



CITY COUNCIL  
Tuesday, June 20, 2023, 7:30 PM  
301 SYCAMORE STREET, BROOKVILLE, OHIO 45309  
937-833-2135  
[www.brookvilleohio.com](http://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
- d. Accept Resignation of Council Member Jeff Requarth

### **II. Adoption of Agenda**

### **III. Approval of Minutes**

- a. Approval of June 6, 2023 Regular Meeting Minutes

### **IV. Major Tom Simon - FBI Academy**

### **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**

### **VII. New Business**

- a. First reading of proposed Resolution No. 23-20 entitled "A RESOLUTION REGARDING MUNICIPAL SERVICES TO BE PROVIDED TO THE TERRITORY CONTAINED IN A PROPOSED ANNEXATION OF 113.562 ACRES, MORE OR LESS, FROM PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO, IF ANNEXATION OF SAID

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



TERRITORY IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTOMERY COUNTY, OHIO, AND DECLARING IT AN EMERGENCY.

- b. First reading of proposed Resolution No. 23-21 entitled "A RESOLUTION REQUIRING THE ESTABLISHMENT OF A BUFFER WHEN MANDATED BY OHIO REVISED CODE SECTION 709.023 IN THE EVENT THAT THE PROPOSED ANNEXATION OF 113.562 ACRES, MORE OR LESS, FROM PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO IS APPROVED, AND DECLARING IT AN EMERGENCY."
- c. First reading of proposed Resolution No. 23-22 entitled "A RESOLUTION CONSENTING TO THE PROPOSED ANNEXATION OF 113.562 ACRES, MORE OR LESS, FROM PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO, IS APPROVED, 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  
June 6, 2023

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on June 6, 2023. The meeting was held in the City Council Chambers and virtually using the Cisco Webex application. The Pledge of Allegiance was recited. Members Crane, Fowler, Schreier, Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher, Police Chief Jerome and Clerk Duncan were present. Member Requarth was absent.

Roll Call by Clerk Duncan.

Manager Keaton requested the addition of the Brookville Retail and Industrial Campus, Section Four, Subdivision Record Plan to the Agenda, under New Business.

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

Motion by Zimmerlin, second by Fowler to approve the May 16, 2023 Regular Meeting Minutes. Zimmerlin yea, Fowler yea, Schreier abstain, Wilder yea, Crane yea and Letner yea. Motion carried with five yeas and one abstention.

Mayor Letner recognized Fibre Glast Developments for their economic role within the City of Brookville.

Michelle Bonnett and Rod Miatti, of Fibre Glast Developments, gave a short presentation on the operations of the company, which distributes and sells fiberglass, Kevlar, carbon fiber epoxies and resins all over the globe. Fibre Glast was started and owned by a woman, until two years ago, when it was purchased by women in an investment group, to keep a woman-owned small business. Fibre Glast customers are from the hobbyist to NASA, and everyone in between. Their products are used in aerospace, automotive, marine, power generation, proto-typing, modeling, and a myriad of other applications. Fibre Glast is a proud sponsor of the USA Luge Team, SAE International, Formula Hybrid, Spaceport America, Street Bandito, and Electric Supercar.

Fire Chief Fletcher commented that Fibre Glast is in a modern, suppressed building and are proactive in working with the Fire Department to make sure their employees and Brookville residents are safe.

Manager Keaton thanked the Class of 2023 and the Brookville Alumni Association for participating in the Serve Brookville event last month. Participants were able to assist with staining the interior of the Castle Playground, painting the swing set frames in Golden Gate Park, painting the gates and the open-air shelter in Westbrook Park, and placing mulch in Westbrook Park. All of their hard work was greatly appreciated.

Manager Keaton thanked Barry Goforth and the VFW Post #3288 for bringing their military banner project to the city. We have received an incredible number of compliments on this project. Manager Keaton also thanked the Service Department employees who worked tirelessly with the VFW to install the brackets and the banners for this project, and AES for allowing this project to move forward.

Manager Keaton reported we recently completed our first-year requirements for the AARP Grant, which included an Assessment of our first year, and our Developing Brookville's Blueprint - Planning for the Future survey. Both the Assessment and survey results were provided to The Dayton Foundation, along with a request to process payment for the second half of our grant funding.

Manager Keaton advised we received notification from the Ohio Division of Liquor Control that El Bronco Mexican Restaurant 2, Inc., at 485 Arlington Road, has requested a new D5 liquor permit. City Council has the ability to request a hearing on the advisability of issuing that permit, or Council can choose to not request a hearing. Manager Keaton recommended Council waive the right to a hearing.

Motion by Schreier, second by Fowler to waive the right to a hearing on the D5 liquor permit application for El Bronco Mexican Restaurant 2, Inc., at 485 Arlington Road. All yeas, motion carried.

Manager Keaton requested Council authorization on Change Order #4 on the Main Street Waterline Replacement Project at a decrease of \$4,268. Change Order #4 is an adjustment to quantities used for the project. The amended Contract price with Change Order #1, #2, and #3 was \$357,445.36, with Change Order #4 the new and final Contract price is \$353,177.36. The Main Street project is now completed.

Motion by Zimmerlin, second by Fowler to approve Change Order #4 on the Main Street Waterline Replacement Project, which decreases the total project cost from \$357,445.36 to \$353,177.36. All yeas, motion carried.

Manager Keaton requested Council adopt proposed Resolution No. 23-19, that is on the Agenda this evening. Resolution No. 23-19 approves the Plan of Operation and Governance for the Miami Valley Communications Council Electric and Natural Gas Aggregation Program, and Council hereby joins MVCC to act jointly with other member and affiliate political subdivisions for the acquisition and aggregation of electric and natural gas supply.

Motion by Wilder, second by Fowler to read proposed Resolution No. 23-19. All yeas, motion carried.

Motion by Zimmerlin, second by Wilder to accept the first reading, dispense with the second and third reading and adopt Resolution No. 23-19, entitled "A RESOLUTION APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE MIAMI VALLEY COMMUNICATIONS COUNCIL ELECTRIC AND NATURAL GAS AGGREGATION PROGRAM, FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING AN ELECTRIC AND NATURAL GAS PROGRAM FOR THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Keaton advised with the approval of Resolution No. 23-19, each participating community shall appoint one Delegate to MVCC's governing body. The Delegate must be a City Manager, a Department Director, or an elected official. Manager Keaton requested Council designate the City Manager as the Delegate for the City of Brookville.

Motion by Zimmerlin, second by Fowler to designate City Manager Keaton as the Miami Valley Communications Council Delegate for the City of Brookville. All yeas, motion carried.

Manager Keaton reported we have hired a new part-time Zoning Enforcement Officer, Jim Lawson, who began working for us yesterday. Mr. Lawson has previous experience as a Zoning Enforcement Officer for the City of West Carrollton.

Manager Keaton advised she received word from Ohio EPA that our Equipment Grant to purchase a Valve Exerciser, which we submitted in January, was not selected for funding. We will reapply for this grant with the next round of funding.

Manager Keaton reported we are finalizing engineering on the CDBG Golden Gate Park and Westbrook Park Handicapped Access Project. We hope to begin that project within the next couple of months. We are also wrapping up engineering on the OPWC Hay Avenue Roadway Reconstruction Project, Phase II Project.

Member Zimmerlin inquired if the City will be addressing any of the comments on the recent community survey? He saw a lot of misinformation in the feedback and would love to see it addressed.

Manager Keaton replied she can look over the comments and address them in a future Council report.

Finance Director Brandt presented the May 31, 2023 Fund Balance Report.

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

Finance Director Brandt reported we received our health insurance renewal rates from Anthem and with some negotiation, Anthem is allowing us to renew our current dual health insurances plans with a 4% increase. The City funds 85% of the monthly health insurance premium with the employee contributing 15% of the monthly premium. Our Superior Dental renewal came in with an 18.9% increase. Anthem Dental came in with a 2.5% decrease and includes a 2-year rate guarantee. Anthem Dental also comes with a bundling discount. If we carry both health and dental insurance through them, our health premiums will also drop 1.5%. The City funds 100% of dental insurance. Vision insurance is not up for renewal, but Anthem has given us an option to move to their vision insurance at a 20.04% decrease with a 3-year rate guarantee. If we move to Anthem Vision, we also will receive a .5% decrease in our health insurance renewal. This renewal with Anthem Vision does require at least 16 employees to sign up for the insurance. If we do not have interest of at least 16 applicable employees, our insurance will remain with EyeMed. Vision insurance is paid 100% by employees. Life insurance is not up for renewal this year. Finance Director Brandt requested Council approve the renewal under the Anthem Blue Access 2023 HSA Option E2 health insurance plan with the RX-T8 prescription plan, which allows the City to offer dual health insurance plans, with the employee contributing 15% and the employer contributing 85% of the monthly rate. The City will contribute \$1,000 for each single employee and \$2,000 for an employee and dependent contract under the Blue Access guarantee HSA plan; and to renew our dental insurance with Anthem Dental with a two-year rate guarantee paid 100% by the employer; renew our vision insurance with Anthem with a 3-year rate guarantee paid 100% by employee.

Motion by Zimmerlin, second by Fowler to renew our employee health insurance plan with Anthem Blue Access 2023 HSA Option E2, with the RX-T8 prescription plan, which allows the City to offer dual health insurance plans, with the employee contributing 15% and the employer contributing 85% of the monthly rate and the City contributing \$1,000 for each single employee and \$2,000 for an employee and dependent contract under the Blue Access guarantee HSA plan; and to renew our dental insurance with Anthem Dental with a two-year rate guarantee paid 100% by the employer; renew our vision insurance with Anthem with a 3-year rate guarantee paid 100% by employee. All yeas, motion carried.

Finance Director Brandt requested Council approval to renew our Commercial Property, Automobile and Liability Insurance coverage through The Ohio Plan on July 1 for a one-year period. The renewal premium came in at \$86,844, which is a \$115 decrease over our expiring policy. Our risk insurance includes Property, Liability, Automobile, Equipment Breakdown, Special property, Computer, Crime, Malicious Assailant, Cyber and Terrorism coverages. Our property values increased \$2,085,723, special scheduled equipment values increased \$136,672 and computer equipment values increased \$16,908.

Motion by Fowler, second by Schreier to renew our Commercial Property, Automobile and Liability Insurance coverage through The Ohio Plan for a one-year period, beginning July 1, with an annual cost of \$86,844. All yeas, motion carried.

Fire Chief Fletcher presented the May operations report, prepared by Captain Ferguson. May was a busy month, and the Fire Department is within four calls of this same time last year. Fire Chief Fletcher commented that Captain Ferguson has done an outstanding job during his absence over

the past nine weeks. Captain Ferguson has proven himself and will be retaining some of these administrative duties.

Law Director Stephan reported General Motors, LLC has presented a proposed expansion of the DMAX facility located on W. Campus Boulevard. A Site Development Plan for the project was presented to Planning Commission at its May 18 meeting and Planning Commission approved the Site Plan for the project. A copy of the approved Site Plan is submitted to City Council with this memorandum. The Site Plan provides for a 1.1 million square feet expansion of the existing 251,000 sq. ft. DMAX facility. The expansion of the facility will require significant public infrastructure improvements including relocation of certain utilities, and extension of West Campus Boulevard within a new public right of way. There are several items before City Council for approval related to the project. Proposed Ordinance 2023-09 will vacate a portion of West Campus Boulevard. The area of West Campus Boulevard being vacated is depicted on Exhibit B attached to the Ordinance. This street vacation will permit the expansion of the facility into the area of this vacated street.

Law Director Stephan reported the Brookville Retail and Industrial Campus, Section 4 Subdivision Record Plan is also before City Council for approval. Planning Commission approved this Subdivision Record Plan at its May 18 meeting. The Subdivision Record Plan establishes a new public right of way from West Campus Boulevard to the south boundary of the General Motors property, and creates two new lots owned by General Motors, LLC., one lot on each side of the new street right of way. This Subdivision Record Plan accommodates the size of the proposed General Motors DMAX facility as set forth in the Site Plan approved by Planning Commission. It is requested that City Council would approve proposed Ordinance No. 2023-09 vacating a portion of West Campus Boulevard, and the Brookville Retail and Industrial Campus, Section 4, Subdivision Record Plan.

Motion by Zimmerlin, second by Wilder to read proposed Ordinance No. 2023-09. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the first reading, dispense with the second and third reading, and adopt Ordinance No. 2023-09 entitled “AN ORDINANCE VACATING A PORTION OF WEST CAMPUS BOULEVARD IN THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY.” All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to approve the Brookville Retail and Industrial Campus, Section 4 Subdivision Record Plan as presented. All yeas, motion carried.

Mayor Letner reported he had the honor of being a judge at the Corvette Club Car Show last weekend. Mayor Letner thanked the Optimist Club for their flag program, stating they make the city look beautiful.

Motion by Schreier, second by Wilder to read proposed Resolution Nos. 23-09, 23-10, 23-11, 23-12, 23-13, 23-14, 23-15 and 23-16. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept Resolution No. 23-09 entitled “A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR FULL-TIME HOURLY EMPLOYEES; Resolution 23-10 entitled “A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR SEASONAL AND/OR TEMPORARY, AND PERMANENT PART-TIME HOURLY EMPLOYEES; Resolution No. 23-11 entitled A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CLERK OF COUNCIL; Resolution No. 23-12 entitled “A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CITY MANAGER”; Resolution No. 23-13 entitled “A RESOLUTION ESTABLISHING THE COMPENSATION OF THE LAW DIRECTOR”; Resolution No. 23-14 entitled “A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FINANCE”; Resolution No. 23-15 entitled “A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FIRE” and Resolution No. 23-16 entitled “A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CHIEF OF POLICE” All yeas, motion carried.

Member Fowler, Park Liaison, had no report.

Member Schreier, Planning Commission Liaison, reported Planning Commission reviewed and approved the Site Development Plan for GM, LLC Facility and the Brookville Retail Industrial Campus, Section 4, Subdivision Record Plan at their last meeting.

Damian Kristof, Branch Manager of Dayton Metro Library, reported the upcoming Block Party and Craft Fair at the library has over 60 booths registered and four food trucks. Mr. Kristof asked that attendees leave the parking spaces at the library open for people with mobility issues. Mr. Kristof encouraged the community to attend the event on June 17 from 10 a.m. until 4:00 p.m.

Motion by Zimmerlin, second by Wilder to go into Executive Session per O.R.C. 121.22 (G)(8)(a) to consider a request for Economic Development assistance that involves infrastructure improvements for an Economic Development project. All yeas, motion carried.

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

Law Director Stephan called for a motion to approve an Incentive Agreement with General Motors, LLC and authorizing the City Manager to execute that Agreement.

Motion by Schreier, second by Fowler to approve an Incentive Agreement with General Motors, LLC and authorizing the City Manager to execute that Agreement. All yeas, motion carried.

Law Director Stephan called for a motion to approve a Development Agreement with General Motors, LLC and authorizing the City Manager to execute that Agreement.

Motion by Zimmerlin, second by Fowler to approve a Development Agreement with General Motors, LLC and authorizing the City Manager to execute that Agreement. All yeas, motion carried.

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

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Kimberly Duncan, Clerk

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Charles Letner, Mayor

To: Mayor & Council  
From: Sonja M. Keaton, City Manager  
RE: Manager's Report  
Date: 6/19/2023

On June 7 Staff met with Montgomery County Engineers and Choice One Engineering to discuss our W. Westbrook Road resurfacing projects, scheduled for 2026 and 2027, and the W. Westbrook Road bridge reconstruction project scheduled for 2027. The consensus of all parties is Brookville will resurface W. Westbrook Road, from Arlington to just west of the entrance of Trinity Lutheran Church, in 2026. Montgomery County will reconstruct the Wolf Creek bridge in 2027 and will resurface from where Brookville's project left off in 2026 to E. Westbrook Road. The City will cost share with Montgomery County from the bridge to E. Westbrook Road.

We learned last week that our N. Wolf Creek Street Waterline Replacement Project that we submitted to the Ohio Department of Development in 2021, received grant funding in the amount of \$1,007,065. The project will replace 4" and 6" watermain that was installed in the 1950's and 1060's from Western Ave. to Arlington Rd.

Last week, representatives from the electric aggregation communities met to review the results of the RFP responses. Proposals were submitted by Energy Harbor and Dynegy. The legislative body of the Utility Aggregation Committee awarded a 28-month supplier contract to Harbor Energy for residential and small commercial customers. The rate is .0657 cents/kWh. For comparison purposes, the AES rate is 10.8 cents/kWh. This pricing will be effective September 1 and continue through December 2025 for Brookville residents and small commercial customers if they are currently with AES as their supplier. Additional information will be provided in the next couple weeks.

A reminder our first Council Meeting in July is scheduled for July 5 at 7:30 p.m. due to the July 4 holiday.

Over the last two weeks, the Service Department:

- Worked on the Golden Gate Park creek bank
- Repaired damaged wood in Castle Playground
- Started spraying weed control in parks
- Installed irrigation backflows at Pee Wee field and Soccer field
- Started edging sidewalks at Golden Gate Park
- Trimmed walking path behind the water tower
- Power washed sidewalks and picnic table behind the Police Dept.
- Replaced stop signs on Sycamore at Hay and Albert at Hay
- Mowed grass in parks and city lots
- Mulched flower beds at W. Campus Blvd.
- Trimmed outfield fence around all ball diamonds
- Chipped limbs
- Repaired watermain break on N. Wolf Creek
- Replaced old wood picnic tables with donated picnic tables from the school



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

*Chief Douglas Jerome*

[djerome@brookvilleohio.com](mailto:djerome@brookvilleohio.com)



**Council Meeting Agenda**  
**June 16, 2023**

**Reportable Incidents**

**1/1/2022 – 6/16/2022 = 238**

**1/1/2023 – 6/16/2023 = 238**

**Citations**

**1/1/2022 – 6/16/2022 = 73**

**1/1/2023 – 6/16/2023 = 184**

**Traffic Stops**

**June 2022 - 83**

**June 1, 2023 to date - 64**

Brookville Police Department

## Incident Arrest Blotter

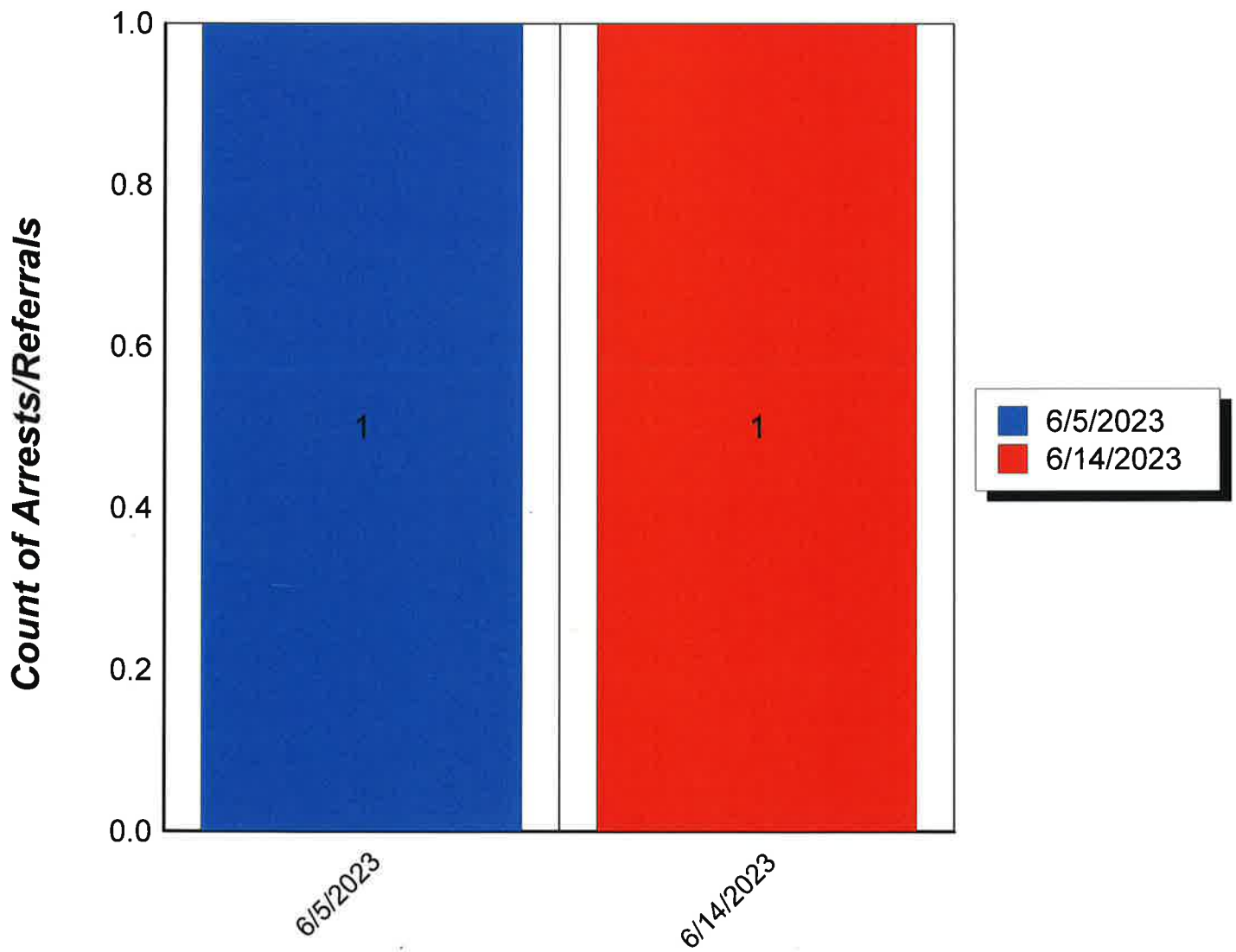
| Arrest Date        | Time     | Suspect's Name  | Address, Charges(s)                                                                 | Incident ID |
|--------------------|----------|-----------------|-------------------------------------------------------------------------------------|-------------|
| 06/05/2023         | 08:30 PM | ** JUVENILE **  | 82 TERRACE PARK BLVD, BROOKVILLE, OH 45309<br>292131: Obstructing official business | 2023-00225  |
| 06/14/2023         | 10:50 AM | DARELL D. IRONS | 1533 E 26TH AVE, COLUMBUS, OH 43211<br>35: WARRANT ARREST                           | 2023-00237  |
| Total Selected = 2 |          |                 |                                                                                     |             |

Brookville Police Department

## Arrest Log by Date

| Arrest Date        | Total Arrests |
|--------------------|---------------|
| June 05, 2023      | 1             |
| June 14, 2023      | 1             |
| Total Selected = 2 |               |

## Arrest Log by Date

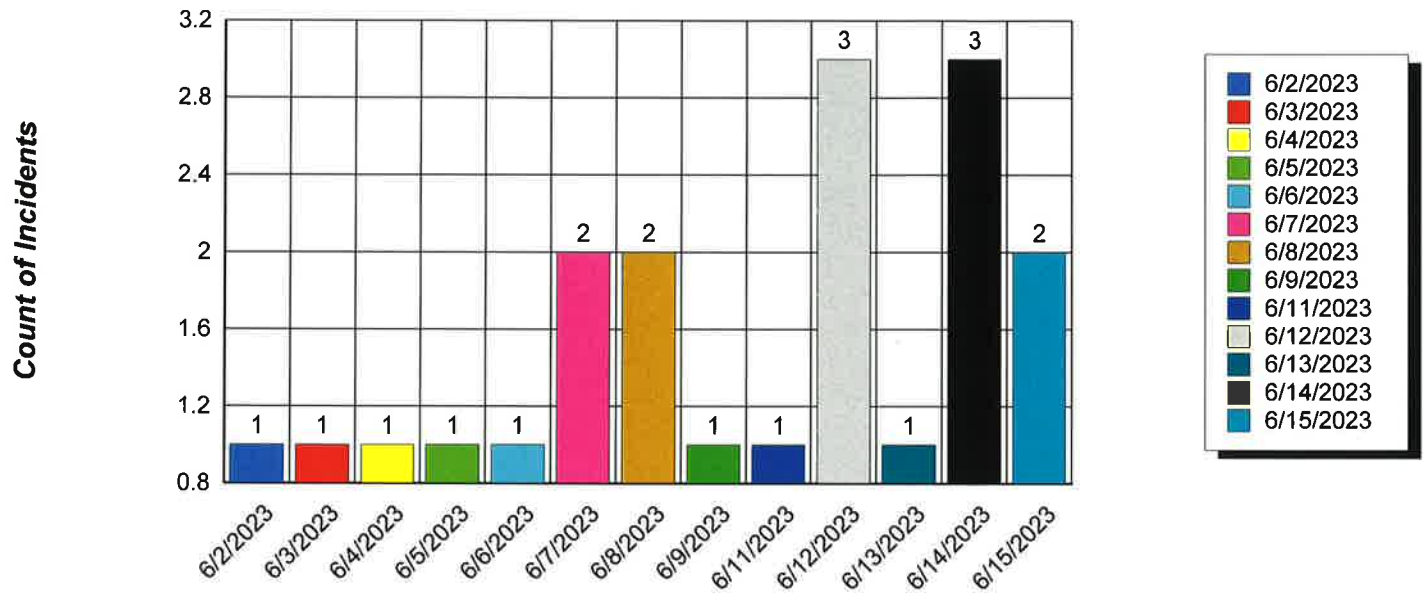


Brookville Police Department

## Incident Log by Date Reported

| Date Reported       | Day of Week | Total Reported |
|---------------------|-------------|----------------|
| 06/02/2023          | Friday      | 1              |
| 06/03/2023          | Saturday    | 1              |
| 06/04/2023          | Sunday      | 1              |
| 06/05/2023          | Monday      | 1              |
| 06/06/2023          | Tuesday     | 1              |
| 06/07/2023          | Wednesday   | 2              |
| 06/08/2023          | Thursday    | 2              |
| 06/09/2023          | Friday      | 1              |
| 06/11/2023          | Sunday      | 1              |
| 06/12/2023          | Monday      | 3              |
| 06/13/2023          | Tuesday     | 1              |
| 06/14/2023          | Wednesday   | 3              |
| 06/15/2023          | Thursday    | 2              |
| Total Selected = 20 |             |                |

## Incident Log by Date Reported



# Brookville Police Department

## Incident Log by Date Reported

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

### June 02, 2023

|            |                                  |                             |            |            |                       |
|------------|----------------------------------|-----------------------------|------------|------------|-----------------------|
| 2023-00222 | 301 SYCAMORE ST<br>BROOKVILLE PD | SIGNAL 26I - FOUND PROPERTY | 06/02/2023 | 06/02/2023 | EXCEPTIONALLY CLEARED |
|------------|----------------------------------|-----------------------------|------------|------------|-----------------------|

| Offenses | UCR | Offense Description      |
|----------|-----|--------------------------|
| 1        | 02  | 26I - INFORMATION REPORT |

Total Incidents Reported for Date: 1

### June 03, 2023

|            |                                   |                                 |            |            |                       |
|------------|-----------------------------------|---------------------------------|------------|------------|-----------------------|
| 2023-00223 | 244 PLYMOUTH AVE<br>BROOKVILLE PD | SIGNAL 26I - INFORMATION REPORT | 06/03/2023 | 06/03/2023 | EXCEPTIONALLY CLEARED |
|------------|-----------------------------------|---------------------------------|------------|------------|-----------------------|

| Offenses | UCR | Offense Description      |
|----------|-----|--------------------------|
| 1        | 02  | 26I - INFORMATION REPORT |

Total Incidents Reported for Date: 1

### June 04, 2023

|            |                               |                          |            |            |                       |
|------------|-------------------------------|--------------------------|------------|------------|-----------------------|
| 2023-00224 | 3 HULL COURT<br>BROOKVILLE PD | SIGNAL 06A - GRAND THEFT | 06/04/2023 | 06/10/2023 | EXCEPTIONALLY CLEARED |
|------------|-------------------------------|--------------------------|------------|------------|-----------------------|

| Offenses | UCR | Offense Description |
|----------|-----|---------------------|
| 1        | 06  | 291302 - Theft      |

Total Incidents Reported for Date: 1

### June 05, 2023

|            |                                       |                  |            |  |           |
|------------|---------------------------------------|------------------|------------|--|-----------|
| 2023-00225 | 82 TERRACE PARK BLVD<br>BROOKVILLE PD | SIGNAL 02 - RAPE | 06/05/2023 |  | OPEN CASE |
|------------|---------------------------------------|------------------|------------|--|-----------|

| Offenses | UCR | Offense Description                    |
|----------|-----|----------------------------------------|
| 2        | 02  | 290702 - Rape                          |
|          | 02  | 292131 - Obstructing official business |

Total Incidents Reported for Date: 1

### June 06, 2023

|            |                                      |                                       |            |            |                       |
|------------|--------------------------------------|---------------------------------------|------------|------------|-----------------------|
| 2023-00226 | ALBERT RD @ CARR DR<br>BROOKVILLE PD | SIGNAL 53A - PROPERTY DAMAGE ACCIDENT | 06/06/2023 | 06/06/2023 | EXCEPTIONALLY CLEARED |
|------------|--------------------------------------|---------------------------------------|------------|------------|-----------------------|

# Brookville Police Department

## Incident Log by Date Reported

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

### June 06, 2023

| Offenses | UCR | Offense Description          |
|----------|-----|------------------------------|
| 1        | N/A | 4511202 - REASONABLE CONTROL |

Total Incidents Reported for Date: 1

### June 07, 2023

|            |                              |                                 |            |  |           |
|------------|------------------------------|---------------------------------|------------|--|-----------|
| 2023-00227 | 237 HAY AVE<br>BROOKVILLE PD | SIGNAL 26I - INFORMATION REPORT | 06/07/2023 |  | OPEN CASE |
|------------|------------------------------|---------------------------------|------------|--|-----------|

| Offenses | UCR | Offense Description      |
|----------|-----|--------------------------|
| 1        | 02  | 26I - INFORMATION REPORT |

|            |                                                 |                                       |            |            |                       |
|------------|-------------------------------------------------|---------------------------------------|------------|------------|-----------------------|
| 2023-00228 | I-70 WB RAMP TO ARLINGTON ROAD<br>BROOKVILLE PD | SIGNAL 53A - PROPERTY DAMAGE ACCIDENT | 06/07/2023 | 06/07/2023 | EXCEPTIONALLY CLEARED |
|------------|-------------------------------------------------|---------------------------------------|------------|------------|-----------------------|

| Offenses | UCR | Offense Description                    |
|----------|-----|----------------------------------------|
| 1        | N/A | 451121A - ASSURED CLEAR DISTANCE AHEAD |

Total Incidents Reported for Date: 2

### June 08, 2023

|            |                                           |                         |            |            |                       |
|------------|-------------------------------------------|-------------------------|------------|------------|-----------------------|
| 2023-00229 | 1 COUNTRY LANE APT. A103<br>BROOKVILLE PD | SIGNAL 26DB - DEAD BODY | 06/08/2023 | 06/08/2023 | EXCEPTIONALLY CLEARED |
|------------|-------------------------------------------|-------------------------|------------|------------|-----------------------|

| Offenses | UCR | Offense Description |
|----------|-----|---------------------|
| 1        | 02  | 26DB - DEAD BODY    |

|            |                                |                                              |            |            |                       |
|------------|--------------------------------|----------------------------------------------|------------|------------|-----------------------|
| 2023-00230 | 502 MARKET ST<br>BROOKVILLE PD | SIGNAL 26I - OHIO HB4 LE NOTIFICATION LETTER | 06/06/2023 | 06/09/2023 | EXCEPTIONALLY CLEARED |
|------------|--------------------------------|----------------------------------------------|------------|------------|-----------------------|

| Offenses | UCR | Offense Description                   |
|----------|-----|---------------------------------------|
| 1        | 02  | 26I - OHIO HB4 LE NOTIFICATION LETTER |

Total Incidents Reported for Date: 2

### June 09, 2023

|            |                                    |                                |            |            |                       |
|------------|------------------------------------|--------------------------------|------------|------------|-----------------------|
| 2023-00231 | 100 PARKVIEW DR N<br>BROOKVILLE PD | SIGNAL 260 - CRIMINAL TRESPASS | 06/09/2023 | 06/12/2023 | EXCEPTIONALLY CLEARED |
|------------|------------------------------------|--------------------------------|------------|------------|-----------------------|

| Offenses | UCR | Offense Description               |
|----------|-----|-----------------------------------|
| 1        | 02  | 26O - ALL OTHER CRIMINAL OFFENSES |

# Brookville Police Department

## Incident Log by Date Reported

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

Total Incidents Reported for Date: 1

### June 11, 2023

|            |                               |                                 |            |            |                       |
|------------|-------------------------------|---------------------------------|------------|------------|-----------------------|
| 2023-00232 | 301 SYCAMORE<br>BROOKVILLE PD | SIGNAL 26I - INFORMATION REPORT | 06/11/2023 | 06/11/2023 | EXCEPTIONALLY CLEARED |
|------------|-------------------------------|---------------------------------|------------|------------|-----------------------|

| Offenses | UCR | Offense Description      |
|----------|-----|--------------------------|
| 1        | 02  | 26I - INFORMATION REPORT |

Total Incidents Reported for Date: 1

### June 12, 2023

|            |                          |                      |            |  |           |
|------------|--------------------------|----------------------|------------|--|-----------|
| 2023-00233 | 504 HAY<br>BROOKVILLE PD | SIGNAL 01 - HOMICIDE | 06/12/2023 |  | OPEN CASE |
|------------|--------------------------|----------------------|------------|--|-----------|

| Offenses | UCR | Offense Description |
|----------|-----|---------------------|
| 1        | 01  | 290302 - Murder     |

|            |                                  |                    |            |            |                       |
|------------|----------------------------------|--------------------|------------|------------|-----------------------|
| 2023-00234 | 301 SYCAMORE ST<br>BROOKVILLE PD | 26I FOUND PROPERTY | 06/12/2023 | 06/12/2023 | EXCEPTIONALLY CLEARED |
|------------|----------------------------------|--------------------|------------|------------|-----------------------|

| Offenses | UCR | Offense Description      |
|----------|-----|--------------------------|
| 1        | 02  | 26I - INFORMATION REPORT |

|            |                             |                               |            |  |           |
|------------|-----------------------------|-------------------------------|------------|--|-----------|
| 2023-00235 | 262 JOANNA<br>BROOKVILLE PD | SIGNAL 6B - MISDEMEANOR THEFT | 06/12/2023 |  | OPEN CASE |
|------------|-----------------------------|-------------------------------|------------|--|-----------|

| Offenses | UCR | Offense Description                |
|----------|-----|------------------------------------|
| 1        | 06  | 291302A1 - Theft - without consent |

Total Incidents Reported for Date: 3

### June 13, 2023

|            |                               |                          |            |  |           |
|------------|-------------------------------|--------------------------|------------|--|-----------|
| 2023-00236 | 301 SYCAMORE<br>BROOKVILLE PD | SIGNAL 06A - GRAND THEFT | 06/12/2023 |  | OPEN CASE |
|------------|-------------------------------|--------------------------|------------|--|-----------|

| Offenses | UCR | Offense Description                      |
|----------|-----|------------------------------------------|
| 2        | 01  | 290905B1 - Vandalism - business property |
|          | 06  | 291302A1 - Theft - without consent       |

Total Incidents Reported for Date: 1

### June 14, 2023

# Brookville Police Department

## Incident Log by Date Reported

| Incident ID                                                                                                                                                | Location, Area                                   | Description                                  | Date Occurred | Cleared Date | Status                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------|---------------|--------------|-----------------------|
| <b>June 14, 2023</b>                                                                                                                                       |                                                  |                                              |               |              |                       |
| 2023-00237                                                                                                                                                 | WRIGHT PATTERSON AIR FORCE BASE<br>BROOKVILLE PD | SIGNAL 35 - WARRANT ARREST                   | 06/14/2023    | 06/14/2023   | ARREST                |
| <b>Offenses</b> UCR Offense Description<br>1 N/A 35 - WARRANT ARREST                                                                                       |                                                  |                                              |               |              |                       |
| 2023-00238                                                                                                                                                 | 95 N PARKVIEW<br>BROOKVILLE PD                   | SIGNAL 26M - MISSING ADULT                   | 06/05/2023    |              | OPEN CASE             |
| <b>Offenses</b> UCR Offense Description<br>1 N/A 26M - MISSING ADULT/JUVENILE                                                                              |                                                  |                                              |               |              |                       |
| 2023-00239                                                                                                                                                 | 504 HAY<br>BROOKVILLE PD                         | SIGNAL 26I - OHIO HB4 LE NOTIFICATION LETTER | 06/14/2023    | 06/15/2023   | EXCEPTIONALLY CLEARED |
| <b>Offenses</b> UCR Offense Description<br>1 02 26I - INFORMATION REPORT                                                                                   |                                                  |                                              |               |              |                       |
| Total Incidents Reported for Date: 3                                                                                                                       |                                                  |                                              |               |              |                       |
| <b>June 15, 2023</b>                                                                                                                                       |                                                  |                                              |               |              |                       |
| 2023-00240                                                                                                                                                 | 301 SYCAMORE STREET<br>BROOKVILLE PD             | SIGNAL 26I - INFORMATION REPORT              | 06/07/2023    |              | OPEN CASE             |
| <b>Offenses</b> UCR Offense Description<br>1 02 26I - INFORMATION REPORT                                                                                   |                                                  |                                              |               |              |                       |
| 2023-00241                                                                                                                                                 | 445 S. WOLF CREEK STREET<br>BROOKVILLE PD        | SIGNAL 53A - PROPERTY DAMAGE CRASH           | 06/15/2023    |              | OPEN CASE             |
| <b>Offenses</b> UCR Offense Description<br>3 N/A 4511202 - REASONABLE CONTROL<br>02 451119 - DUI - ALCOHOL OR DRUGS<br>N/A 4511204 - DRIVING WHILE TEXTING |                                                  |                                              |               |              |                       |
| Total Incidents Reported for Date: 2                                                                                                                       |                                                  |                                              |               |              |                       |
| <b>Total Selected = 20</b>                                                                                                                                 |                                                  |                                              |               |              |                       |

**MEMORANDUM:**

**JUNE 19, 2023**

**TO: CITY OF BROOKVILLE CITY COUNCIL**

**FROM: RODNEY L. STEPHAN, LAW DIRECTOR**

**RE: ANNEXATION OF 113.562 ACRES**

On June 16, 2023, a petition for annexation was filed in the office of the Clerk of Montgomery County Commissioners for annexation of 113.562 acres from Perry Township to the City of Brookville. A map of the area proposed for annexation is attached to this memorandum. Resolutions 23-20, 23-21, and 23-22 are before City Council for approval. Resolution 23-20 provides for the municipal services to be provided to the area if the annexation is approved. Resolution 23-21 requires the establishment of a buffer in the event the municipal zoning would permit uses in the annexed area that are clearly incompatible with current county or township uses in land adjacent to the annexed area. Resolution 23-22 provides that the City of Brookville consents to the proposed annexation. These resolutions are being passed in emergency to meet the time requirements of Ohio Revised Code 709.023 for expedited type 2 annexations.

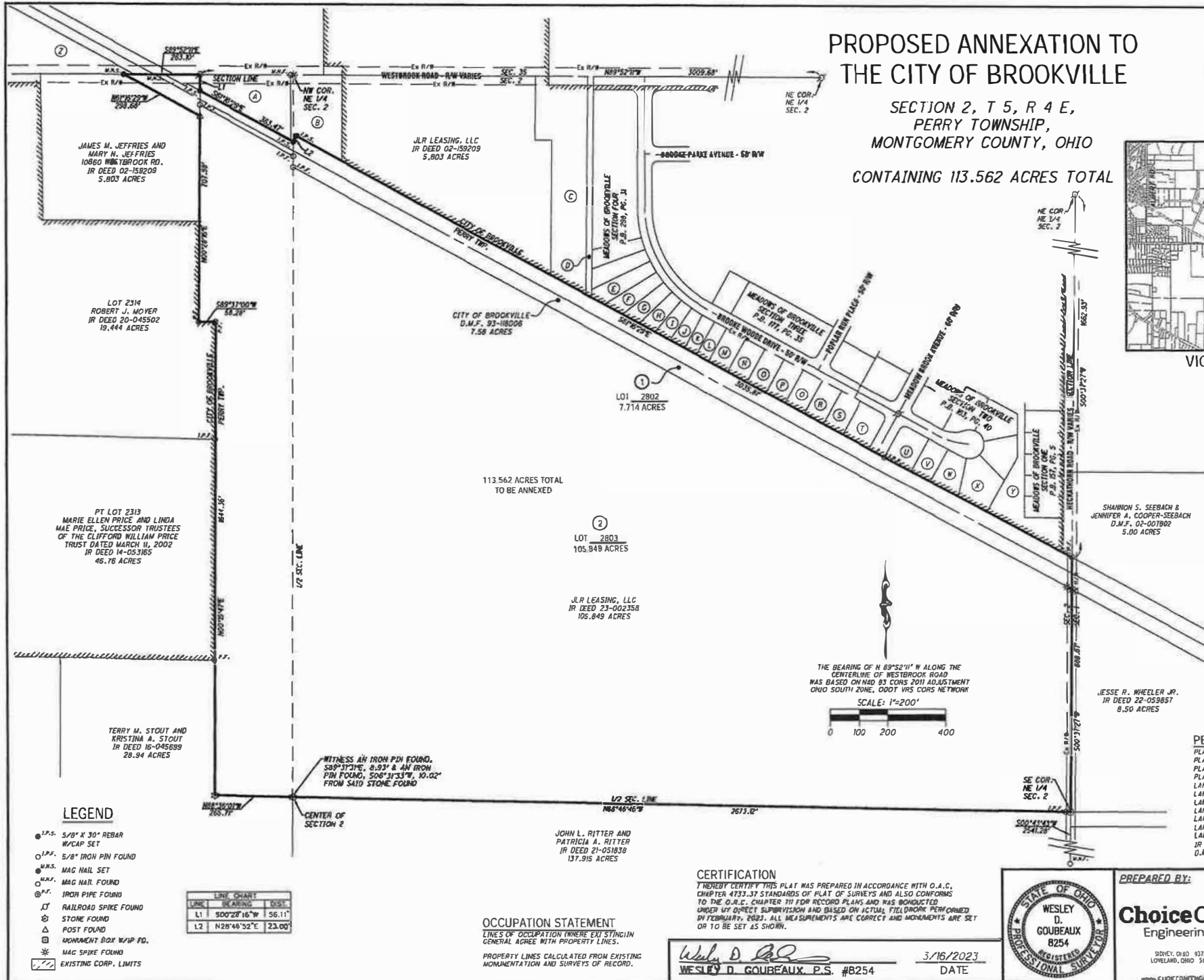
# PROPOSED ANNEXATION TO THE CITY OF BROOKVILLE

SECTION 2, T 5, R 4 E,  
PERRY TOWNSHIP,  
MONTGOMERY COUNTY, OHIO

CONTAINING 113.562 ACRES TOTAL



VICINITY MAP



## LEGEND

- 1/4\"/>

| LINE CHART |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | DIST.  |
| L1         | S00°28'16"W | 56.11' |
| L2         | N28°46'52"E | 23.00' |

## OCCUPATION STATEMENT

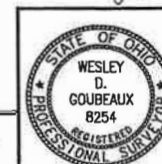
THESE LINES OF OCCUPATION (WHERE EXISTING) IN GENERAL AGREE WITH PROPERTY LINES.  
PROPERTY LINES CALCULATED FROM EXISTING MONUMENTATION AND SURVEYS OF RECORD.

## CERTIFICATION

THESE LINES OF OCCUPATION (WHERE EXISTING) IN GENERAL AGREE WITH PROPERTY LINES.  
PROPERTY LINES CALCULATED FROM EXISTING MONUMENTATION AND SURVEYS OF RECORD.

Wesley D. Goubeaux, P.S. #8254

3/16/2023  
DATE



PREPARED BY:

**ChoiceOne**  
Engineering

SHIRLEY, OHIO 937-497-0200  
LOVELAND, OHIO 513-239-6554

DATE:

03-16-2023

DRAWN BY:

RMF

JOB NUMBER:

MOTBRO2303

SHEET NUMBER

1 OF 2

No.

**RESOLUTION 23-20**

*Passed*

Yr.

**A RESOLUTION REGARDING MUNICIPAL SERVICES TO BE PROVIDED TO THE TERRITORY CONTAINED IN A PROPOSED ANNEXATION OF 113.562 ACRES, MORE OR LESS, FROM PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO, IF ANNEXATION OF SAID TERRITORY IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, AND DECLARING IT AN EMERGENCY.**

**WHEREAS**, a petition for annexation was filed with the Clerk of the Board of County Commissioners of Montgomery County, Ohio on June 16, 2023 seeking annexation of 113.562 acres, more or less, from Perry Township to the City of Brookville; and

**WHEREAS**, the petition for annexation was filed under the special annexation procedure provided in Ohio Revised Code Section 709.023; and

**WHEREAS**, Ohio Revised Code Section 709.023(C) requires that upon receipt of notice of a proposed annexation, the Council shall adopt a statement indicating what services, if any, the municipal corporation shall provide to the territory proposed for annexation upon annexation to the City within twenty days after the filing of the petition; and

**WHEREAS**, Ohio Revised Code Section 709.023(C) requires that this resolution be approved by City Council and filed with the Board of County Commissioners within twenty (20) days after the filing of the petition for annexation.

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

**SECTION 1:** The City of Brookville shall provide the following services to the territory of 113.562 acres, more or less, in Perry Township, upon approval of the annexation of the territory to the City of Brookville by the Board of County Commissioners of Montgomery County, Ohio:

(A) Police: Police services shall be provided on a twenty-four (24) hour basis immediately upon approval of the annexation of the territory to the City of Brookville. Brookville currently employs 11 full-time sworn police officers as well as reserve officers and support personnel.

(B) Fire: The City of Brookville is presently providing fire protection and emergency medical services to the territory proposed for annexation pursuant to the contract between the City of Brookville and Perry Township. Therefore, fire protection and emergency medical services shall continue immediately upon approval of the annexation of the territory to the City of Brookville. The City of Brookville provides fire protection and emergency services on a twenty-four hour basis by the Fire Department consisting of approximately forty (40) trained personnel.

(C) Street Maintenance: The City of Brookville shall provide street maintenance immediately upon approval of annexation of the territory to the City of Brookville. This street maintenance shall include emergency repairs, and routine preventive maintenance of roads and streets in the territory. Snow and ice control and removal shall be provided upon approval of the annexation of the territory to the City. The City of Brookville hereby agrees, as a condition of the proposed annexation, that if a street or highway will be divided or segmented by the boundary line between the township and the City as to create a road maintenance problem, the City of Brookville shall assume maintenance of that street or highway or to otherwise correct the problem, as required by Ohio Revised Code Section 709.023(E)(7).

(D) Waste Collection: The City of Brookville shall provide waste collection services to residential properties in the territory proposed for annexation upon immediately upon approval of the annexation of the territory to the City of Brookville. Services are provided for waste collection by the City of Brookville through contract with Rumpke.

(E) Water: The City of Brookville shall provide water services to the territory proposed for annexation immediately upon approval of the annexation of the territory to the City of Brookville. The cost of any improvements, necessary to provide water service to the territory proposed for annexation, may be assessed to the property owners in the territory by the City of Brookville.

(F) Sanitary Sewer: The City of Brookville shall provide sanitary sewer services to the territory proposed for annexation immediately upon approval of the annexation of the territory to the City of Brookville. The cost of any improvements, necessary to provide sanitary sewer service to the territory proposed for annexation, may be assessed to the property owners in territory by the City of Brookville.

(G) Other Public Improvements: The City of Brookville shall provide any other necessary public improvements to the territory proposed for annexation immediately upon approval of the annexation of the territory to the City of Brookville, including street and road improvements, sidewalk and curbs, storm sewer improvements, street lighting, and other public improvements.

**SECTION II:** The Clerk of the Council of the City of Brookville shall cause a certified copy of this Resolution to be filed with the Board of County Commissioners of Montgomery County, Ohio within twenty (20) days after the date of filing of the petition for annexation as required by Ohio Revised Code Section 709.023(C).

**SECTION III:** This Resolution is hereby declared to be an emergency measure to meet an emergency in the government of the City, which is the timely filing of this Resolution with the Board of County Commissioners within twenty (20) days after the filing of the petition for annexation as required by Ohio Revised Code Section 709.023(C). This Resolution shall take effect immediately upon passage of this Resolution as provided by the Charter of the City of Brookville, Ohio.

No. \_\_\_\_\_

*Passed*

Yr. \_\_\_\_\_

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 Resolution No. 23-20, 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. 23-20 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



No.

**RESOLUTION 23-21**

*Passed*

*Yr.*

**A RESOLUTION REQUIRING THE ESTABLISHMENT OF A BUFFER WHEN MANDATED BY OHIO REVISED CODE SECTION 709.023 IN THE EVENT THAT THE PROPOSED ANNEXATION OF 113.562 ACRES, MORE OR LESS, FROM PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO IS APPROVED, AND DECLARING IT AN EMERGENCY.**

**WHEREAS**, a petition for annexation was filed with the Clerk of the Board of County Commissioners of Montgomery County, Ohio on June 16, 2023 seeking annexation of 113.562 acres, more or less, from Perry Township to the City of Brookville; and

**WHEREAS**, the petition for annexation was filed under the special annexation procedure provided in Ohio Revised Code Section 709.023; and

**WHEREAS**, Ohio Revised Code Section 709.023(C) requires that if the territory proposed for annexation is subject to zoning regulations, adopted under either Chapter 303 or 519 of the Ohio Revised Code at the time the petition is filed, the legislative authority of the municipal corporation to which the annexation is proposed shall adopt an ordinance or resolution stating that if the territory is annexed and becomes subject to zoning by the municipal corporation and that municipal zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the legislative authority of the municipal corporation will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township; and

**WHEREAS**, Ohio Revised Code Section 709.023(C) requires that this resolution be approved by City Council and filed with the Board of County Commissioners within twenty (20) days after the filing of the petition for annexation.

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

**SECTION I:** In the event that the petition for annexation of 113.562 acres, more or less, from Perry Township to the City of Brookville is approved by the Board of County Commissioners of Montgomery County, Ohio, and the territory becomes subject to zoning by the City of Brookville, and in the event that the zoning ordinance of the City of Brookville permits uses in the annexed territory that the City of Brookville determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the owner of the annexed territory shall be required to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. For the purposes of this Resolution, the term "buffer" shall include open space, landscaping, fences, walls, and other structured elements, streets, and street rights of ways, and bicycle and pedestrian paths and sidewalks, as specified in Ohio Revised Code Section 709.023(C).

**SECTION II:** The Clerk of the Council of the City of Brookville shall cause a certified copy of this Resolution to be filed with the Board of County Commissioners of Montgomery County, Ohio within twenty (20) days after the date of filing of the petition for annexation as required by Ohio Revised Code Section 709.023(C).

**SECTION III:** This Resolution is hereby declared to be an emergency measure to meet an emergency in the government of the City, which is the timely filing of this Resolution with the Board of County Commissioners within twenty (20) days after the filing of the petition for annexation as required by Ohio Revised Code Section 709.023(C). This Resolution shall take effect immediately upon passage of this Resolution as provided by 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, does hereby certify that the foregoing is a true and correct copy of Resolution No. 23-21, 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. 23-21 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

No.

**RESOLUTION 23-22**

*Passed*

Yr.

**A RESOLUTION CONSENTING TO THE PROPOSED ANNEXATION OF 113.562 ACRES, MORE OR LESS, FROM PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO, IS APPROVED, AND DECLARING IT AN EMERGENCY.**

**WHEREAS**, the Clerk of Council of the City of Brookville was served on June 19, 2023 with a notice of filing of petition for annexation of 113.562 acres, more or less, from Perry Township to the City of Brookville, said petition having been filed with Clerk of the Board of County Commissioners of Montgomery County, Ohio on June 16, 2023;

**WHEREAS**, pursuant to Ohio Revised Code Section 709.023(D), the Council of the City of Brookville may adopt and file with the Board of County Commissioners of Montgomery County, Ohio, an ordinance or resolution consenting to the proposed annexation within twenty-five days after the date the petition was filed; and

**WHEREAS**, the Council of the City of Brookville has determined that this petition for annexation will benefit the territory proposed for annexation and the City of Brookville, and therefore, the Council desires to submit this Resolution to the Montgomery County Board of County Commissioners to indicate its consent to this petition for annexation.

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

**SECTION I:** The Council of the City of Brookville consents, pursuant to 709.023(D) of the Ohio Revised Code, to the proposed annexation of 113.562 acres, more or less from Perry Township to the City of Brookville.

**SECTION II:** The City of Brookville hereby agrees, as a condition of the proposed annexation, that if a street or highway will be divided or segmented by the boundary line between the township and the City of Brookville as to create a road maintenance problem, the City of Brookville shall assume maintenance of that street or highway or to other correct the problem, as required by Ohio Revised Code Section 709.023(E)(7).

**SECTION III:** The Clerk of the Council of the City of Brookville shall cause a certified copy of this Resolution to be filed with the Board of County Commissioners of Montgomery County, Ohio within twenty-five (25) days after the date of filing of the petition for annexation as required by Ohio Revised Code Section 709.023(C).

**SECTION IV:** This Resolution is hereby declared to be an emergency measure to meet an emergency in the government of the City, which is the timely filing of this Resolution with the Board of County Commissioners within twenty-five (25) days after the filing of the petition for annexation as required by Ohio Revised Code Section 709.023(D). This Resolution shall take effect immediately upon passage of this Resolution as provided by 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, does hereby certify that the foregoing is a true and correct copy of Resolution No. 23-22, 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. 23-22 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