



CITY COUNCIL
Tuesday, December 21, 2021, 7:30 PM
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<https://brookvilleoh.webex.com/brookvilleoh/j.php?MTID=m35fad1e4c41a9c2cd48d75288932c58f>

Meeting number: 2632 108 8237 Password: dNeJ73MWNb7

Join by phone: +1-415-655-0001 Access code: 263 210 88237

Agenda

I. Opening of Regular Council Meeting

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call

II. Adoption of Agenda

III. Approval of Minutes

- a. Approval of December 7, 2021 Budget Work Session Minutes
- b. Approval of December 7, 2021 Regular Meeting Minutes

IV. Reports of Municipal Officers

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

V. Old Business

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



- a. Second reading of proposed Resolution No. 21-33 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FINAL AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ON THE SAFE ROUTES TO SCHOOL INFRASTRUCTURE PROJECT."

VI. New Business

- a. First reading of proposed Resolution No. 21-35 entitled "A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2022 FOR TAX YEAR 2021."
- b. First reading of proposed Resolution No. 21-36 entitled "A RESOLUTION TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF BROOKVILLE, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022."
- c. First reading of proposed Resolution No. 21-37 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 APROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW."

VII. Reports of Boards and Commissions

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

VIII. Public Comments (5 minutes per speaker)

IX. 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
Budget Work Session
December 7, 2021

The Budget Work Session of the Brookville City Council was called to order by Mayor Letner at 6:00 p.m. on December 7, 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, Requarth, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher and Police Chief Jerome were present. Clerk Duncan was absent.

Roll Call by Acting Clerk Brandt.

Mayor Letner advised Member Zimmerlin will be a few minutes late.

Motion by Fowler, second by Wilder to adopt the Agenda as presented. All yeas, motion carried.

Member Zimmerlin arrived.

Manager Keaton congratulated and thanked department heads, supervisors, employees and City Council for leading Brookville through another difficult and unpredictable year. While some things have returned to normal in 2021, we are still in some uncertain and trying times. Putting together the 2022 budget was challenging, especially for Finance Director Brandt, due to being short staffed in the front office, but she has done a commendable job. You will find during the Finance presentation that the estimated income tax revenue for 2022 increased \$250,000 from 2021's budgeted income tax. We are projecting just over three million dollars for 2022. This projected increase is credited to DMAX and Pak-Rite expanding and ramping up in 2022. There are still two unknowns as it relates to income tax. The first is how business net profits, due to the pandemic, will impact our income tax. Secondly, with the number of people working from home, we will not know what that number is until they file their returns. The city's greatest growth in the budget is the personnel cost. In the 2022 budget, we included various vehicles, but that is subject to change due to the shortage of vehicles, due to the unavailability of the chip. We will continue to monitor this situation and make decisions accordingly. Manager Keaton turned the 2022 budget presentation over to Finance Director Brandt.

Finance Director Brandt presented a Power Point Presentation of the 2022 Budget. A copy of the presentation is attached to the minutes.

Finance Director Brandt explained the City has 14 Funds. She provided a brief explanation of the General Fund and the projected 2022 Revenues and Expenditures from the General Fund.

Finance Director Brandt presented the 2022 Police Department Budget.

Member Requarth asked what the health insurance period is?

Finance Director Brandt replied our health insurance period will end in July, so our insurance costs could increase after that. There has been an increase in insurance costs as some of our new hires are on a family insurance plan versus an employee and spouse plan.

Member Fowler asked what is budgeted for in Capital Outlay?

Finance Director Brandt replied Capital Outlay includes a new cruiser if we can get one at a good price. We did not purchase a new cruiser in 2021.

Member Zimmerlin asked if contractual services include dispatch services?

Finance Director Brandt replied it does include dispatch services.

Member Zimmerlin inquired about the length of our contract with Englewood Dispatch?

Police Chief Jerome replied there is an annual opt-out period.

Member Zimmerlin asked if we monitor the dispatch costs at Montgomery County Regional Dispatch Center as a comparison?

Police Chief Jerome replied Englewood Dispatch always charges less per call than the Regional Dispatch Center.

Fire Chief Fletcher explained that Regional Dispatch Center customers are under contract to share in the costs of any infrastructure improvements. When we terminated our contract with them in 2013, we had to pay a buy-out of approximately \$206,000. When we first went with Englewood Dispatch, they gave us a discounted rate for the first five years that saved us that \$206,000 in fees. Now we are on a year-by-year basis with Englewood, who looks at the going rate for the Regional Dispatch Center and sets their rates slightly lower. It is a huge investment to keep equipment in a dispatch center current, and we are fortunate to be with a dispatch center that does not pass the costs on to us.

Discussion followed regarding the benefits of using Englewood Dispatch Center versus the Regional Dispatch Center.

Finance Director Brandt advised the only other large increase you will see in the Police Budget is Supplies and Materials. A big portion of that is for the Police Department to replace their firearms.

Police Chief Jerome advised the Police Department rotates their guns every seven years. The old Glock guns are traded in for credit towards the new version of Glock guns. All of the new guns and rifles will have built-in flashlights, which will require new holsters. Half of the \$10,000 outlay will be recouped with trade-in values.

Finance Director Brandt presented the 2022 Fire Department Budget.

Fire Chief Fletcher advised the focus this year is equipping our apparatus with the technology we need to work with. Fire Chief Fletcher stated the Fire Department has used mobile data terminals for years. However, they have to be ruggedized to withstand their working conditions. With the Motorola system, the platform will run on more economical hardware, so the budget includes the purchase of new iPads.

Member Schrier asked if the increase in the Fire Budget is mostly salaries and wages?

Finance Director Brandt replied that is part of it, along with more operating expenses to purchase smaller tools that do not meet the capitalization threshold.

Fire Chief Fletcher commented he has three times the staff as the Police Department, so his contractual number is even higher than the Police Department. He is outfitting 50 personnel.

Member Zimmerlin inquired about turnover in the Fire Department.

Fire Chief Fletcher replied turnover is high industry wide but we are managing better than many other departments.

Finance Director Brandt present the 2022 Government and Administration Budget.

Member Fowler asked what the Capital Outlay is for?

Manager Keaton replied that it is not for anything specific. It is for unexpected expenses.

Member Zimmerlin asked if Salary/Wages includes potential increases later in the year?

Finance Director Brandt replied it includes potential increases and payouts.

Member Schreier asked what the big bucket items are in the \$866,000 Contractual Services?

Manager Keaton replied a good share of it is the incentives for GM that were negotiated years ago. We have a few more years before that will drop down. It also includes revenue sharing with Brookville Schools, which includes Pak-Rite.

Member Requarth commented on the Contingency in the Administration Budget, stating it is not listed in any other departments.

Manager Keaton replied it goes in the Administrative Budget per the O.R.C. She has only had to use these funds once in the last 20 years.

Finance Director Brandt presented the General Fund Projected Carryover.

Discussion followed regarding the estimated carryover and the comparison with 2021.

Finance Director Brandt present the 2022 Service Department Budget. This includes the Street M&R, Park, Water, Sewer, Refuse and Stormwater Funds.

Manager Keaton commented we have not replaced a pick-up truck since 2018. Our last lift gate truck was purchased in 2000 and the floorboard has rusted out. These items are budgeted for in Capital Outlay.

Member Fowler inquired if we would list these vehicles on GovDeals?

Manager Keaton replied the pickup trucks will be rotated within the Service Department and the oldest listed on GovDeals.

Member Fowler inquired if we will look to purchase these replacement vehicles on GovDeals?

Manager Keaton commented if we can find a good deal on a pickup truck or a lift gate truck on GovDeals, that is the route we will go versus purchasing brand new.

Mayor Letner advised we have more buying power through the State bid than to buy on GovDeals.

Member Schreier inquired if there is any significant debt service that will fall off in 2022?

Manager Keaton replied the fixed rate on the Note Retirement drops off in 2023 and the variable rate on the Note Retirement drops off in 2026.

Finance Director Brandt presented the 2022 Park and Recreational Budget.

Member Zimmerlin inquired if our rental rates are in-line with what other municipalities charge for their facility rentals?

Finance Director Brandt advised we did conduct a comparison before the last rate increase. It is hard to compare because many charge to rent their open-air shelters, or their facilities are much larger than ours. We are in-line with those that are comparable.

Member Zimmerlin inquired if we have a lot of non-residents rent our shelters and if we charge a premium rate for our busier seasons?

Manager Keaton replied we do have quite a few rentals by non-residents. Our new rates include discounted rates for residents.

Discussion followed regarding rental trends.

Member Requarth inquired what kind of Contractual Services we have in the park?

Finance Director Brandt advised this includes utilities, caretaker expenses, and month-to-month expenses. This also includes equipment maintenance.

Member Fowler inquired whether the lights at the park have been switched over to LED lighting?

Manager Keaton replied all but the ball diamond lights.

Finance Director Brandt advised there is no change from last year in the 2022 Land Reutilization Revenues and Expenditure.

Finance Director Brandt presented the 2022 Law Enforcement Revenues & Expenditures Fund.

Finance Director Brandt presented the 2022 Local Fiscal Recovery Fund.

Finance Director Brandt advised we have not determined the best use of these funds as there are many guidelines on how they can be spent.

Finance Director Brandt presented the 2022 Bond Retirement Revenues & Expenditures Fund and the 2022 Note Retirement Revenues & Expenditures Fund.

Finance Director Brandt presented the 2022 Capital Improvement Fund.

Finance Director Brandt presented the 2022 Fire Capital Improvement Fund.

Finance Director Brandt presented the 2022 Water Fund.

Member Fowler inquired what the total cost is for all of the new vehicles in the budget for 2022.

Finance Director Brandt advised we estimated about \$45,000 for each vehicle so the total would be approximately \$180,000.

Finance Director Brandt presented the 2022 Sewer Fund, 2022 Stormwater Fund and 2022 Refuse Fund.

Finance Director Brandt presented a comparison of 2022 Budget Totals compared to 2021 Budget Totals 2021 Revenues and Expenditures.

Manager Keaton stated in closing, we will continue to monitor our budget as we have in the past. By law we must keep a balanced budget and that has always been our goal. Staff will continue to focus on economic development to help bring our income tax receipts up.

Discussion followed regarding current business employee counts and projected income tax revenue.

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

Michelle Brandt, Acting Clerk

Charles Letner, Mayor

Brookville City Council
Regular Meeting
December 7, 2021

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

Roll Call by Acting Clerk Brandt.

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

Motion by Fowler, second by Zimmerlin to approve the November 16, 2021 Regular Meeting Minutes. All yeas, motion carried.

Mayor Letner announced this will be his last recognition of the Citizen of the Month. He has recognized some great people this year. All were very deserving and each one represented the spirit of Brookville. Mayor Letner announced the Citizens of the Month for the month of December are the Brookville city employees and read a Proclamation to recognize them for their outstanding public service to the City of Brookville and its citizens.

Becky Ditmer, President of the Brookville Historical Society, presented the Historical Society Budget and requested financial assistance from the City of Brookville to continue to operate. This past year had many unexpected expenses. The grant money that the City provided in 2021 allowed them to continue to operate and keep up with property maintenance. Ms. Ditmer stated they are facing some large expenses in 2022 as well. They would appreciate any financial assistance the City can provide.

Member Fowler asked if the Brookville Historical Society is doing anything to increase their donations?

Ms. Ditmer reported they had a game booth at the Community Picnic which they made a small profit from. They had a membership drive and sent out 50 membership applications to local businesses. The Historical Society Members are almost all seniors and most are not active. They have had increased attendance with their recent open houses.

Member Zimmerlin asked if the Historical Society has ever worked with local universities for helpers or archival programs?

Carolyn Haney, of the Historical Society, stated they have never investigated that option.

Member Requarth asked if the City always grants a \$7,500 grant to the Historical Society?

Mayor Letner replied the we always give them a grant, which was increased last year. The City also took over the mowing and snow removal at the Historical Society properties.

Mrs. Haney stated they had a generous anonymous donation that helped to pay for the new furnace and air conditioning in their Hay Avenue building. They received a grant from the Strausburg Foundation to paint the Spitler House, but there were \$4,600 in repairs that had to be made before the painting could be done. Mrs. Haney stated it is hard to get their story out to people. Many do not know the Spitler House is on the National Register of Historic Places.

Mayor Letner recommended the City sustain the \$7,500 grant for the Brookville Historical Society for 2022.

Motion by Requarth, second by Fowler to approve a \$7,500 grant for the Brookville Historical Society for operating expenses in 2022. All yeas, motion carried.

Manager Keaton reported the kickoff of the Christmas in the Park lighting display was a huge success and thanked the Park Board for their vision and for tirelessly working on the event. Manager Keaton also thanked the Walmart foundation for providing Community Grant Assistance that has allowed us to build upon our light display. Manager Keaton thanked Cub Scout Troop 47 for their expanded display this season and the various other groups that put on light displays. She thanked her husband, Ray Keaton, JD Fowler and Angie Dull for their help with the event and Don Cordes for his donation and for conducting the children's Christmas play at the Community Theatre. Manager Keaton also thanked the more than 200 patrons who attended the kick-off event and donated just over \$691.00.

Manager Keaton thanked the Brookville Chamber of Commerce for their Christmas Tree Lighting event on December 1. Despite the rain, many people attended the event and patronized our downtown merchants.

Manager Keaton reported MetroNet began installation of their fiber in Brookville this week. They are starting on East Upper Lewisburg Salem Road and in Hunters Run. They will then cross over into Golden Gate Estates. MetroNet is currently working on underground construction in anticipation of AES Ohio releasing poles to them for aerial attachments. They intend to get the pole attachment authorization on February 1, 2022, at which time they will begin aerial construction and fiber placement, weather permitting.

Manager Keaton reported our Priority One Montgomery County Solid Waste Grant for the purchase of 18,000 pounds of rubber mulch for our playgrounds received approval. The Solid Waste District had another successful grant submission process, with requests for funds exceeding funding that they had available. All Priority One grants that were submitted received approval. That project will take place in 2022 as the project cycle changed with approvals in November and projects commencing in the following year.

Manager Keaton advised the City received notification that CenterPoint Energy, formerly, Vectren, is required to conduct leak surveys on all piping including underground mains, services, and exposed piping up to the outlet of the gas meter. CenterPoint Energy has contracted Heath Consultants to complete this survey in our area on underground and inside piping if the meter is inside the residence. Heath Consultants Techs will have a visible picture ID, be in a company uniform, and have a CenterPoint Energy contact phone number that a customer can call for verification. Heath technicians use personal vehicles so residents should not be alarmed if they don't see a CenterPoint Energy vehicle. Inside inspections should take approximately five minutes. The inside meter inspection project is scheduled to start in January and last until February.

Member Zimmerlin asked if there is any mitigation on behalf of the customer if leaks are detected?

Manager Keaton replied that will be between CenterPoint Energy and the customer.

Member Fowler asked if we will be notifying residents with a mailer?

Manager Keaton advised it will be posted on our website and on our Facebook page. We could put a notice in our next water bill so residents are aware. We will also ask the Brookville Star to publish it in the newspaper.

Manager Keaton advised Council has a copy of the certified election results for the November election.

Manager Keaton reported as of December 3, the Service Department has picked up 133 cubic yards of leaves, or approximately 27 tons. Leaf pick-up will continue through December 17. After that date, residents can put leaves in with their regular refuse.

Manager Keaton requested Council accept the first reading of proposed Resolution No. 21-33, which is the Final Resolution for the Safe Routes to School Project. The project consists of crosswalk improvements at the Johnsville-Brookville Road/Blue Pride Drive, Johnsville-Brookville Road/Westbrook Road, Westbrook Road/Western Avenue, and Western Avenue/Blue Pride Drive intersections and construction of sidewalk along the east side of Johnsville-Brookville Road between Blue Pride Drive and Westbrook Road, including curb ramps, rectangular rapid flashing beacons, signage, and pavement markings. Council approved the Preliminary Legislation for this project in May of 2020. Proposed Resolution No. 21-33 includes a Fiscal Officer's Certificate that states the funds for this project have been lawfully appropriated. ODOT needs a copy of the adopted Resolution, Fiscal Officer's Certificate, Signed Contract and check by December 30, 2021.

Member Fowler commented regarding MetroNet, the citizens of Brookville are excited to have another option.

Manager Keaton replied competition is a good thing most of the time.

Finance Director Brandt presented the November 30, 2021 Fund Balance for Council review and approval.

Motion by Zimmerlin, second by Schreier to accept the November 30, 2021 Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt requested Council authorization to transfer funds from the General Fund to the Street Fund in the amount of \$100,000. This amount is included in the appropriations from the beginning of the year.

Motion by Fowler, second by Wilder to authorize the transfer of \$100,000 from the General Fund to the Street Fund as appropriated. All yeas, motion carried.

Fire Chief Fletcher, on behalf of the Fire Department, thanked Mayor Letner for recognizing the employees as the Citizens of the Month.

Fire Chief Fletcher advised he was hopeful that he could pull the information to prepare an Operations Report, however, they are still having problems with the new system. Fire Chief Fletcher reported they did have a big downturn this month from nearly 200 calls last month to 134 calls in the month of November. This amount is typical for this time of year. Last month our area was a Covid hotspot and many of the calls were Covid related.

Fire Chief Fletcher advised he has provided Council with a memorandum outlining some provisions in House Bill 172 that specifically deal with Ohio fireworks. He is not sounding an alarm, but he wants Council to be aware beginning July 1, 2022 the fireworks law does change significantly and local governments are given the ability to set restrictions. Fire Chief Fletcher suggested we take a proactive route and have some regulations in place before July 1.

Member Requarth inquired if this will be discussed among the Fire Chief's Association?

Fire Chief Fletcher stated this has been on their radar for the past eighteen months. Commercial fireworks will be unrestricted beginning July 1, which could be disastrous. We have the ability to put some restrictions on fireworks types, size, and that they can be shot in the city limits.

Member Crane inquired if other cities in the area are considering legislation?

Fire Chief Fletcher replied every city in the area will be looking at it but he does not know what their approaches are at this time. Although the bill has passed, there are still rules and regulations that will be set by the Fire Marshall's office. Much of the fire enforcement will be on the businesses that sell the fireworks; but the use of the fireworks will also need to be regulated.

Member Zimmerlin stated we should still establish commercial regulations in case we have a business that comes in wanting to open within the City of Brookville.

Fire Chief Fletcher said he has no concern with commercial regulations as those will be set. His concern is more for the general citizen acquiring fireworks and having no regulations within the City where they are in tight, congested areas.

Member Schreier commented the memorandum says consumer grade fireworks and you are referencing commercial grade fireworks.

Fire Chief Fletcher replied consumer grade fireworks have the potential to be a threat.

Member Wilder asked how difficult it will be to enforce new regulations versus the regulations we have in place now?

Police Chief Jerome stated it is easy to enforce right now because it is illegal to shoot fireworks off within the city. Once this law goes into effect, the police will get calls about neighbors shooting fireworks and damaging roofs. The Officers will have to determine whether there is criminal intent or if it is a civil matter. The new law also states that people can shoot fireworks all weekend long and not just on the Fourth of July. Police Chief Jerome advised we need to regulate the hours or the police will get fireworks complaints in the middle of the night.

Fire Chief Fletcher agreed we definitely need to regulate it.

Police Chief Jerome stated the Police Department has always taken a common sense approach and are able to control fireworks with a verbal warning. Once it is legal things may be different.

Fire Chief Fletcher commented he lives in the country and sees how setting off fireworks affects animals. He can only imagine how that will be for pets in town.

Member Requarth commented there will likely be a lot of common sense solutions that come out of resourcing with other communities on the different rules and regulations that need to be set.

Discussion followed about how it could affect people with PTSD and Special Needs individuals.

Police Chief Jerome commented the Police Department witnessed a very serious hoarding issue at a recent call. This turned into a zoning issue and they had to involve Rod Stephan to sort it out. This brought up some zoning regulations that may need to be considered in 2022.

Police Chief Jerome reported the number of calls for the month of November are lower. The school has the SRO back on campus and he has had an active few weeks. Police Chief Jerome encouraged citizens to call the Police Department or contact the school before they call the FBI or Homeland Security if they have questions about something they see on Facebook. Police Chief Jerome commented our children are one of the most valuable assets in our lives. The Brookville Police Department does a good job of protecting our kids and would never put them in danger. People need to trust that and not believe what they see on Facebook.

Law Director Stephan advised under New Business, the Brookville Retail & Industrial Campus, Section Three Record Plan is a replat of part lot 2174 into a new city lot. This property is 53.566 acres on West Campus Boulevard. This replat is a necessary step in the process of GM exercising its option to purchase this area. Planning Commission reviewed and unanimously approved this at its last meeting and he is requesting approval by City Council.

Motion by Fowler, second by Zimmerlin to approve the Brookville Retail & Industrial Campus, Section Three Record Plan as presented. All yeas, motion carried.

Mayor Letner reported he spoke to Pack 47 last night and gave them an update on what we do at the city and what his responsibilities are. There were some smart fifth graders in the group, which demonstrates what kind of product our schools are putting out.

Mayor Letner thanked Fire Chief Fletcher and his group for the Firefighters Dinner. The slide show was enjoyable, the food was good, and it was an enjoyable evening.

Mayor Letner reported Clerk Duncan is back to work part-time and will be back to her full-time duties soon. Mayor Letner stated this is good news.

Member Zimmerlin inquired if there will be a Prayer Breakfast this year?

Mayor Letner replied the Prayer Breakfast will be held on January 13, 2022 at the old Westbrook School cafeteria. The breakfast will be provided by Brookville Grille and begins at 7:30 a.m. The Chamber of Commerce worked out a deal with Brookville Grille where the breakfast is free in exchange for them using Brookville Grille to cater the annual Chamber of Commerce dinner. Mayor Letner invited everyone to attend the breakfast. RSVP's should be submitted to the Chamber of Commerce office.

Motion by Zimmerlin, second by Schreier to read proposed Resolution No. 21-33. All yeas, motion carried.

Motion by Requarth, second by Wilder to accept the first reading of proposed Resolution No. 21-33. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 21-34. All yeas, motion carried.

Motion by Requarth, second by Wilder to accept the first reading of proposed Resolution No. 21-34. All yeas, motion carried.

Member Fowler reported Park Board has been busy with the Christmas in the Park event. The kick-off night went well and gift bags were given out to 200 children. Member Fowler thanked the Park Board for their hard work.

Member Fowler, Park Liaison, reported The Girls Wings (Team 1) won 1st place at the Ohio Area State Tournament. This is the first team to win a State Championship. GW1 went undefeated throughout the regular season, the MVW Area tournaments and the State Tournament, finishing with a 21-0 record. The team was coached by Eric Nawroth, Megan Mullins and Brad Baughman and sponsored by Dayton Eye Care. Member Fowler congratulated the team on this first in Brookville history.

Member Zimmerlin commented there were seven Brookville teams that went to the State tournament this year.

Member Schreier, Planning Commission liaison, reported Planning Commission met on November 18. This was Zoning Officer Snedeker's last meeting and he read his retirement statement with a lot of history that was nice to hear. Planning Commission approved the Brookville Retail & Industrial Campus, Section Three Record Plan and approved a Special Use Permit for a firearms coating home business. Planning Commission also discussed and approved vacating an alley behind 120 West Westbrook Road. Member Schreier commented the Park looks great and thanked Park Board for the Christmas in the Park event.

Bonnie Cordes, of 760 Kimmel Trail, thanked the Fire Department for their help with the Christmas in the Park event. She also thanked him for publicizing the event on their digital sign. Ms. Cordes also thanked the Police Department, Manager Keaton, the Service Department and Member Fowler for their help with the event. Ms. Cordes extended her thanks and appreciation to the Brookville Flower Shop, Optimist Club, Delta Theta Tau Sorority, Troop 47, FFA, Chamber of Commerce, Arro Landscaping, Kiwanis and anyone else who participated in making the event a success.

Jessica Wells, of 21 Heckathorn Road, thanked everyone involved in the Christmas in the Park event. The park looked great and her first grader was excited to receive a goodie bag from Officer

Snell. Ms. Wells commented she saw the speed limit on both westbound and eastbound Westbrook Road has changed between Brooke Woode Drive and 10757 East Westbrook Road. Mrs. Wells stated it is not clear where the 55 mph speed limit begins on eastbound Westbrook Road and asked for clarification. Ms. Wells also asked when the speed limit changed and what was the process to change the speed limit?

Manager Keaton replied she requested the Montgomery County Engineer to do a traffic study since the construction of the twelve new homes on East Westbrook Road, along with the additional homes on the inside of that plat. The traffic study was completed and their recommendation is to reduce the speed limit to 45 mph once you leave the city limits up to Heckathorn Road. It is the same coming back in westbound. This has been approved by the County Commissioners and sent to ODOT, who must give the final approval on a speed limit in a township. Manager Keaton stated she does not know why they went ahead and put the signs up. Many years ago, there was a 45 mph speed limit as you left the city limits and right before you entered the city limits. Manager Keaton stated she has not received an answer on why they removed the 55 mph signs.

Ms. Wells asked if right now the 45 mph zone is to Heckathorn Road or just to Brooke Woode Drive?

Manager Keaton replied she believes they put the sign up right before Brooke Woode Drive. It is her understanding that once you cross Heckathorn Road the speed limit increases but it has not been posted yet. That is one of the questions she has in to the County Engineers.

Ms. Wells stated she thinks it is a great recommendation and was excited to see the speed limit was lowered. One of her questions was why the speed limit did not extend past the new houses and thanked Manager Keaton for clearing it up for her.

Manager Keaton advised she will report back to Council when the County Engineers answer her questions.

Motion by Fowler, second by Zimmerlin to go into Executive Session per O.R.C. 121.22(G)(2) to consider the purchase of property for public purposes. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to go back into Regular Session. All yeas, motion carried.

Law Director Stephan requested Council amend the previous motion to accept the first reading of proposed Resolution No. 21-34 to approve the first reading, dispense with the second and third reading and then the Resolution would be in effect pursuant to Section 4.07 (A)(1) of the City Charter.

Motion by Zimmerlin, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 21-34 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.

Law Director Stephan requested Council approval to authorize the City Manager to execute an assignment of real property Purchase Agreement for purchase of certain real property in the City of Brookville, Montgomery County Auditor Parcel #C05 00109 0020.

Motion by Zimmerlin, second by Fowler to authorize the City Manager to execute an assignment of real property Purchase Agreement for purchase of certain real property in the City of Brookville, Montgomery County Auditor Parcel #C05 00109 0020. All yeas, motion carried.

Law Director Stephan requested a motion to authorize the City Manager to execute a contract for sale of certain real property in the City of Brookville, Montgomery County Auditor Parcel #C05 00109 0020.

Motion by Zimmerlin, second by Crane to authorize the City Manager to execute a contract for sale of certain real property in the City of Brookville, Montgomery County Auditor Parcel #C05 00109 0020. All yeas, motion carried.

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

Michelle Brandt, Acting Clerk

Charles Letner, Mayor

To: Mayor & Council
From: Sonja M. Keaton, City Manager
RE: Manager's Report
Date: 12/20/2021

Michelle and I attended the Montgomery County Auditor Annual Update meeting on December 9. Brookville's tentative taxable values increased \$3,900,950, or 3%. A/R values increased \$1,460,830, or 1.5% and C/I values increased \$2,220,140, or 7.1%. The new proposed value must still be approved by the State. This increase is due to new construction on residential and industrial parcels. Property owners should see reduction factors on voted levies, as they bring in the same amount as when they were voted in.

2020/2021 Taxable Values

A	R	A/R	I	C	C/I	P U REAL	P U PERSONAL	ASSESSED	TOTAL
\$ 345,290	\$ 94,566,280	\$ 94,911,570	\$ 10,869,760	\$ 20,577,290	\$ 31,447,050	\$ -	\$ 3,360,360	\$ -	\$ 129,718,980

2021/2022 Tentative Taxable Values

A	R	A/R	I	C	C/I	P U REAL	P U PERSONAL	ASSESSED	TOTAL
		\$ 96,372,400			\$ 33,667,190	\$ -	\$ 3,580,340	\$ -	\$ 133,619,930

I am pleased to announce Michelle Brandt received the Auditor of State Award for the Finance Department audit for the year ending December 31, 2020. The Auditor of State audits approximately 6,000 entities and only about eight percent of the entities are eligible for this award.

I am requesting Council accept the second reading, dispense with the third reading, and adopt proposed Resolution No. 21-33. ODOT needs a copy of the adopted Resolution, Fiscal Officer's Certificate, Signed Contract and check by December 31, 2021.

The Service Department moved the sludge press machine to Station 76, installed bollards around the calcium tank, repaired a water service on Hunters Run, repaired a broken curb stop on Ankara, cut ornamental grass in our parks, Fire Station 76, and Market Street detention area, removed an old fire hydrant on Walnut and Salem Streets, removed a dead tree from the bike path, and pressure washed mowers and put them in storage for the winter.



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

Chief Douglas Jerome

djerome@brookvilleohio.com



December 21, 2021 Council Meeting Agenda

Reportable Incidents

1/1/2020 – 12/20/2020 = 692

1/1/2021 – 12/20/2021 = 677

Citations

1/1/2020 – 12/20/2020 = 454

1/1/2021 – 12/20/2021 = 654

Traffic Stops

**December 2020- 165
December 2021 to date- 52**

Brookville Police Department

Incident Arrest Blotter

Arrest Date	Time	Suspect's Name	Address, Charges(s)	Incident ID
12/05/2021		RONALD F. PETERS	3236 ENTERPRISE RD, WEST ALEXANDRIA, OH 45381 292514: Drug paraphernalia	2021-00663
12/07/2021		CARL TWYMON	1414 TENNYSON AVE, DAYTON, OH 45406 35: WARRANT ARREST	2021-00666
12/10/2021		AMBER J. TAYLOR	545 BURNS AVE., WEST CARROLLTON, OH 45449 291302A1: Theft - without consent	2021-00670
12/11/2021		VALERIE S. LITTLE	119 SYCAMORE ST, BROOKVILLE, OH 45309 291711: Disorderly conduct	2021-00672
12/15/2021		JUSTIN C. ROARK	8676 JORDAN RD, LEWISBURG, OH 45338 451119: DUI - ALCOHOL OR DRUGS	2021-00676
12/16/2021		VALERIE S. LITTLE	119 SYCAMORE ST, BROOKVILLE, OH 45309 291922A: Endangering children - risk of harm	2021-00679
		KEVIN M. SIZEMORE	119 SYCAMORE ST UPPER APARTMENT, BROOKVILLE, C 291922A: Endangering children - risk of harm 451012: DRIVING WITHOUT VALID LICENSE	2021-00679
Total Selected = 7				

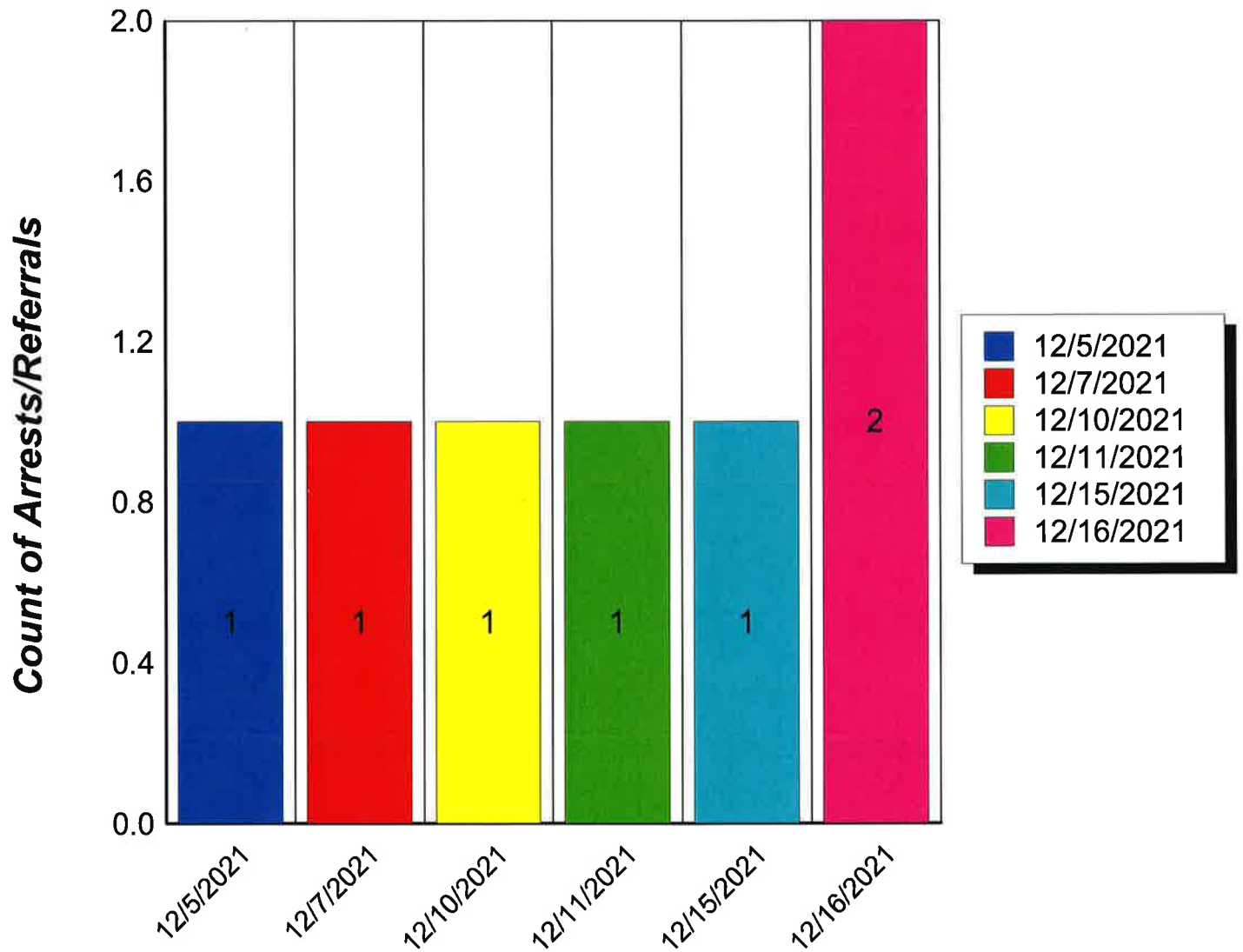
Brookville Police Department

Arrest Log by Date

Arrest Date	Total Arrests
December 05, 2021	1
December 07, 2021	1
December 10, 2021	1
December 11, 2021	1
December 15, 2021	1
December 16, 2021	2

Total Selected = 7

Arrest Log by Date

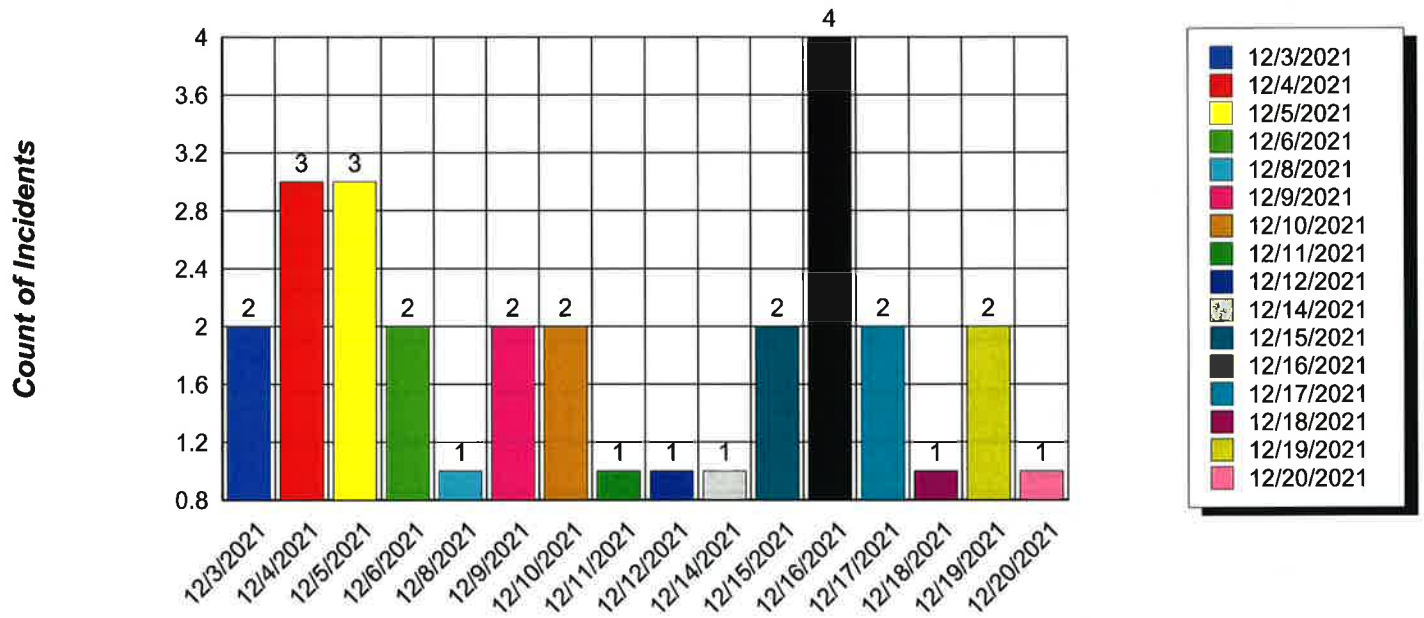


Brookville Police Department

Incident Log by Date Reported

Date Reported	Day of Week	Total Reported
12/03/2021	Friday	2
12/04/2021	Saturday	3
12/05/2021	Sunday	3
12/06/2021	Monday	2
12/08/2021	Wednesday	1
12/09/2021	Thursday	2
12/10/2021	Friday	2
12/11/2021	Saturday	1
12/12/2021	Sunday	1
12/14/2021	Tuesday	1
12/15/2021	Wednesday	2
12/16/2021	Thursday	4
12/17/2021	Friday	2
12/18/2021	Saturday	1
12/19/2021	Sunday	2
12/20/2021	Monday	1
Total Selected = 30		

Incident Log by Date Reported



Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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December 03, 2021

2021-00657	570 ALBERT RD CITY	SIGNAL 26I - INFORMATION REPORT	12/03/2021	12/03/2021	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	02	26I - INFORMATION REPORT

2021-00658	715 ARLINGTON RD BROOKVILLE PD	SIGNAL 6A - GRAND THEFT	12/03/2021		OPEN CASE
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Offenses	UCR	Offense Description
1	06	291302A1 - Theft - without consent

Total Incidents Reported for Date: 2

December 04, 2021

2021-00659	540 ALBERT BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/04/2021	12/04/2021	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	02	26I - INFORMATION REPORT

2021-00660	429 MARKET STREET BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/04/2021	12/04/2021	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	02	26I - INFORMATION REPORT

2021-00661	ANTWERP @ ANKARA BROOKVILLE PD	SIGNAL 55 - TRAFFIC STOP	12/04/2021	12/04/2021	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
4	N/A	451322 - EXCESSIVE SMOKE
	N/A	450311A - Expired Registration
	N/A	451011 - DRIVING UNDER SUSPENSION
	N/A	451012 - DRIVING WITHOUT VALID LICENSE

Total Incidents Reported for Date: 3

December 05, 2021

2021-00662	95 PARKVIEW NORTH BROOKVILLE PD	SIGNAL 6B - THEFT	12/05/2021		OPEN CASE
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Offenses	UCR	Offense Description
1	06	291302 - Theft

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
December 05, 2021					
2021-00663	ARLINGTON RD & UPPERLEWISBURG-SALEM BROOKVILLE PD	SIGNAL 18 - DRUG ABUSE	12/05/2021	12/05/2021	ARREST
Offenses UCR Offense Description 4 02 292514 - Drug paraphernalia N/A 4510.111 - CHILD SUPPORT SUSPENSION N/A 4513071 - STOP LIGHTS N/A 451012 - DRIVING WITHOUT VALID LICENSE					
2021-00664	100 PARKVIEW DR BROOKVILLE OH 45309 BROOKVILLE PD	SIGNAL 26I - TRESPASS WARNING	12/05/2021	12/05/2021	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
<i>Total Incidents Reported for Date: 3</i>					
December 06, 2021					
2021-00665	300 WOODFIELD BROOKVILLE PD	SIGNAL 26I - FOUND PROPERTY	12/06/2021	12/06/2021	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2021-00666	25 W WESTBROOK BROOKVILLE PD	SIGNAL 35 - WARRANT ARREST	12/06/2021	12/06/2021	ARREST
Offenses UCR Offense Description 2 N/A 4510.111 - CHILD SUPPORT SUSPENSION N/A 35 - WARRANT ARREST					
<i>Total Incidents Reported for Date: 2</i>					
December 08, 2021					
2021-00667	1 COUNTRY LANE BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/08/2021	12/08/2021	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
<i>Total Incidents Reported for Date: 1</i>					

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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December 09, 2021

2021-00668	301 SYCAMORE BROOKVILLE PD	SIGNAL 11 - FRAUD	12/09/2021	12/09/2021	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	06	291349B - Obtain, posses or use identity of another

2021-00669	301 SYCAMORE BROOKVILLE PD	SIGNAL 17 - CHILD PORNOGRAPHY	12/09/2021		OPEN CASE
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Offenses	UCR	Offense Description
8	02	2907321A1 - Pandering obscenity involving minor - produce mate
	02	2907321A1 - Pandering obscenity involving minor - produce mate
	02	2907321A1 - Pandering obscenity involving minor - produce mate
	02	2907321A1 - Pandering obscenity involving minor - produce mate
	02	2907321A1 - Pandering obscenity involving minor - produce mate
	02	2907321A1 - Pandering obscenity involving minor - produce mate
	02	2907321A1 - Pandering obscenity involving minor - produce mate
	02	2907321A1 - Pandering obscenity involving minor - produce mate

Total Incidents Reported for Date: 2

December 10, 2021

2021-00670	428 N WOLFCREEK RD #10 BROOKVILLE PD	SIGNAL 06B - PETTY THEFT	12/10/2021	12/10/2021	ARREST
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Offenses	UCR	Offense Description
1	06	291302A1 - Theft - without consent

2021-00671	1 MCMACKEN LN BROOKVILLE OHIO 45309 BROOKVILLE PD	SIGNAL 53A- PROPERTY DAMAGE TRAFFIC CRASH	12/10/2021	12/10/2021	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
2	N/A	53A - PROPERTY DAMAGE TRAFFIC CRASH
	N/A	451136 - RULES FOR TURNS AT INTERSECTIONS

Total Incidents Reported for Date: 2

December 11, 2021

2021-00672	119 SYCAMORE ST BROOKVILLE PD	SIGNAL 24 - DISORDERLY CONDUCT	12/11/2021	12/11/2021	ARREST
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Offenses	UCR	Offense Description
1	02	291711 - Disorderly conduct

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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Total Incidents Reported for Date: 1

December 12, 2021

2021-00673	301 SYCAMORE ST BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/12/2021	12/12/2021	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 1

December 14, 2021

2021-00674	100 TERRACE PARK BLVD BROOKVILLE PD	SIGNAL 53A - PROPERTY DAMAGE CRASH	12/14/2021	12/14/2021	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
1 N/A 4511202 - REASONABLE CONTROL

Total Incidents Reported for Date: 1

December 15, 2021

2021-00675	12 COLUMBIA ST BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/15/2021	12/15/2021	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
1 N/A 30308A2 - ABANDONED JUNK MOTOR VEHICLE

2021-00676	ARLINGTON@70 EB BROOKVILLE PD	SIGNAL 21 - DRIVING WHILE INTOXICATED	12/15/2021	12/15/2021	ARREST
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Offenses UCR Offense Description
3 02 451119 - DUI - ALCOHOL OR DRUGS
N/A 451139 - FAILURE TO SIGNAL
N/A 451314 - TWO HEADLIGHTS REQUIRED

Total Incidents Reported for Date: 2

December 16, 2021

2021-00681	301 SYCAMORE STREET BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/16/2021		OPEN CASE
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Offenses UCR Offense Description
1 02 26I - INFORMATION REPORT

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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December 16, 2021

2021-00677	80 PARKVIEW BROOKVILLE PD	SIGNAL 26I - FOUND PROPERTY	12/16/2021	12/16/2021	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2021-00678	W CAMPUS AT ARLINGTON BROOKVILLE PD	SIGNAL 26I - INFORMARTION REPORT	12/16/2021	12/16/2021	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2021-00679	SYCAMORE ST & MICKINLEY ST BROOKVILLE PD	SIGNAL 26O - CHILD ENDANGERING	12/16/2021	12/16/2021	ARREST
Offenses UCR Offense Description 7 02 291922A - Endangering children - risk of harm 02 291922A - Endangering children - risk of harm N/A 4510.111 - CHILD SUPPORT SUSPENSION N/A 451012 - DRIVING WITHOUT VALID LICENSE N/A 4513263B - SEAT BELT N/A 451181 - FAILURE TO RESTRAIN CHILD N/A 4513263B - SEAT BELT					

Total Incidents Reported for Date: 4

December 17, 2021

2021-00680	409 N WOLFCREEK BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/17/2021	12/17/2021	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2021-00682	1 MCMAKEN BROOKVILLE PD	SIGNAL 53B - INJURY CRASH	12/17/2021		OPEN CASE
Offenses UCR Offense Description 2 N/A 53B - INJURY TRAFFIC CRASH N/A 4511431 - Rules for leaving & entering private drive					

Total Incidents Reported for Date: 2

December 18, 2021

2021-00683	250 JOANNA ST APT 1	SIGNAL 20 - DOMESTIC VIOLENCE	12/18/2021		
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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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December 18, 2021

BROOKVILLE PD

OPEN CASE

Offenses UCR Offense Description

2 02 291925A - Domestic violence - knowingly cause physical harm
02 2151022A - Juvenile - incorrigible, habitually disobedient

Total Incidents Reported for Date: 1

December 19, 2021

2021-00684 301 SYCAMORE ST SIGNAL 26I - INFORMATION REPORT
BROOKVILLE PD

12/19/2021

OPEN CASE

Offenses UCR Offense Description

1 02 26I - INFORMATION REPORT

2021-00685 58 URBAN SIGNAL 30 - SUICIDE
BROOKVILLE PD

12/19/2021

OPEN CASE

Offenses UCR Offense Description

1 N/A 30 - SUICIDE

Total Incidents Reported for Date: 2

December 20, 2021

2021-00686 301 SYCAMORE ST SIGNAL 11 - FRAUD
BROOKVILLE PD

12/20/2021

OPEN CASE

Offenses UCR Offense Description

1 01 291321 - Misuse of credit card

Total Incidents Reported for Date: 1

Total Selected = 30

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Brookville**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on the **19th day of May, 2020**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of crosswalk improvements at the Johnsville-Brookville Pike/ Blue Pride Drive, Johnsville-Brookville Pike/Westbrook Road, Westbrook Road/Western Avenue, and Western Avenue/ Blue Pride Drive intersections and construction of sidewalk along the east side of Johnsville-Brookville Pike between Blue Pride Drive and Westbrook Road, including curb ramps, rectangular rapid flashing beacons, signage, and pavement markings, lying within the City of Brookville; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **Fifty-Eight Thousand Three Hundred Sixteen and - - - 00/100 Dollars, (\$58,316.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **Fifty-Eight Thousand Three Hundred Sixteen and - - - - 00/100 Dollars, (\$58,316.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that the **City Manager** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 20____.

Legislative Authority of the
City of **Brookville**, Ohio

City Manager

SEAL
(If Applicable)

Clerk (Secretary Ex-Officio)

FISCAL OFFICER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$58,316.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of the **SRTS**, lying within the corporate limits of the City of **Brookville**, more particularly described as follows:

The project consists of crosswalk improvements at the Johnsville-Brookville Pike/ Blue Pride Drive, Johnsville-Brookville Pike/Westbrook Road, Westbrook Road/Western Avenue, and Western Avenue/ Blue Pride Drive intersections and construction of sidewalk along the east side of Johnsville-Brookville Pike between Blue Pride Drive and Westbrook Road, including curb ramps, rectangular rapid flashing beacons, signage, and pavement markings, lying within the City of Brookville; and

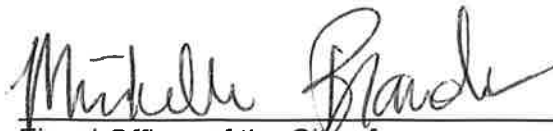
has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **Brookville**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume _____, at Page _____,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this 1th day of December, 2021.

(Fiscal Officer's Seal)
(If Applicable)



Fiscal Officer of the City of
Brookville, Ohio

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Brookville**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of crosswalk improvements at the Johnsville-Brookville Pike/ Blue Pride Drive, Johnsville-Brookville Pike/Westbrook Road, Westbrook Road/Western Avenue, and Western Avenue/ Blue Pride Drive intersections and construction of sidewalk along the east side of Johnsville-Brookville Pike between Blue Pride Drive and Westbrook Road, including curb ramps, rectangular rapid flashing beacons, signage, and pavement markings, lying within the City of Brookville.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Fifty-Eight Thousand Three Hundred Sixteen and - - - 00/100 Dollars, (\$58,316.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Brookville
301 Sycamore Street, P.O. Box 10
Brookville, Ohio
45309

Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

LOCAL PUBLIC AGENCY
City of **Brookville**

Director of Transportation

City Manager

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Stephen H. Johnson
Unit Coordinator, Transportation
Executive Agencies Section

RESOLUTION NO. 21-35

A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2022 FOR TAX YEAR 2021.

WHEREAS: It is in the best interest of citizens of the City of Brookville, Ohio that a request be made for advance taxes collected in 2022 for year 2021.

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

SECTION I: Authorization is granted to the Director of Finance of the City of Brookville, Ohio to make a request for an advance of taxes collected by the Treasurer of Montgomery County, Ohio, not to exceed the amount allotted by the Ohio Revised Code for the year 2021.

SECTION II: This Resolution shall therefore take effect and be enforced from and after its passage by the members of Council pursuant to the Charter of the City of Brookville, Ohio.

PASSED this _____ day of _____ 2022.

ATTEST:

Kimberly Duncan, Clerk

Charles Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio does hereby certify that the foregoing is a true and correct copy of Resolution No. 21-35 passed by the Council of said City on the _____ day of _____ 2022.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 21-35 was posted at the City Building, U.S. Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2022, to the _____ day of _____, 2022, both days inclusive.

Kimberly Duncan, Clerk

Resolution No. 21-36

ANNUAL APPROPRIATION RESOLUTION.

A Resolution to make appropriations for the Current Expenses and other Expenditures of the City of Brookville, State of Ohio, during the fiscal year ending December 31, 2022.

SECTION 1. BE IT RESOLVED by the Council of the City of Brookville, State of Ohio, that, to provide for the current expenses and other expenditures of the said City of Brookville, during the fiscal year ending December 31, 2022, the following sums be and they are hereby set aside and appropriated as follows, viz.

SECTION 2. That there be appropriated from the GENERAL FUND:

POLICE DEPARTMENT:

211	Salaries/Wages	<u>\$1,035,000</u>	
212	Employee Benefits	<u>\$ 492,600</u>	
230	Contractual Services	<u>\$ 249,100</u>	
240	Supplies and Materials	<u>\$ 73,300</u>	
250	Capital Outlay	<u>\$ 44,000</u>	
	Other (Uniforms & Travel)	<u>\$ 18,000</u>	
	TOTAL POLICE DEPARTMENT:		<u>\$ 1,912,000</u>

FIRE DEPARTMENT:

211	Salaries/Wages	<u>\$ 727,500</u>	
212	Employee Benefits	<u>\$ 120,700</u>	
230	Contractual Services	<u>\$ 309,400</u>	
240	Supplies and Materials	<u>\$ 93,365</u>	
	Other (Uniforms & Travel)	<u>\$ 19,100</u>	
	TOTAL FIRE DEPARTMENT:		<u>\$ 1,270,065</u>

GOVERNMENT & ADMINISTRATIVE DEPARTMENT:

211	Salaries/Wages	\$ <u>398,000</u>
212	Employee Benefits	\$ <u>116,000</u>
230	Contractual Services	\$ <u>866,600</u>
240	Supplies and Materials	\$ <u>24,500</u>
250	Capital Outlay	\$ <u>20,000</u>
270	Transfers/Advances	\$ <u>1,117,255</u>
	Other (Uniforms & Travel)	\$ <u>1,300</u>

TOTAL GOVERNMENT & ADMINISTRATIVE DEPARTMENT: \$ 2,543,655

SECTION 3. That there be appropriated from the GENERAL FUND for contingencies for purposes not otherwise provided for, to be expended in accordance with the provisions of Section 5705.40 R.C., the sum of

\$ 5,000

GRAND TOTAL GENERAL FUND APPROPRIATION: \$ 5,730,720

SECTION 4.**STREET MAINTENANCE & REPAIR FUND:**

211	Salaries/Wages	\$ <u>415,000</u>
212	Employee Benefits	\$ <u>173,600</u>
230	Contractual Services	\$ <u>141,500</u>
240	Supplies and Materials	\$ <u>132,600</u>
250	Capital Outlay	\$ <u>445,000</u>
	Other (Uniforms & Travel)	\$ <u>4,000</u>
260	Debt Service	\$ <u>113,650</u>

TOTAL STREET MAINTENANCE & REPAIR FUND: \$ 1,425,350

SECTION 5.**PARK & RECREATION FUND:**

211	Salaries/Wages	\$ <u>78,500</u>	
212	Employee Benefits	\$ <u>32,600</u>	
230	Contractual Services	\$ <u>96,950</u>	
240	Supplies and Materials	\$ <u>19,500</u>	
250	Capital Outlay	\$ <u>12,000</u>	
	Other (Uniforms & Travel)	\$ <u>1,910</u>	
TOTAL PARK & RECREATION FUND:			\$ <u>241,460</u>

SECTION 6.**FEDERAL GRANTS FUND:**

230	Contractual Services	\$ <u>0</u>	
240	Supplies and Materials	\$ <u>0</u>	
TOTAL FEDERAL GRANTS FUND:			\$ <u>0</u>

SECTION 7.**LAND REUTILIZATION FUND:**

230	Contractual Services	\$ <u>0</u>	
240	Supplies and Materials	\$ <u>0</u>	
260	Debt Service	\$ <u>0</u>	
TOTAL LAND REUTILIZATION FUND:			\$ <u>0</u>

SECTION 8.**LOCAL CORONAVIRUS RELIEF FUND:**

211	Salaries/Wages	\$ <u>0</u>	
230	Contractual Services	\$ <u>0</u>	
240	Supplies and Materials	\$ <u>0</u>	
250	Capital Outlay	\$ <u>0</u>	
TOTAL LOCAL CORONAVIRUS RELIEF FUND:			\$ <u>0</u>

SECTION 9.

LOCAL FISCAL RECOVERY FUND:

211	Salaries/Wages	\$ <u>300,000</u>	
230	Contractual Services	\$ <u>25,000</u>	
250	Capital Outlay	\$ <u>290,308</u>	
TOTAL LOCAL FISCAL RECOVERY FUND:			\$ <u>615,308</u>

SECTION 10.

LAW ENFORCEMENT FUND:

Other (Law Enforcement Misc., D.U.I. & R.I.F.)	\$ <u>5,600</u>	
TOTAL LAW ENFORCEMENT FUND:		\$ <u>5,600</u>

SECTION 11.

FEMA FUND:

240	Contractual Services	\$ <u>0</u>	
270	Transfer/Advance Out	\$ <u>0</u>	
TOTAL FEMA FUND:			\$ <u>0</u>

SECTION 12.

BOND RETIREMENT FUND:

260	Debt Service	\$ <u>372,600</u>	
TOTAL BOND RETIREMENT FUND:			\$ <u>372,600</u>

SECTION 13.

NOTE RETIREMENT-NORTHBROOK FUND:

260	Debt Service	\$ <u>74,260</u>	
TOTAL NOTE RETIREMENT-NORTHBROOK FUND:			\$ <u>74,260</u>

SECTION 14.

CAPITAL IMPROVEMENT FUND:

250	Capital Outlay	\$ <u>540,000</u>	
TOTAL CAPITAL IMPROVEMENT FUND:			\$ <u>540,000</u>

SECTION 15.

FIRE CAPITAL IMPROVEMENT FUND:

230	Contractual Services	\$ <u>52,000</u>	
250	Capital Outlay	\$ <u>95,000</u>	
TOTAL FIRE CAPITAL IMPROVEMENT FUND:			\$ <u>147,000</u>

SECTION 16.

WATER FUND:

211	Salaries/Wages	\$ <u>167,000</u>	
212	Employee Benefits	\$ <u>73,000</u>	
230	Contractual Services	\$ <u>891,600</u>	
240	Supplies and Materials	\$ <u>9,600</u>	
250	Capital Outlay	\$ <u>299,120</u>	
	Other (Uniforms & Travel)	\$ <u>1,800</u>	
260	Debt Service	\$ <u>98,100</u>	
TOTAL WATER FUND:			\$ <u>1,540,220</u>

SECTION 17.

SANITARY SEWER FUND:

211	Salaries/Wages	\$ <u>196,000</u>	
212	Employee Benefits	\$ <u>82,100</u>	
230	Contractual Services	\$ <u>232,550</u>	
240	Supplies and Materials	\$ <u>16,000</u>	
250	Capital Outlay	\$ <u>520,750</u>	
	Other (Uniforms & Travel)	\$ <u>1,800</u>	
260	Debt Service	\$ <u>117,000</u>	
TOTAL SANITARY SEWER FUND:			\$ <u>1,166,200</u>

SECTION 18.

STORMWATER FUND:

211	Salaries/Wages	\$ <u>19,000</u>	
212	Employee Benefits	\$ <u>11,500</u>	
230	Contractual Services	\$ <u>48,600</u>	
240	Supplies and Materials	\$ <u>1,100</u>	
250	Capital Outlay	\$ <u>181,000</u>	
	Other (Uniforms & Travel)	\$ <u>0</u>	
260	Debt Service	\$ <u>0</u>	
TOTAL STORMWATER FUND:			\$ <u>261,200</u>

SECTION 19.**REFUSE FUND:**

211	Salaries/Wages	\$ <u>35,000</u>	
212	Employee Benefits	\$ <u>16,200</u>	
230	Contractual Services	\$ <u>413,400</u>	
240	Supplies and Materials	\$ <u>3,250</u>	
	Other (Uniforms & Travel)	\$ <u>0</u>	
TOTAL REFUSE FUND:			\$ <u>467,850</u>

GRAND TOTAL ALL APPROPRIATIONS: \$12,587,768

SECTION 20.

Due to an unforeseen loss in revenue caused by businesses leaving the city and the continuation of the national Coronavirus Pandemic, it is estimated that the City will end 2022 with a balance well below that required in the City's General Fund Carryover Balance Policy. Based on the policy the City, should carry forward a minimum of six month of the previous years' operating expenses, which is equal to \$2,553,676. Based on the estimated Ending Fund Balance for 2022 the City will only carry over \$127,330. Through the new developments, new business prospects, and continued reduction of expenditures the City hopes to be in compliance by December 2023.

SECTION 21.

This Resolution shall take effect immediately after passage of this Resolution as provided in 4.07(A)(1) of the Charter of the City of Brookville, Ohio.

And the Director of Finance is hereby authorized to draw warrants on the City Treasury for payments from any of the foregoing appropriations upon receiving proper certificates and

vouchers therefore, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or Ordinance. Provided further that the appropriations for contingencies can only be expended upon appeal or two-thirds vote of Council for items of expense constituting a legal obligation against the city, and for purposes other than those covered by other specific appropriations herein made.

Passed _____

Approved:

Charles Letner, Mayor

Attest:

Kimberly Duncan,
Clerk of Council

CERTIFICATE

Section 5705.39, R.C. – “No appropriation measure shall become effective until the county auditor files with the appropriation authority.....a certificate that the total appropriations from each fund taken together with all other outstanding appropriations, do not exceed such official estimate or amended official estimate. When the appropriation does not exceed such official estimate, the county auditor shall give such certificate forthwith upon receiving from the appropriating authority a certified copy of the appropriation measure.....”

The State of Ohio Montgomery County, ss.

I Michelle Brandt, Director of Finance of the City of Brookville in said County, and in whose custody the Files, Journals, and Records are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing Annual Appropriation Resolution is taken and copied from the original Resolution now on file with said City, that the foregoing Resolution has been compared by me with the said original and that the same is a true and correct copy thereof.

Witness my signature, this _____ day of _____ 2021.

—

Director of Finance of the City of
Brookville, Montgomery County,
Ohio

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 21-36 was posted at the City Building, U.S. Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio on the _____ day of _____ 2021 to the _____ day of _____ 2022 both days inclusive.

—

Kimberly Duncan
Clerk of Council