier commented you would only get a refund after it is dispersed to the other city if there's a difference in tax rate, is that correct?

Manager Keaton replied the litigation is through the Buckeye Institute, who filed a lawsuit because they feel that the income tax withheld should go to the city where the person was actually working during the COVID crisis. Manager Keaton advised she wanted Council to be aware of the litigation in case they should get any inquiries.

Manager Keaton advised she was notified last week by Dan and Shelly Music that they are no longer interested in being Caretakers at Golden Gate Park as of May 1, 2021. Manager Keaton reported she will be accepting letters of interest for the Caretaker position. The announcement is on our website and Facebook page.

Manager Keaton reported that FEMA recently released the FY 2020 Staffing for Adequate Fire & Emergency Response (SAFER) Grant Program. The Program provides funding directly to fire departments to assist with increasing the number of firefighters to help communities meet industry minimum staffing, to attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. The grant if awarded would pay salary and benefits for 3-years and we would be applying to hire 3 full-time employees, with no cost sharing by the City. The grant deadline is March 15, 2021. Manager Keaton asked Chief Fletcher if he had any comments?

Fire Chief Fletcher stated due to our current revenue situation, this grant is the only way the Fire Department will be able to hire any full-time employees. Fire Chief Fletcher stated he is concerned about bringing on full-time employees if we do not have the means to retain them once the grant is done. Three people would make significant changes in their life in order to take these positions. If the City is not in a position to retain those jobs once the grant is done, he is not in favor of it.

Member Crane inquired what the time frame is to apply for the grant?

Manager Keaton replied the grant application is due by March 15, 2021 but it would be August or September before all the grant applications are reviewed and any announcements are made. The three-year grant period begins 180 days after the hiring process is completed.

Member Zimmerlin asked if we would have any conversations with the townships regarding their support for adding full time positions?

Manager Keaton replied that we have had conversations with both Clay and Perry Township during the last four or five renewals that she has been involved with. Both townships are aware that this is something that is coming down the road.

Member Fowler inquired if this would be three additional employees, or would this replace three part-time employees?

Fire Chief Fletcher replied it must be three additional employees, not reclassifying current employees. The full-time positions could be filled by current part-timers, but we would have to replace the part-time positions. The grant is intended to increase personnel over what we currently have.

Manager Keaton advised we would be required to maintain our current staffing level, plus the three additional full-time positions during the grant period.

Fire Chief Fletcher commented the grant requires the firefighters be available for firefighting a certain percentage of the time. He cannot use them mainly for EMS purposes. The grant is beneficial in every respect, with the exception of whether we can guarantee to continue the full-time positions after the three-year grant period. Fire Chief Fletcher stated he has never known the City to hire a full-time employee without the intention of keeping them on for the duration of the need for their position. In this instance, we would still have a need for the three full-time firefighters once the grant period expires.

Member Fowler inquired what the cost would be to the City for three additional full-time employees?

Manager Keaton replied the average annual cost per employee would be \$100,000.

Member Zimmerlin inquired whether these would be supervisor positions?

Fire Chief Fletcher replied the positions would be budget driven. He cannot hire three supervisors at \$100,000 each. It would cost more in the range of \$125,000 to \$135,000 per position to hire supervisors.

Member Crane asked if we move forward with this, and are forced to cut staff in three years when the grant is up, would we cut part-time employees?

Fire Chief Fletcher stated he would not be able to cut enough part-time positions in order to make a difference. The full-time positions would have to be cut.

Member Zimmerlin suggested we move forward with the application and if we are awarded the grant, we can reassess our financial situation. We can turn it down if we are not in a better position at that time.

Member Wilder commented we should know more of where we stand financially at that time.

Manager Keaton stated during her tenure with the City, two full-time police officers have been hired through similar grant programs with a sliding scale on City participation. The City has been able to maintain both of these positions.

Member Schreier stated this looks like a potential opportunity for someone right out of cadet school. It is likely this person will be looking for that guarantee after three years.

Fire Chief Fletcher stated right now the job market is so competitive for firefighter paramedics and we are frequently losing them to other entities who are hiring. Should one of the full-time firefighters we would hire leave for position elsewhere, we are permitted to hire someone in their place. We do not have to maintain the original three hires; however, this sets us up for having to continue to train.

Member Fowler stated he thinks Council understands the City is going to have to move towards hiring full-time firefighters and asked the Fire Chief given the current financial predicament the City is in, what would he recommend?

Fire Chief Fletcher stated he agrees with Member Zimmerlin that we should move forward with the grant process and see what our financial situation is if the grant is awarded. Fire Chief Fletcher stressed the need to be aware that this is not just a simple financial decision. We are talking about people's lives and their families lives if we cannot continue these positions.

Member Schreier commented that there will be other entities who are not able to compete with larger communities and will not be able to guarantee employment after three years.

Mayor Letner asked if these would be bargaining unit positions?

Fire Chief Fletcher replied not unless those employees would organize a bargaining unit.

Mayor Letner asked who would be on the hook for overtime?

Fire Chief Fletcher replied our part-time staff will still work the same schedule so overtime should not be an issue. Full-time firefighters are not paid overtime until they are above a certain threshold of hours within a 28-day period.

Manager Keaton stated Council has also been provided a survey form the Miami Valley Fire & EMS Alliance which shows how we compare to other cities on call volume and staffing.

Manager Keaton requested Council authorization to apply for the SAFER grant for three full-time employees for the Fire Department.

Motion by Zimmerlin, second by Fowler to authorize Manager Keaton to apply on behalf of the City for the SAFER grant for three full-time employees as presented. All yeas, motion carried.

Manager Keaton advised in March 2018, the City and Montgomery County Soil and Water Conservation District entered into a Memorandum of Understanding that the District would assist the City with their MS4 requirements. That Memorandum of Understanding expires March 31. Council has a copy of a new three-year Memorandum of Understanding that begins on April 1 and is the same as the expiring MOU. The Memorandum of Understanding outlines what the District is responsible for and what the City is responsible for. The annual fee to the City is \$9,000. Manager Keaton requested Council authorization to allow the City Manager to sign the Memorandum of Understanding with the Montgomery County Soil and Water Conservation District beginning April 1.

Mayor Letner inquired if the annual fee of \$9,000 can be paid out of the Stormwater Fund?

Manager Keaton replied it will come out of the Stormwater Fund. Manager Keaton stated we may have to look at that Fund later this year as there are other projects that need to be funded.

Motion by Schreier, second by Swabb to authorize Manager Keaton to sign the Memorandum of Understanding with the Montgomery County Soil and Water Conservation District beginning April 1, 2021 for three years. All yeas, motion carried.

Manager Keaton reported Council has a copy of an email she received over the weekend from a Pee Wee Football team mom looking at fund raising options. An idea that they are considering is to paint a devil head on residential sidewalks or driveways, or commercial sidewalks for donations. We do not have any regulations on painting on sidewalks, but she wanted to bring this to Council for discussion.

Member Swabb commented this has been done in residential areas in the Vandalia Butler district and it looks fine.

Discussion followed with the consensus being Council can limit the size and must approve the design and the material used to paint the design. Council will also restrict the sidewalk and driveway painting to residential areas only.

Manager Keaton provided Council with a layout of the new Mexican restaurant that is going into the old K's Restaurant location and advised they are pulling their permits.

Manager Keaton reminded everyone to move their clocks ahead one hour on Sunday, March 14 and announced the first day of Spring is 18 days away!

Finance Director Brandt presented the February 28, 2021 Fund Balance, stating there are several corrections. The Street Fund is down \$152,000.00, the Park Fund is down \$2,274.00 and the Water Fund revenue is up \$36,396.00.

Motion by Zimmerlin, second by Swabb to accept the February 28, 2021 Fund Balance with three corrections. All yeas, motion carried.

Finance Director Brandt requested Council approval for the 2021 Brookville City Wide Garage Sales and provided a map and schedule.

Motion by Fowler, second by Swabb to approve the 2021 Brookville City Wide Garage Sale map and schedule. All yeas, motion carried.

Finance Director requested a motion to change the MVRPC Board member and alternate and appoint Mayor Letner as a member and appoint Manager Keaton as the alternate.

Manager Keaton stated this change is necessary as the Board member must be an elected official.

Motion by Schreier, second by Swabb to appoint Mayor Letner as the member and appoint Manager Keaton as the alternate to the MVRPC Board. All yeas, motion carried.

Fire Chief Fletcher presented the February Operations Report, stating he was thankful for the lack of fire activity. They had several responses during the recent snowstorm and are now beginning some training with the warmer weather upon us.

Fire Chief Fletcher reported the Fire Department Annual Report is complete. Fire Chief Fletcher commented he was blown away by the amount of online training the department accomplished during the pandemic.

Police Chief Jerome advised overall reportable incidents and traffic citations are up. The Police Department has taken close to 20 unemployment fraud reports.

Police Chief Jerome reported traffic speeds are not slowing down and Officers are still writing a lot of citations.

Police Chief Jerome reported he is on the Montgomery County Chief's Board and recently learned that five large cities are hiring full time Officers, paying salaries that make him a bit nervous. Last year was the first year the department did not lose anyone to another entity.

Police Chief Jerome reported citizens were reminded on Facebook to remove their cars from the streets to help city crews clear the roads of snow. Several people had to be reminded it is illegal to blow snow into street as it creates a hazard.

Police Chief Jerome reported he is in the process of finishing up the Annual Report. The Police Department also had a record number of online training hours during the pandemic. Several Officers are also in the process of finishing up their Associate's Degree and should be done this year.

Member Wilder asked about adopting a snow ordinance that would prohibit parking on the street during snow events?

Mayor Letner replied he and the City Manager have had recent discussions regarding adopting an Ordinance and it is something Council should definitely consider.

Manager Keaton stated she can pull some snow ordinances from other communities.

Police Chief Jerome reported he is putting together a flyer regarding the new golf cart ordinance so that the public is aware and informed of the new regulations.

Law Director Stephan advised City Council has looked at a snow ordinance several times in the past and it is time to move forward with it. Law Director Stephan stated he will put together some information for Council.

Mayor Letner thanked Citizen of the Month David Nugent for the community service he performs.

Mayor Letner reported he and Manager Keaton took a tour of the new DuraMax facility and it is a state-of-the-art facility.

Motion by Zimmerlin, second by Swabb to read proposed Ordinance No. 2021-01. All yeas, motion carried.

Motion by Fowler, second by Wilder to accept the third reading and adopt Ordinance No. 2021-01 entitled "An Ordinance Levying Assessments for Delinquent Utility Bills for Certain Properties in the City of Brookville, Ohio." All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Ordinance No. 2021-02. All yeas, motion carried.

Motion by Wilder, second by Zimmerlin to accept the third reading and adopt Ordinance No. 2021-02 entitled "An Ordinance Levying Assessments for the Cutting and Removal of Weeds, Vines, Grass and/or Other Vegetation During the Year 2020 For Certain Properties in the City of Brookville, Ohio." All yeas, motion carried.

Member Fowler, Park Board Liaison, advised Brookville Soccer had 220 kids sign up this year, compared to 190 kids last year. Member Fowler advised the annual Community Park Clean-up is scheduled for March 27, 2021 from 10:00 a.m. to noon.

Member Schreier, Planning Commission Liaison, reported Planning Commission voted down a variance application to allow solar panels in the rear yard setback. Planning Commission approved a Special Use home business to sell pool chemicals.

Law Director Stephan commented the Special Use permit was approved subject to approval of the Fire Chief.

Fire Chief Fletcher reported he has reviewed and approved the Special Use permit.

Member Fowler asked why the solar panel variance was denied?

Member Schreier replied the biggest factor was the height of the solar panels exceeded the height of the fence by two feet.

Mayor Letner called for an Executive Session per ORC 121.22 (G)(8) to consider the confidential information of an applicant for economic development assistance to be made under ORC 3735.67 to 3735.70 and finding that the Executive Session is necessary to protect the interest of the applicant.

Motion by Fowler, second by Zimmerlin to go into Executive Session pursuant to Ohio Revised Code 121.22(G)(8) to consider confidential information of an applicant for economic development assistance to be made under Ohio Revised Code Section 3735.67 to 3735.70 and finding that the executive session is necessary to protect the interests of the applicant. All yeas, motion carried.

Mayor Letner called Council back into Regular Session.

Motion by Crane, second by Swabb to adjourn. All yeas, motion carried.



Kimberly Duncan, Clerk



Charles Letner, Mayor