

Brookville City Council
Regular Meeting
July 20, 2021

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on July 20, 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, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher, Police Chief Jerome and Clerk Duncan were present.

Roll Call by Clerk Duncan.

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

Motion by Fowler, second by Zimmerlin to approve the Work Session Meeting Minutes of June 22, 2021. All yeas, motion carried.

Motion by Schreier, second by Fowler to approve the Regular Meeting Minutes of July 5, 2021. All yeas, motion carried.

Gale Colston, of 205 N. Wolf Creek, requested approval of the Pink Ribbon Girls Breast Cancer Walk on September 25, 2021, beginning at 9:00 a.m. The route is the same as in previous years, beginning and ending at Brookville High School.

Motion by Zimmerlin, second by Fowler approve the Pink Ribbon Girls Breast Cancer Walk on September 25, 2021 as presented. All yeas, motion carried.

Ann Stammen, of Brookville Baseball Club, requested approval of the Annual Brookville Picnic 5k Run/Walk on July 24, 2021 at 8:00 a.m. Brookville Grille has donated pancakes for a pancake breakfast for the participants. The route is the same as in previous years, beginning and ending at Golden Gate Park.

Motion by Schreier, second by Zimmerlin to approve the Brookville Picnic 5k Run/Walk on July 24, 2021 as presented. All yeas, motion carried.

Dustin Holcomb, of Brookville Soccer Association, requested approval of the BSA Opening Day Parade on August 21, 2021, beginning at 9:00 a.m. The parade will begin at the VFW on Carr Drive and end at Westbrook Soccer Complex at 536 West Westbrook Road. There will be a short Opening Day Ceremony following the parade. Mr. Holcomb reported a record number of 356 kids have signed up for soccer this season.

Motion by Wilder, second by Crane to approve the BSA Opening Day Parade on August 21, 2021, as presented. Crane yea, Fowler abstained, Zimmerlin abstained, Schreier yea, Wilder yea, Letner yea. Motion passed with four yeas and two abstentions.

Manager Keaton reported the Golden Gate Park Walking Path is complete and it turned out well. Signs that read "NO MOTORIZED VEHICLES ALLOWED ON PATH" were installed today.

Manager Keaton reported the Johnsville-Brookville Sanitary Sewer Extension project is also complete.

Manager Keaton advised we are currently advertising for the Walnut Street Waterline Replacement project. Bids will be opened on August 2, and she hopes to award that project at the August 3 Council Meeting. Manager Keaton advised letters which provide an overview of the upcoming project, were mailed out to the property owners.

Manager Keaton reported the Brookville Booster Club is planning a fundraiser which involves painting a logo on driveway aprons. This project is different than the one previously proposed by the Pee Wee Football parents.

Member Zimmerlin asked how this is different from the proposed Pee Wee project?

Manager Keaton advised the Pee Wee project was to paint a devil logo on sidewalks in front of residences and businesses. This project is on the driveway aprons of residents only, and residents must sign up for it.

Mayor Letner called for a motion to allow the Brookville Booster Club to hold the "Show Your Pride" Driveway Painting Fundraiser.

Discussion followed. The consensus is to allow the fundraiser this year and evaluate the program before approving it again next year.

Motion by Zimmerlin, second by Schreier to allow the Brookville Booster Club to hold the "Show Your Pride" Driveway Painting Fundraiser in 2021. All yeas, motion carried.

Manager Keaton reported the 26-year-old air conditioning unit in the City Building recently quit running and had to be replaced.

Manager Keaton encouraged everyone to attend the 70th Annual Community Picnic this Thursday, Friday, and Saturday. The picnic will end on Saturday evening with a fireworks display at 10:00 p.m. sponsored by Crocs.

Manager Keaton advised proposed Resolution No. 21-13 is directing the Montgomery County Board of Elections to place on the November 2, 2021, ballot the question of an additional property tax levy at the annual rate of 3.85 mills for a period of five-years to be placed on the tax list for tax year 2021, collectable in calendar year 2022 for the general construction, reconstruction, resurfacing and repair of streets, roads, and bridges in the City of Brookville. This Resolution includes Exhibit A, which is the Certificate of Estimated Property Tax Revenue for this levy. Page 2 of the Exhibit displays the dollars generated at a 100% collection rate and the last column displays the dollars generated at a 95% collection rate. The Auditor uses the 95% collection rate as an average. The City of Brookville's collection rate is just over 98%. Manager Keaton requested Council accept the first reading and dispense with the second and third reading and adopt proposed Resolution No. 21-13 that is on the Agenda this evening. This Resolution shall take effect immediately upon passage as provided in Section 4.07(A)(3) of the Charter of the City of Brookville. A certified copy of the adopted Resolution must be submitted to the Montgomery County Board of Elections by August 4 to place the levy on the November 2 ballot. Council also has a spreadsheet that displays what the levy will cost homeowners on an annual basis.

Motion by Fowler, second by Wilder to read proposed Resolution No. 21-13. All yeas, motion carried.

Motion by Schreier, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-13 entitled "A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF BROOKVILLE AT THE ELECTION OF NOVEMBER 2, 2021 THE QUESTION OF AN ADDITIONAL PROPERTY TAX LEVY AT THE ANNUAL RATE OF THREE AND EIGHTY-FIVE HUNDREDTHS (3.85) MILLS FOR A PERIOD OF FIVE YEARS TO BE PLACED ON THE TAX LIST AND DUPLICATE FOR TAX YEAR 2021 TO BE COLLECTED IN CALENDAR YEAR 2022, FOR THE GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, AND REPAIR OF STREETS, ROADS AND BRIDGES IN THE CITY OF BROOKVILLE, PURSUANT TO OHIO REVISED CODE SECION 5705.19(G), AND DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY TO PLACE THE ISSUE ON THE BALLOT. All yeas, motion carried.

Manager Keaton advised proposed Resolution No. 21-14 through Resolution No. 21-21 are pay Resolutions that reflect the same percentage increase that was recently approved for the Police Union. These proposed Resolutions go into effect with the pay period that includes July 1, 2021.

Motion by Fowler, second by Wilder to read proposed Resolution No. 21-14. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-14 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR FULL-TIME HOURLY CITY EMPLOYEES, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Fowler, second by Wilder to read proposed Resolution No. 21-15. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-15 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR SEASONAL AND/OR TEMPORARY, PERMANENT PART-TIME HOURLY CITY EMPLOYEES, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to read proposed Resolution No. 21-16. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-16 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CITY MANAGER, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Wilder, second by Fowler to read proposed Resolution No. 21-17. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-17 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FINANCE, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 21-18. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-18 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FIRE, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 21-19. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-19 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF POLICE, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 21-20. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-20 entitled "A RESOLUTION

ESTABLISHING THE COMPENSATION OF THE CLERK OF COUNCIL, AND DECLARING IT AN EMERGENCY.” All yeas, motion carried.

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

Motion by Zimmerlin, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-21 entitled “A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF LAW, AND DECLARING IT AN EMERGENCY.” All yeas, motion carried.

Manager Keaton advised proposed Resolution No. 21-22 and proposed Resolution No. 21-23 are on the Agenda this evening for a first reading. These Resolutions allow the City to prepare and submit applications to the Ohio Public Works Commission. Manager Keaton reported the Hay Avenue Project, Phase II will begin where Phase I leaves off just beyond Mulberry Street and will continue to the bikeway. The second application is to replace the 4” waterline on Jefferson Street with an 8” waterline, from Hay Avenue to Market Street. Manager Keaton advised she will provide Council with an update on how these projects will be submitted to OPWC at the next Council Meeting.

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 21-22. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept the first reading of Resolution No. 21-22. All yeas, motion carried.

Motion by Schreier, second by Fowler to read proposed Resolution No. 21-23. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to accept the first reading of Resolution No. 21-23. All yeas, motion carried.

Finance Director Brandt reported the 2022 Montgomery County Budget Commission Meeting will be held on August 25, 2021. Public entities need to complete and submit a form annually to the Auditor’s Office that indicates if they want to waive or request a hearing before the Montgomery County Budget Commission for the 2021/2022 Tax Information/Budget and/or Inside Millage. Finance Director Brandt requested Council waive the hearing before the Montgomery County Budget Commission for the 2021/2022 Tax Information/Budget and/or Inside Millage.

Motion by Fowler, second by Schreier to waive the hearing before the Montgomery County Budget Commission for the 2021/2022 Tax Information /Budget and/or Inside Millage. All yeas, motion carried.

Finance Director Brandt requested Council accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 21-24, which amends the 2021 Appropriations and Estimated Resources. This Resolution shall take effect immediately after passage of this Resolution as provided in 4.07(A)(1) of the Charter of the City.

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

Motion by Zimmerlin, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-24 entitled “A RESOLUTION AMENDING THE 2021 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE, AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW.” All yeas, motion carried.

Finance Director Brandt reported proposed Ordinance No. 2021-10 increases the stormwater rates as discussed in the Council work session from \$2.25 a month to \$4.50 a month.

Motion by Fowler, second by Wilder to read proposed Ordinance No. 2021-10. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the first reading of proposed Ordinance No. 2021-10. All yeas, motion carried.

Finance Director Brandt reported proposed Ordinance No. 2021-11 increases the water rates 1.5% to help with future water projects.

Motion by Zimmerlin, second by Schreier to read proposed Ordinance No. 2021-11. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept the first reading of proposed Ordinance No. 2021-11. All yeas, motion carried.

Finance Director Brandt reported she posted the position for a part-time Administrative Position on our website, Facebook and LinkedIn. Applications for this position are due by July 30, 2021.

Fire Chief Fletcher reported the former ambulance that was assigned as the CERT vehicle is no longer being used and it does not make sense for the Fire Department to maintain it. Fire Chief Fletcher asked if Council would be interested in donating this vehicle to another entity with a CERT program. Fire Chief Fletcher stated the vehicle could also be sold on GovDeals with an estimated return of \$2,000-\$3,000.

Member Schreier asked if this would be an asset write-off if the vehicle was donated?

Law Director Stephan replied there is no asset write-off for government entities.

Member Zimmerlin stated if another entity could benefit from the vehicle, we should donate it.

Mayor Letner commented we need an I&I vehicle to inspect our sewers. This vehicle would be ideal for this use, as we could outfit it with a sewer camera. Mayor Letner stated we could put some feelers out to see if anyone has a use for the vehicle, but we should also consider keeping it to use as an I&I vehicle.

Fire Chief Fletcher reported the Fire Department recently responded to a fire call where a vehicle had struck a building. Unfortunately, the driver did not survive the collision, but from an emergency services operation, things went very well. Fire Chief Fletcher reported the closest hydrant was over a mile away and thanked the departments who provided mutual aid and assisted them in containing the fire to a quarter of the structure.

Police Chief Jerome reported there is a Federal Grant program available to help with the purchase of body cams. The grant is a one-to-one match, with an application window open through August 31. This grant will be competitive so the sooner we can apply, the better chance we will have of getting funded. We already have the media storage infrastructure in place. Police Chief Jerome reported he is waiting on an updated quote from Getack, but last year's quote was in the ballpark of \$33,000, with \$19,500 of that for a five-year storage plan. Police Chief Jerome stated he would rather pay for one year of media storage at a time, with a cost of approximately \$4,000 per year. Police Chief Jerome advised the bodycams are already in the budget this year, but this grant would allow us to spend much less than anticipated.

Member Fowler stated we should apply for the grant as bodycams are necessary from a liability standpoint.

Discussion followed. The consensus is to authorize Police Chief Jerome to apply for the grant not to exceed \$15,000.

Motion by Fowler, second by Zimmerlin to authorize Police Chief Jerome to apply for a Federal Grant for the purchase of bodycams, not to exceed \$15,000. All yeas, motion carried.

Law Director Stephan reported tonight is the second reading of proposed Ordinance No. 2021-04, which amends the zoning classification of Part Lot 1743 from its current classification of R-1B Planned Development Overlay District to the new classification of Planned Residential District. Planning Commission unanimously approved a final recommendation to City Council to approve this rezoning ordinance at its last meeting. Law Director Stephan stated this is before Council tonight for a second reading and the third and final reading will be at the next City Council Meeting. At that time Council will also be acting on the Preliminary Development Plan.

Motion by Zimmerlin, second by Fowler to read proposed Ordinance No. 2021-04. All yeas, motion carried.

Motion Fowler, second by Zimmerlin to approve the second reading of proposed Ordinance No. 2021-04. All yeas, motion carried.

Mayor Letner encouraged everyone to attend the 70th Annual Brookville Community Picnic.

Mayor Letner commented the dedication of the new Gaga Ball Pit at Golden Gate Park went well. It is a nice addition to the park.

Member Fowler reported there have been several vandalism incidents in our parks recently. The Chamber of Commerce donated the money to repair a damaged crawl tunnel at the Castle Playground. Member Fowler encouraged everyone to attend the upcoming Community Picnic.

Member Schreier reported Planning Commission approved the Preliminary Plan for DDC Development and Special Use Permit for El Diablo grill to operate a mobile food truck in the municipal lot next to the bikeway and in private business lots with permission of the business owner.

Member Zimmerlin inquired where the designated areas are for food trucks within the city?

Law Director Stephan replied there are two designated areas. One is Brookside Plaza, and the other is the municipal parking lot at 700 Arlington Road. The Zoning Officer can administratively approve these designated areas. Planning Commission approved this Special Use permit with the additional locations of business parking lots, with written approval from the business owner.

Member Zimmerlin inquired if we had conversations regarding limiting the number of food trucks in order to support our local businesses?

Law Director Stephan replied there is not a specific limitation on the number of food trucks in the code. This same concern was expressed and discussed by both Planning Commission and City Council when the code was adopted to allow mobile food vendors. Law Director Stephan stated this code is certainly something that could be revisited.

Matt Yablonsky, of 14 Columbia Street, commented people are still driving the wrong way on the section of Columbia Street that is a one-way street. Mr. Yablonsky asked if the street could be painted as one-way only.

Mayor Letner replied he appreciates Mr. Yablonsky's concerns, and the city can re-evaluate this issue. Mayor Letner commented he does not think people will look at anything painted on the street, but the city may be able to enlarge the lettering on the one-way street sign.

Mayor Letner requested an Executive Session per ORC. 121.22(G)(2) to consider the appointment of a public official.

Motion by Zimmerlin, second by Wilder to go into Executive Session. All yeas, motion carried.

Mayor Letner called Council back into Regular Session.

Motion by Fowler, second by Zimmerlin to appoint Jeffrey Requarth to fill the unexpired term of Matthew Swabb through December 31, 2021. All yeas, motion carried.

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



Kimberly Duncan, Clerk

Charles Letner, Mayor

