



CITY COUNCIL
Tuesday, February 21, 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=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 February 7, 2023 Regular Meeting Minutes

IV. Gale Colston - Pink Ribbon Girls

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. 23-02, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FINAL AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF A PORTION OF INTERSTATE 70 IN THE CITY OF BROOKVILLE, OHIO."



VII. New Business

- a. First reading of proposed Ordinance No. 2023-06 entitled "AN ORDINANCE LEVYING ASSESSMENTS FOR DELINQUENT UTILITY BILLS FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO."
- b. First reading of proposed Ordinance No. 2023-07 entitled "AN ORDINANCE LEVYING ASSESSMENTS FOR THE CUTTING AND REMOVAL OF WEEDS, VINES, GRASS AND/OR OTHER VEGETATION DURING THE YEAR 2022 FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO."
- c. First reading of proposed Ordinance No. 2023-08 entitled "AN ORDINANCE TO VACATE A PUBLIC ALLEY ABUTTING WESTBROOK ROAD IN THE CITY OF BROOKVILLE, OHIO 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
Regular Meeting
February 7, 2023

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on January 17, 2023. The meeting was held in the City Council Chambers and virtually using the Cisco Webex application. The Pledge of Allegiance was recited. Members Fowler, Requarth, Schreier, Wilder and Zimmerlin; Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher, Police Chief Jerome and Clerk Duncan were present. Manager Keaton was present on Webex. Member Crane was absent.

Roll Call by Clerk Duncan.

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

Motion by Zimmerlin, second by Requarth to approve the January 17, 2023 Regular Meeting Minutes. All yeas, motion carried.

Manager Keaton reported we received notification that our Westbrook Road STP Resurfacing, Phase 1 and Phase 2 projects will be recommended for funding. The MVRPC Board of Directors will vote on projects at their March Meeting. Manager Keaton advised Council has been provided a spreadsheet that displays the 2022 STP Resurfacing Project Evaluation results. The projects in green font are recommended for funding.

Phase 1 – From Arlington to June Place will take place in 2026, estimated local share \$134,285 (30%)

Phase 2 – From June Place to Wolf Creek will take place in 2027, estimated local share \$120,005 (30%)

Manager Keaton requested Council authorization to order an E42 R2-Series Bobcat Compact Excavator, under Sourcewell Contract #040319-CEC, that was included in our 2023 Budget. The price of the excavator is \$71,406.72 and will take approximately three months to build. In the meantime, we can place our current excavator on GovDeals and set a reserve, and if we don't sell it on GovDeals, we can trade it in for \$32,500.

Member Zimmerlin asked how old our current excavator is?

Manager Keaton replied she believes it was purchased in 2015 or 2016. The current excavator is undersized and we struggle with the hydraulics on it when we need to dig deeper.

Mayor Letner commented it is used frequently and takes the place of our backhoe in many situations.

Manager Keaton advised we are getting a good trade-in value on the current excavator and may sell it for more than the trade-in value of \$32,500 on GovDeals.

Motion by Requarth, second by Wilder to authorize the purchase of an E42 R2-Series Bobcat Compact Excavator, under Sourcewell Contract #040319-CEC. All yeas, motion carried.

Manager Keaton reported Brookville appears on the recently released Ohio EPA Water Pollution Control Loan Fund, Program Year 2023 Final Program Management Plan, Intended Project list for 2023. We nominated ourselves for the Market Street Sanitary Sewer Extension project last August. Manager Keaton provided Council with a copy of the spreadsheet where we appear and attached a copy of the Memorandum that she provided Council last September on this project. It appears our project will receive a 1% hardship interest rate loan. Manager Keaton advised she will keep Council updated once she receives official notification from Ohio EPA.

Manager Keaton reported the Brookville Area Chamber of Commerce is inquiring if the City would be a contributor toward the fireworks display or become a Picnic Sponsor for the 2023 Community Picnic. Council should have a copy of the 2023 Community Picnic Sponsorship Packet. Manager Keaton opened the floor for discussion.

Member Schreier asked if we have done this before?

Mayor Letner replied the City has sponsored the fireworks in the past.

The consensus was to table the discussion until the next meeting to give Council time to review the sponsorship packet provided.

Manager Keaton reported over the last two weeks, the Service Department applied eight tons of cold mix to patch roadways where we had watermain breaks and patched potholes. Manager Keaton reported the Service Department has applied 54 tons of salt to date for the 2022-2023 winter season. We took delivery of 144 tons of road salt last Monday. We also received 580 gallons of used oil to fuel our used oil furnaces. Manager Keaton advised the Service Department also installed new LED lighting throughout the city building.

Finance Director Brandt presented the January 31, 2023 Fund Balance.

Motion by Schreier, second by Fowler to approve the January 31, 2023 Fund Balance as presented. All yeas, motion carried.

Fire Chief Fletcher presented the Fire Operations Report for the month of January, stating it was a much quieter month than the last few months of 2022. Personnel have been focused on recertifications for EMS skills and protocols and for fit testing on breathing apparatus.

Mayor Letner inquired about the correct way to dispose of an expired fire extinguisher?

Fire Chief Fletcher advised the public can drop off fire extinguishers at the firehouse and they will be used for training if they are pressurized. The containers will be scrapped if they are metal and disposed of properly if they are plastic.

Police Chief Jerome reported the Police Department has received a Provisional Certification from the Ohio Collaborative, which includes law enforcement response to Mass Protests/Demonstrations and Agency Wellness Standards. Our Police Officers now have the Wellness App installed on their phones, which provides a wealth of resources for our officers.

Police Chief Jerome reported Major Simon will be attending the FBI Academy from April 3 through June 8, which is the ultimate leadership school for police executives. Captain Morgan will be attending a 12-week Command Staff course in Cincinnati, beginning in August.

Member Zimmerlin asked if any other Brookville Officers have attended the FBI Academy?

Police Chief Jerome replied Chief Preston went to the FBI Academy in the early 90's, and former Chief Papanek also attended prior to his employment for the City of Brookville.

Law Director Stephan reported proposed Ordinance No. 2023-05, which is on the Agenda for a first reading, will establish zoning classifications for the newly annexed area on Brookville Phillipsburg Road and Upper Lewisburg Salem Road. The proposed zoning classifications are approximately 23.4 acres of General Business and the remaining 35.5 acres would be R-1B Urban Residential District for single-family housing. Planning Commission has discussed the proposed Zoning Ordinance and recommended it to Council for the first reading. A Public Hearing will be held on March 7, 2023 at 8:00 p.m., during the City Council meeting.

Motion by Requarth, second by Fowler to read proposed Ordinance No. 2023-05. All yeas, motion carried.

Motion by Fowler, second by Wilder to accept the first reading of proposed Ordinance No. 2023-05. All yeas, motion carried.

Mayor Letner had no report.

Motion by Zimmerlin, second by Fowler to read proposed Ordinance No. 2023-02. All yeas, motion carried.

Motion by Schreier, second by Fowler to accept the third reading and adopt Ordinance 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.” All yeas, motion carried.

Member Requarth asked Finance Director Brandt to state for the record what the increase is for our refuse customers.

Finance Director Brandt replied refuse rates will increase from \$45.00 per quarter to \$60.00 per quarter. This will be effective on the next quarterly billing.

Motion by Zimmerlin, second by Fowler to read proposed Ordinance No. 2023-04. All yeas, motion carried.

Motion by Fowler, second by Requarth to accept the third reading and adopt Ordinance 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.” All yeas, motion carried.

Finance Director Brandt stated the sewer rates will increase 5%, effective on the next quarterly billing.

Motion by Fowler, second by Wilder to read proposed Resolution No. 23-02. All yeas, motion carried.

Motion by Requarth, second by Zimmerlin to accept the second reading of proposed Resolution No. 23-02. All yeas, motion carried.

Member Fowler, Park Board Liaison, reported Council and staff have been invited to participate in the judging for the Cub Scouts Pinewood Derby this Friday night from 8:00 until 8:30 p.m.

Member Schreier, Planning Commission Liaison, reported Planning Commission met on January 18, 2023 and discussed the zoning classifications in proposed Ordinance No. 2023-05.

Motion by Fowler, second by Zimmerlin 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: 2/17/2023

Proposed Resolution No. 23-03 is before Council for a first reading. This is the Final Resolution for the STP Market Street Resurfacing Project that runs from Wolf Creek Street to Jefferson Street. This project was submitted and approved as a CRRSAA (Coronavirus Response and Relief Supplemental Appropriations Act) Project through MVRPC in 2021. The sale date for this project is March 30. Resurfacing will start in May and is scheduled to be completed in September. Once the contractor is selected, we should be able to narrow down the resurfacing dates.

Work will begin soon on the Main Street Waterline Replacement Project. Associated Excavating began preliminary work over the last week in preparation of starting the project. Main Street will remain open to traffic for the most part. At times, the roadway may need to be closed for short period of time to tie in new service lines. Detour signs will be posted, and residents/businesses will be notified.

Request Council authorization for Change Order #1 on the Main Street Waterline Replacement Project at an additional cost of \$4,830. Change Order #1 is for the installation of 2" water service to 130 Main Street in lieu of a 1" water service. The Original Contract price was \$331,716, with Change Order #1, the new Contract price will be \$336,546.

Follow-up discussion if the city would be a contributor toward the fireworks display or become a Picnic Sponsor for the 2023 Community Picnic. For many years, the City provided the funding for the fireworks display at the Community Picnic. The last year the City paid for the fireworks was in 2019. Following the pandemic, and the decline in revenue, it was decided the City would not provide funding for fireworks. Since 2021, the Brookville Area Chamber of Commerce has provided the fireworks display.

As a follow-up response to the question asked at the last Council Meeting, in January 2023 we used 54 tons of salt compared to 88 tons used in January 2022.

Over the last two weeks, the Service Department performed the following:

- Picked up trash in all parks and Market Street
- Fixed streetlight at overpass on Arlington Rd.
- Placed Chamber sign on Arlington
- Took 23 tires to south transfer station
- Filled police garage with used oil
- Chipped limbs
- Picked up 55 gallons of used oil
- Repaired a broken fire hydrant on Carr Dr
- Reset concrete barriers at north Speedway
- Started street sweeping (weather permitting)
- Continued cold patching potholes
- Put two new street signs up at Plymouth and Arlington Rd and Arlington and Flanders



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

Chief Douglas Jerome

djerome@brookvilleohio.com



Council Meeting

Agenda

February 21, 2023

Reportable Incidents

1/1/2022 – 2/17/2022 = 57

1/1/2023 – 2/17/2023 = 61

Citations

1/1/2022 – 2/17/2022 = 6

1/1/2023 – 2/17/2023 = 15

Traffic Stops

February 2022 - 75

February 2023 to date - 53

Brookville Police Department

Incident Arrest Blotter

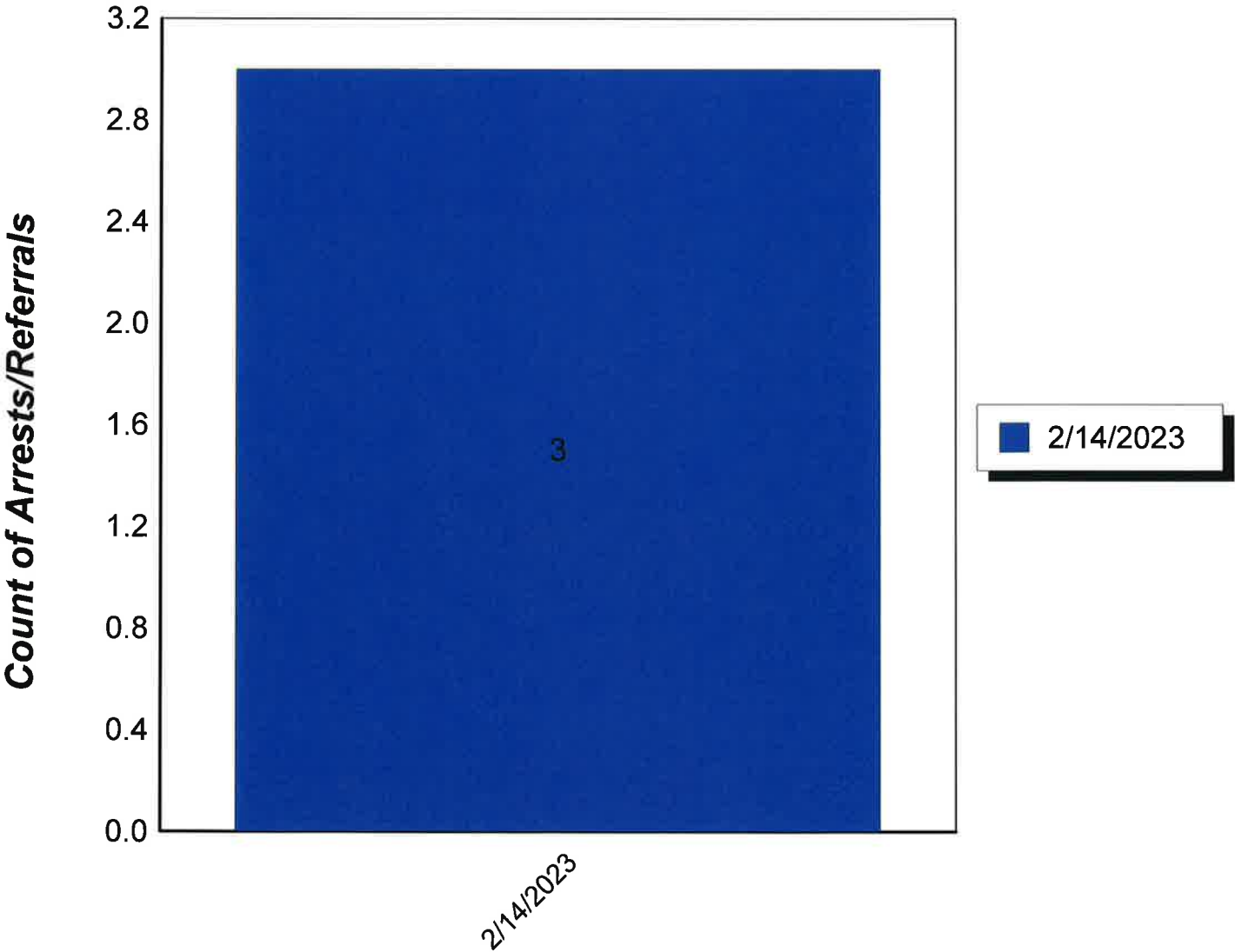
Arrest Date	Time	Suspect's Name	Address, Charges(s)	Incident ID
02/14/2023		COREY J. GARBER	100 CYPRESS ST, GREENVILLE, OH 45331 35: WARRANT ARREST	2023-00057
		JASON R. FERGUSON	235 E. CHURCH ST, BRADFORD, OH 45308 292132A1: Obstructing justice - harboring	2023-00057
		NICA R. WISSEL	32 WESTERN AVE, BROOKVILLE, OH 45309 292132A1: Obstructing justice - harboring	2023-00057

Total Selected = 3

Arrest Log by Date

Arrest Date	Total Arrests
February 14, 2023	3
Total Selected = 3	

Arrest Log by Date



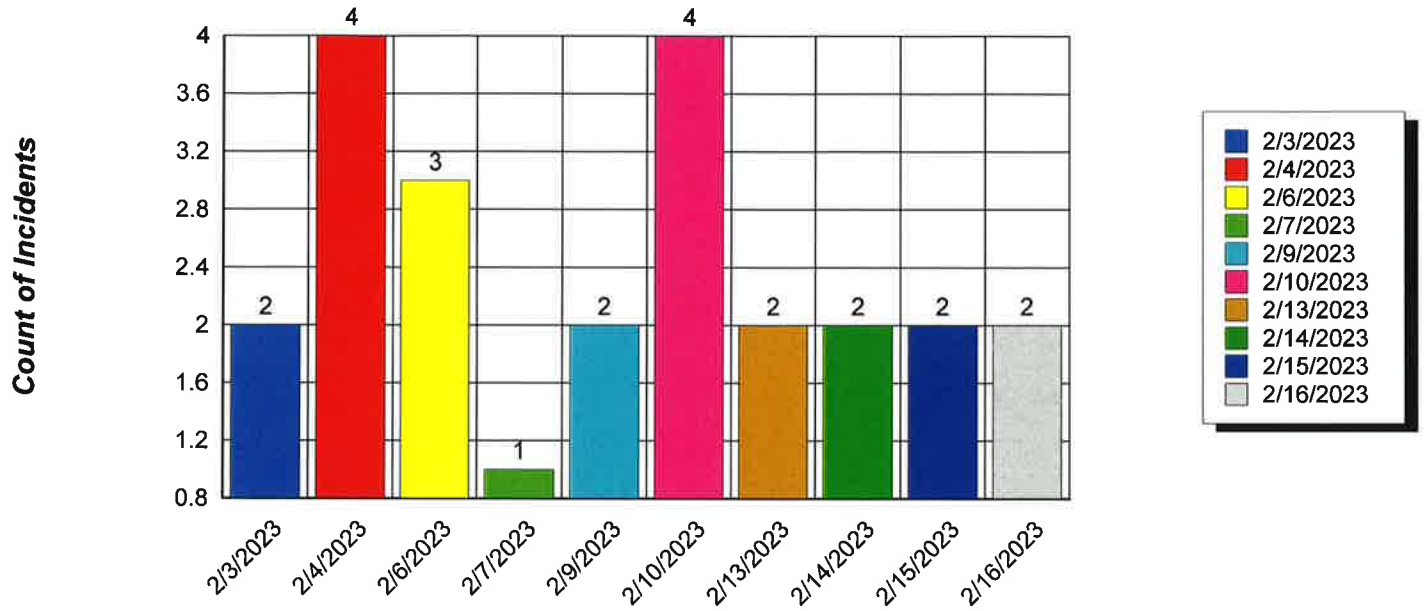
Brookville Police Department

Incident Log by Date Reported

Date Reported	Day of Week	Total Reported
02/03/2023	Friday	2
02/04/2023	Saturday	4
02/06/2023	Monday	3
02/07/2023	Tuesday	1
02/09/2023	Thursday	2
02/10/2023	Friday	4
02/13/2023	Monday	2
02/14/2023	Tuesday	2
02/15/2023	Wednesday	2
02/16/2023	Thursday	2
Total Selected = 24		

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
-------------	----------------	-------------	---------------	--------------	--------

February 03, 2023

2023-00038	575 ARLINGTON ROAD BROOKVILLE PD	SIGNAL 6A - THEFT	02/03/2023		OPEN CASE
Offenses UCR Offense Description 1 01 291302A3 - Theft - deception					
2023-00039	506 WESTERN BROOKVILLE PD	SIGNAL 26I - DOG BITE	02/03/2023	02/03/2023	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
Total Incidents Reported for Date: 2					

February 04, 2023

2023-00040	95 PARKVIEW BROOKVILLE PD	SIGNAL 26I - INFORMATIONAL REPORT	02/04/2023	02/04/2023	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2023-00041	403 Market Street Brookville Ohio BROOKVILLE PD	Signal 24 - Disorderly Conduct	02/04/2023	02/04/2023	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 291711 - Disorderly conduct					
2023-00043	115 BEECHWOOD AVE BROOKVILLE PD	SIGNAL 11 - FRAUD	02/04/2023		OPEN CASE
Offenses UCR Offense Description 1 06 291349A - Taking identity of another					
2023-00042	540 ADRIAN CT BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	02/04/2023	02/04/2023	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
Total Incidents Reported for Date: 4					

February 06, 2023

2023-00044	301 SYCAMORE STREET BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	02/06/2023	02/06/2023	EXCEPTIONALLY CLEARED
------------	--------------------------------------	---------------------------------	------------	------------	-----------------------

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
-------------	----------------	-------------	---------------	--------------	--------

February 06, 2023

2023-00045	Offenses	UCR	Offense Description	02/06/2023	02/06/2023
	1	02	26I - INFORMATION REPORT		
2023-00045	112 JUNE		SIGNAL 26I - INFORMATION REPORT		
	BROOKVILLE PD			EXCEPTIONALLY CLEARED	
2023-00046	Offenses	UCR	Offense Description	02/06/2023	OPEN CASE
	1	02	26I - INFORMATION REPORT		
2023-00046	266 DOYLE		SIGNAL 05 - BURGLARY		
	BROOKVILLE PD				
2023-00046	Offenses	UCR	Offense Description	02/06/2023	OPEN CASE
	1	05	291112 - Burglary		
Total Incidents Reported for Date: 3					

February 07, 2023

2023-00047	681 VINE ST		SIGNAL 18 - DRUG ABUSE		02/07/2023	02/07/2023
	BROOKVILLE PD		ARREST			
	Offenses		UCR	Offense Description		
	2	01	292511C3 - Drug abuse - marijuana			
		N/A	33727B3 - SEAT BELTS REQUIRED-PASSENGER			
Total Incidents Reported for Date: 1						

February 09, 2023

2023-00049	799 ARLINGTON		SIGNAL 23 - PUBLIC INTOXICATION		02/09/2023	02/09/2023
	BROOKVILLE PD		EXCEPTIONALLY CLEARED			
	Offenses	UCR	Offense Description			
	2	02	291711B2 - Disorderly conduct - intoxicated create risk of ha			
		02	291121A1 - Criminal trespass - land/premises of another			
2023-00048	370 MALLARD COURT		SIGNAL 26I - MENTAL HEALTH		02/09/2023	02/09/2023
	BROOKVILLE PD		EXCEPTIONALLY CLEARED			
	Offenses	UCR	Offense Description			
	1	02	26I - INFORMATION REPORT			
Total Incidents Reported for Date: 2						

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
February 10, 2023					
2023-00050	301 Sycamore Brookville Ohio 45309 BROOKVILLE PD	Signal 35 - Warrant	02/10/2023	02/10/2023	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 2 N/A 35 - WARRANT ARREST N/A 450321 - FAILURE TO DISPLAY REGISTRATION					
2023-00051	705 ARLINGTON ROAD BROOKVILLE PD	SIGNAL 53HR - HIT AND RUN CRASH	02/10/2023		OPEN CASE
Offenses UCR Offense Description 1 N/A 454902 - STOPPING AFTER ACCIDENT					
2023-00052	301 SYCAMORE ST BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	02/10/2023	02/10/2023	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2023-00053	1 BLUE PRIDE DR BROOKVILLE PD	SIGNAL 26I - FOUND PROPERTY	02/10/2023	02/10/2023	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
Total Incidents Reported for Date: 4					
February 13, 2023					
2023-00055	45 W MCKINLEY APT D BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	02/13/2023		OPEN CASE
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2023-00054	420 MAIN ST BROOKVILLE PD	SIGNAL 26 DB - DEAD BODY	02/13/2023	02/13/2023	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26DB - DEAD BODY					
Total Incidents Reported for Date: 2					
February 14, 2023					
2023-00056	22 MULBERRY BROOKVILLE PD	SIGNAL 26O - ACCIDENTAL DISCHARGE	02/14/2023	02/14/2023	EXCEPTIONALLY CLEARED

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
-------------	----------------	-------------	---------------	--------------	--------

February 14, 2023

	Offenses	UCR	Offense Description		
	1	02	26O - ALL OTHER CRIMINAL OFFENSES		
2023-00057	32 WESTERN AVENUE		SIGNAL 35 - WARRANT ARREST	02/14/2023	02/15/2023
	BROOKVILLE PD				ARREST
	Offenses	UCR	Offense Description		
	3	N/A	35 - WARRANT ARREST		
		02	292132A1 - Obstructing justice - harboring		
		02	292132A1 - Obstructing justice - harboring		
Total Incidents Reported for Date: 2					

February 15, 2023

2023-00058	112 OSTEND		SIGNAL 26I - INFORMATION		02/15/2023	02/15/2023
	BROOKVILLE PD		EXCEPTIONALLY CLEARED			
	Offenses	UCR	Offense Description			
	1	02	26I - INFORMATION REPORT			
2023-00059	372 LEISURE DRIVE		SIGNAL 18 - DRUG COMPLAINT		02/15/2023	02/15/2023
	APARTMENT 6					
	BROOKVILLE PD		EXCEPTIONALLY CLEARED			
	Offenses	UCR	Offense Description			
	1	01	292511 - Drug abuse - obtain, possess, use controlled subst			
<i>Total Incidents Reported for Date: 2</i>						

February 16, 2023

2023-00060	801 ARLINGTON ROAD		SIGNAL 26I - INFORMATION REPORT		02/16/2023	02/16/2023
	BROOKVILLE PD		EXCEPTIONALLY CLEARED			
	Offenses	UCR	Offense Description			
	1	02	26I - INFORMATION REPORT			
2023-00061	436 SALEM AVE		SIGNAL 26O - DOG AT LARGE		02/16/2023	
	BROOKVILLE PD		OPEN CASE			
	Offenses	UCR	Offense Description			
	2	N/A	95522C1 - CONFINEMENT OR RESTRAINT OF DOG			
		02	95522D1 - FAIL CONFINE DANGEROUS DOG			

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
-------------	----------------	-------------	------------------	-----------------	--------

Total Incidents Reported for Date: 2

Total Selected = 24

PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Resolution #: 23-02

PID No.: 105365

County/Route/Section: MOT IR 70 0.00

The following is a Resolution enacted by the City of Brookville of Montgomery County, Ohio,
(Ordinance/Resolution) (Local Public Agency)
hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the State of Ohio has determined the need for the described project:

This project will resurface Interstate Route 70 from mile marker 0.00 to 6.71 with a portion of roadway in the City of Brookville.

NOW THEREFORE, be it ordained by the City of Brookville of Montgomery County, Ohio.
(LPA)

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

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

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - This Resolution shall therefore take effect and be in force thirty (30) days after passage as provided by the Charter of the City of Brookville, Ohio.

SECTION VII - Authority to Sign

I, Sonja M. Keaton of said City of Brookville is hereby empowered on behalf of the City of
(Contractual Agent) (LPA) (LPA)
Brookville to enter into contracts with the Director of Transportation which is necessary to complete the above-described project.

Passed: _____ 2 _____.
(Date)

Attested: _____
(Clerk)

(City Manager)

Attested: _____
(Clerk)

(Mayor)

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Brookville of Montgomery County, Ohio
(LPA)

I, Kim Duncan as Clerk of the City of Brookville of Montgomery County, Ohio, do
(LPA)
hereby certify that the foregoing is a true and correct copy of Resolution No. 23-02 adopted
(Ordinance/Resolution)
by the legislative Authority of the said City of Brookville on the _____ day of
(LPA)
_____ 20____.

That the publication of such Resolution No. 23-02 has been made and certified of record
(Ordinance/Resolution)
according to Law; that no proceedings looking to a referendum upon such Resolution No. 23-02
(Ordinance/Resolution)
have been taken; and that such Resolution No. 23-02 and certificate of publication thereof are
(Ordinance/Resolution)
of record in Resolution Book and the Council Proceedings Book.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal,
if applicable, this _____ day of _____ 2_____.

(Clerk)

(CITY SEAL)

City of Brookville of Montgomery County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter
stating "No Seal is required to accompany the executed legislation.)

The afore going is accepted as a basis for proceeding with the project herein described.
For the City of Brookville of Montgomery County, Ohio.
(LPA)

Attested: _____ Date _____
(Contractual Agent)

.....

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. 23-02, 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 Resolution No. 23-02, 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 _____ 2023 to the _____ day of _____ 2023, both days inclusive.

Kimberly Duncan, Clerk

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2023-06 Passed , 20

AN ORDINANCE LEVYING ASSESSMENTS FOR DELINQUENT UTILITY BILLS FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, pursuant to Section 931.21(g), 935.14(f) and 957.07(c) of the Code of Ordinances of the City of Brookville, Ohio, the City may certify to the County Auditor assessments for water, sewer and refuse bills which have been delinquent for more than forty-five days from date of billing, and said assessments shall become a lien against the property served and shall be collected as general taxes; and

WHEREAS, these charges remain unpaid more than forty-five days after the notice of charges were sent to the property owner by the Director of Finance.

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

SECTION I: City Council hereby approves and authorizes the Director of Finance to certify to the County Auditor assessments for delinquent water, sewer, stormwater and refuse charges, said assessments being set forth in Exhibit A - \$2,726.24, Exhibit B – Sewer \$1,383.35, Exhibit C – Storm Water \$471.10, and Exhibit D – Refuse \$1,823.49, respectively, and attached hereto and incorporated herein by reference and aggregating in the amount of \$6,570.36 for all services and broken-down totals for each service as shown above, all of which do not include County Fees.

SECTION II: The Director of Finance shall certify to the County Auditor the unpaid assessments within thirty (30) days after passage of this Ordinance.

SECTION III: This Ordinance 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 2023.

Kimberly Duncan, Clerk

Chuck 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. 2023-06 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. 2023-06 as 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 D

Project Code	Address	Parcel ID	Refuse Charge
31850	36-38 E MCKINLEY ST	C05 00204 0006	505.41
31850	434 SALEM ST	C05 00102 0007	252.57
31850	726 ALBERT RD	C05 00405 0022	252.60
31850	124 WESTERN AVE	C05 00212 0020	152.46
31850	275 CROSSWELL AVE	L54 00309 0010	63.53
31850	124 S CLAY ST	L54 00217 0086	93.92
31850	76 CHURCH ST	C05 00213 0027	77.00
31850	158 S ORCHARD ST	L54 00217 0043	79.92
31850	501 W WESTBROOK RD	LS4 00403 0001	-
31850	430 EDGEBROOK AVE	C05 00414 0012	50.00
31850	33 S ROCK ST	C05 00209 0005	47.87
31850	815 SHANEY LN	C05 00603 0005	48.00
31850	307 FLANDERS AVE	C05 00409 0015	35.58
31850	344 BAKER ST	C05 00110 0025	42.58
31850	512 MAIN ST	C05 00101 0002	31.50
31850	739 SALEM ST	C05 00111 0018	18.67
31850	906 GOLDEN BEECH DR	C05 00525 0003	-
31850	918 SALEM ST	C05 00422 0004	39.00
31850	320 S WOLF CREEK ST	C05 00210 0004	11.04
31850	512 MAIN ST	C05 00101 0002	11.00
31850	295 CUSICK AVE	C05 00107 0018	-
31850	232 WALNUT ST	C05 00113 0029	6.34
31850	621 HAY AVE, Apt: E	C05 00105 0004	-
31850	629 MARKET ST	C05 00101 0015	4.50
TOTALS			1,823.49

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2023-07 Passed , 20

AN ORDINANCE LEVYING ASSESSMENTS FOR THE CUTTING AND REMOVAL OF WEEDS, VINES, GRASS AND/OR OTHER VEGETATION DURING THE YEAR 2022 FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, pursuant to Section 503.03 of the Code of Ordinances of the City of Brookville, Ohio, the City may assess the cost of cutting and removal of weeds, vines, grass or other vegetation, plus a two percent (2%) administrative fee; and

WHEREAS, under Section 503.04 of the Code of Ordinances, the Director of Finance has given notice of such assessment to the owner of the lot or land from which the weeds, vines, grass and/or other vegetation was removed, either in person or sent by regular United States Mail, postage prepaid; and

WHEREAS, the assessments remain unpaid more than thirty (30) days after the notice of assessment was sent to the owner by the Director of Finance; and

WHEREAS, under Section 503.04, the Director of Finance, after approval by Council, may certify unpaid assessments to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

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

SECTION I: The Council hereby approves and authorizes the Director of Finance to certify to the County Auditor the unpaid assessments for the cutting and removal of such weeds, vines, grass and/or other vegetation during the year 2022 for said assessments being set forth in Exhibit A attached hereto and incorporated herein by reference and aggregating in the amount of \$2,570.40, which includes City of Brookville Administrative Fees.

SECTION II: The Director of Finance shall certify to the County Auditor the unpaid assessments within thirty (30) days after passage of this Ordinance.

SECTION III: This Ordinance 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 2023.

Kimberly Duncan, Clerk Charles Letner, Mayor

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2023-07 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. 2023-07 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. 2023-07 as 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

	<u>Project ID</u>	<u>City, State</u>	<u>Parcel ID</u>		<u>Assessment</u>
1	31500	Brookville, Ohio	C05 00213 0038	\$	918.00
2	31500	Brookville, Ohio	C05 00206 0008	\$	459.00
3	31500	Brookville, Ohio	C05 00208 0050	\$	765.00
4	31500	Brookville, Ohio	C05 000204 0006	\$	306.00
TOTALS				\$	2,448.00

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

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, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2023-08 passed by the Council of said City on the _____ day of _____, 2023.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2023-08 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 _____, 2023, to the _____ day of _____, 2023, both days inclusive.

Kimberly Duncan, Clerk

**EXHIBIT A
LEGAL DESCRIPTION
R/W VACATION**

SITUATE IN SECTION 34, TOWN 6, RANGE 4 EAST, CITY OF BROOKVILLE,
MONTGOMERY COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS
FOLLOWS:

Beginning at the southwest corner of Lot 107 of the N. Baker's Addition to Brookville as shown on Plat Book A, Page 232 and being at the intersection of the north right-of-way line of Westbrook Road and the easterly right-of-way line of an existing 16-foot alley;

thence, North 89°51'19" West, 20.36 feet, along the north right-of-way line of Westbrook Road to a point at the southeast corner of Lot 138 of said N. Baker's Addition to Brookville and being on the westerly right-of-way line of the said existing 16-foot alley;

thence, North 38°02'30" West, 258.79 feet, along the westerly right-of-way line of the said existing 16-foot alley to a point on the southerly line of Lot 2543 as shown on Plat Book 209, Page 3 and being owned by W. Allen Thrush, Jr. as described in IR Deed 19-022795;

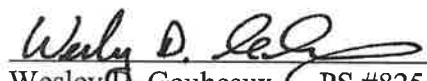
thence, North 51°48'36" East, 16.00 feet, along the southerly line of said Lot 2543 to a point on the easterly right-of-way line of said existing 16-foot alley;

thence, South 38°02'30" East, 271.42 feet, along the easterly right-of-way line of said existing 16-foot alley to the place of beginning.

Containing 0.097 acres more or less and all being subject to any legal highways and easements of record.

The bearing of North 89°51'19" West along the centerline of Westbrook Road was based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a field survey performed under his direct supervision and dated October 19, 2022. For a pictorial representation, see attached Exhibit "B".

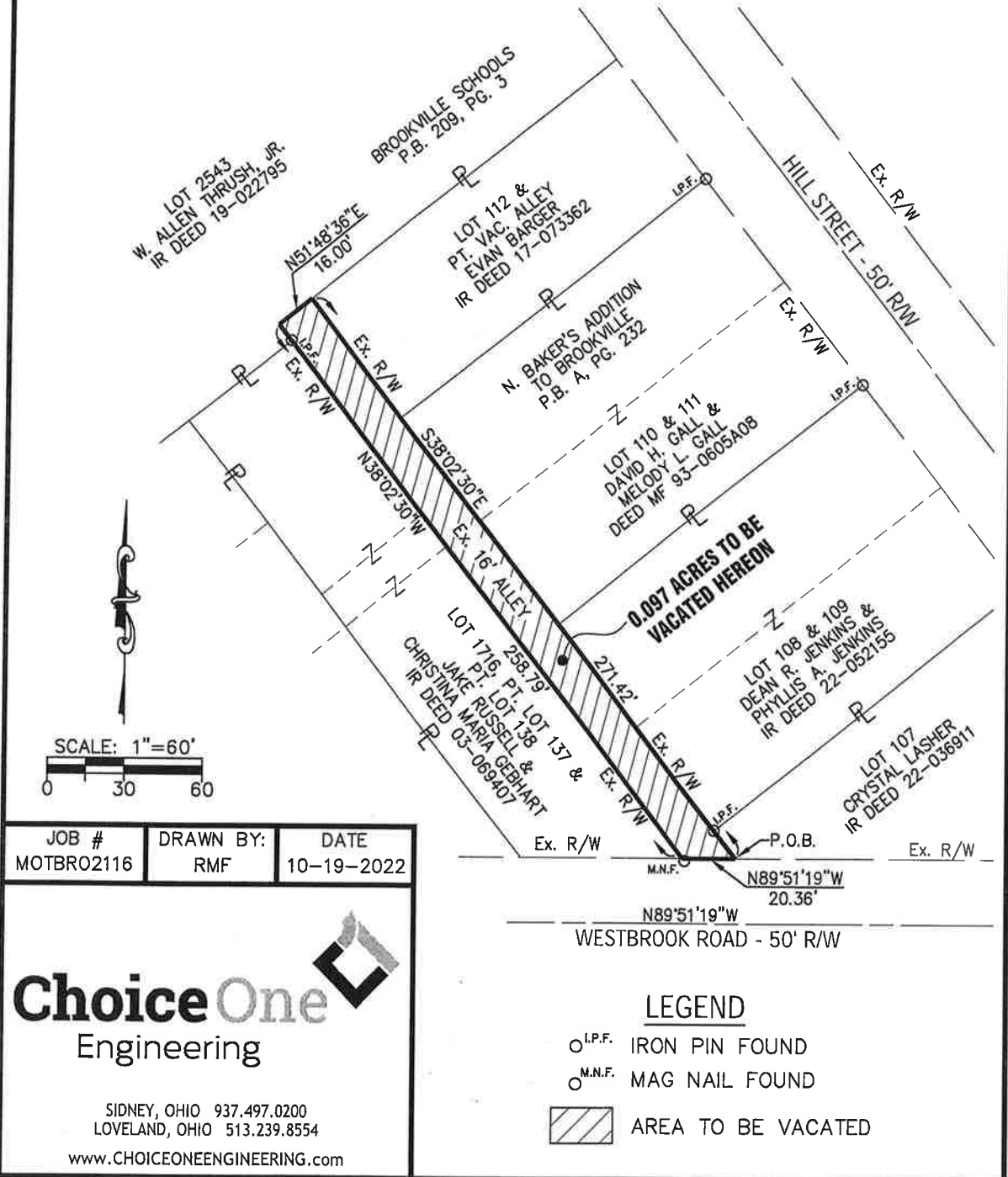

Wesley D. Goubeaux, PS #8254



10/19/2022
Date

EXHIBIT B

SECTION 34, T 6, R 4 E,
CITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO



JOB #	DRAWN BY:	DATE
MOTBRO2116	RMF	10-19-2022

ChoiceOne
Engineering

SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.8554
www.CHOICEONEENGINEERING.com