



CITY COUNCIL
Tuesday, January 3, 2023, 7:30 PM
301 SYCAMORE STREET, BROOKVILLE, OHIO 45309
937-833-2135
www.brookvilleohio.com

Join Online: <https://brookvilleoh.webex.com/brookvilleoh/j.php?MTID=md126c47d4c8ed62fd3a7cc6cddc93fde>

Meeting number: 2631 949 5698 Password: P4Jbn3t8JPA

Join by phone: +1-415-655-0001 Access code: 263 194 95698

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 12, 2022 Budget Work Session Minutes
- b. Approval of December 20, 2022 Regular Meeting Minutes

IV. Reports of Municipal Officers

- a. City Manager
- b. Finance Director
 - 1. Fund Balance of December 31, 2022
- c. Fire Chief
- d. Police Chief
- e. Law Director
- f. Mayor Chuck Letner

V. Old Business

- a. Third reading of proposed Ord. No. 2022-05 entitled "AN ORDINANCE AMENDING CHAPTER 1137 GENERAL BUSINESS DISTRICT OF THE CODE OF ORDINANCES FOR THE CITY OF BROOKVILLE, OHIO TO AUTHORIZE MIXED RESIDENTIAL AND BUSINESS USES IN THE GENERAL BUSINESS DISTRICT."

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



VI. New Business

- a. First reading of proposed Resolution No. 23-01 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF SURPLUS PROPERTY EITHER AT A PUBLIC AUCTION, A PRIVATE SALE, BY INTERNET AUCTION OR BY DONATION TO A GOVERNMENT ENTITY, OR TO A NON-PROFIT ORGANIZATION."
- b. First reading of proposed Ord. No. 2023-01 entitled "AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY, OHIO TO PLACE ON THE BALLOT AT THE ELECTION TO BE HELD ON MAY 2, 2023 THE QUESTION OF WHETHER THE CITY OF BROOKVILLE, OHIO SHOULD EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT OUT PROVISIONS PURSUANT TO SECTION 4928.20 AND A NATURAL GAS AGGREGATION PROGRAM WITH OPT OUT PROVISIONS PURSUANT TO SECTION 4929.26 OH THE OHIO REVISED CODE."
- c. First reading of proposed Ord. No. 2023-02 entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, SECTION 957.06 (a), AND PART 9, TITLE 5, SECTION 957.06 (e), FIXING THE USER FEES TO ALL REFUSE CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO."
- d. First reading of proposed Ord. No. 2023-03 entitled "AN ORDINANCE DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN THE CITY OF BROOKVILLE, OHIO, HARPER CREEK INCENTIVE DISTRICT TIF SITE, TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40(C) OF THE OHIO REVISED CODE, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, AUTHORIZING THE EXECUTION OF A SCHOOL AGREEMENT AND A SERVICE AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY, AND ESTABLISHING A TAX INCREMENT EQUIVALENT FUND."
- e. First reading of proposed Ord. No. 2023-04 entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 3, SECTION 935.14 (c)(1), FIXING THE USER FEES TO ALL SEWER CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO."
- f. Designation of Council Member to Planning Commission
- g. Designation of Council Member to Park Board

VII. Reports of Boards and Commissions

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

VIII. Public Comments (5 minutes per speaker)

IX. Executive Session

- a. O.R.C. 121.22(G)(8) to consider confidential information of an applicant for economic development assistance.



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
Budget Work Session
December 12, 2022

The Budget Work Session of the Brookville City Council was called to order by Mayor Letner at 6:00 p.m. on December 12, 2022. The meeting was held in the City Council Chambers and virtually using the Cisco WebEx application. The Pledge of Allegiance was recited. Members Fowler, Schreier, Requarth and Wilder; Manager Keaton, Finance Director Brandt, Fire Chief Fletcher and Police Chief Jerome were present. Members Crane and Zimmerlin, and Clerk Duncan were absent.

Roll Call by Finance Director Brandt.

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

Manager Keaton thanked City Council, Department Heads, and employees for leading Brookville through a successful 2022. Twenty twenty-two seemed like old times where we saw an increase in income tax, motel tax, local government funds, and interest on investment receipts in the General Fund, which allowed us to add a full-time employee in the Fire Department; an increase in donations and rentals in our Park Fund which allowed us to extend electric services in Golden Gate Park and to replace the awning on the Leiber Building; we also realized an increase in zoning permits and water and sewer tap-in fees due to new housing development. On the flip side, we are still amid uncertain times, with recession fears and inflation and how they may impact our budget. Finance Director Brandt is projecting \$3.5 million dollars in income tax revenue for 2023, an increase of \$350,000 from 2022's budgeted income tax. Income tax accounts for 67% of the General Fund revenue. The City's greatest growth in the city's budget has been in personnel costs, which is the greatest cost to most cities. Payroll and benefits account for 35% of the 2023 Budget. In the 2023 Budget, we included a couple vehicles, but that is subject to change due to the shortage of vehicles. We will continue to monitor this situation and make decisions accordingly. Manager Keaton announced at this time she will turn the 2023 Budget Presentation over to Finance Director Brandt.

Finance Director Brandt presented a Power Point Presentation of the 2023 Budget. A copy of the presentation is attached to the minutes.

Finance Director Brandt explained the City has 16 Funds. Two new funds were added in 2022- the Ohioone Opioid Fund and the FEMA fund for the fire grant that we received. Finance Director Brandt provided a brief explanation of the General Fund and the projected 2023 Revenues and Expenditures from the General Fund.

Member Fowler inquired whether the bulk of the revenue increase is from the Perry Township levy?

Finance Director Brandt replied the levy generated \$119,000 for the General Fund, which is a good amount but not the majority of it.

Manager Keaton commented the \$302,100 in the Misc. Donation-Rent-Interest is the advance that we will pay back when we close on the sale of the 18-acre site in February.

Finance Director Brandt presented the 2023 Police Department Budget.

Finance Director Brandt advised the Capital Outlay includes a new cruiser and the upfitting that goes along with a new cruiser.

Discussion followed regarding the cost of purchasing and upfitting cruisers, the rotation of vehicles in our fleet based on mileage and the availability of new cruisers.

Member Schreier commented the budgeted amount for Salaries/Wages did not increase as much as he thought it would.

Finance Director Brandt replied the Police Department staff is younger and not maxed out on the pay scale. Fire Department wages will increase significantly, due to adding a full-time employee in 2022, step increases for part timers and the likelihood that Ohio Police & Fire Pension Fund will be increasing the employer contribution rate in 2023.

Finance Director Brandt presented the 2023 Fire Department Budget.

Fire Chief Fletcher commented the Fire Department works hard to maintain a part-time staff by keeping our pay as competitive as we can with neighboring communities. Fire Chief Fletcher advised we are replacing the MDTs in our fire apparatus with iPads, stating it will be a cost savings measure for the Fire Department.

Discussion followed regarding the cost of fuel and how it affects the budget.

Fire Chief Fletcher advised we use an SUV as a chase vehicle on ambulance runs versus sending a fire truck. This saves on fuel costs as well as wear and tear on our fire trucks. We will look at replacing this chase vehicle toward the end of the year and may be able to replace it with a used vehicle rather than new.

Member Requarth asked if we will need to replace a medic soon?

Fire Chief Fletcher advised we will discuss purchasing an ambulance toward the end of the year, but it is not a critical need at this time. Ambulances must be ordered appropriately 16-24 months in advance and the price often increases by the time the order arrives.

Finance Director Brandt presented the 2023 Government and Administration Budget.

Finance Director Brandt reported the projected carryover for the General Fund is \$579,200, compared to last year's estimated carryover of \$127,000. The Capital Outlay includes a new car for the City Manager. The current City Manager vehicle would be rotated to serve as the Zoning vehicle.

Finance Director Brandt presented the 2023 Service Department Budget. This includes the Street M&R, Park, Water, Sewer, Refuse and Stormwater Funds.

Finance Director Brandt reported the Street Fund includes a 19% increase. This includes the Hay Avenue Phase II Project, and a new pick-up lift truck, a bobcat and gator.

Manager Keaton advised the liftgate truck was in the 2022 budget. Our current liftgate truck is 22 years old. It is used frequently for hauling lawn mowers, used motor oil and other things. The plan is to convert our 2015 truck to a liftgate truck and then order a new or used truck in good condition to replace it. We would then sell the 2000 Chevy on GovDeals.

Manager Keaton reported our current mini excavator struggles when lifting concrete. We would like to replace that with an E42 model with an extendable arm and better hydraulics. The new excavator is \$71,407 and our current excavator has a trade-in value of \$32,500. Our current gator is a 2004 model with 3,000 hours on it.

Member Schreier asked if we get a better price on a trade-in than putting it on GovDeals?

Member Requarth advised when the school has equipment to sell, he lists it on GovDeals with a reserve price set at the trade-in value. If it does not bring the trade-in price, he trades it in.

Manager Keaton replied we can do that with this excavator.

Member Fowler asked what our General Fund carryover was from 2021 going into 2022?

Manager Keaton replied the beginning balance in the General Fund this year was \$1.6 million.

Member Fowler commented the carryover this year is \$1.4 million. It is progressively getting lower.

Member Schreier observed we ended up carrying over \$1.3 million more than we projected.

Finance Director Brandt advised under Contractual Services, our Mechanic will be taking classes to become certified in repairing emergency vehicles.

Fire Chief Fletcher stressed the importance of our Fleet Mechanic having this certification from a liability standpoint.

Finance Director Brandt presented the 2023 Park and Recreational Budget.

Finance Director Brandt advised the increase in expenditures are for a portion of the bobcat and gator expense, as well as some re-paving of the parking lots.

Manager Keaton reported there are also plans to replace all of the playground mulch with a Solid Waste Grant and local share funds from the City.

Finance Director Brandt advised there is no change from last year in the 2023 Land Reutilization Revenues and Expenditures.

Finance Director Brandt reported we expect to receive approximately \$1,800 in Ohioone Opioid Revenue Funds this year.

Finance Director Brandt presented the 2023 Law Enforcement Revenues & Expenditures Fund.

Finance Director Brandt stated the Law Enforcement Fund took a big hit this year with expenditures for body cams and accessories that came with that.

Finance Director Brandt presented the 2023 Local Fiscal Recovery Fund, which includes the Main Street Water Line Project and a possible electrical panel upgrade for the WWTP.

Finance Director Brandt presented the 2023 FEMA Revenues & Expenditures Fund.

Finance Director Brandt presented the 2023 Bond Retirement Revenues & Expenditures Fund and the 2022 Note Retirement Revenues & Expenditures Fund.

Finance Director Brandt presented the 2023 Capital Improvement Fund.

Finance Director Brandt presented the 2023 Fire Capital Improvement Fund.

Finance Director Brandt presented the 2023 Water Fund.

Finance Director Brandt presented the 2023 Sewer Fund.

Finance Director Brandt advised we will be looking at increasing the sewer rate in the very near future.

Discussion followed regarding the Sewer Fund.

Finance Director Brandt presented the 2023 Stormwater Fund and 2023 Refuse Fund.

Discussion followed regarding the projected refuse rate increase and selling our refuse truck.

Finance Director Brandt presented a comparison of 2023 Budget Totals compared to 2022 Budget Totals and 2022 Revenues and Expenditures.

Member Schreier asked Finance Director Brandt what her biggest finance concern is in the upcoming year?

Finance Director Brandt replied she hopes to see increases in income tax, which she estimated low. Our weakest fund is the Sewer Fund, as the WWTP is expensive to maintain.

Discussion followed regarding maintaining the WWTP and employer counts and projected income tax revenue.

Discussion was held regarding the General Fund balance.

Manager Keaton stated in closing, she would like to reiterate to Council that for 2023, just like during 2022 and every other year, Staff will constantly monitor expenditures and receipts and keep Council informed. By law, cities must keep a balanced budget. Staff will continue to focus on economic development and bringing more jobs to Brookville.

Manager Keaton thanked Finance Director Brandt for a commendable job preparing the 2023 Budget.

Mayor Letner thanked Finance Director Brandt for her hard work in preparing the budget and thanked all staff for being mindful and frugal with the city's money.

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

Kimberly Duncan, Clerk

Charles Letner, Mayor

Brookville City Council
Regular Meeting
December 20, 2022

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

Roll Call by Clerk Duncan.

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

Motion by Zimmerlin, second by Requarth to approve the December 6, 2022 Regular Meeting Minutes. All yeas, motion carried.

Joseph Braden, West Regional Liaison for the Auditor of State's Office, presented Finance Director Brandt with the Auditor of State Award for a clean audit report, citing her outstanding leadership and commitment to fiscal integrity. Mr. Braden stated only a few of over 6,000 entities audited qualify for this award, which represents the hard work put in by all the city employees, staff and Council Members.

Mayor Letner recognized Alex Stierwalt as the Citizen of the Month for the month of December. Alex is 17 years old and a first-time blood donor, and Mayor Letner stated it is not where you begin, it is where you end.

Mr. Stierwalt stated he is honored to be the Citizen of the Month and thanked Mayor Letner for the recognition.

Amy Hoffman, of Palmer Energy, gave a presentation regarding Government Aggregation for electricity and natural gas. Ms. Hoffman advised Palmer Energy is partnering with the Miami Valley Communications Council (MVCC) to be their energy consultant, which will provide an opportunity for Brookville residents to participate in a governmental aggregation program and get a better rate on their electricity and natural gas through bulk purchasing. Ms. Hoffman explained if Council decides to move forward this Spring, they will need to pass an Ordinance to put it on the ballot by the first of February. If it passes, the City could join the MVCC coalition and Palmer Energy will price competitors to get the best rate. Eligible residents- those who are not already contracted with providers other than AES- will receive an opt-out letter. Residents will automatically be enrolled in the program if they do not opt-out. Ms. Hoffman advised an informational meeting for residents should be held prior to this going on the ballot and if it passes, Ohio Revised Code requires two Public Hearings to be held for opt-out aggregation.

Member Zimmerlin inquired whether Palmer Energy knows how many Brookville residents have not chosen an electric supplier?

Ms. Hoffman stated they do not have that information at this time. They will not receive that information until further in the process.

Member Crane inquired how often the program rates are adjusted?

Ms. Hoffman replied typically they price two or three-year contracts with governmental aggregation, based on the market.

Member Zimmerlin commented he is excited about the program, as it will save our residents money.

Manager Keaton asked Council if they want staff to prepare legislation for the next Council meeting so the governmental aggregation program can go on the May ballot?

The consensus is for staff to move forward with preparing this legislation.

Manager Keaton reported on December 7, she received word that Frontier Communications will be installing approximately 133,000 feet of aerial and buried fiber optic cable next year. Work will commence on or around January 1, 2023. All fiber optic installation will be within existing utility easements. A reminder to our residents that live in older subdivisions, utility easements are primarily in the rear yard, in newer subdivisions, utility easements may be in the front and/or side yards.

Manager Keaton reported in August, she nominated our Market Street Sanitary Sewer Extension project, and she received word last week that the project is on the draft list for Water Pollution Control Loan Fund (WPCLF) assistance in 2023. Ohio EPA has to conduct a 30-day public review and comment period, followed by a public hearing in mid-January and finalization in time for the January loan awards. According to Ohio EPA, there are sufficient funds in the Water Pollution Control Loan Fund for all nominated projects. Manager Keaton advised she should receive additional information on our award in early 2023.

Manager Keaton reported last week she received word that our Community Development Block Grant (CDBG) application was approved. This project is a continuing effort to construct additional paths within our parks to comply with the Americans with Disabilities Act and expand access to handicapped users. The project provides for construction of approximately 600 L.F. of pedestrian pathway in Golden Gate Park and approximately 220 L.F. of pedestrian pathway in Westbrook Park. We requested \$141,870 in CDBG funds with the City contributing \$43,500.

Manager Keaton stated she recently attended the recount of the Perry Township Fire and EMS Services levy on November 30, and the levy passed by four votes. The final tally shows there were 1,200 for the tax levy and 1,196 against. There were 85 undervotes, which means 85 voters cast their ballot, but they did not vote for or against the Perry Township levy.

Manager Keaton reported the Ohio Public Works Commission, District 4 Committee, approved the slate of projects, which includes our Hay Avenue Roadway Improvements, Phase 2 project. Total project cost is \$914,332 with \$228,583 (25%) awarded as a grant and \$685,749 (75%) as a 29-year loan at a zero percent interest rate.

Manager Keaton reminded everyone with snow predicted later this week, the City of Brookville has a snow emergency ordinance in place. A snow emergency exists when three or more inches of snow have fallen. No person shall park any vehicle on any street during a snow emergency. Residents can park in any city parking lot: Behind the Post Office off Main Street, off Mulberry by Powell Park, off Walnut between Market and Main Streets, Westbrook Park, the west parking lot at Fire Station 76, and at the City Building on Sycamore. Residents can ask a neighbor or friend if they can park in their driveway or contact a nearby church to park in their lot until streets are clean.

Manager Keaton advised this is the time of year that we are experiencing more water main breaks due to changes in ground temperature. Today we experienced a break on Sycamore Street. Our Service Department does its best to make all water main repairs as quickly as possible to keep the inconvenience to residents and businesses at a minimum. When a water main break occurs, water in the area must be temporarily shut-off. Once the break is repaired, homeowners and businesses in the area may experience discolored water. To clear up the discolored water, let your faucets run for a short period of time.

Member Requarth asked for the school to be notified if a water main break will affect the bus routes.

Manager Keaton wished everyone a Merry Christmas, and a happy, healthy, and safe New Year.

Finance Director Brandt requested Council authorization to receipt 90% of the revenue received from EMS Billing into the General Fund for operations of the Fire Department and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund for 2023.

Motion by Zimmerlin, second by Requarth to authorize Finance Director Brandt to receipt 90% of the revenue received from EMS Billing into the General Fund for operations of the Fire Department and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund for 2023. All yeas, motion carried.

Finance Director Brandt requested approval to set the Service Department Mechanic labor rate at \$50 per hour for 2023, for work performed on the City fleet.

Motion by Zimmerlin, second by Wilder to set the Service Department Mechanic labor rate at \$50 per hour for 2023, for work performed on the City fleet. All yeas, motion carried.

Finance Director Brandt requested Council approval to issue Super Blanket Purchase Order Certificates in 2023 for recurring monthly and quarterly expenditures.

Motion by Requarth, second by Crane to authorize Finance Director Brandt to issue Super Blanket Purchase Order Certificates in 2023 for recurring monthly and quarterly expenditures. All yeas, motion carried.

Finance Director Brandt requested Council accept the first reading and dispense with the second and third reading to adopt proposed Resolution No. 22-32 as provided in 4.07(A)(1) of the City Charter. This is the annual Appropriation Resolution for 2023 as discussed in the Budget Meeting.

Motion by Zimmerlin, second by Crane to read proposed Resolution No. 22-32. All yeas, motion carried.

Motion by Requarth, second by Crane to accept the first reading, dispense with the second and third reading and adopt Resolution No. 22-32 entitled “A RESOLUTION TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF BROOKVILLE, STATE OF OHIO, DURING FISCAL YEAR ENDING DECEMBER 31, 2023.” All yeas, motion carried.

Finance Director Brandt requested Council accept the first reading and dispense with the second and third reading to adopt proposed Resolution 22-33 which amends the 2022 Appropriations and Estimated Resources. This Resolution shall take effect immediately after passage as provided in 4.07(A)(1) of the City Charter.

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 22-33. All yeas, motion carried.

Motion Zimmerlin, second by Requarth to accept the first reading, dispense with the second and third reading and adopt Resolution No. 22-33 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.

Fire Chief Fletcher reported he received notification that we were not selected as a recipient of the Safer Grant. There were so many applicants that they could not tell us the reason for not being selected. We did receive a FEMA grant which will help us replace breathing apparatus in 2023. We will resubmit these grant applications in 2023.

Police Chief Jerome stated he is saddened to announce retired Brookville Police Chief Andy Papanek passed away this past week.

Police Chief Jerome thanked Ritter Plumbing for inviting the Police Department to their annual Christmas luncheon.

Police Chief Jerome reported the Police and Fire Departments will be participating in Operation Santa Sleigh as it comes through our community. This event has been moved to December 28 due to the weather.

Police Chief Jerome reported the Police Department is a recipient of a grant for a Wellness App to promote mental wellness for Police Officers.

Mayor Letner thanked Police Chief Jerome for presenting a centurion proclamation in his absence at Brookhaven this week.

Law Director Stephan reported proposed Ordinance No. 2022-05 is before Council for a second reading tonight, which amends Chapter 1137 General Business District of the Code Of Ordinances of the City of Brookville to authorize Mixed Residential and Business Uses in the General Business District. Planning Commission reviewed the proposed Ordinance, along with comments from the Public Hearing and unanimously made a recommendation to City Council to approve this Ordinance.

Motion by Wilder, second by Crane to read proposed Ordinance No. 2022-05. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to accept the second reading of proposed Ordinance No. 2022-05. All yeas, motion carried.

Mayor Letner thanked Alex Stierwalt for being his December Citizen of the Month.

Mayor Letner reported he had the honor of helping the Daughters of the American Revolution place 300 wreaths on military graves at Arlington Cemetery this past week. Mayor Letner commented there are an estimated 667 military graves on the south side of that cemetery.

Mayor Letner commended the BP Station for lowering gas to \$2.26 on Thanksgiving Day, which was a dollar less than surrounding stations.

Motion by Zimmerlin, second by Requarth to read proposed Resolution No. 22-31. All yeas, motion carried.

Motion by Requarth, second by Crane to accept the third reading and adopt Resolution No. 22-31 entitled "A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2023 FOR THE YEAR 2022.". All yeas, motion carried.

Motion by Zimmerlin, second by Crane to read proposed Ordinance 2022-07. All yeas, motion carried.

Motion by Requarth, second by Crane to accept the third reading and adopt Ordinance No. 2022-07 entitled “AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF CURBS AND GUTTERS IN THE CITY OF BROOKVILLE, OHIO.” All yeas, motion carried.

Motion by Zimmerlin, second by Crane 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: 12/30/22

Clay Township Trustees recently voted on a new two-year Fire & EMS Service Agreement beginning January 1, 2023. I am requesting Council authorize the City Manager to enter into a two-year Agreement with Clay Township for Fire & EMS Service beginning January 1, 2023.

Resolution No. 23-01 is an annual Resolution that allows the City to sell surplus property at a public auction, a private sale, by internet auction, or by donation to a government entity.

Request Council authorization to sell our 2015 Freightliner refuse truck and five used refuse truck tires to Rumpke for \$133,500.

Request Council accept the first reading and dispense with the second and third reading and adopt proposed Ordinance No. 2023-01 that directs the Montgomery County Board of Elections to place on the May 2, 2023 ballot the question of whether the City of Brookville should effect a governmental electricity aggregation program with opt out provisions pursuant to Section 4928.20 and a natural gas aggregation program with opt out provisions pursuant to Section 4929.26 of the Ohio Revised Code.

The Brookville Historical Society requests any consideration for financial assistance that can be granted to them in 2023.

The last two weeks, the Service Department replaced a pump on the Market Street Lift Station, repaired a watermain break on Villa Drive, plowed, and applied approximately 25 tons of salt during Winter Storm Elliott, cleaned all trucks used during the winter storm, worked on streetlights on Market Street, and filled used oil furnaces.



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

Chief Douglas Jerome

djerome@brookvilleohio.com



Council Meeting Agenda January 3, 2023

Reportable Incidents

1/1/2021 – 12/30/2021 = 680

1/1/2022 – 12/30/2022 = 479

Citations

1/1/2021 – 12/30/2021 = 655

1/1/2022 – 12/30/2022 = 156

Traffic Stops

December 2021 - 76

December 2022 - 87

Brookville Police Department

Incident Arrest Blotter

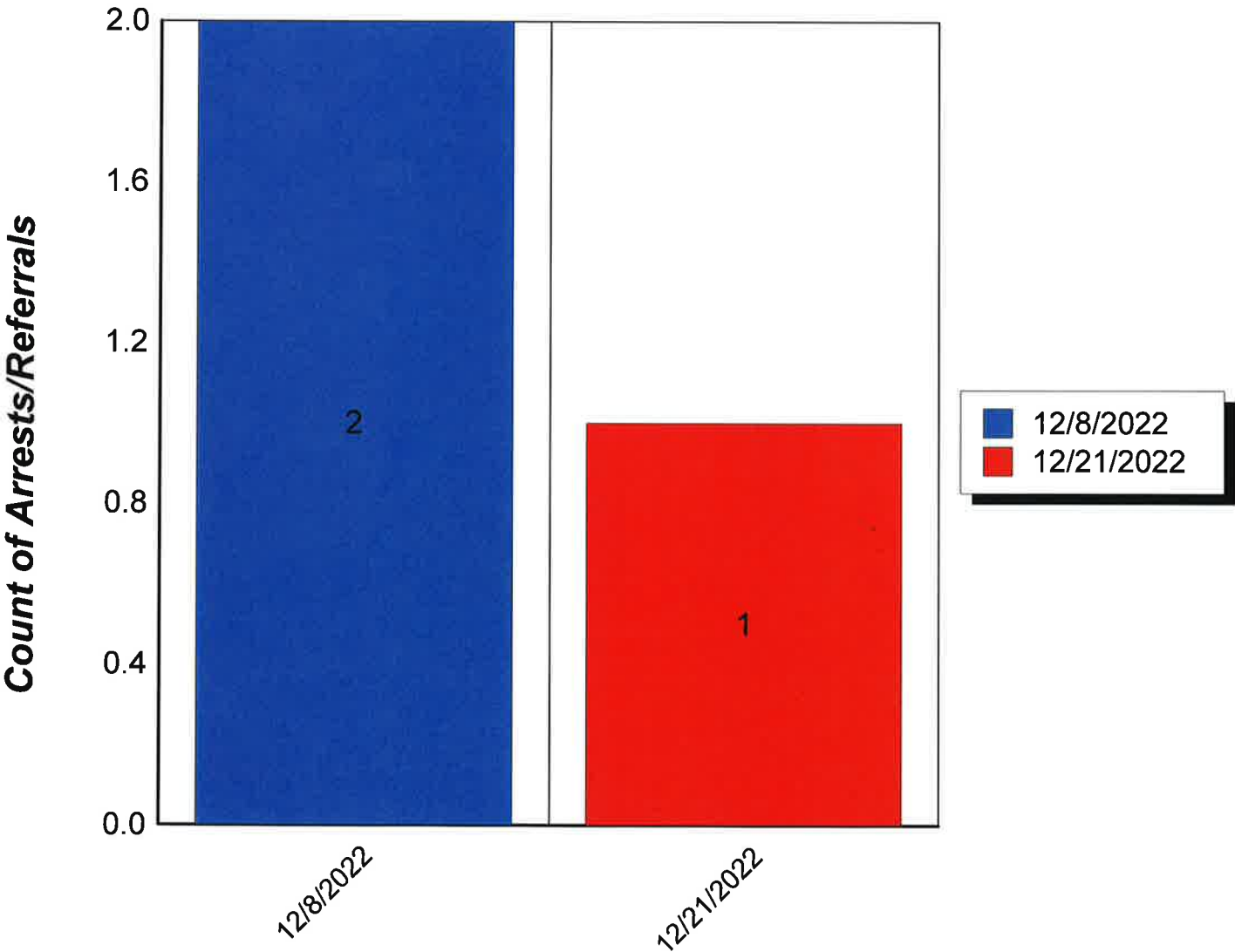
Arrest Date	Time	Suspect's Name	Address, Charges(s)	Incident ID
12/08/2022		BRIAN P. DULL	12808 MANGEN RD, VERSAILLES, OH 45380	2022-00462
			291351: Receiving stolen property	
		** JUVENILE **	5310 CRAWFORD TOMS RUN RD, BROOKVILLE, OH 4531	2022-00463
			291111A1: Aggravated burglary - inflict harm	
			290313A: Assault - knowingly harm victim	
12/21/2022		MICHAEL D. SMITH, Jr	7751 S STEWART ST, CHICAGO, IL 60601	2022-00472
			35: WARRANT ARREST	
			292512: Possessing drug abuse instrument - obtain, use	
Total Selected = 3				

Brookville Police Department

Arrest Log by Date

Arrest Date	Total Arrests
December 08, 2022	2
December 21, 2022	1
Total Selected = 3	

Arrest Log by Date



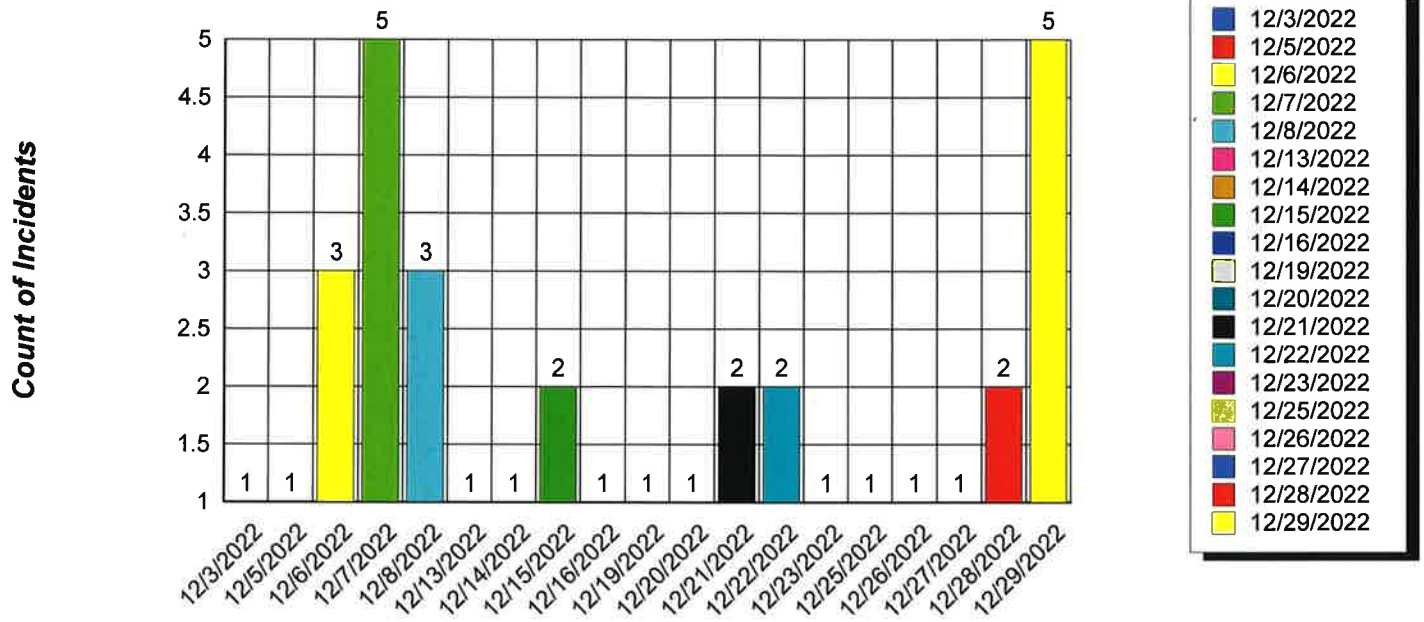
Brookville Police Department

Incident Log by Date Reported

Date Reported	Day of Week	Total Reported
12/03/2022	Saturday	1
12/05/2022	Monday	1
12/06/2022	Tuesday	3
12/07/2022	Wednesday	5
12/08/2022	Thursday	3
12/13/2022	Tuesday	1
12/14/2022	Wednesday	1
12/15/2022	Thursday	2
12/16/2022	Friday	1
12/19/2022	Monday	1
12/20/2022	Tuesday	1
12/21/2022	Wednesday	2
12/22/2022	Thursday	2
12/23/2022	Friday	1
12/25/2022	Sunday	1
12/26/2022	Monday	1
12/27/2022	Tuesday	1
12/28/2022	Wednesday	2
12/29/2022	Thursday	5
Total Selected = 35		

Brookville Police Department

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, 2022

2022-00452	9 DEGER BROOKVILLE PD	SIGNAL 11- FRAUD	12/03/2022		OPEN CASE
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Offenses	UCR	Offense Description
1	01	291321A1 - Misuse of credit card - obtain by deception

Total Incidents Reported for Date: 1

December 05, 2022

2022-00453	139 TIMBERWOLF WAY BROOKVILLE PD	SIGNAL 11 - FRAUD	12/05/2022		OPEN CASE
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Offenses	UCR	Offense Description
1	01	291311 - Passing bad checks

Total Incidents Reported for Date: 1

December 06, 2022

2022-00454	22 MULBERRY STREET BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/06/2022	12/06/2022	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	02	26I - INFORMATION REPORT

2022-00455	2 BLUE PRIDE DRIVE BROOKVILLE PD	SIGNAL 26I - PINK SLIP	12/06/2022	12/06/2022	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	02	26I - INFORMATION REPORT

2022-00456	1 COLLECTIVE WAY BROOKVILLE PD	SIGNAL 26O - CRIMINAL TRESPASSING	12/06/2022	12/06/2022	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	02	26O - ALL OTHER CRIMINAL OFFENSES

Total Incidents Reported for Date: 3

December 07, 2022

2022-00457	770 ARLINGTON ROAD BROOKVILLE PD	SIGNAL 55- TRAFFIC STOP	12/07/2022	12/07/2022	EXCEPTIONALLY CLEARED
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Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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December 07, 2022

Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2022-00461	307 MAPLE BROOKVILLE PD	SIGNAL 06A - GRAND THEFT	07/18/2022		OPEN CASE
Offenses UCR Offense Description 1 01 291302A3 - Theft - deception					
2022-00458	1 COLLECTIVE SUITE B BROOKVILLE PD	SIGNAL 26O - CRIMINAL TRESPASS COMPLAINT	12/07/2022	12/07/2022	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 291121A - Criminal trespass					
2022-00459	45 MCKINLEY APT 45E BROOKVILLE PD	SIGNAL 26I - PINK SLIP	12/07/2022	12/07/2022	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2022-00460	936 SALEM BROOKVILLE PD	SIGNAL 55 - TRAFFIC OFFENSE	12/07/2022	12/07/2022	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 2 N/A 451011 - DRIVING UNDER SUSPENSION N/A 451143A - FAILED TO STOP AT POSTED STOP SIGN					
Total Incidents Reported for Date: 5					

December 08, 2022

2022-00465	360 CARR DRIVE BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/08/2022	12/08/2022	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2022-00462	307 MAPLE BROOKVILLE PD	SIGNAL 13 - STOLEN PROPERTY	12/08/2022	12/08/2022	ARREST
Offenses UCR Offense Description 1 01 291351 - Receiving stolen property					
2022-00463	37 WESTERN BROOKVILLE PD	SIGNAL 5 - AGGRAVATED BURGLARY	12/08/2022	12/09/2022	ARREST

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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December 08, 2022

Offenses	UCR	Offense Description
2	05	291111A1 - Aggravated burglary - inflict harm
	04	290313A - Assault - knowingly harm victim

Total Incidents Reported for Date: 3

December 13, 2022

2022-00464	131 ANTWERP AVE BROOKVILLE PD	SIGNAL 26 - INFORMATION REPORT	12/13/2022	12/13/2022	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	02	26I - INFORMATION REPORT

Total Incidents Reported for Date: 1

December 14, 2022

2022-00466	301 SYCAMORE STREET BROOKVILLE PD	SIGNAL 26O - OTHER CRIMINAL OFFENSES	12/14/2022	12/14/2022	ARREST
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Offenses	UCR	Offense Description
2	04	2903211 - MENACING BY STALKING
	02	291721A1 - Telephone harassment - anonymous

Total Incidents Reported for Date: 1

December 15, 2022

2022-00467	801 ARLINGTON BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/15/2022	12/15/2022	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	02	26I - INFORMATION REPORT

2022-00468	112 JUNE PLACE BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/15/2022	12/15/2022	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	02	26I - INFORMATION REPORT

Total Incidents Reported for Date: 2

December 16, 2022

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
December 16, 2022					
2022-00469	118 BEECHWOOD BROOKVILLE PD	SIGNAL 11 - FRAUD	12/16/2022	12/19/2022	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 01 291302A3 - Theft - deception					
Total Incidents Reported for Date: 1					
December 19, 2022					
2022-00470	301 SYCAMORE BROOKVILLE PD	SIGNAL 26I - SERVED PROTECTION ORDER	12/19/2022	12/19/2022	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
Total Incidents Reported for Date: 1					
December 20, 2022					
2022-00471	403 MARKET ST BROOKVILLE PD	SIGNAL 26I - PROTECTION ORDER	12/20/2022		OPEN CASE
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
Total Incidents Reported for Date: 1					
December 21, 2022					
2022-00472	705 ARLINGTON BROOKVILLE PD	SIGNAL 35 - WARRANT	12/21/2022	12/21/2022	ARREST
Offenses UCR Offense Description 4 N/A 35 - WARRANT ARREST 01 292512 - Possessing drug abuse instrument - obtain, use N/A 451011 - DRIVING UNDER SUSPENSION N/A 454908 - FICTICIOUS PLATES					
2022-00473	301 SYCAMORE STREET BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/21/2022	12/21/2022	EXCEPTIONALLY CLEARED
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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Total Incidents Reported for Date: 2

December 22, 2022

2022-00474	799 ARLINGTON BROOKVILLE PD	SIGNAL 10 - COUNTERFEIT BILL	12/22/2022	12/22/2022	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
1 N/A 291330 - COUNTERFEITING

2022-00475	348 LEISURE DRIVE APT 1 BROOKVILLE PD	SIGNAL 26DB - DEAD BODY	12/22/2022	12/22/2022	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
1 02 26DB - DEAD BODY

Total Incidents Reported for Date: 2

December 23, 2022

2022-00476	BROOKSIDE DR/N WOLF CREEK ST BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/23/2022		OPEN CASE
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Offenses UCR Offense Description
1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 1

December 25, 2022

2022-00477	263 CROSSWELL AVE BROOKVILLE OH BROOKVILLE PD	SIGNAL 26I- INFORMATION REPORT	12/25/2022	12/25/2022	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 1

December 26, 2022

2022-00478	620 RONA PARKWAY BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/26/2022	12/26/2022	EXCEPTIONALLY CLEARED
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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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Total Incidents Reported for Date: 1

December 27, 2022

2022-00479	ARLINGTON ROAD & MOUND STREET BROOKVILLE PD	SIGNAL 55 - TRAFFIC VIOLATION	12/27/2022	12/27/2022	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 2 N/A 451016 - FRA SUSPENSION
 N/A 450311A - Expired Registration

Total Incidents Reported for Date: 1

December 28, 2022

2022-00480	21 CORNADO BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/28/2022	12/28/2022	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

2022-00481	799 ARLINGTON BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/28/2022	12/29/2022	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 2

December 29, 2022

2022-00482	19 N WOLFCREEK BROOKVILLE PD	SIGNAL 14 - CRIMINAL DAMAGING	12/28/2022		OPEN CASE
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Offenses UCR Offense Description
 1 01 290906 - Criminal damaging/endangering

2022-00484	26 WESTERN AVE BROOKVILLE PD	SIGNAL 53A - PROPERTY DAMAGE CRASH	12/29/2022	12/29/2022	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 N/A 4511202 - REASONABLE CONTROL

2022-00483	ARLINGTON@WOLF CREEK BROOKVILLE PD	SIGNAL 53 A - PROPERTY DAMAGE CRASH	12/29/2022	12/29/2022	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 N/A 451121A - ASSURED CLEAR DISTANCE AHEAD

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
December 29, 2022					
2022-00485	N WOLF CREEK ST/ MAIN ST BROOKVILLE PD	SIGNAL 55 - FICTITIOUS PLATES	12/29/2022		OPEN CASE
Offenses					
	UCR	Offense Description			
1	N/A	454908 - FICTICIOUS PLATES			
2022-00486	200 N WOLFCREEK BROOKVILLE PD	SIGNAL 14 - CRIMINAL DAMAGING	12/29/2022		OPEN CASE
Offenses					
	UCR	Offense Description			
1	01	290906 - Criminal damaging/endangering			
Total Incidents Reported for Date: 5					
Total Selected = 35					

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. ORDINANCE 2022-05 Passed , 20

AN ORDINANCE AMENDING CHAPTER 1137 GENERAL BUSINESS DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO TO AUTHORIZE MIXED RESIDENTIAL AND BUSINESS USES IN THE GENERAL BUSINESS DISTRICT

WHEREAS, Chapter 1137 of the Code of Ordinances provides zoning regulations for the General Business zoning districts in the City of Brookville; and

WHEREAS, the Planning Commission and City Council desire to amend the zoning code to permit mixed residential and business uses within the same structure or in close proximity to one another in general business districts to promote walkable neighborhoods in general business districts; and

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

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

SECTION I: Section 1137.02 (b) Special Uses is hereby amended to provide the following new special use:

Section 1137.02(b)(13) Mixed Use Development-Residential and Business Uses within the same structure or in close proximity to each other within the same General Business District. The residential uses shall include single family, two family and multi-family uses as described in the permitted uses and special uses of Chapter 1129.02 (a) and 1129.02(b) of the Code of Ordinances, and the business uses shall include permitted and special business uses as described in Chapter 1137.02(a) and (b).

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

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

PASSED this day of , 2022.

ATTEST:

Kimberly Duncan, Clerk

Charles Letner, Mayor

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022-05, passed by the Council of the City of Brookville, Ohio, 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 Ordinance No. 2022-05 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2022, to the _____ day of _____, 2022, both days inclusive.

Kimberly Duncan, Clerk

No. **RESOLUTION NO. 23-01** *Passed* Yr. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF SURPLUS PROPERTY EITHER AT A PUBLIC AUCTION, A PRIVATE SALE, BY INTERNET AUCTION OR BY DONATION TO A GOVERNMENT ENTITY, OR TO A NON-PROFIT ORGANIZATION, AND DECLARING IT AN EMERGENCY.

WHEREAS, the City of Brookville, Ohio has accumulated surplus property; and

WHEREAS, the City of Brookville, Ohio no longer needs these items; and

WHEREAS, it would be uneconomical under the circumstances to maintain these items and would not be in the best interest of the citizens of the City of Brookville, Ohio to keep this equipment under the circumstances.

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

SECTION I: The City Manager is hereby authorized to place all such surplus items for sale at either a public auction, a private sale, or by Internet auction. The sale price is to be determined at the sole discretion of the City Manager as well as the method of sale. The City Manager may also donate the surplus items to a government entity or to a non-profit organization. The City Manager shall provide a report to City Council within thirty (30) days after the disposal of surplus property that specifies the surplus property, the method of disposal and any funds generated from the sale of the surplus property and the name and address of the buyer or donee.

SECTION II: This Resolution is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety, and welfare of the citizens of the City of Brookville, Ohio and to dispose of surplus property at a public auction, a private sale, by internet auction, or by donation to a government entity, or to a non-profit organization. Therefore, this Resolution shall take effect and be in force from and after its passage as provided in the Charter of the City of Brookville, Ohio.

PASSED this _____ day of _____ 2023.

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. 23-01, passed by the Council of said City on the _____ day of _____ 2023.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio hereby certifies that the foregoing Resolution No. 23-01 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 _____ 2023 to the _____ day of _____ 2023 both days inclusive.

Kimberly Duncan, Clerk

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2023-01

Ordinance No. _____ Passed _____, 20_____

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY, OHIO TO PLACE ON THE BALLOT AT THE ELECTION TO BE HELD ON MAY 2, 2023 THE QUESTION OF WHETHER THE CITY OF BROOKVILLE, OHIO SHOULD EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT OUT PROVISIONS PURSUANT TO SECTION 4928.20 AND A NATURAL GAS AGGREGATION PROGRAM WITH OPT OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE.

WHEREAS, the Ohio legislature has enacted electric (R.C. § 4928.20) and natural gas (R.C. § 4929.26) deregulation legislation which authorizes the legislative authorities of cities, villages, townships, and counties to aggregate the retail electrical and natural gas loads located within their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity and natural gas; and

WHEREAS, governmental aggregations provide an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity and natural gas deregulation through lower electricity and natural gas rates which would not otherwise be available to those electricity and natural gas customers individually; and

WHEREAS, the City wishes to: i) establish a governmental aggregation program with opt out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses, and other electric consumers in the City; and ii) establish a governmental aggregation program with opt out provisions pursuant to Section 4929.26 of the Ohio Revised Code for the residents, businesses, and other natural gas consumers in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I: The City Council has concluded that it is in the best interest of the City and its residents and businesses located within the corporate limits of the City to establish these aggregation programs pursuant to Sections 4928.20 (electric) and 4929.26 (natural gas) of the Ohio Revised Code.

SECTION II: The aggregation programs must be approved by the electors of the City pursuant to Section III of this Ordinance. Upon approval by the electorate, the City is hereby authorized to: i) automatically aggregate, in accordance with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the City, and enter into service agreements to facilitate for those loads the purchase and sale of electricity; and ii) automatically aggregate, in accordance with Section 4929.26 of the Ohio Revised Code, the retail natural gas loads (customers) located within the City, and enter into service agreements to facilitate for those loads the purchase and sale of natural gas. The City may exercise such authority jointly with any other municipal corporation, township, or county or other political subdivision of the state of Ohio.

SECTION III: The Board of Elections of Montgomery County is hereby directed to submit the following questions to the electors of the City at the on May 2, 2023:

"Shall the City of Brookville have the authority to aggregate the retail electric loads located in the City of Brookville, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out?"

"Shall the City of Brookville have the authority to aggregate the retail natural gas loads located in the City of Brookville, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out?"

RECORD OF ORDINANCES

Ordinance No. 2023-01 Passed , 20

SECTION IV: The Clerk of Council of the City is instructed to immediately file a certified copy of this Ordinance and the proposed form of the ballot question with the Montgomery County, Ohio Board of Elections not less than ninety days prior to the . The aggregation programs shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the aggregation programs provided for herein at the election held pursuant to this Section III and Sections 4928.20 and 4929.26 of the Ohio Revised Code.

SECTION V: Upon approval of a majority of the electors voting at the provided for in Section III of this Ordinance, the City, individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation programs. Before adopting this plan, the City Council shall hold at least two public hearings on the plan.

SECTION VI: Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City prior to the first hearing. The notice will summarize the plan and state the date, time, and place of each hearing. No plan adopted by this City Council shall aggregate the electric load of any electric load center, or the natural gas load of any natural gas center, within the City unless it, in advance, clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects, by a stated procedure, not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program for electric loads the opportunity to opt out of the program at least once every three years without paying a switching fee and shall allow any person enrolled in the Aggregation Program for natural gas loads the opportunity to opt out of the program at least once every two years without paying a switching fee. Any person that opts out of the Aggregation Program for retail electric loads pursuant to the state procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person choose an alternative supplier. Any person that opts out of the Aggregation Program for natural gas loads pursuant to the stated procedure shall default to the natural gas company providing distribution service for the person's retail natural gas load, until the person chooses an alternative supplier.

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

SECTION VIII: This Ordinance shall take effect immediately upon passage as provided in Section 4.07(A)(3) of the Charter of the City of Brookville, Ohio.

PASSED this day of 2023.

ATTEST:

Kimberly Duncan, Clerk

Charles Letner, Mayor

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Kimberly Duncan, Clerk

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ *Passed* _____, 20____

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2023-02 Passed , 20

AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 5, SECTION 957.06 (a), AND PART 9, TITLE 5, SECTION 957.06 (e), FIXING THE USER FEES TO ALL REFUSE CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO.

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

SECTION I: Section 957.06 (a) of the Code of Ordinances is hereby amended to read as follows:

The following shall be the quarterly rates charged by the City of Brookville for trash and garbage collection and shall be based upon the number of collections per week and the amount of trash and garbage collected. The following rate schedule shall apply effective with the March 2023 billing for refuse collection for December 2022 through February 2023:

- CLASS I: The minimum charge to be paid by each dwelling unit having not more than one cubic yard or less of garbage and trash per week and not more than one stop per week. Rate to be \$60.00 per quarter.
- CLASS II: The minimum charge to be paid by each commercial (business, industrial, professional, etc.) place having not more than one cubic yard or less of garbage and trash per week and not more than one stop per week. Rate to be \$74.50 per quarter.

SECTION II: Section 957.06 (e) of the Code of Ordinances is hereby amended to read as follows:

The City of Brookville shall provide trash collection of yard wastes including garden residues, leaves, grass clippings, shrubbery, and tree limbs less than one-quarter inch in diameter under the basic trash collection fees in subsection 957.06 (a). The City of Brookville shall provide tree limb chipping and collection for tree limbs greater than one-quarter inch in diameter but less than four inches in diameter at a minimum charge of twenty-five dollars (\$25.00) for the first ten minutes of chipping service, and two dollars (\$2.00) for each additional minute of service in excess of ten minutes. Any charges for tree limb chipping and collection by the City shall be invoiced to the property owner; if the invoice remains unpaid for thirty days or more, the charge shall be placed on the utility bill for the property.

SECTION III: This Ordinance shall revoke and rescind all Ordinances, and parts of Ordinances and Resolutions, and parts of Resolutions that are in conflict herewith and shall be enforced from and after the earliest period allowed by law.

PASSED this day of 2023.

Kimberly Duncan, Clerk

Charles Letner, Mayor

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2023-02 Passed _____, 20____

CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2023-02, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____ 2023.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2023-02 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____ 2023 to the _____ day of _____ 2023, both days inclusive.

Kimberly Duncan, Clerk

2023-03

AN ORDINANCE DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN THE CITY OF BROOKVILLE, OHIO, HARPER CREEK INCENTIVE DISTRICT TIF SITE, TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40(C) OF THE OHIO REVISED CODE, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, AUTHORIZING THE EXECUTION OF A SCHOOL AGREEMENT AND A SERVICE AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY, AND ESTABLISHING A TAX INCREMENT EQUIVALENT FUND.

WHEREAS, Section 5709.40 et seq. of the Ohio Revised Code (the “TIF Authorizing Statutes”) authorizes municipal corporations to participate in a financing technique commonly known as a tax increment financing; and

WHEREAS, this City Council (“Council”) of the City of Brookville, Ohio (the “City”), wishes to use the authority granted pursuant to the TIF Authorizing Statutes in connection with exempting from real property taxation certain improvements in the City and constructing certain public infrastructure improvements in the City which will benefit the improvements in order to meet the public health, safety, welfare, and convenience needs of the area, including future development and traffic capacity; and

WHEREAS, this Council has determined to grant a property tax exemption for the parcels comprising the area where such improvements are to be located (the “Harper Creek Incentive District TIF Site”); and

WHEREAS, the boundary of the Harper Creek Incentive District TIF Site shall be coextensive with the boundary of, and shall include, the parcels of real property specifically identified and depicted in Exhibit A attached hereto, which parcels are not more than 300 acres and are enclosed by a continuous boundary; and

WHEREAS, the City Engineer has certified that the public infrastructure serving the district is inadequate to meet the development needs of the district; and

WHEREAS, the population of the City is less than 25,000; and

WHEREAS, pursuant to Sections 5709.40 and 5709.83 of the Ohio Revised Code, notice has been given to the Brookville Local School District (the “School District”) by a letter dated October 6, 2022, of the consideration of this Ordinance granting a tax increment real property tax exemption, which exemption was approved by the School Board by Resolution 22-058 on October 17, 2022, and this Council will compensate the School District pursuant to a School Compensation Agreement to be entered into by and between the City and the School District; and

WHEREAS, pursuant to Sections 5709.40 and 5709.83 of the Ohio Revised Code, notice has been given to the Miami Valley Career Technology Center School District (the “Miami Valley CTC”), in a letter dated October 17, 2022, of the consideration of this Ordinance granting a tax increment real property tax exemption, which exemption was approved by the Miami Valley CTC School Board by Resolution 46-22 on November 8, 2022, and this Council will compensate the Miami Valley CTC School District pursuant to a School Compensation Agreement to be entered into by and between the City and Miami Valley CTC School District; and

WHEREAS, pursuant to Sections 5709.40 of the Ohio Revised Code, notice has been given to Montgomery County (the “County”) by a letter dated October 17, 2022, of the consideration of this Ordinance granting a tax increment real property tax exemption.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brookville, Montgomery County, State of Ohio, thereto concurring that:

2023-03

SECTION I: Pursuant to Section 5709.40(C) of the Ohio Revised Code, this Council hereby creates the “Harper Creek Incentive District TIF Site”, the boundaries of which shall be coextensive with the boundaries of the parcels specifically identified and depicted in **Exhibit A** attached hereto, which parcels are located in the incorporated area of the City.

SECTION II: This Council hereby finds and declares that certain public improvements (the “Public Improvements”) in the City, to wit: the planning, design and construction of public street improvements including pavements, walkways, traffic control devices and alterations to existing streets, including improvements to Upper Lewisburg-Salem Road and Albert Road, and construction of new streets; the planning, design and construction of public parking facilities; the planning, design and construction of utilities including but not limited to water, sanitary sewers, gas mains, electric facilities, streetlights, communication facilities, storm water sewers and detention facilities; the creation or enhancement of buffer areas and open areas necessary for ensuring the compatibility of adjacent land uses; the creation and/or enhancement of public service facilities, including police and fire stations; the acquisition, construction or enhancement of recreation facilities, including public parks and community centers; the installation of landscaping, retaining walls, and public amenities; demolition of existing buildings; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; and the purchase of property rights of way and easements or other rights in property necessary for the completion of the Public Improvements listed above, are a public purpose and that those Public Improvements are necessary for the further development of the parcels of land described in **Exhibit A** attached to this Ordinance (such parcels are hereinafter collectively referred to as the “Harper Creek Incentive District TIF Site”), which parcels are located in the incorporated area of the City, and for the creation of jobs, increasing property values, and the provision of adequate public services in the City. The Public Improvements will not include housing renovations.

SECTION III: Pursuant to Section 5709.40(C) of the Ohio Revised Code, further improvements to the parcels in the Harper Creek Incentive District TIF Site occurring after the date of this Ordinance are hereby declared to be a public purpose and are exempt from real property taxation commencing on the first day of the tax year in which an improvement resulting from new construction first appears on the tax list and duplicate of real and public utility property and that begins after December 31, 2022, and ending on the earlier of (1) thirty (30) years from the date the exemption commences or (2) the date on which the Public Improvements as described in Section II above that will benefit the Harper Creek Incentive District TIF Site are paid in full from the Tax Increment Equivalent Fund, as defined in Section VII hereof. It is hereby determined that (i) a portion of the Improvements shall be exempt from real property taxation, (ii) such portion shall be one hundred percent (100%) of the assessed value of the Improvements, and (iii) the Public Improvements directly benefit, or once made will benefit, the Harper Incentive District TIF Site.

SECTION IV: Pursuant to Section 5709.42 of the Ohio Revised Code, the owner or the owners of the Improvements shall be required to make annual service payments in lieu of taxes (the “Service Payments”) to the Montgomery County Treasurer on or before the final dates for payment of real property taxes. This Council hereby expresses its intention and authorizes the City Manager or any City Official to enter into such agreements as may be necessary and appropriate to assure the payment of such Service Payments, including a Service Agreement by and between the City and the owners of property within the Harper Creek Incentive District TIF Site.

SECTION V: A portion of the Service Payments shall be paid to the Brookville Local School District and Miami Valley Career Technology Center School District in accordance with (i) the terms of School Compensation Agreements with Brookville Local Schools and Miami Valley Career Technology Center School District, hereby authorized to be entered into by the City Manager, between the City and the School Districts; and (ii) the provisions of Section 5709.40(D) of the Ohio Revised Code (collectively, the “School Compensation Payments”).

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SECTION VI: A portion of the Service Payments may be paid to the County in accordance with the terms of a Compensation Agreement, hereby authorized to be entered into by the City Manager, between the City and the County, if such an agreement is requested by the County.

SECTION VII: Pursuant to Section 5709.43 of the Ohio Revised Code, there is hereby established the Harper Creek Incentive District TIF Site Public Improvement Tax Increment Equivalent Fund (the "Tax Increment Equivalent Fund"), into which the Service Payments shall be deposited. Moneys deposited in the Tax Increment Equivalent Fund shall be used only in accordance with Section 5709.43 of the Ohio Revised Code, which authorizes the City to finance the Public Improvement, to make the School Compensation Payments and to make any County Compensation Payments.

SECTION VIII: The proper City Officials are hereby authorized to do all things necessary and proper to carry out Sections II through VII of this Ordinance, including but not limited to filing any required applications for tax exemption with the Montgomery County Auditor and/or State Tax Commissioner.

SECTION IX: Pursuant to Section 5709.40(I) of the Ohio Revised Code, the City Manager is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen (15) days after its adoption. On or before March 31 of each year that the exemption set forth herein remains in effect, the City Manager or other authorized officer of this City shall prepare and submit to the Director of the Ohio Development Services Agency the status report required under Section 5709.40(I) of the Ohio Revised Code.

SECTION X: The Clerk of Council is hereby directed to forward a copy of this Ordinance to the County Auditor of Montgomery County.

SECTION XI: This Ordinance shall take effect at the earliest possible date allowable by law.

PASSED this _____ day of _____ 2023.

Attest:

Kimberly Duncan, Clerk

Charles Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2023-03, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____ 2023.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2023-03 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____ 2023, to the _____ day of _____ 2023, both days inclusive.

Kimberly Duncan, Clerk

EXHIBIT A

**Harper Creek Incentive District TIF
Real Property Description**

PARCEL NO. C04 00610 0005 AND C05 00109 0020

[Legal description and/or parcels]

BOUNDARY DESCRIPTION
Containing 19.036 Total Acres

Situated in part of Section 34, Town 6, Range 4 East, City of Brookville, Montgomery County, Ohio and being all of parcel two and parcel three and being Lot 1743 of the consecutive Lots in the City of Brookville in the name of Karen Wombold as recorded in I.R. Deed 14-055115, on file at the Montgomery County Recorder's office located in Dayton, Ohio, and being more particularly described as follows;

Beginning at a found mag nail at the centerline intersection of Brookville Phillipsburg Road, Upper Lewisburg Salem Road and Albert Road, also being the northeast corner of Section 34;
Thence, along the east line of Section 34, South 00° 04' 50" West, a distance of 208.72 feet to a found mag nail on said east line of Section 34, and being the True Point of Beginning of the tract herein described;

Thence, continuing along said east section line, South 00° 04' 50" West, a distance of 855.09 feet to a set mag nail in said section line and centerline of Albert Road;

Thence, leaving said section line, centerline and along the Northerly line of Lots 1-3 of Behnken Subdivision Section Three, as recorded in Plat Book 158, Page 24, South 59° 14' 34" West, a distance of 256.91 feet (passing a set iron pin on the west right-of-way line of Albert Road at 34.91 feet, a found 5/8" inch iron pin with no cap at 192.91 feet and a found 5/8" inch iron pin with no cap at 242.91 feet) to a concrete monument at the northeast corner of a tract in the name of Kenneth B. Davis and Maribeth Joy Davis, as recorded in D.M.F. 92-592099;

Thence, along the north line of said Davis tract and a tract known as Lot 1739 in the name of Kenneth B. Davis & Maribeth Joy Davis, as recorded in D.M.F. 97-488811, North 89° 43' 02" West, a distance of 523.76 feet (passing a found 1/2 inch iron pin with no cap at 457.81 feet) to a concrete monument on the east line of Lot 2640 of McGregor Subdivision Section Two, as recorded in Plat Book 229, Page 67.;

Thence, along the east line of Lots 2637-2640 of said McGregor Subdivision Section Two, and the east line of Lot 2600 in the name of The City of Brookville, Ohio, as recorded in I.R. Deed 08-009391, North 00° 03' 48" East, a distance of 1187.43 feet (passing a found 5/8" inch iron pin stamped BWSC at 75.40 feet, a found 5/8" inch iron pin with no cap at 375.41 feet, a found 5/8" inch iron pin stamped BWSO 8190 at 625.37 feet, a 5/8" inch iron pin with no cap at 875.38 feet, a found 5/8" inch iron pin stamped COEC WDG LS-8254 at 1152.43 feet and passing the southerly corporation line of Clay Township at 1157.43 feet) to a set mag nail at the centerline of Upper Lewisburg Salem Road and the north line of Section 34;

Thence, along the north line of Section 34, the centerline of Upper Lewisburg Salem Road, North 89° 36' 04" East, a distance of 536.01 feet to a Set mag nail on said section line and centerline;

Thence, along the west line of Kevin N. and Beth E. Reed, as recorded in I.R. Deed 08-071758, South 00° 04' 50" West, a distance of 208.72 feet (passing a found 5/8" inch iron pin stamped Winemiller & Associates and the southerly corporation line of Clay Township at 30.00 feet) to a found 5/8" inch iron pin stamped Winemiller & Associates;

Thence, with the south line of said Reed tract, North 89° 36' 04" East, a distance of 208.72 feet (passing a found 5/8" inch iron pin stamped Choice One Engineering at 178.74 feet and a found 1/2 inch iron pin with no cap at 195.24 feet being 1.05 feet north of line) to the True Point of Beginning.

This description is based on an actual field survey in March of 2021 as recorded in the Montgomery County Engineer's record of land surveys in Volume 2021, Page 0138 under my direct supervision Michael J. Wilson Registered Professional Surveyor Number 8281 of the state of Ohio, and that all monuments found or set, correctly represents the boundaries herein Described.

PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACCRAGE AND CLOSURE ONLY
DATE 5/20/21 FILE NO. 2021-0138
BY [Signature]



KARL L. KEITH
MONTGOMERY COUNTY AUDITOR
NEW SURVEY
By [Signature] Date 1/3/22

CESO, Inc. [Signature] Date 5/10/2021
Michael J. Wilson, PS
Registered Surveyor No. 8281





DISCLAIMER

This map is a visual presentation of data to be used as a public resource of general information and is provided strictly as a courtesy. The Montgomery County Auditors Office makes no warranty, representation, or guaranty as to the content, accuracy, usefulness, or completeness of any information provided herein.

Furthermore The Montgomery County Auditors Office shall assume no liability for

1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused or
2. Any decision made or action taken or not taken by the reader in reliance upon any information furnished hereunder

Note: Exact property boundaries must be derived by a legal survey of the property.



1 inch = 245 ft

G S DEPARTMENT

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2023-04 Passed , 20

AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 3, SECTION 935.14 (c)(1), FIXING THE USER FEES TO ALL SEWER CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO.

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

SECTION I: Section 935.14 (c)(1) of the Code of Ordinances is hereby amended to read as follows:

The following shall be the quarterly rates charged by the City for services to be rendered by its sanitary sewage system to it and to its inhabitants and others, based on water consumption. The Rate schedule shall apply effective on the March 2023 billing for sewer usage as follows on:

- (1) Domestic strength wastewater
- A. First minimum charge for 1,000 cubic feet or less per quarter: Thirty-eight dollars and fifty-nine cents (\$38.65).
 - B. Second: Charge for each 100 cubic feet or any part thereof, in excess of 1,000 cubic feet, but less than 10,000 cubic feet: Three dollars and eighty-six cents (\$3.87).
 - C. Third: Charge for each 100 cubic feet, or any part thereof in excess of 10,000 cubic feet: Two dollars and eighty-eight cents (\$2.88).
 - D. Fourth: There will be a twenty-five percent (25%) additional fee for consumers living outside of the municipal corporation limits.

SECTION II: This Ordinance shall revoke and rescind all Ordinances, and parts of Ordinances and Resolutions, and parts of Resolutions that are in conflict herewith and shall be enforced from and after the earliest period allowed by law.

PASSED this day of 2023.

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 Ordinance No. 2023-04, passed by the Council of the City of Brookville, Ohio, on the day of 2023.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2023-04 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the day of 2023 to the day of 2023, both days inclusive.

Kimberly Duncan, Clerk