

Brookville Planning Commission  
Regular Meeting  
April 20, 2017

The Regular Meeting of the Brookville Planning Commission was called to order by Chairperson Henderson at 7:30 p.m. on April 20, 2017 in the City Council Chambers. The Pledge of Allegiance was recited. Members Boose, Claggett, and Schreier; Law Director Stephan, Manager Burkholder and Zoning Officer Snedeker were present. Mayor Seagraves, Members Bailey and Cantrell and Clerk Wheeler were absent.

Chairperson Henderson reminded the Meeting is being recorded.

Motion by Claggett, second by Schreier to approve the Agenda as presented. All yeas, motion carried.

Motion by Claggett, second by Boose to approve the February 16, 2017 Regular Meeting Minutes and the March 7, 2017 Special Meeting Minutes as presented. All yeas, motion carried.

Zoning Officer Snedeker stated the last time he brought something to Planning Commission to be approved was 2005. He informed Frank Harlow, who bought out Don Myers subdivision, Hunters run would like to apply for Phase 2. Zoning Officer Snedeker stated Mr. Harlow is kind of in a hurry and would like to start pushing dirt in August. He has a very preliminary layout of the development. He stated Mr. Harlow is hoping to be at a Planning Commission Meeting in the near future, wanted to get the topic on Member's radars now.

Zoning Officer Snedeker stated Members have probably heard rumors about the Hill Street property and a possible development there. He stated there is something in the works for the property. He informed there are two gentlemen who are looking at putting patio homes there. They would be 1,400 square foot homes.

Zoning Officer Snedeker reported on a down side he has had the misfortune of tagging five homes to have to shut down the properties with the help of the Brookville Police Department. He informed they have come into some pretty nasty homes. He stated the good news is, that three of the homes have already been cleaned up. He stated he is working closely with Law Director Stephan to see what needs to be done. He stated a lot of times we do not see what's behind a door until something comes up and we have to go inside for some reason.

Zoning Officer Snedeker reported grass is growing and he has already sent out several violations. He stated if anyone sees anything that needs addressed to please give him a call. He informed Members were provided with his monthly report of violations and since that report was done, he has probably had 12 additional violations to send out.

Member Claggett asked if one of the houses shut down was on Poplar Street?

Zoning Officer Snedeker that house was one of them and has been cleaned up.

Member Schreier asked if a house on Foothill was sent a grass violation? He stated he couldn't remember the house number.

Zoning Officer Snedeker stated yes, there was a house on Foothill sent a violation and he was actually out there at the property today.

~~Member Claggett asked if something is being about the house on the corner of Vine Street that caught on fire?~~

Zoning Officer Snedeker stated the fire place has been completely redone from the basement all the way up, which cost close to \$30,000. He informed the concrete and stone work has been done in the basement and the windows should be going in soon.

Member Claggett stated he drove by the home on Poplar and saw guys out there wearing hazmat suits.

Zoning Officer Snedeker stated he has a picture of himself going into the home wearing a hazmat suit. He stated it was very serious.

Member Schreier asked if the Harlow Development will come in off of both streets?

Zoning Officer Snedeker informed Don Myers came in in 2005 and had all three phases approved by Planning Commission. But since then, to pay off debts, Mr. Myers sold 14 acres to Mark Hayworth. So now, it has to come back to Planning Commission to be re-approved.

Member Schreier stated it is good to hear about development.

Zoning Officer Snedeker stated he loves development.

Manager Burkholder provided Members of Planning Commission with a document entitled, Going Places Implementation Tools and Progress Update. He informed he serves on the Technical Advisory Committee for the Miami Valley Regional Planning Commission (MVRPC). He stated this presentation was recently given by Martin Kim of the MVRPC. The presentation is an overview on how MVRPC can assist communities who are members of the MVRPC, and we are a member, with planning processes and support.

Manager Burkholder informed Members have been given a Draft Strategic Land Use Plan for their consideration, review and comments. He stated Member can review over the plan and then can be discussed at the next Meeting. Part of reviewing the draft Strategic Land Use Plan will be looking at the frame work and different work elements. He stated this draft plan is the result of Mayor Seagraves and himself meeting with Martin Kim, the Director of MVRPC to review the planning process. As he mentioned at a prior Planning Commission Meeting, rather than the traditional Land Use Plan, the new plan outlined in the draft provided to Members is the City of Brookville Strategic Land Use Plan. He informed what they are trying to do is make these type of plans more of an active plan that gives a strategy to implement things right of way and to help identify the various land uses you might want and ways to develop them from an economic development

standpoint. Manager Burkholder described this as a real revolution in the planning process. He informed he and Zoning Officer Snedeker met today with the Economic Development Director from Montgomery County and it seems the big thing for businesses now is speed, risk and cost. From an economic and land use perspective, people coming in looking to develop in the City of Brookville want to do it quickly, make sure the risk is minimized and of course the cost. He stated someone can have the best site but if the infrastructure isn't there, it may take too long to get the infrastructure there, then you may fall out of the funnel for consideration and the interested party will move on to the next available site. Manager Burkholder stated he thinks this is an exciting time for Brookville and he is looking forward to doing the Strategic Plan because it will be very helpful to the City. He informed the last plan was updated and adopted in 2004. In the presentation MVRPC gave today, they used the City of Brookville as an example of one of the cities using their processes and resources. He stated MVRPC offers a lot of good tools and have an excellent staff who is very accommodating and supportive.

Manager Burkholder reported through the MVRPC the City of Brookville was awarded \$323,000 in grant money to assist with the installation of lighting on the new Arlington Road Bridge, which will begin next spring.

Manager Burkholder informed the City has also received \$165,000 in grant money from the Ohio Safety Grant. He informed the money from the Safety Grant will be to purchase a generator for the new firehouse and some additional equipment for the training room which will be set up as an Emergency Operations Center in the event of an emergency not only for Brookville but for the general region as well. He stated we must give thanks to Perry and Clay Townships for being our collaborative partners, which allowed us to receive the amount of \$165,000. We are fortunate that Brookville was the only entity in Montgomery County that received the grant. He informed it was a very good grant application put together by Poggemeyer Design Group, our consulting engineering firm. He stated our Finance Director also assisted Poggemeyer in putting the application together.

Manager Burkholder reported the new Firehouse Project is underway. The Construction trailer moved in today. He informed City council approved by motion at their last Meeting the Guaranteed Maximum Price (GMP) for the firehouse. He informed this was the trigger to continue to move forward. He stated the Market Street Extension Project is moving forward as well.

Manager Burkholder informed there are a lot of planning documents currently being worked on and once finished they will be forwarded electronically. He stated Fire Chief Fletcher presented the Fire Department's five-year capital improvement plan recently to Council. He informed the Police Department's will be forthcoming. The Wastewater Treatment Plant's capital improvement plan is being finalized. The Water Model Study is in a draft study, it has been forwarded to Council for their review and comments. He indicated there are lots of other projects going on. He stated he is very happy to see Planning Commission moving forward with the Land Use Plan and it will obviously take some time, but at least we will have a document to work with to determine our goals and the scope and work elements we would like to see in our future plan.

Member Schreier asked Manager Burkholder with the various plans he is receiving from the Fire and Police Departments, will that be rolled up into a master capital improvements plan for the City

and if it will tie into budgetary requirements and be prioritized based on all of the areas that are requesting certain things per year?

Manager Burkholder stated he wanted to clarify something because a lot of people talk about the City having a master plan. He informed in a past newsletter he talked about one of his goals for the City was to do a series of capital improvement plans. Rather than one master plan we are going Department by Department. Police, fire, Service and Administration. For instance, the IT upgrades are actually being charged to each respective Department. It is part of the overall capital improvement plan. He informed once you have the plans, you want to roll those into the budgeting process because that will determine how much can be spent and what the cash flow is and will help to prioritize. He stated you may not be able to afford something one year and have to push it back to the next. He informed when he served on the Regional Water and Sewer Board for the Southwest Water and Sewer District, they would stretch their plans over 10 years and did cash flow projections.

Manager Burkholder informed one thing that came up when preparing the financial statement of the City the Broker was that the City should begin with their accounting software, which we just switched over to the newest version, and then do some cash projections. He stated another part of capital improvement planning includes identifying funding sources. He stated the Firehouse and Market Street Extension was prime example, it took a while to get the detailed planning together over the last 18-20 months. But the real thing that got those projects moving forward was the identification by Council of the funding sources necessary to make those projects a reality. He stated merely putting items on a list is great but at the end of the day finding a funding source is key.

Member Schreier asked what is the roll of Planning Commission Members in the process of capital improvement planning moving forward?

Manager Burkholder stated he is unsure what the Charter states specifically as far as what the scope of responsibilities and duties are of Members. His opinion is if members have any questions, thoughts, questions or recommendations to feel free to bring them to him. Right now, the strategic land use plan is a main project for them. He also thinks redoing the zoning resolutions to ensure they are up-to-date and there aren't any inconsistencies, similar to what they recently did with the Sign Code and from a planning standpoint that is very important.

Manager Burkholder stated when individuals want to talk about the financial needs of the City and the requests for needed planning by the City, the Staff is very supportive of these plans but these plans do cost money. He stated it is money well spent but the planning process does have to be programmed into the budget. Most people know this but he does like to remind people of it.

Member Henderson stated the Strategic Land Use Plan indicated a timeline of 12 months. He asked Manager Burkholder what his vision is for the timeline of completing this plan?

Manager Burkholder informed part of the sequence would be that there is a grant process. He knows the City of Clayton has received grant money. He informed we will need to finalize this document, identify the work elements and work with MVRPC who will assist us in writing the

request for proposals and also apply for the grant. Once proposals are in, we could award the grant money to the consultant. He does not see it happening in twelve months would like to see it happen in maybe eighteen months.

Member Henderson stated the amount of the grant would obviously play a part in how extensive the report could be.

Manager Burkholder stated he thought he had seen a \$50,000 grant awarded and there is also a match that would come from the City. He would like to review it further.

Member Henderson stated he likes it because it focuses on districts and we can move our way throughout the entire City and see where we would want to focus our attention.

Manager Burkholder informed if there is anything Members would like to see changed on the plan they would have until the next Meeting with MVRPC. He spoke with Martin Kim today and informed him the plan was coming to Planning Commission tonight and then we would get back with him.

Member Henderson stated the Market Street Extension is a prime example and will be the gateway to downtown. He stated he thinks it's important for everyone to think about what we really want to see out there.

Manager Burkholder stated at the end of the day, the administration is asking what does the community want to see and what do they envision for the next five years.

When it came to the Arlington Road Bridge there was not a lot of time for much discussion because we had to start back in 2015 to not only identify but communicate with the Ohio Department of Transportation (ODOT) on what we wanted to see so that they could incorporate it into their planning. He informed the project is now going from Stage Two to Stage Three and construction will begin in the spring of 2018.

Law Director Stephan informed City Council held a joint Public Hearing with Planning Commission on April 4, 2017 for Medical Marijuana. He informed there was no one that provided testimony and no other public comments received. He stated at this point, Planning Commission needs to make a final recommendation and then that final recommendation would go back to City Council for a second and third reading and would then become effective 30 days after passed by City Council. He informed as of right now the proposal is to ban cultivators, processors and retail dispensaries within the City of Brookville.

Member Boose asked what kind of feel did Law Director Stephan receive from Members of Council on the topic?

Law Director Stephan stated there was very little discussion from Council and in general he feels they support the concept of a ban. He stated no one has expressed an open opposition but again, there was not a lot of discussion.

Member Schreier stated he was surprised there were no comments made from the public at the Hearing.

Law Director Stephan stated he was very surprised also, especially because last summer we had a citizen's group that tried to put an issue on the ballot related to the use of marijuana.

~~Member Henderson stated he sees no reason to change their recommendation.~~

Law Director Stephan advised Planning Commission needs to make a motion on their final recommendation to City Council on Medical Marijuana.

Motion by Schreier, second by Claggett to make a final recommendation to City Council to prohibit Medical Marijuana cultivators, processors and retail dispensaries in the City of Brookville by the adoption of Ordinance No. 2017-05. All yeas, motion carried.

Law Director Stephan stated the proposed Sign Code had been tabled the last couple of Meetings for all Members to review and discuss. He would like to move forward with taking this to Council if all of the Planning Commission Members are ready to move forward with a final recommendation. He stated if there are any revisions Council would like to make, they could make an amendment.

Member Claggett asked if Member Cantrell would have an opportunity to suggest a change during the next Council Meeting if she wanted?

Law Director Stephan advised yes with a two thirds vote of Council. It is possible for Council to still make changes. He reminded once this is passed, it can always be re-visited. He informed he sees this being re-visited again in the future to potentially address any issues that may come up.

Member Henderson stated it is important to get this adopted. He informed he has no issues with proposed Sign Code.

Member Boose agreed.

Motion by Claggett, second by Boose to recommend the proposed Sign Code, Ordinance No. 2016-15, be adopted by City Council. All yeas, motion carried.

Law Director Stephan informed the McGregor Subdivision, Section Two Plat that Planning Commission recently approved was recorded in Montgomery County today and is officially of record with the regional detention area and the new lots along Market Street.

Law Director Stephan informed he received a signed application from Giant Dayton for application for tax exemption for their project along Arlington Road, which is the re-development of the old BP Service Station. He informed now that we have the application back we will be moving forward with the notice process that we need to do and hopefully taking action at City Council in May to approve a CRA exemption and to approve an Agreement with Giant Dayton on that project. He informed the application provides that they are looking at building a service station with a

convenience store in the service station and a fast food restaurant. It would all be in one building but essentially two operations. He stated we are making progress.

Member Henderson stated that is good news.

Law Director Stephan stated it seems they are committed to moving forward.

Member Boose asked Law Director Stephan since a lot of the regulations are still very fluid with the Medical Marijuana, has he heard anything about if so many towns prohibit it, will the state come back and say we need to re-visit the decision because it has to be allowed somewhere?

Law Director Stephan advised it could be possible, but it is very likely that the larger cities in Ohio are going to allow it and once those larger cities and maybe some of those city's larger suburbs allow it, there will be plenty of locations for the 60 dispensaries that are allowed. He informed it was 40 dispensaries, but the most recent regulations upped the number to 60. He informed they are required to be in different geographical areas of the state. He thinks the whole key to that is if the large cities do not bar them than there will be plenty of locations to spread out 60 dispensaries. He stated if the major cities bar the Medical Marijuana and cities like us bar them, then the State has a problem.

Member Claggett asked if Medical Marijuana is still illegal at the Federal Level?

Law Director Stephan stated that is still a major concern is that it is a controlled substance under the Federal Law. He informed that is one of the reasons why the physicians that will be participating in this will not be doing a prescription because that is not permitted under Federal Law, but will be doing what is called a recommendation instead. The recommendation has to be for certain conditions and they have a whole list of certain conditions and the patient has to fit within those conditions, there has to be a treatment plan and the patient must follow up including face to face meetings with the doctor. He stated he thinks the State of Ohio is trying to make a real effort to regulate this. There are very extensive regulations for the dispensaries, the processors and the cultivators and even for the patients. He stated whether or not those regulations work, we will have to see, but they are making a very serious attempt to control this process.

There was no Old Business.

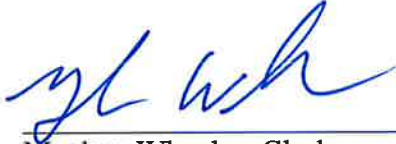
In New Business,

Law Director Stephan stated the Community Reinvestment Area has a Housing Council that is required by the Ohio Revised Code and part of the membership needs to be one Member from Planning Commission. In the past, Member Boose had been appointed to the Council. He informed the Council rarely meets but it is to review housing within a particular reinvestment area to hear appeals if there is an issue related to some particular tax exemption if granted in that particular area. He informed we need to have a Planning Commission Member appointed to both Community Reinvestment Area #1, which has existed for several years and Member Boose was appointed to but his term has expired and also a person for Community Reinvestment Area #2. He informed the same Member can serve for both areas.

Member Boose stated he is fine to be the nominee and continue to serve on the Housing Council.

Motion by Henderson, second by Claggett to appoint Member Boose to the Housing Council for Community Reinvestment Areas #1 and #2. All yeas, motion carried.

~~Motion by Henderson, second by Boose to adjourn. All yeas, motion carried.~~



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Meghan Wheeler, Clerk



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Ryan Henderson, Chairperson