



CITY COUNCIL
Tuesday, August 16, 2022, 7:30 PM
301 SYCAMORE STREET, BROOKVILLE, OHIO 45309
937-833-2135
www.brookvilleohio.com

<https://brookvilleoh.webex.com/brookvilleoh/j.php?MTID=m35fad1e4c41a9c2cd48d75288932c58f>

Meeting number: 2632 108 8237 Password: dNeJ73MWNb7

Join by phone: +1-415-655-0001 US Toll 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 August 2, 2022 Special Meeting Minutes
- b. Approval of August 2, 2022 Regular Meeting Minutes

IV. Citizen of the Month Recognition - Angie Dull

V. Reports of Municipal Officers

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

VI. Old Business

- a. Third reading of proposed Resolution No. 22-19 entitled "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION

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



STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED."

- b. Third reading of proposed Resolution No. 22-20 entitled "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED."

VII. New Business

- a. First reading of proposed Resolution No. 22-26 entitled "A RESOLUTION REAPPOINTING MS. KIMBERLY D. DUNCAN AS CLERK OF COUNCIL FOR THE CITY OF BROOKVILLE, OHIO, AND ESTABLISHING HER ANNUAL SALARY AND EMPLOYMENT BENEFITS, AND DECLARING IT AN EMERGENCY."

VIII. Reports of Boards and Commissions

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

IX. Public Comments (5 minutes per speaker)

X. 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
PUBLIC MEETING
August 2, 2022

The Public Meeting of the Brookville City Council was called to order by Mayor Letner at 7:00 p.m. on August 2, 2022. 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, Requarth, Schreier, Wilder and Zimmerlin; Manager Keaton, Law Director Stephan, Finance Director Brandt, Police Chief Jerome and Clerk Duncan were present. Fire Chief Fletcher was absent.

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

Mayor Letner announced this Public Meeting is being held to consider the retirement and rehiring of Kimberly Duncan as Clerk of Council for the City of Brookville.

Finance Director Brandt announced the Public Meeting tonight is to consider the issue of Kimberly D. Duncan being re-employed by the City of Brookville as Clerk of Council effective September 1, 2022, upon her retirement as Clerk of Council, effective August 31, 2022. Per Ohio Revised Code Section 145.381 and Ohio Administrative Code Section 145-1-79, public notice was provided in the June 29, 2022 edition of the Brookville Star that a public meeting would be held on August 2, 2022 at 7:00 p.m. in the City Council Chambers, which meets the requirements of providing notice at least 60 days before the re-employment is to begin. A public notice was also placed on the City of Brookville's website.

Finance Director Brandt stated for those unfamiliar with the Ohio Public Employees Retirement System, or OPERS, public employees who have worked the required number of years in government are eligible to retire and begin immediately receiving their pension. According to the rules and requirements of OPERS, it is acceptable and very common for eligible public employees to retire and then be rehired by their same organization. In fact, this occurs regularly in various public-sector agencies, including the military, schools and others.

Finance Director Brandt advised in addition to OPERS, there is also a police and fire program called DROP, which stands for the Deferred Retirement Option Plan. Under this plan, a police officer or fire fighter that is eligible for retirement can continue to work and enter the DROP program for a period of three to eight years. The concept of both the OPERS re-employment program and the DROP program is to retain qualified, well-trained professionals working for their current communities.

There was no public comment.

Clerk Duncan stated it has been a great 31 years and she looks forward to continuing her employment with the City of Brookville.

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

Kimberly Duncan, Clerk

Charles Letner, Mayor

Brookville City Council
Regular Meeting
August 2, 2022

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on August 2, 2022. 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, Requarth, Schreier, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher, Police Chief Jerome and Clerk Duncan were present.

Roll Call by Clerk Duncan.

Member Zimmerlin requested the Agenda be modified to add the approval of the July 19, 2022 Special Meeting Minutes.

Motion by Zimmerlin, second by Fowler to adopt the Agenda with an addition. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to approve the July 19, 2022 Regular Meeting Minutes. All yeas, motion carried.

Motion by Fowler, second by Schreier to approve the July 19, 2022 Special Meeting Minutes. All yeas, motion carried.

Manager Keaton commended the Chamber of Commerce on an outstanding Community Picnic this year. The fireworks show was exceptional and it looked like everyone had a great time.

Manager Keaton reported we recently sold our 1997 International dump truck on GovDeals for \$13,000. We purchased that dump truck on GovDeals in January 2009 for \$27,100. We also sold two generators, two push mowers, and aluminum toolboxes that totaled \$1,082.

Manager Keaton reported the breakdown of the Hay Avenue Roadway Improvement, Phase II OPWC application is as follows: Total Project Cost is \$914,332 which includes a 10% contingency, engineering, and advertising. Manager Keaton stated she is submitting this application as a 25% grant (\$228,583) and a 75% loan (\$685,749) over a 29-year period at zero percent interest. The breakdown of the estimated annual debt payment by Fund if this project receives approval is as follows:

- Street Fund - \$449,440 - \$15,498 annually
- Storm Fund - \$104,440 - \$ 3,601 annually
- Water Fund - \$131,869 - \$ 4,547 annually

Manager Keaton reported the total cost of the North Wolf Creek Street Waterline Replacement OPWC Project is \$1,472,646, which includes a 10% contingency, engineering, and advertising. Manager Keaton stated she is still working on the application to determine the best grant/loan breakdown for the City and to maximize our points. Manager Keaton advised she will provide an update on this application at the next Council Meeting.

Manager Keaton reported the Sludge Press building is nearing completion; final grade work around the building is complete, the garage doors are installed, and electrical work should be completed this week. The blower motor has been installed. The entry doors have arrived, and the contractor needs to finish painting. Manager Keaton stated she anticipates the project to be completed by August 12.

Manager Keaton reported she received an update from MetroNet yesterday advising that AES Ohio poles continue to release slowly. MetroNet expects aerial construction to begin sometime this month.

Manager Keaton reported the contractor for the Safe Routes to School Project is currently working on West Westbrook Road between Johnsville-Brookville Road and Western Avenue. This week the contractor is scheduled to pour curb and gutter, finish the sidewalk, driveway approaches, and curb ramps on Westbrook Road and curb ramps at the intersection of Western Avenue and Westbrook Road. The project should finish with paving on August 8 and striping on August 9.

Member Requarth asked if there will be any work done on the intersection of Blue Pride Drive and Western Avenue, where the school granted an easement years ago?

Manager Keaton replied she needs to verify what work is to take place at that intersection. It is possible the crosswalk will be painted differently.

Member Requarth stated the handicap ramp on the northeast corner has been damaged.

Manager Keaton replied she will take a look at that.

Member Fowler inquired what the useful life is of asphalt?

Manager Keaton replied if the asphalt is taken down to the base, the useful life is 29 years. The useful life of a resurfaced roadway is 12-15 years.

Manager Keaton reported Southwest Ohio Purchasers for Government recently opened the 2022/2023 Rock Salt Bids and the lowest bidder for Brookville was American Rock Salt Company, LLC at a cost of \$79.16 per ton delivered price from August 1, 2022 through July 31, 2023. The cost per ton is significantly more than what we paid to Cargill over the last two years, which was \$48.16 and \$58.16 per ton respectively. In 2018 & 2019, we paid \$85.12 per ton for road salt. The bid also includes a 12-month option to renew from August 1, 2023 through July 31, 2024 at a cost of \$86.36 per ton. Manager Keaton provided Council with a copy of the bid tabulation and recommended Council approve the 2022/2023 Rock Salt Bid for the purchase of 300 tons at a cost of \$79.16 per ton from American Rock Salt Co. LLC, and to approve the 2023/2024 Rock Salt Bid for the purchase of 300 tons at a cost of \$86.36 per ton.

Member Zimmerlin inquired if the price fluctuation is due to the light winters that we have had?

Manager Keaton replied she is not sure what drove the price back up again. Much of it is driven by labor, which is hard to find right now. Manager Keaton stated there has been an ebb and flow on salt prices for a number of years.

Member Crane inquired whether we should purchase salt yearly, since the price is fluctuating so much?

Member Requarth inquired whether we have to sign one year at a time to get that price?

Manager Keaton replied we have purchased it two years at a time for a long time. She can inquire about purchasing one year at a time. It is a gamble with the current economy.

Member Requarth commented we are estimating we will need 300 tons of salt.

Manager Keaton stated that is the amount we buy each year. Our salt barn can hold 550 to 600 tons and we currently have 450 tons in stock. We can buy 150 tons for the remainder of this year and then purchase the remainder before the price increases.

Member Zimmerlin inquired about the disparity of the price being paid for salt by other entities?

Manager Keaton agreed it does not make sense.

Manager Keaton stated we purchase the 300 tons per year even if we do not use it, so that we can lock in the price.

The consensus is to table the salt purchase discussion until Manager Keaton inquires about the ability to purchase salt one year at a time.

Manager Keaton reported the 2022 Southwest Ohio Regional Refuse (SWORRE) Consortium consists of Brookville, Bellbrook, and Miamisburg. The SWORRE bid was sent to Waste Management, Rumpke, Republic, and Bestway Disposal. Bestway dropped out early in the bidding process. The Consortium opened bids in late April for the collection of solid waste and recyclable materials. Our current Contract with Rumpke expires December 31, 2022. The Consortium received a responsive bid and an alternate bid from Rumpke. Several meetings were held over the summer with members of the Consortium and Rumpke to discuss and clarify changes that were made between the 2017 and 2022 bids. Rates have increased nationally and locally due to inflation, fuel, and staffing pressures. Manager Keaton reported the Council packet includes an overview sheet of the bids submitted by Rumpke and language changes, a large sheet that displays the 2017 and 2022 refuse and recycling rates, a benchmark sheet, a question/response summary document from Republic, Waste Management, and Rumpke, a “no bid” letter from Waste Management, and an article on the City of Centerville increasing their refuse and recycling rates beginning January 1, 2023.

Manager Keaton stated the breakdown of the rates shows that Rumpke submitted a 3-year proposal with 2 optional years and a 5-year proposal. Rumpke also submitted an Alternate Bid for a term of 5-years. The alternate bid escalates prices each year for 5 years and limits the amount of solid waste that can be set out to six 30-gallon cans or bags, or two 95-gallon trash carts and up to three large items per service day. Manager Keaton stated our 2017 Rumpke contract was \$13.27 per residential unit for both refuse and recycling pick up. In July of 2019, Rumpke imposed a 9 cent increase per month, per residential account, due to the change in the Ohio gas tax. The 2022 proposal that breaks down in years 1 through 3 is \$19.26 for both solid waste and recycling pick up. The year 4 extension is \$20.49, the year 5 extension is \$21.81 and the 5-year term is \$21.36 per residential unit. Manager Keaton reported the alternate bid is strictly for a 5-year term. The alternate bid escalates pricing each year for 5 years, and it also limits the amount of solid waste that can be set out. In year one, it starts out at \$16.64, year two is \$17.70, year three is \$18.83, year four is \$20.04 and year five is \$21.33.

Member Requarth inquired what happens if someone has more refuse set out for pick-up than the contract allows?

Manager Keaton replied Rumpke will tag it to notify the customer it is over the limit. The customer does have the ability to call Rumpke and let them know they will have extra trash set out for the week they will pick it up. Rumpke advised there is not going to be an additional charge but by calling ahead they are prepared. Rumpke claims limiting the amount of trash helps eliminate strain on their drivers and keeps down workers compensation claims. This residential limit is based on what most of the other trash haulers are doing. Manager Keaton stated some entities will struggle with educating their customers on how much refuse they can put out, but she does not see that being much of an issue for us.

Member Zimmerlin observed the difference between the regular bid and the alternate bid is that we are limiting trash. Member Zimmerlin stated the price should go down then.

Manager Keaton replied they are limiting the number of containers that can be set out. On the alternate bid, the average over the five years is \$18.91.

Member Zimmerlin inquired what percentage increase does this calculate to be?

Manager Keaton replied it is close to a 40% increase.

Finance Director Brandt replied the three-year contract with the option for the two years is almost a 47% increase and the five-year is a 39% increase.

Member Zimmerlin stated we eliminated our city refuse services which was supposed to have saved money and now we're coming back with a 40% increase. Is this truly going to save us money in the long term?

Member Requarth stated you have to consider equipment, wages, benefits and everything else for our workers to pick up trash.

Member Zimmerlin stated that is a big jump. The selling point when we went with Rumpke was the cost savings.

Member Fowler asked what it would cost us if we went back to the city picking up trash?

Manager Keaton replied we would have to hire at least two people, which includes payroll benefits and workers compensation. We would also have to purchase another refuse truck, because we have to have a back-up. We also must consider fuel costs.

Member Requarth inquired whether we have less employees now than we did in 2017 when we discontinued refuse pick-up?

Manager Keaton replied we have the same number of employees now as in 2017. The two employees that used to work on the refuse truck do nothing but mow, spring through fall. The third employee that was on the truck helps in other areas of the Service Department.

Member Zimmerlin asked if it would be cheaper to contract out mowing?

Member Requarth stated mowing is expensive and inquired if staff can calculate the cost for the city to pick up refuse? This would give us something to compare it to and enable us to answer any questions from the public with actual numbers to base it on.

Manager Keaton reminded Council that when we picked up refuse in-house, we still used Rumpke as our recycling hauler.

Mayor Letner commented we would also have to pay tipping fees if we went back to in-house refuse collection.

Member Fowler inquired how we maintained the mowing when we were also picking up trash? He stated we should look into contracting out some of our mowing.

Manager Keaton replied we had more employees at that time and also had seasonal summer help. Some of those employees retired and we did not replace them. Manager Keaton stated we had a seasonal worker mowing for us this year, but he left for full-time employment.

Member Zimmerlin commented our residents were not pleased when we switched to Rumpke and there were a lot of issues when we first switched over.

Manager Keaton replied there was definitely a learning curve between our citizens and Rumpke when we made the change.

Member Crane inquired whether Rumpke would charge the same price as they did before for picking up recycling only?

Manager Keaton stated it would probably be more. Manager Keaton pointed out we currently pay over \$2,000 per month in fuel surcharges.

Member Fowler asked if we could push back on Rumpke and possibly get a better price if we tell them we are considering going back to in-house refuse pick-up.

Manager Keaton replied we cannot re-negotiate a bid. We would have to reject the bid and start the bid process over.

Finance Director Brandt advised the proposed five-year Rumpke contract increases refuse charges by \$5 per month per resident. Raising the rate by this amount per month would pay all of our costs and we would not have to raise our rates for the next five years. Finance Director Brandt stated the three-year contract would put us in the hole approximately \$130,000 with a \$5 per month/per resident increase.

Member Fowler stated we could purchase a used refuse truck.

Mayor Letner commented that would be asking for trouble due to the extent that we would use it on a daily basis.

Police Chief Jerome inquired if some of the haulers did not bid because they do not pick up in alleys?

Manager Keaton replied information about alley pickup is included in the Council packet. Some haulers are going to automated pick-up only and this cannot be done in the alleys.

Member Fowler asked if the alleys could be segregated and picked up by the City?

Manager Keaton stated at some point we need to take refuse pick-up out of the alleys altogether.

Mayor Letner commented \$60 per year per resident is not a bitter pill to swallow as we are currently looking at 9% inflation.

Discussion continued. The consensus is that it is Council's responsibility to the citizens to have staff calculate what it would be to bring refuse pick-up back in-house for comparison. Manager Keaton will bring those figures back to Council at the next meeting for further discussion.

Finance Director Brandt presented the Fund Balance for month ending July 31, 2022.

Motion by Fowler, second by Requarth to accept the July 31, 2022 Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt requested Council accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 22-25, which amends the 2022 appropriations. This would take effect immediately after passage as provided in 4.07(a)(1) of the Charter of the City of Brookville. The majority of the changes are related to personnel changes, the opioid fund and other revenue increases which are positive things.

Motion by Fowler, second by Schreier to read proposed Resolution No. 22-25. All yeas, motion carried.

Motion by Requarth, second by Zimmerlin to accept the first reading, dispense with the second and third reading and adopt Resolution No. 22-25 entitled "A RESOLUTION AMENDING THE 2022 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE, AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW." All yeas, motion carried.

Finance Director Brandt requested Council authorization to transfer \$100,000 to the Park Fund and \$100,000 to the Street M&R Fund from the General Fund. Finance Director Brandt stated these transfers are in the budget and are only a portion of the total amount appropriated.

Motion by Zimmerlin, second by Fowler to authorize the transfer of \$100,000 from the General Fund to the Park Fund and \$100,000 from the General Fund to the Street M&R Fund. All yeas, motion carried.

Fire Chief Fletcher advised Council should have received the second quarter report last week. He will work on enlarging the print on the monthly report to make it more user friendly.

Fire Chief Fletcher reported the month of July was very busy with 90% of their activity being EMS related. EMS crews responded to a fatal crash and a child attacked by a family pet. Fire Chief Fletcher commended our EMS personnel for their hard work and professionalism, stating they did some really good work saving that small child who was critically injured. Fire Chief Fletcher reported they also continue to receive a lot of COVID related calls, and he just received information from the Ohio Department of Health on monkeypox. The Fire Department will continue their stringent disinfection protocol so that we are not part of the disease transmission process.

Fire Chief Fletcher reported they will be making some changes to streamline the process for food trucks and trailers. There were some issues with the more than 70 vendors at the Community Picnic and streamlining the process would prevent problems in the future.

Fire Chief Fletcher reported their annual blood drive will be held on September 27, 2022 from 2:00 p.m. until 6:00 p.m.

Member Wilder inquired if we have counseling in place for our fire personnel after they respond to critical calls?

Fire Chief Fletcher replied we do have professional employee assistance opportunities in place. One of the most important things after a critical call is for the supervisor to sit down at the kitchen table with personnel to stress debrief before they go home to their families.

Police Chief Jerome reported he and staff are in the process of completing a wellness policy through Lexipol which will require our officers to speak with a mental health professional for one hour one time per year. This is something that other area agencies are doing through the Ohio Collaborative to ensure Officer wellness.

Police Chief Jerome advised he will be presenting a body camera demonstration at the next Council meeting.

Police Chief Jerome reported the new part-time administrative assistant he is sharing with the Fire Department, Brittany Ferguson, has entered all the UCR data from 2021 and 2022 and it has been submitted to the FBI. Police Chief Jerome reported Ms. Ferguson has also been trained to spot check our body cam video in an effort to police ourselves. She will begin with reviewing one recording per day, and will progress to at least one recording per shift, per day. This is done in many agencies.

Member Fowler inquired specifically what she would be looking for?

Police Chief Jerome replied anything that might raise a red flag with the public such as a language issue or use of force issue.

Member Fowler inquired whether the Officers have the ability to turn on and off the body cam recording?

Police Chief Jerome replied they do have this ability. However, once a video is downloaded it is impossible to delete it.

Member Requarth inquired if a red flag regarding an Officer's conduct is raised on one of the videos that is spot checked, will other recordings of that Officer be reviewed?

Police Chief Jerome replied that is correct. Many of the Officer conduct things you see on the news were likely caught through spot checking.

Member Crane inquired if there is a policy regarding when it is appropriate to turn the body cams on and off?

Police Chief Jerome replied the policy states the recording can be turned off when it is no longer of evidentiary value.

Police Chief Jerome reported he attended a presentation by the BCI representative regarding what services BCI will provide with the recent cuts made by the Miami Valley Crime lab. He was encouraged by the type and number of services they will provide to local police agencies and the time frame they return results in. The drawback is that our Officers will have to follow chain of custody and personally drive our samples and evidence to the BCI lab in London, Ohio. Officers will be trained to ensure we are compliant.

Police Chief Jerome reported our speed trailer has been out on Wolf Creek, and it has helped slow down the traffic. The speed trailer is aging and in need of repairs. There may be some grant opportunities to help with that.

Police Chief Jerome commended our new Fleet Mechanic Dave Schmitt for his speed in getting things repaired and back in service. Vehicles in the Police Department are used 24/7 which requires almost daily repairs and maintenance.

Member Zimmerlin inquired why traffic stops are on trend with last year, but citations are significantly down?

Police Chief Jerome replied one of our Officers that issued a lot of citations is no longer with us. With COVID easing, the number of citations is coming back up. Police Chief Jerome advised the Police Department will be paying a lot of attention to the new crosswalk in the 500 block of Westbrook Road. Although it is not optimal, this is not a unique crosswalk. The new crosswalk on Johnsville Brookville Road has been needed for years and is a tremendous safety enhancement for our students.

Law Director Stephan reported the second reading of proposed Ordinance No. 2022-04 is before City Council tonight. This Ordinance amends the zoning classification of part of Lot 2222 of the City of Brookville from its present classification of (HS) Highway Service to the new classification of (I-2) General Industrial District. This is for the property on Arlington Road, north of I-70, which both Planning Commission and Council have received briefings on from the developer. Planning Commission voted unanimously to recommend this re-zoning Ordinance for approval. Law Director Stephan recommended Council approve the second reading and dispense with the third reading so that we can keep moving forward on this project. The developer has a deadline to close on this property by the end of the year.

Member Fowler inquired whether the developer has reached out to the property owners who raised issues.

Law Director Stephan stated the developer is hoping to come to Ohio in August, and they are looking at potentially having a meeting at that time. Law Director Stephan stated he has recommended to the developer that they get the site plan completed, particularly the traffic study

and stormwater management portion completed before meeting with the property owners. They are working on this to get it completed. The traffic study may take up to two months to complete.

Member Fowler observed the water issues will be less than what they are currently once the development is completed.

Member Zimmerlin commented he would not want a truck stop to be built on that property.

Motion by Fowler, second by Zimmerlin to read proposed Ordinance No. 2022-04. All yeas, motion carried.

Motion by Fowler, second by Wilder to accept the second reading, dispense with the third reading and adopt Ordinance No. 2022-04 entitled "AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PART OF LOT 2222 OF THE CITY OF BROOKVILLE FROM ITS PRESENT CLASSIFICATION OF (HS) HIGHWAY SERVICE DISTRICT TO THE NEW CLASSIFICATION OF (I-2) GENERAL INDUSTRIAL DISTRICT." All yeas, motion carried.

Mayor Letner thanked the Chamber of Commerce for the 71st Annual Community Picnic.

Mayor Letner reported the City of Englewood has been thanked properly for our new ladder truck. It has been a great addition to our fleet.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 22-19. All yeas, motion carried.

Motion by Requarth, second by Fowler to accept the second reading of proposed Resolution No. 22-19. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to read proposed Resolution No. 22-20. All yeas, motion carried.

Motion by Fowler, second by Wilder to accept the second reading of proposed Resolution No. 22-20. All yeas, motion carried.

Member Fowler, Park Board Liaison, reported the park has been restored to its natural beauty after the Community Picnic. Member Fowler thanked the Fire and Police Departments and city staff for their assistance with the Picnic. It was a great event that was well attended.

Member Zimmerlin asked if there has been any interest in the open board positions and how long they will be advertised?

Manager Keaton replied we will keep them open until they are filled. We have not received any letters of interest.

Member Schreier, Planning Commission Liaison, reported Planning Commission met on July 21 and the Preliminary Plat for Meadowlark Subdivision was passed by a majority vote. The plan included 111 zero lot line homes.

Member Fowler inquired if any Planning Members had issues with the development?

Member Schreier replied there were questions around density, road noise from the interstate and the overall number of homes.

Damian Kristof, of 61 Oak Street, invited everyone to attend a presentation about the Spitler House on August 23, 2022 at 7:00 p.m. The event is sponsored by the Brookville Library and Brookville

Historical Society and is an opportunity to boost membership in the Historical Society and provide the public with a resource guide for what they offer in their research library.

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

Kimberly Duncan, Clerk

Charles Letner, Mayor

To: Mayor & Council
From: Sonja M. Keaton, City Manager
RE: Manager's Report
Date: 8/15/2022

The Southwest Ohio Purchasers for Government (SWOP4G) advertised for bids for a rock salt contract from August 1, 2022 – July 31, 2023 with a 12-month option to renew from August 1, 2023 – July 31, 2024. The option to renew is not mandatory, it is an available option. We can enter into a 1-year contract with American Rock Salt Co. LLC, with the option to renew from August 1, 2023 – July 31, 2024. By next June we need to revisit the second year option with American Rock Salt Co. LLC.

On the N. Wolf Creek Street Waterline Replacement OPWC Project, the total project cost is \$1,472,646 which includes a 10% contingency, engineering, and advertising. We are submitting this application as a 25% grant (\$368,162) and a 75% loan (\$1,104,484) over a 30-year period at zero percent interest. Annual debt payments would be \$36,816.15.

We are currently advertising for bids on the Westbrook/Albert Road Stormwater Project. The bid opening is scheduled for August 29, 2022.

Over the last week, we have received two letters of interest for our open Board/Commission seats.

Updates on our current projects:

- The Safe Routes to School Project is completed. We have a walk-through scheduled tomorrow.
- The Sludge Press Facility Project is wrapping up. We are still waiting on two entry doors, and the chimney for the used oil furnace.

Over the last two weeks the Service Department asphalt patched areas on W. Westbrook Rd., repaired a section of fence at Golden Gate Park, removed base pegs on Diamond #4 and #8, replaced a bulb on a 4-way traffic light, replaced a truncated dome at Blue pride Dr. and Western Ave., trimmed a tree for the installation of a rapid flashing beacon, removed a downed tree in Golden Gate Park for Cross Country, replaced a stop sign at Arlington and N. Wolf Creek St., assembled and placed a new memorial bench, and replaced an intersection sign at Arlington and Rona Parkway.



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

Chief Douglas Jerome

djerome@brookvilleohio.com



Council Meeting Agenda August 16, 2022

Reportable Incidents

1/1/2021 – 8/12/2021 = 456

1/1/2022 – 8/12/2022 = 316

Citations

1/1/2021 – 8/12/2021 = 574

1/1/2022 – 8/12/2022 = 97

Traffic Stops

August 2021- 83

August 2022 to date - 27

Brookville Police Department

Incident Arrest Blotter

Arrest Date	Time	Suspect's Name	Address, Charges(s)	Incident ID
08/02/2022		DARRELL L. HENDERS	821 BROOKLYN AVE, DAYTON, OH 45401 292511: Drug abuse - obtain, possess, use controlled subst	2022-00303
08/04/2022		DILLON A. BAYARD	201 E XENIA DR APT 4, FAIRBORN, OH 45324 35: WARRANT ARREST	2022-00306
08/08/2022		MATTHEW L. YABLONS	5 OSAGE ST, BROOKVILLE, OH 45309 291925A: Domestic violence - knowingly cause physical harm 291925C: Domestic violence - knowingly force, threat of	2022-00310
		TYLER J. RIGGS	432 MARKET ST, BROOKVILLE, OH 45309 290321: Aggravated menacing	2022-00312
		AARON S. BRONNER	400 POPLAR ST, BROOKVILLE, OH 45309 291925: Domestic violence	2022-00313

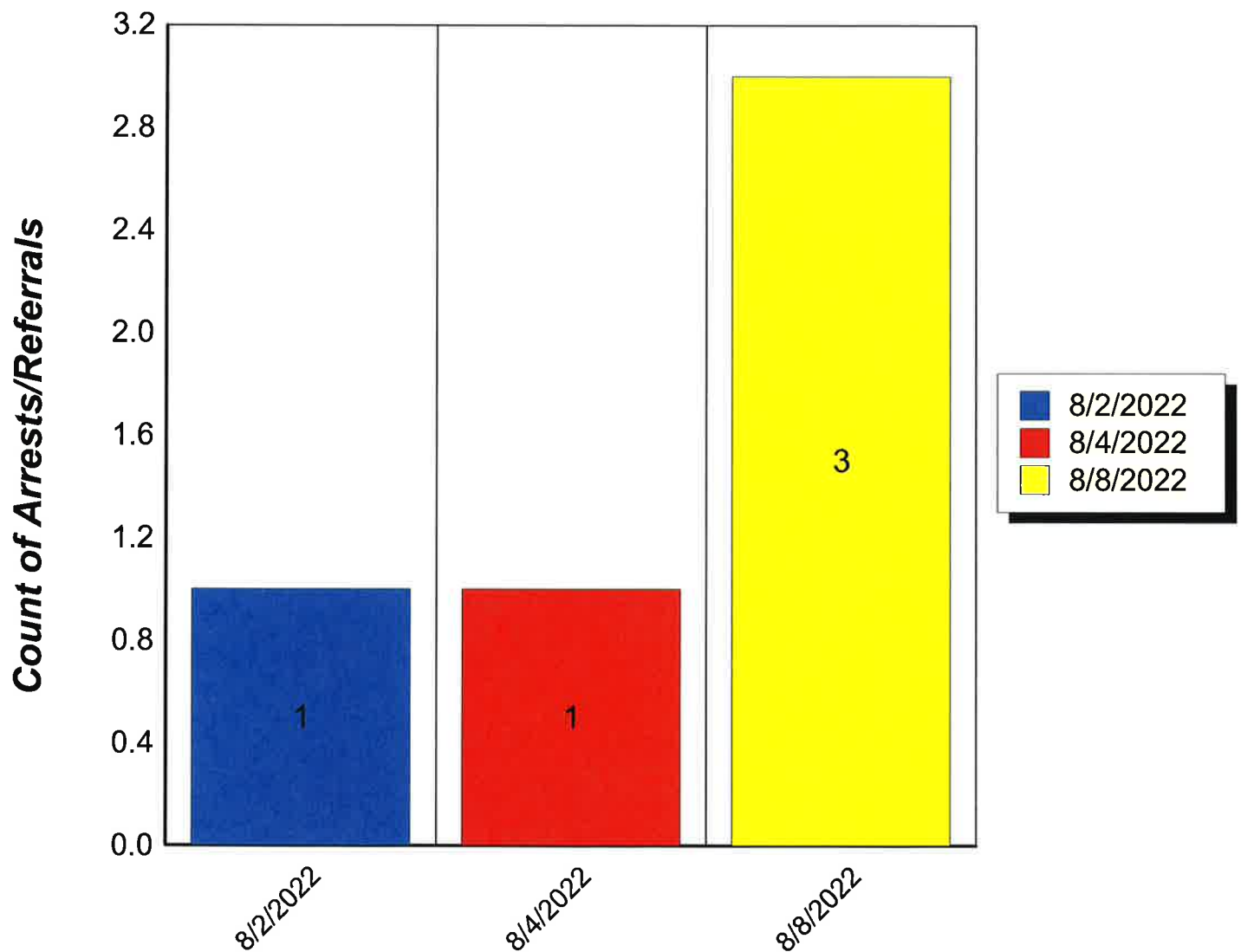
Total Selected = 5

Brookville Police Department

Arrest Log by Date

Arrest Date	Total Arrests
August 02, 2022	1
August 04, 2022	1
August 08, 2022	3
Total Selected = 5	

Arrest Log by Date

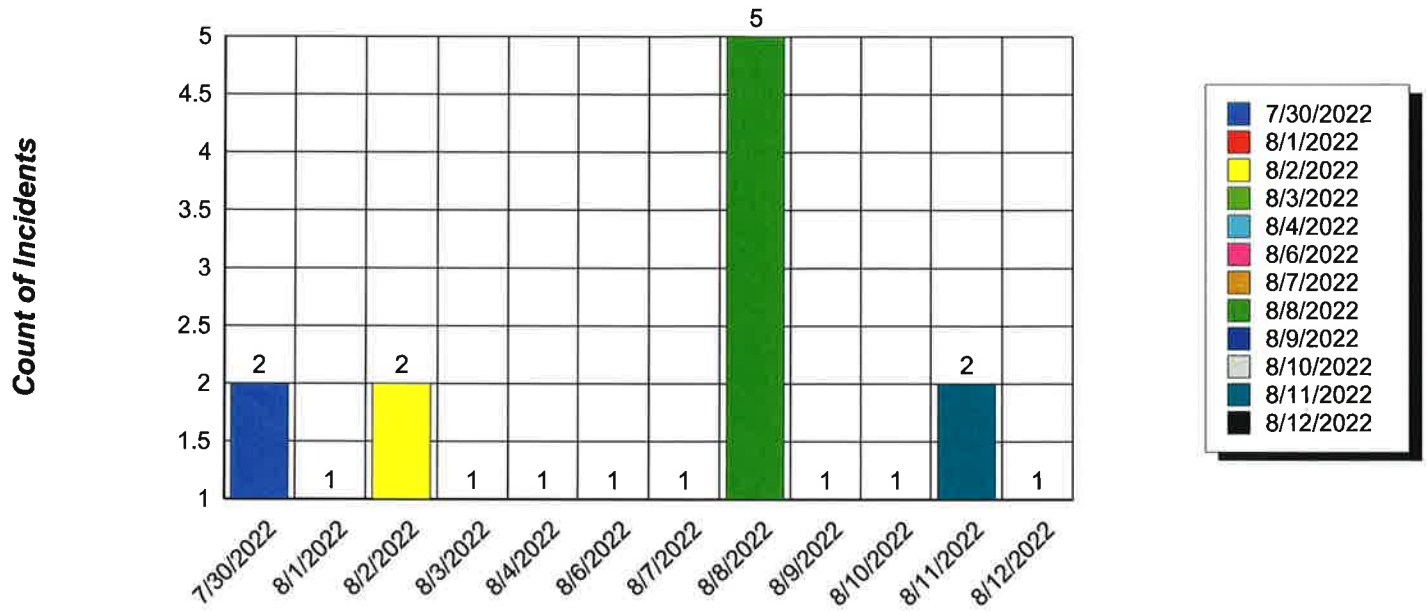


Brookville Police Department

Incident Log by Date Reported

Date Reported	Day of Week	Total Reported
07/30/2022	Saturday	2
08/01/2022	Monday	1
08/02/2022	Tuesday	2
08/03/2022	Wednesday	1
08/04/2022	Thursday	1
08/06/2022	Saturday	1
08/07/2022	Sunday	1
08/08/2022	Monday	5
08/09/2022	Tuesday	1
08/10/2022	Wednesday	1
08/11/2022	Thursday	2
08/12/2022	Friday	1
Total Selected = 19		

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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July 30, 2022

2022-00300	BROOKVILLE SALEM RD BROOKVILLE PD	SIGNAL 26A - ASSIST TO OTHER AGENCY	07/30/2022		EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	02	26A - ASSIST ANOTHER AGENCY/OFFICER

2022-00301	117 SYCAMORE APT 101 BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	07/30/2022		OPEN CASE
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Offenses	UCR	Offense Description
1	02	291721B - Telephone harassment - abuse, threaten, annoy

Total Incidents Reported for Date: 2

August 01, 2022

2022-00302	428 NORTH WOLF CREEK BROOKVILLE PD	SIGNAL 06A - PETTY THEFT	08/01/2022		OPEN CASE
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Offenses	UCR	Offense Description
1	06	291302 - Theft

Total Incidents Reported for Date: 1

August 02, 2022

2022-00303	237 MARKET STREET BROOKVILLE PD	SIGNAL 18 - POSSESSION OF DRUGS	08/02/2022	08/02/2022	ARREST
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Offenses	UCR	Offense Description
3	01	292511 - Drug abuse - obtain, possess, use controlled subst
	N/A	451012 - DRIVING WITHOUT VALID LICENSE
	N/A	451143A - FAILED TO STOP AT POSTED STOP SIGN

2022-00304	545 UPPER LEWISBURG SALEM RD BROOKVILLE PD	SIGNAL 26I - FOUND PROPERTY	08/02/2022	08/02/2022	EXCEPTIONALLY CLEARED
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Total Incidents Reported for Date: 2

August 03, 2022

2022-00305	115 BROOKMOOR DR BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	08/03/2022	08/03/2022	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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August 03, 2022

Total Incidents Reported for Date: 1

August 04, 2022

2022-00306	IR70 E/B AT MP 23.5 BROOKVILLE PD	SIGNAL 35 - WARRANT ARREST	08/04/2022	08/04/2022	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 3 N/A 35 - WARRANT ARREST
 N/A 450311C - ANNUAL REGISTRATION OF MOTOR VEHICLES
 N/A 450702D1 - DRIVING UNDER A COURT SUSPENSION

Total Incidents Reported for Date: 1

August 06, 2022

2022-00307	COLUMBIA STREET BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	08/06/2022	08/06/2022	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 2 02 26I - INFORMATION REPORT
 N/A 35104A - VEH MUST BE PARKED 12 INCHES AND PARALLEL TO CURB

Total Incidents Reported for Date: 1

August 07, 2022

2022-00309	115 SYCAMORE STREET APT 103 BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	08/06/2022	08/06/2022	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 1

August 08, 2022

2022-00310	5 OSAGE STREET BROOKVILLE PD	SIGNAL 20 - DOMESTIC VIOLENCE	08/08/2022	08/08/2022	ARREST
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Offenses UCR Offense Description
 2 02 291925A - Domestic violence - knowingly cause physical harm
 02 291925C - Domestic violence - knowingly force, threat of

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
August 08, 2022					
2022-00311	40 URBAN BROOKVILLE PD	SIGNAL 26I - TRESPASS WARNING	08/08/2022	08/08/2022	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2022-00312	430 MARKET ST. BROOKVILLE PD	SIGNAL 26O - AGGRAVATED MENACING	08/08/2022	08/08/2022	ARREST
Offenses UCR Offense Description 1 04 290321 - Aggravated menacing					
2022-00313	400 POPLAR ST BROOKVILLE PD	SIGNAL 20 - DOMESTIC VIOLENCE	08/08/2022	08/08/2022	ARREST
Offenses UCR Offense Description 1 02 291925 - Domestic violence					
2022-00314	301 SYCAMORE STREET BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	08/08/2022	08/08/2022	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
Total Incidents Reported for Date: 5					
August 09, 2022					
2022-00315	WOLF CREEK @ WESTBROOK BROOKVILLE PD	SIGNAL 53A - PROPERTY DAMAGE CRASH	08/09/2022	08/09/2022	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 N/A 451121A - ASSURED CLEAR DISTANCE AHEAD					
Total Incidents Reported for Date: 1					
August 10, 2022					
2022-00316	56 N HILL STREET BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	08/10/2022		OPEN CASE
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
Total Incidents Reported for Date: 1					

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
August 11, 2022					
2022-00317	I-70 EB EXIT RAMP BROOKVILLE PD	SIGNAL 260 - FAILURE TO OBEY LAWFUL ORDER OF LAW ENFORCEMENT	08/11/2022	08/11/2022	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 2 02 2921331 - Failure to comply with order or signal of P.O. N/A 451112 - OBEYING TRAFFIC CONTROL DEVICES					
2022-00318	127 MAIN ST BROOKVILLE PD	SIGNAL 35 - WARRANT ARREST	08/11/2022	08/11/2022	ARREST
Offenses UCR Offense Description 1 N/A 35 - WARRANT ARREST					
<i>Total Incidents Reported for Date:</i> 2					
August 12, 2022					
2022-00319	DURWELL@WOLF CREEK BROOKVILLE PD	SIGNAL 18 - POSSESSION OF DRUGS	08/12/2022	08/12/2022	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 3 01 292511C3 - Drug abuse - marijuana 02 292514 - Drug paraphernalia N/A 451305 - NO TAIL LIGHTS; REAR PLATE LIGHT					
<i>Total Incidents Reported for Date:</i> 1					
Total Selected = 19					

Memorandum:

Date: August 15, 2022

To: City of Brookville City Council

From: Rodney L. Stephan, Law Director

RE: CITY MANAGER EMPLOYMENT AGREEMENT

The employment agreement for City Manager Sonja Keaton has expired, and it is requested that City Council approve a new employment agreement. The agreement will be for a period of three years, and incorporates rates of pay as adopted by City Council in the pay resolutions for each year of the contract. The other terms of the employment agreement remain the same as the existing contract. It is requested that the motion retroactively approve an effective date of July 21, 2022. If you have any questions, please contact me.

No.

RESOLUTION NO. 22-19

Passed

Yr.

A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Brookville is planning to make capital improvements to the Hay Avenue Reconstruction, Phase II Project; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the Ohio Public Works Commission (OPWC) programs.

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

SECTION I: The City Manager is hereby authorized to apply to the OPWC for funds as described above.

SECTION II: The City Manager is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

SECTION III: This Resolution shall take effect and be in force thirty (30) days after passage as provided by the Charter of the City of Brookville.

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. 22-19, passed by the Council of said City on the _____ day of _____ 2022.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio hereby certifies that the foregoing Resolution No. 22-19 was posted at the City Building, U.S. Post Office, and the Brookville Branch of the Montgomery County Library, Brookville, Ohio on the _____ day of _____ 2022 to the _____ day of _____ 2022, both days inclusive.

Kimberly Duncan, Clerk

No.

RESOLUTION NO. 22-20

Passed

Yr.

A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Brookville is planning to make capital improvements to the N. Wolf Creek Street Waterline Replacement Project; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the Ohio Public Works Commission (OPWC) programs.

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

SECTION I: The City Manager is hereby authorized to apply to the OPWC for funds as described above.

SECTION II: The City Manager is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

SECTION III: This Resolution shall take effect and be in force thirty (30) days after passage as provided by the Charter of the City of Brookville.

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. 22-20, passed by the Council of said City on the _____ day of _____ 2022.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio hereby certifies that the foregoing Resolution No. 22-20 was posted at the City Building, U.S. Post Office, and the Brookville Branch of the Montgomery County Library, Brookville, Ohio on the _____ day of _____ 2022 to the _____ day of _____ 2022, both days inclusive.

Kimberly Duncan, Clerk

RESOLUTION NO. 22-26

No.

Passed

Yr.

A RESOLUTION REAPPOINTING KIMBERLY D. DUNCAN AS CLERK OF COUNCIL FOR THE CITY OF BROOKVILLE, OHIO, AND ESTABLISHING HER ANNUAL SALARY AND EMPLOYMENT BENEFITS, AND DECLARING IT AN EMERGENCY.

WHEREAS, Kimberly D. Duncan having met the service credit requirements for an Ohio Public Employees Retirement System retirement, is retiring on August 31, 2022; and

WHEREAS, this Council has given public notice as required by law of its intent to rehire Ms. Kimberly D. Duncan as Clerk of Council effective September 1, 2022; and

WHEREAS, a public meeting to consider the rehiring of Kimberly D. Duncan as Clerk of Council was conducted prior to the regular City Council meeting at the Offices of the City of Brookville on August 2, 2022, at 7:00 p.m.; and

WHEREAS, this Council considers it to be in the best interests of the City of Brookville to retain her experience, qualifications, and leadership, has decided to reappoint Kimberly D. Duncan the Clerk of Council; and

WHEREAS, in order to provide for the usual daily operations of Clerk of Council, including the maintenance of the records of proceedings of the Council and various Boards and Commissions, and a record of all ordinances and resolutions adopted by the Council; and to comply with all applicable law, it is necessary that this resolution take effect at the earliest possible moment allowed by law.

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

SECTION I: Kimberly D. Duncan is reappointed Clerk of Council of the City of Brookville, Ohio effective September 1, 2022. Kimberly D. Duncan shall continue to receive her current salary and benefits on file with the Department of Finance and hereby approved.

SECTION II: Kimberly D. Duncan shall receive all other benefits, including salary increases, authorized by Council by the appropriate legislation or Council action.

SECTION III: This resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City, the emergency is to provide for the usual daily operations of the Clerk of Council, and to afford a continuation of orderly management of Council and various Boards and Commissions proceedings, and record of all ordinances and resolutions adopted by the Council. This Resolution shall take effect immediately upon passage by two-thirds of the members of Council 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. 22-26 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. 22-26 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