



CITY COUNCIL MEETING
Tuesday, April 20, 2021, 7:30 PM
VIRTUAL MEETING
www.brookvilleohio.com

Notice is hereby given, pursuant to Ohio Revised Code Section 121.221, that this meeting is available by internet video conference in order to observe social distancing standards. The conference method will be Cisco Webex.

<https://brookvilleoh.webex.com/brookvilleoh/j.php?MTID=m7bea4597e32891b18e7e34271a601737>

Meeting number: 132 040 2289 Password: wdMFscPp873

Join by phone: 1-415-655-0001 US Toll Access code: 132 040 2289

Agenda

I. Opening of Regular Council Meeting

- a. Call to Order
- b. Roll Call
- c. Pledge of Allegiance - Military Order of the Purple Heart Honor Guard

II. Mayor Chuck Letner - Proclamation

- a. Designating the City of Brookville, Ohio a "Purple Heart City"

III. Adoption of Agenda

IV. Approval of Minutes

- a. Approval of April 6, 2021 Regular Meeting Minutes

V. Recognition of EMS & Police Responders

- a. Craig Danks

VI. Reports of Municipal Officers

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

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



VII. Old Business

VIII. New Business

- a. First reading of proposed Ordinance 2021-04 entitled "AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PART LOT 1743 OF THE CITY OF BROOKVILLE FROM ITS PRESENT CLASSIFICATION OF R-1B (PD) URBAN RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT TO THE NEW CLASSIFICATION OF (PR) PLANNED RESIDENTIAL DISTRICT."
- b. First reading of proposed Ordinance No. 2021-05 entitled "AN ORDINANCE AMENDING SECTION 1123.03(b)(2) and 1125.03(b)(2) OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO."
- c. First reading of proposed Ordinance No. 2021-06 entitled "AN ORDINANCE AMENDING SECTIONS 1157.01 AND 1157.10 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO TO REGULATE SOLAR ENERGY EQUIPMENT."
- d. First reading of Ordinance No. 2021-07 entitled "AN ORDINANCE AMENDING THE DEFINITION OF BUILDING LINE, SETBACK LINE AND YARD SECTION 1103.03 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO."

IX. Reports of Boards and Commissions

- a. JD Fowler - Park Board Liaison
- b. Curt Schreier - Planning Commission Liaison

X. Public Comments (5 minutes per speaker)

XI. Motion for Adjournment

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

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

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

Brookville City Council
Regular Meeting
April 6, 2021

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on April 6, 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 Zimmerlin, second by Fowler to approve the Regular Council Meeting Minutes of March 2, 2021. All yeas, motion carried.

Motion by Swabb, second by Fowler to approve the Regular Council Meeting Minutes of March 16, 2021. All yeas, motion carried.

Mayor Letner recognized Corey Robinson as the April Citizen of the Month for his community service to the City of Brookville and his leadership of Cubmaster of Pack 47. Mayor Letner congratulated Mr. Robinson and thanked him for everything he does for the community.

Mr. Robinson thanked Mayor Letner for the recognition and accepted the honor on behalf of all the people who have been a positive influence on him.

Manager Keaton reported in looking back at our first Council Meeting in April of 2020, that was our first WebEx Council Meeting due to the COVID-19 pandemic. Manager Keaton stated she is pleased that we have advanced to hybrid Council Meetings that consist of in-person and WebEx live meetings for the public.

Manager Keaton reported our Annual Community Park Cleanup was a huge success! We had approximately 125 to 150 volunteers to help with cleanup and the weather cooperated. Eight trailer loads of limbs were chipped and approximately 300 bags of trash and leaves were disposed of. Manager Keaton thanked all the volunteers for their assistance as this saves the City a lot of man hours in cleaning up the parks prior to our mowing season and gets the parks ready for people to enjoy our amenities.

Manager Keaton advised the 2020 Annual Report is complete. Section 5.03 (A)(4) of the City Charter requires the Manager to submit to Council an annual report of the activities of the City and the report needs to be made available to the public no later than March 31. The report is an overview of events and information that took place last year in our Finance, Fire, Police, Service, Zoning, and Economic Development Departments. A copy of the report is posted on our website.

Manager Keaton reported a Spring Newsletter will be included in our utility bills that will be mailed out soon. The newsletter contains information on Issue 1 and Issue 2 that is on the May 4 ballot.

Manager Keaton stated she is pleased to report the City purchased a 2006 International 7400 dump truck on GovDeals last week. The purchase price was \$19,912.50 and was previously owned by the Miami County Commissioners. The purchase of the truck included a snowplow and a rear salt spreader, and the vehicle is in good condition. Manager Keaton advised we will be removing our 1997 International 7400 dump truck from snowplow duties and we will use it to haul gravel for watermain breaks during the winter.

Manager Keaton reported we sold our 2009 Pontiac G6 vehicle that was used in the Police Department for \$4,350. We purchased that vehicle in March 2009 for \$13,988.50. The lighting package that was inside the vehicle sold separately for \$131.56.

Manager Keaton advised the Miami Valley Regional Planning Commission (MVRPC) has been the designated leader of the Long-Term Community Disaster Recovery Network that is helping entities impacted by the 2019 Memorial Day tornadoes. MVRPC located a program in Dallas, Texas called RETREET. RETREET provides disaster relief to communities by leading volunteers in restoring destroyed urban forests. RETREET visited the Miami Valley region and has agreed to organize volunteers, with our assistance, to plant trees in the areas that were affected by the Memorial Day tornadoes. RETREET will begin planting trees in early Fall in Brookville. If any individuals or groups wish to volunteer to plant trees, please call or email her as she is putting a list of volunteers together for Brookville. The Dayton Foundation recently donated \$50,000 to kickoff this event in the Miami Valley region. If anyone is interested in donating funds toward the Miami Valley TREEcovery campaign, they can do so on the Dayton Foundation website. Manager Keaton advised she will continue to provide Council and our citizens with updates on this project as they become available.

Manager Keaton advised we have not received any new updates on The American Rescue Plan Act. The funds for local governments can be used for four purposes: public health costs triggered by COVID-19; revenue losses caused by COVID-19; financial assistance to households, small businesses and non-profits, aid to impacted industries, and support for essential workers; and investments in infrastructure, including water, sewer, and broadband services. Manager Keaton stated she has registered for two webinars this month to learn more information on the Act and will keep Council posted.

Manager Keaton reported the Service Department repaired a sewer line on Albert Road, removed two trees in preparation for the CDBG walking path, turned water on at BBC and BSA, removed a log jam near the WWTP, sealed colored concrete at Gruenig Park and near the street clock on Market Street adjacent to the bikeway, and patched the concrete floor in one of the Theatre storage buildings. The Service Department will begin fertilizing our parks and fields over the next week.

Finance Director Brandt presented the March 31, 2021 Fund Balance for Council review and approval.

Motion by Zimmerlin, second by Swabb to accept the March 31, 2021 Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt requested Council approval to issue a check to the Treasurer of State in the amount of \$7,354.54. The State requested that we return these funds for tracking purposes. They will, in return, reimburse us the full State and local portion in one payment of \$14,709.08. This is for the FEMA Emergency Grant related to the tornado.

Motion by Swabb, second by Zimmerlin to authorize Finance Director Brandt to issue a check to the Treasurer of State for \$7,354.54 to return funds paid to the City for the FEMA Emergency Grant related to the tornado so that we can in return be reimbursed for the full state and local portion in one payment of \$14,709.08. All yeas, motion carried.

Finance Director Brandt reported the City of Vandalia prepared City income tax returns for 22 of our citizens on Friday, March 26 and five citizens on Saturday, March 27. This was down from previous years, but this may be due to the tax return due date being extended until May 17, 2021.

Fire Chief Fletcher presented the March Operations Report, which showed March was a busy month, especially with calls resulting from open burns. Ohio Department of Natural Resource regulations bans burning from 6:00 a.m. – 6:00 p.m. in the months of March, April, May, September and October. These months tend to be dry and have more daytime winds than others.

Mayor Letner commented a lot of trees were lost in 2019, and there is no wind break now.

Fire Chief Fletcher reported the recent test of our weather warning sirens showed one of the sirens is not operating correctly. It is in the process of being repaired. Fire Chief Fletcher thanked the

public for letting him know the siren was not operating as the Fire Department cannot be everywhere at once. This was a good example of “if you see something, say something.”

Police Chief Jerome advised reportable incidents, traffic stops and citations were up in the month of March. Police Chief Jerome stated traffic stops and citations were curbed during the heavy COVID months, and drivers apparently still think they can do whatever they want. Police Chief Jerome reported he expects tickets to skyrocket once the bill expires that extended the expiration dates of driver licenses and vehicle registrations.

Police Chief Jerome reported dispatch fees are up for the month of March, totaling \$7,757 just for the Police Department. We pay per call for dispatching services, and each of the 254 traffic stops in March count as a call. Each traffic stop costs \$14.42 in dispatching services. Police Chief Jerome stated reportable incidents are also up. The department made 18 arrests in 18 days. Nine of these arrests were warrants resulting from people not following their court responsibilities, four were drug related and 3 were domestic violence arrests. This is the time of year when calls go up and this year is no different.

Fire Chief Fletcher stated his dispatch fees were up as well due to increased calls. His dispatching costs were \$3,500. Fire Chief Fletcher commented if on a busy month our dispatch calls total \$10,000 in fees, this would total \$120,000 per year. We could not come close to even equipping our own dispatch center for under \$120,000 per year.

Member Fowler asked if the citations compensate for that?

Police Chief Jerome replied the Police Department receives very little return in fines.

Police Chief Jerome reported the Police Department is also in training season with range qualifying and other re-certifications.

Police Chief Jerome reported Officers have stopped several golf carts and advised them of the new ordinance. The Police Department has also published a flyer about the new golf cart ordinance to get the word out to our citizens. The flyer was published in the Spring Newsletter and is posted on the Police Department and City of Brookville Facebook page.

Law Director Stephan reported Planning Commission received a proposal for a development for a store-n-lock facility at 201 Sycamore Street. Planning Commission requested that Staff prepare proposed Ordinance No. 2021-03 to commence the re-zoning process to consider this proposal. Ordinance No. 2021-03 would change the zoning classification from OR (PD) Office Residential Planned Development Overlay District to I-1 (PD) Light Industrial Planned Development Overlay District. The I-1 zoning category is where we have allowed other storage facilities in Brookville and it is the zoning category that is consistent with the zoning on the rest of this side of Sycamore Street and this area.

Motion by Fowler, second by Swabb to read proposed Ordinance No. 2021-03. All yeas, motion carried.

Motion by Fowler, second by Swabb to accept the first reading of proposed Ordinance No. 2021-03 entitled “AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE PROPERTY LOCATED AT 201 SYCAMORE STREET IN THE CITY OF BROOKVILLE FROM ITS PRESENT CLASSIFICATION OF OR (PD) OFFICE RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT TO THE NEW CLASSIFICATION OF I-1 (PD) LIGHT INDUSTRIAL PLANNED DEVELOPMENT OVERLAY DISTRICT.” All yeas, motion carried.

Law Director Stephan noted there will be a Public Hearing for proposed Ordinance 2021-03 on May 4, 2021 at 8:00 p.m.

Mayor Letner thanked Corey Robinson for being his Citizen of the Month, stating he is an outstanding gentleman and is very deserving. Mayor Letner encouraged everyone to keep the nominations coming.

Mayor Letner commented the City pays for street lights whether they are lit or not. He encouraged everyone to report street light outages to the City office.

Member Fowler, Park Board Liaison, had no report.

Member Schreier, Planning Commission Liaison, reported the Planning Commission heard a presentation from DDC Management for 69 homes at the corner of Upper Lewisburg Salem and Albert Road. This was an information sharing session with Planning Commission, with several public comments.

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

Kimberly Duncan, Clerk

Charles Letner, Mayor



To: Mayor & Council
From: Sonja M. Keaton, City Manager
RE: Manager's Report
Date: 4/19/2021

Request Council authorization for two parades in May.

- BBC Opening Day Parade is scheduled for May 8 with lineup beginning at 9:00 a.m. on Carr Drive with the parade beginning at 10:00 a.m. The parade route will be Carr Drive to Cusick Avenue, left on Market Street, right on Wolf Creek Street, right on Arlington Road, right on E. Upper Lewisburg-Salem Road to Golden Gate Park.
- The Brookville High School Senior Parade is scheduled for May 26 with the parade beginning at 6:30 p.m. on Carr Drive. The parade route will be Carr Drive to Cusick Avenue, left on Market Street, left on Wolf Creek Street, right on Western Avenue, right on Westbrook Road to Westbrook Park.

During April, we sold the following surplus property on GovDeals netting the City \$4,754.

- Breathing Apparatus Compressor
- Maytag Commercial Washer
- Misc. Computers
- Misc. Office Furniture

The Service Department recently:

- Sprayed all parks for weed control
- Mulched city flower beds
- Installed pond fountains
- Installed seasonal water meters
- Began power washing the Castle Playground
- Leveled the rubberized mulch in the Castle Playground

Memo

To: Mayor and Council

From: Michelle Brandt, Finance Director

Date: April 20, 2021

Subject: Finance Report

- The City of Brookville was recently selected for testing of our Ohio Police and Fire pension withholdings. This testing has been completed by the Auditor of State and you should've received an email from them with the report showing that it was a clean audit.
- Council has a copy of the 2021 Water & Sewer Rate Survey conducted by the City of Oakwood.
 - Brookville ranks 56th out of 66 jurisdictions on water cost
 - Brookville ranks 15th out of 63 jurisdictions on sewer cost
 - Brookville ranks 30th out of 63 jurisdictions on combined water and sewer cost



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

Chief Douglas Jerome

djerome@brookvilleohio.com



Council Meeting Agenda **April 20, 2021**

Reportable Incidents

1/1/2020 – 4/16/2020 = 166

1/1/2021 – 4/16/2021 = 238

Citations

1/1/2020 – 4/16/2020 = 107

1/1/2021 – 4/16/2021 = 264

Traffic Stops

April 2020 – 34

April to Date 2021 – 92

Brookville Police Department

Incident Log by Date Reported

Date Reported	Day of Week	Total Reported
04/06/2021	Tuesday	2
04/07/2021	Wednesday	2
04/08/2021	Thursday	1
04/10/2021	Saturday	2
04/11/2021	Sunday	2
04/12/2021	Monday	3
04/13/2021	Tuesday	2
04/14/2021	Wednesday	1
04/15/2021	Thursday	1
Total Selected = 16		

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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April 06, 2021

2021-00226	100 PARKVIEW DR RM 130 BROOKVILLE PD	SIGNAL 18 - DRUG ABUSE	04/06/2021	04/06/2021	ARREST
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Offenses UCR Offense Description
 1 01 292511C3 - Drug abuse - marijuana

2021-00227	429 N. WOLF CREEK ST. UNIT 16 BROOKVILLE PD	SIGNAL 26DB - DEAD BODY	04/06/2021	04/06/2021	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 02 26DB - DEAD BODY

Total Incidents Reported for Date: 2

April 07, 2021

2021-00228	40 TRIGGS ROAD BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	04/07/2021	04/07/2021	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 2 02 26I - INFORMATION REPORT
 04 290313 - Assault

2021-00229	170 EB @ ARLINGTON ROAD BROOKVILLE PD	SIGNAL 55 - TRAFFIC STOP	04/07/2021	04/07/2021	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 2 N/A 450321 - FAILURE TO DISPLAY REGISTRATION
 N/A 451011 - DRIVING UNDER SUSPENSION

Total Incidents Reported for Date: 2

April 08, 2021

2021-00230	1 BLUE PRIDE BROOKVILLE PD	SIGNAL 11 - FRAUD	04/08/2021	04/08/2021	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 06 291349A - Taking identity of another

Total Incidents Reported for Date: 1

April 10, 2021

2021-00231	220 HAY AVENUE BROOKVILLE PD	SIGNAL 26I - FOUND PROPERTY	04/10/2021	04/10/2021	EXCEPTIONALLY CLEARED
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Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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April 10, 2021

Offenses UCR Offense Description

1 02 26I - INFORMATION REPORT

2021-00232	WOLF CREEK ST @ HARSHMAN ST BROOKVILLE PD	SIGNAL 15 - IMPROPER HANDLING A FIREARM IN A MOTOR VEHICLE	04/10/2021	04/10/2021	ARREST
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Offenses UCR Offense Description

2 01 292316B - Improper handling firearms in vehicle- trans. load

N/A 451303 - LIGHTED LIGHTS REQUIRED

Total Incidents Reported for Date: 2

April 11, 2021

2021-00233	6 BEECHWOOD AVE BROOKVILLE PD	SIGNAL 20 - DOMESTIC VIOLENCE	04/11/2021	04/11/2021	ARREST
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Offenses UCR Offense Description

1 02 291925A - Domestic violence - knowingly cause physical harm

2021-00234	S. WOLF CREEK ST @ KEENER RD BROOKVILLE PD	SIGNAL 22 - UNDERAGE CONSUMPTION	04/11/2021	04/11/2021	ARREST
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Offenses UCR Offense Description

2 02 430169E - NO UNDERAGE PERSON SHALL POSSESS OR CONSUME INTOX

N/A 451305 - NO TAIL LIGHTS; REAR PLATE LIGHT

Total Incidents Reported for Date: 2

April 12, 2021

2021-00235	ALBERT RD @ CARR DR BROOKVILLE PD	SIGNAL 55 - DRIVING UNDER SUSPENSION	04/12/2021	04/12/2021	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description

1 N/A 451011 - DRIVING UNDER SUSPENSION

2021-00236	301 SYCAMORE ST BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	04/12/2021	04/12/2021	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description

1 02 26I - INFORMATION REPORT

2021-00237	301 SYCAMORE ST BROOKVILLE PD	SIGNAL 11 - FRAUD	04/12/2021	04/12/2021	EXCEPTIONALLY CLEARED
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Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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April 12, 2021

Offenses UCR Offense Description
 1 06 291349A - Taking identity of another

Total Incidents Reported for Date: 3

April 13, 2021

2021-00238 348 LEISURE DR. APT. 3 SIGNAL 20 - DOMESTIC VIOLENCE 04/13/2021 04/13/2021
 BROOKVILLE PD ARREST

Offenses UCR Offense Description
 1 02 291925C - Domestic violence - knowingly force, threat of

2021-00239 184 DOYLE AVE SIGNAL 06A- GRAND THEFT 04/13/2021
 BROOKVILLE PD OPEN CASE

Offenses UCR Offense Description
 1 06 291302 - Theft

Total Incidents Reported for Date: 2

April 14, 2021

2021-00240 516 CALEB DRIVE SIGNAL 11 - FRAUD 04/14/2021 04/14/2021
 BROOKVILLE PD EXCEPTIONALLY CLEARED

Offenses UCR Offense Description
 1 06 291349A - Taking identity of another

Total Incidents Reported for Date: 1

April 15, 2021

2021-00241 212 DOYLE AVE SIGNAL 26I - WEAPONS 04/15/2021
 BROOKVILLE PD OPEN CASE

Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 1

Total Selected = 16

Brookville Police Department

Arrest Log by Date

Arrest Date	Total Arrests
April 06, 2021	1
April 11, 2021	2
April 13, 2021	1
Total Selected = 4	

Brookville Police Department

Incident Arrest Blotter

Arrest Date	Time	Suspect's Name	Address, Charges(s)	Incident ID
04/06/2021		LESAVIOUR K.J NORRI	100 PARKVIEW DR N RM 130, BROOKVILLE, OH 45309 292511C3: Drug abuse - marijuana	2021-00226
04/11/2021		MARTIN D. STRINGFEL	6 BEECHWOOD AVE, BROOKVILLE, OH 45309 291925A: Domestic violence - knowingly cause physical harm	2021-00233
		BRANDON R. HALL	3517 CLEARVIEW AVE, MORaine, OH 45439 430169E: NO UNDERAGE PERSON SHALL POSSESS OR CONSUME INTOX	2021-00234
04/13/2021		DAWN A. RICE	348 LEISURE DR. APT 3, BROOKVILLE, OH 45309 291925C: Domestic violence - knowingly force, threat of	2021-00238
Total Selected = 4				

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2021-04 Passed _____, 20____

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PART LOT 1743 OF THE CITY OF BROOKVILLE FROM ITS PRESENT CLASSIFICATION OF R-1B (PD) URBAN RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT TO THE NEW CLASSIFICATION OF (PR) PLANNED RESIDENTIAL DISTRICT.

WHEREAS, Part Lot 1743 (Montgomery County Auditor Parcel No. C05 0019 0020) in the City of Brookville, being approximately 18.631 acres, and further described in Exhibit A attached hereto, located at 10400 Upper Lewisburg-Salem Road in the City of Brookville is currently zoned R-1B (PD) Urban Residential Planned Development Overlay District; and

WHEREAS, after public hearing on this amendment to the zoning classification of the property as required by Section 4.11 of the Charter, and upon recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning classification of the property from its present classification of R-1B (PD) Urban Residential Planned Development District to its new classification of (PR) Planned Residential District.

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

SECTION I: The zoning classification of Lot 1743 (Montgomery County Auditor Parcel No.C05 00109 0020) of the City of Brookville, being approximately 18.631 acres, and further described in Exhibit "A" attached hereto and incorporated herein by reference, is hereby amended from its present zoning classification of R-1B (PD) Urban Residential Planned Development Overlay District to the new classification of (PR) Planned Residential District.

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

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

PASSED this _____ day of _____ 2021.

ATTEST:

Kimberly Duncan, Clerk

Charles Letner, Mayor

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2021-04 Passed , 20

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-04, passed by the Council of the City of Brookville, Ohio, on the day of 2021.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

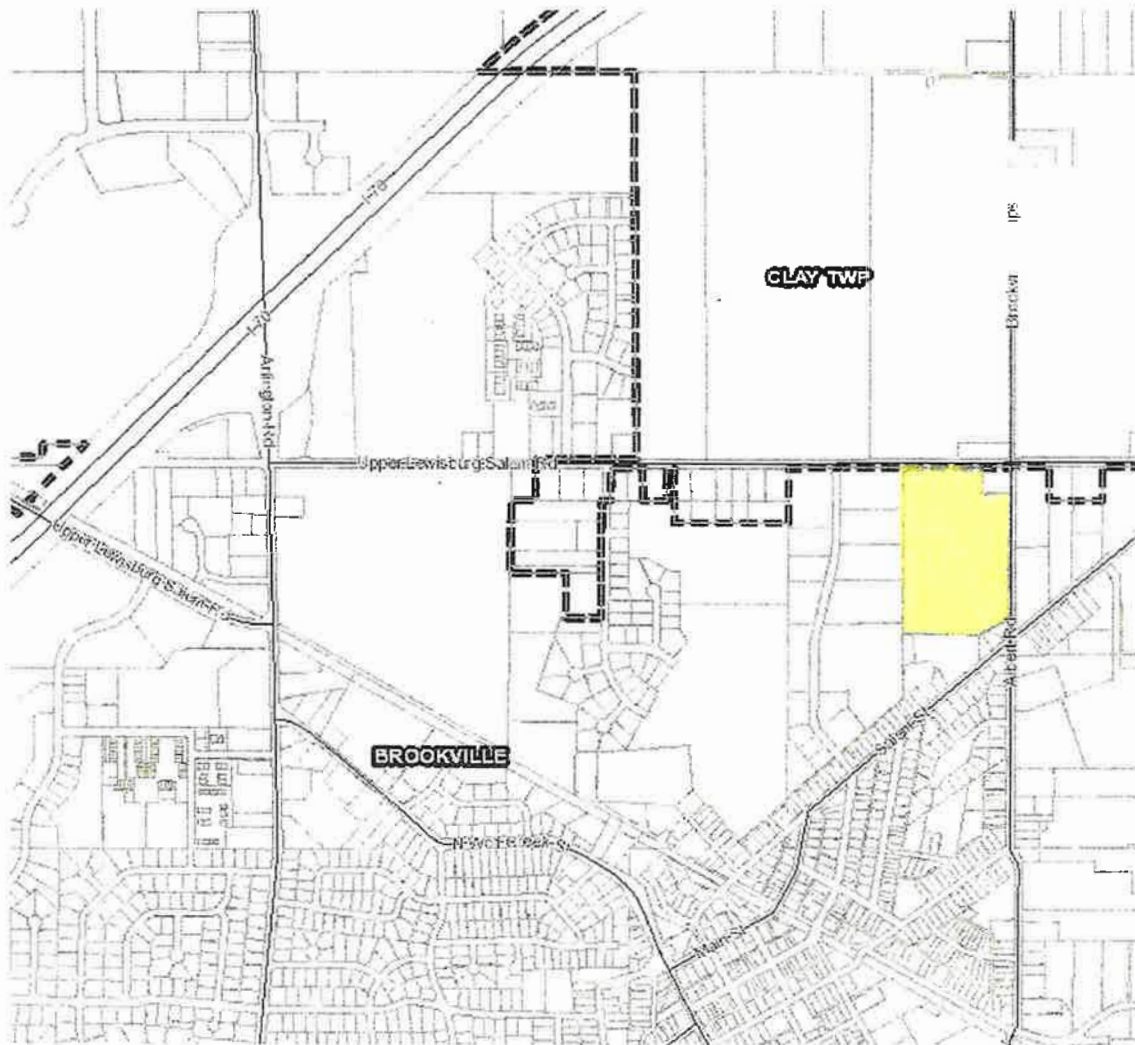
The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2021-04 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the day of 2021, to the day of 2021, both days inclusive.

Kimberly Duncan, Clerk

EXHIBIT "A"

Situate in the State of Ohio, County of Montgomery, and City of Brookville, and being Part Lot Number 1743 of the revised and consecutive numbers of lots of the City of Brookville, Ohio, and further described in the attached legal description.

Parcel No. C05 00109 0020



RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8034 FORM NO. 30043

Ordinance No. 2021-05 Passed, 20

AN ORDINANCE AMENDING SECTION 1123.03(b)(2) and 1125.03(b)(2) OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, Section 1123.03(b)(2) and 1125.03(b)(2) of the Code of Ordinances establish the required rear yard for the R-1B and R-1C zoning districts in the City of Brookville; and

WHEREAS, the Planning Commission and City Council desire to amend the zoning code to modify the required rear yard depth for the R-1B and R-1C zoning districts in the City of Brookville to permit larger single family residential structures to be built on these lots; and

WHEREAS, after public hearing on this amendment to the zoning code of the City of Brookville, Ohio as required by Section 4.11 of the Charter, and upon recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning code.

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

SECTION I: Section 1123.03(b)(2) is hereby amended to provide the following:

(b) Minimum rear yard depth 35 feet

SECTION II: Section 1125.03(b)(2) is hereby amended to provide the following:

(c) Minimum rear yard depth 30 feet

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

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

PASSED this day of 2021.

ATTEST:

Kimberly Duncan, Clerk

Charles Letner, Mayor

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2021-05 Passed , 20

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-05, passed by the Council of the City of Brookville, Ohio, on the day of 2021.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2021-05 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the day of 2021, to the day of 2021, both days inclusive.

Kimberly Duncan, Clerk

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2021-06 Passed, 20

AN ORDINANCE AMENDING SECTIONS 1157.01 AND 1157.10 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO TO REGULATE SOLAR ENERGY EQUIPMENT.

WHEREAS, Section 1157.10 of the Code of Ordinances regulates solar energy equipment in the City of Brookville; and

WHEREAS, the Planning Commission and City Council desire to amend the zoning code to amend regulations regarding solar energy equipment in the City of Brookville; and

WHEREAS, this Ordinance amends Section 1157.10 of the Code of Ordinances to modify regulations regarding solar energy equipment within the City of Brookville, and amends Section 1157.01 to include solar energy systems as a permitted accessory use subject to the provisions of Section 1157.10 as amended.

WHEREAS, after public hearing on this amendment to the zoning code of the City of Brookville, Ohio as required by Section 4.11 of the Charter, and upon recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning code.

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

SECTION I: Section 1157.10 is hereby amended and replaced to provide new and amended regulations regarding solar energy equipment in the City of Brookville. The amended Section 1157.10 is set forth in Exhibit "A" attached hereto and incorporated herein by reference and is hereby approved.

SECTION II: Section 1157.01 is amended to add solar energy systems as a permitted accessory use in Section 1157.01(l) and existing 1157.01(l) is renumbered to 1157.01(m) as follows:

1157.01(l) Solar Energy Systems subject to the required provisions of Section 1157.10.

1157.01(m) Any other use customarily incidental, related, or subordinate to a residential use.

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

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

PASSED this day of 2021.

ATTEST:

Kimberly Duncan, Clerk

Charles Letner, Mayor

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2021-06 Passed , 20

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-06, passed by the Council of the City of Brookville, Ohio, on the day of 2021.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2021-06 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the day of 2021, to the day of 2021, both days inclusive.

Kimberly Duncan, Clerk

EXHIBIT "A"

1157.10 Solar Energy Systems

(a) The use of Solar Energy Systems for collection of solar energy to provide electricity, heat, or otherwise provide energy to a residential, commercial, or industrial building is a permitted accessory use subject to the following standards.

(b) General Provisions:

(1) All solar energy systems shall comply with all applicable zoning, building, fire, plumbing and electrical codes of the City of Brookville.

(2) This section shall apply to solar energy systems on private property for use by the property owner and shall not be construed to permit a solar energy farm as a business. A "solar energy farm" is defined as an energy generation facility or area of land principally used to convert solar energy to electricity.

(3) Only commercially produced solar energy systems are permitted. The manufacturer specifications shall be submitted as part of the application for approval.

(b) Ground-Mounted Solar Energy Systems

(1) Ground-mounted solar energy systems shall only be permitted in the rear yard and shall be set back a minimum of 10 feet from all lot lines.

(2) In conservation and residential districts, no ground mounted solar energy system shall exceed six feet in height as measured from the average grade at the base of the system. In commercial and industrial districts, no ground mounted solar energy system shall exceed 25 feet in height, or the maximum height of the building, whichever is less; provided, however, that if the ground mounted solar energy system is located in a rear yard that is adjacent to a residential property or adjacent to a residential zoning district, the maximum height shall be six feet.

(3) Ground-mounted solar energy systems shall be screened from any adjacent lot lines of lots used for residential purposes by a fence, wall, landscaping or combination thereof.

(4) Ground-mounted solar energy systems shall not be positioned so as to reflect sunlight onto neighboring property, public streets or sidewalks, including on any neighboring structures.

(5) The total area of the ground-mounted solar energy system shall not exceed more than fifteen percent (15%) of the rear yard area in residential districts.

(c) Roof-Mounted Solar Energy Systems

(1) Roof-mounted solar panels that are integrated with the surface layer of the roof structure and which resemble common roofing materials may be permitted on any roof surface of a principal building or accessory building.

(2) Roof-mounted solar panels that are separated panels mounted flush with the roof structure may be permitted on any roof surface of a principal building or accessory building that does not face a street. Such panels shall be mounted flush to the roof and not extend vertically from the roof structure more than eight inches.

(3) Solar panels may be mounted on flat roofs provided there is a parapet wall or other architectural feature that screens the view of the panels. Such panels may be mounted at an angle provided they do not extend more than five feet above the roof surface.

(4) All wires and other associated appurtenances related to the solar energy systems shall be installed below the roofline and not visible from the street.

(5) Solar energy systems located on the roof shall provide, as part of their permit application, evidence of design review and structural certification signed by an engineer.

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8084 FORM NO. 30043

Ordinance No. 2021-07 Passed , 20

AN ORDINANCE AMENDING THE DEFINITION OF BUILDING LINE, SETBACK LINE AND YARD IN SECTION 1103.03 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, in Section 1103.03 of the Code of Ordinances, which contains definitions for certain terms in the City of Brookville Zoning Code, sets forth definitions for the terms "Building Line", "Setback Line", and "Yard"; and

WHEREAS, the Planning Commission and City Council desire to amend Section 1103.03 of the Code of Ordinances to modify the definition for the terms "Building Line", "Setback Line" and "Yard"; and

WHEREAS, after public hearing on this amendment to the zoning code of the City of Brookville, Ohio as required by Section 4.11 of the Charter, and upon recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning code.

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

SECTION I: The definition of the terms "Building Line", "Setback Line, and "Yard" in Section 1103.03 of Code of Ordinances of the City of Brookville is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

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

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

PASSED this day of 2021.

ATTEST:

Kimberly Duncan, Clerk Charles Letner, Mayor

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Kimberly Duncan, Clerk

EXHIBIT "A"

1103.03 BUILDING LINE: A line parallel to the street right-of-way line or, lot line at the foundation of the principal building and representing the distance which the foundation of the principal building is to be set back from the street right-of-way line, or lot line, except as specified in Chapter 1153.

1103.03 SETBACK LINE: The line that is the required minimum distance from the street right-of-way line, or any other lot line and the foundation of the principal building that establishes the area within which the foundation of the principal building must be erected or placed.

1103.03 YARD: A required open space unoccupied and unobstructed by the foundation of a principal building. Other structural elements of a principal building above the foundation at ground level may extend into a yard. Accessory buildings may be located in the yard as permitted in Chapter 1157.

YARD, FRONT:

(a) Front Yard: An open space extending the full width of the lot between the foundation of the principal building at the ground level and the front lot line.

(b) Front Yard (Least Depth): The shortest distance, measured horizontally, between the foundation of the principal building and the front lot line.

(c) Front Yard (Least Depth) The depth shall be measured from the right-of-way line of the existing street or proposed street on which the lot fronts.

YARD, REAR:

(a) Rear Yard: An open space extending the full width of the lot between the foundation of the principal building at the ground level and the rear lot line.

(b) Rear Yard (Least Depth) The average distance measured horizontally between the foundation of the principal building and the nearest rear lot line.

YARD, SIDE

(a) Side Yard: An open space extending from the front yard to the rear yard between the foundation of the principal building and the nearest side lot line.

(b) Side Yard (Least Width): The shortest distance, measured horizontally, between the foundation of the principal building and the nearest side lot line.

(c) Side Yard (Least Width, How Measured): Such width shall be measured from the nearest side lot line and the foundation of the principal building. On a corner lot when the side lot line is a side street lot line, the required side yard shall be the same as the required front yard of the lot adjacent thereto.