



CITY COUNCIL MEETING
Tuesday, January 20, 2026, 7:30 PM
COUNCIL CHAMBERS
301 SYCAMORE STREET, BROOKVILLE, OH 45309

PUBLIC HEARING – 8:00 P.M.
PROPOSED ORD. NO. 2025-16 TO ADOPT A NEW COMPREHENSIVE LAND USE PLAN
FOR THE CITY OF BROOKVILLE, OHIO

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 January 6, 2026 Special Meeting Minutes.
 - b. Approval of January 6, 2026 Regular Meeting Minutes
- IV. Reports of Municipal Officers**
 - a. City Manager
 - b. Finance Director
 1. Fund Balance of December 31, 2025
 - c. Fire Chief
 - d. Police Chief
 - e. Law Director
 - f. Mayor Chuck Letner
- V. Old Business**
 - a. Third reading of proposed Resolution No. 25-15 entitled "A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2026 FOR TAX YEAR 2025."

Mayor Chuck Letner • Vice Mayor Dennis Piper
Council Members: Stephen Crane • JD Fowler • Mike Hughes • Jared Ledford • Darren McNew



VI. New Business

- a. First reading of proposed Ordinance No. 2026-02 entitled "AN ORDINANCE AMENDING CHAPTER 1170 MEDICAL MARIJUANA AND ADULT USE CANNABIS AND CHAPTER 1145 I-2 GENERAL INDUSTRIAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO."
- b. First reading of proposed Ordinance No. 2026-03 entitled "AN ORDINANCE APPROVING CONSTRUCTION OF STREET LIGHTING IMPROVEMENTS IN AND TO ADOPT ASSESSMENTS FOR ANNUAL LIGHTING CHARGES UPON LOTS LOCATED WITHIN MEADOWLARK SUBDIVISION PHASE ONE IN THE CITY OF BROOKVILLE, OHIO."
- c. First reading of proposed Resolution No. 26-01 for the financing of the Westbrook Road Resurfacing Project.

VII. Public Comments (5 minutes per speaker)

VIII. Council Comments

IX. Motion for Adjournment

Please note: Council welcomes the comments and input of the public during Council Meetings. In order to provide an orderly fashion in which all interested parties have an opportunity to address Council, Council has adopted the following procedure for citizen's comments during any portion of the Council Meeting or Public Hearing.

Any citizen who wishes to address Council should state their name, address and then their comments. Speakers should not approach Council Members without first obtaining permission. After completion of their comments, Council would request that the speakers return to their seat so that any other interested persons could then be recognized and address Council.

The purpose of this procedure is to afford the maximum opportunity for citizen input without any type of disruption of the Council proceedings. While others are addressing Council from the podium, Council requests that audience members not make comments to Council or to other individuals to prevent any potential confusion or disruption.

Brookville City Council
Special Meeting
January 6, 2026

The Special Meeting of the Brookville City Council was called to order by Mayor Letner at 6:00 p.m. on January 6, 2026. The meeting was held in the City Council Chambers. The Pledge of Allegiance was recited. Members Crane, Fowler, Hughes, Ledford, McNew and Piper; Manager Kuntz and Clerk Duncan were present.

Roll Call by Clerk Duncan.

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

Motion by Fowler, second by Hughes to go into Executive Session regarding O.R.C. 121.22(G)(1) to consider the appointment of a public official. All yeas, motion carried.

Motion by Fowler, second by Ledford to resume Regular Session. All yeas, motion carried.

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

Kimberly Duncan, Clerk

Charles Letner, Mayor

Brookville City Council
Regular Meeting
January 6, 2026

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on January 6, 2026. The meeting was held in the City Council Chambers. The Pledge of Allegiance was recited. Members Crane, Fowler, Hughes, Ledford, McNew, Piper; Manager Kuntz, Finance Director Brandt, Law Director Stephan, Fire Chief Fletcher, Police Chief Jerome and Clerk Duncan were present.

Mayor Letner held an Oath of Office ceremony for newly elected Council Members Mike Hughes, Darren McNew and Jared Ledford, who were formally sworn in prior to the Special Meeting at 6:00 p.m.

Roll Call by Clerk Duncan.

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

Motion by Fowler, second by Ledford to accept the December 16, 2025 Regular Meeting Minutes as presented. Crane yea, Fowler yea, Hughes abstained, Ledford yea, McNew abstained, Piper yea, Letner yea. Motion carried with five yeas and two abstentions.

Motion by Fowler, second by Hughes to nominate Dennis Piper as Vice Mayor for a two-year term ending December 31, 2027. Crane yea, Fowler yea, Hughes yea, Ledford yea, McNew yea, Piper abstained, Letner yea. Motion carried with six yeas and one abstention.

Manager Kuntz congratulated Brookville's newest City Council members who were sworn in tonight. Manager Kuntz commented that being willing to represent the citizens of Brookville is a great service. Manager Kuntz went on to say on behalf of all the employees in the city, we look forward to working with the new Council members and all of City Council as we continue to move Brookville forward in a smart and strategic fashion.

Manager Kuntz reported the Brookville Area Chamber of Commerce's annual Prayer Breakfast is scheduled for January 8, 2026 at 7:30 a.m. at the Brookville Local School District's Administration building.

Manager Kuntz advised Brookville's first 2026 Age Friendly Lunch is scheduled for Wednesday, January 21 at noon in the Leiber Center. This year, the luncheons will be held on Wednesday afternoons, rather than Thursday afternoons, and will be monthly rather than quarterly. This month's lunch is sponsored by Brookhaven Retirement Community. The guest speaker is Montgomery County Treasure John McManus, who will be speaking on a variety of topics. Manager Kuntz advised everyone is welcome, but we do ask for RSVPs no later than January 16 by calling 937-833-2001 or emailing Rdittrick@brookvilleohio.com.

Manager Kuntz announced the final Public Hearing for the Comprehensive Land Use Plan Update will be held on January 20, 2026 at 8:00 p.m. The public is encouraged to attend.

Manager Kuntz reported the Service Department has finished leaf pickup for the season. Over the past few weeks they have repaired a watermain leak, plowed snow and salted roads, made repairs at one of our lift stations and replaced a VLR shaft at the WWTP, along with many other tasks.

Manager Kuntz read an email from a community member, expressing gratitude and commending the Police and Fire Departments for their professionalism, compassion and rapid response during a recent EMS call.

Finance Director Brandt had no report.

Fire Chief Fletcher reported activity during the month of December was low. Overall, the fire department saw record activity levels in emergency services during 2025. Fire Chief Fletcher thanked the City Council, Township Trustees, Manager Kuntz and staff for their tremendous support throughout the year.

Police Chief Jerome recognized Administrative Assistant/Age Friendly Coordinator Ronda Ditrack for the countless hours she spent coordinating the adoption of eleven families with 35 children over the holidays. He also thanked the Fire Chief for the use of the fire station to coordinate the gifts and the fire department staff who assisted with organizing and wrapping.

Police Chief Jerome reported citations were up in 2025 and the department took about 100 more reports than in 2024. The month of January has been busy so far and officers recently solved several breaking and entering cases within hours of the crime. Police Chief Jerome reported the department is still issuing parking citations, which gives offenders an opportunity to correct the violation and pay a \$5 ticket, rather than pay the cost of a regular citation, towing and court costs.

Clay Township Police Chief David Birk discussed Flock cameras and how the license plate recognition technology is useful for crime prevention. The cameras also assist in locating missing persons, recovering stolen vehicles and solving crimes across multiple jurisdictions. Chief Birk stated the technology enhances law enforcement capabilities, improving public safety and crime investigation efficiency.

Law Director Stephan had no report.

Mayor Letner encouraged the public to attend the Brookville Area Chamber of Commerce's annual Prayer Breakfast on January 8, 2026 at 7:30 a.m. at the Brookville Local School District's Administration building.

Motion by Piper, second by Fowler to read proposed Resolution No. 25-15. All yeas, motion carried.

Motion by Ledford, second by Fowler to accept the second reading of proposed Resolution No. 25-15. All yeas, motion carried.

Motion by Piper, second by Ledford to read proposed Resolution No. 25-16. All yeas, motion carried.

Motion by Fowler, second by Ledford to accept the third reading and adopt Resolution No. 25-16 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR FULL-TIME CITY EMPLOYEES." All yeas, motion carried.

Motion by Piper, second by Hughes to read proposed Resolution No. 25-17. All yeas, motion carried.

Motion by McNew, second by Fowler to accept the third reading and adopt Resolution No. 25-17 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR SEASONAL, AND/OR TEMPORARY, AND PERMANENT PART-TIME HOURLY CITY EMPLOYEES. All yeas, motion carried.

Motion by Ledford, second by Piper to read proposed Resolution No. 25-18. All yeas, motion carried.

Motion by Hughes, second by Piper to accept the third reading and adopt Resolution No. 25-18 entitled “A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING STREET LIGHTING IMPROVEMENTS IN AND ASSESSING THE ANNUAL STREET LIGHTING CHARGES UPON LOTS LOCATED WITHIN MEADOWLARK SUBDIVISION , PHASE ONE IN THE CITY OF BROOKVILLE, OHIO.” All yeas, motion carried.

Motion by Fowler, second by Piper to read proposed Ordinance No. 2026-01. All yeas, motion carried.

Motion by Ledford, second by Piper to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2026-01 entitled “AN ORDINANCE TO APPROVE AND ADOPT THE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING IT AN EMERGENCY.” All yeas, motion carried.

Motion by Fowler, second by McNew to nominate Vice Mayor Dennis Piper to serve as the Council liaison on the Planning Commission. All yeas, motion carried.

Motion by Fowler, second by Hughes to appoint citizen Curt Schreier to the open three-year term on Planning Commission, ending December 31, 2028. All yeas, motion carried.

Motion by Piper, second by Ledford to appoint citizen Trenten Hunt to the open seat on Park Board, which expires on December 31, 2026. All yeas, motion carried.

Member Hughes called for current Ordinance No. 2024-09 to be amended to prohibit cultivation, processing and testing.

Law Director Stephan advised Council will need to approve an ordinance to make this change. Law Director Stephan stated he can prepare a proposed ordinance and present it at the next meeting.

Member Hughes called for an amendment to the Municipal Charter, Section 4.06, to eliminate annexation as an emergency.

Law Director Stephan advised the Charter Review Commission is in the process of completing their final report, which will go through a review by City Council prior to being placed on the ballot before the citizens of Brookville. Council could consider adding this amendment at that time. Law Director Stephan stated there are some strict time limitations in the Ohio Revised Code, which governs the annexation process. The proposed amendment language would have to be carefully constructed so that we would still meet the time limitations required by the Ohio Revised Code and not be subject to a referendum.

Lucas Corder of 8923 National Road, David Chenier of 96 Coronado, Evan Pulcher of 96 Coronado, Mary Killen of 8100 Pleasant Plain Road and Adrian Angel of 8 Larry Court expressed concerns related to Flock safety cameras. Concerns included the effectiveness and costs of surveillance technology for small communities; the belief that surveillance systems normalize constant monitoring, eroding privacy and individual freedoms over time; claims of crime reduction through surveillance lack substantial evidence and rely on invasive data collection; the belief that expanding government surveillance undermines civil liberties, treating citizens as suspects rather than free individuals.

Ziad Mazboudi, 180 Evergreen Way, spoke in favor of Flock cameras, stating he has lived in communities with the cameras and seen the benefits. Mr. Mazboudi observed Flock cameras do not prevent crime, just as people don't always obey the law, but he feels the cameras do send the message to criminals that they are being watched and will be seen if they come into our community.

Matt Williamson, 277 Johnsville Brookville Road, stated he was contacted by Montgomery County regarding a beaver dam on his property that is disrupting the natural swale of the water in the area. Mr. Williamson stated the city should have contacted him directly, rather than going through the county.

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

Kimberly Duncan, Clerk

Charles Letner, Mayor

To: Mayor & Council
From: Jack Kuntz, City Manager
RE: Manager's Report
Date: 01/14/2026

The first of the year brings us the annual requirement for City Council to assign membership designees to MVRPC's boards. Last year the Council appointed Mayor Letner as MVRPC Board member and the city manager as the alternate. It also appointed the city manager as member and the law director as the alternate to the MVRPC Technical Advisory Committee. Staff requests the City Council assign membership designees for 2026 at this meeting.

Later on today's agenda, there's an item requesting City Council approve final legislation, as required per Ohio Revised Code, specifically Section 5705.41 and Chapter 5521 for the Westbrook Resurfacing Project. This legislation is required because the project is primarily funded via a state grant from MVRPC. This project will occur later this year, with the goal of it occurring during the summer months when school is out. I would request we pass this legislation as an emergency and forgo the second and third reading because the state requires it to be submitted no later than February 6 because the project is scheduled to go out to bid on February 19.

The city held a bid opening with the city's engineer, Choice One Engineering, on January 14 for the McKinley Street Bridge Reconstruction Project. Below is a list of submitted bids.

- Brumbaugh Construction: \$365,787
- Eagle Bridge Co.: \$449,197.50
- Tom's Construction: \$410,212

Choice One reviewed all submitted bids to ensure compliance with local & state project standards as well as the grant requirements. Staff requests City Council accept all bids as presented and award the project to Brumbaugh Construction as the lowest and best bid for the City of Brookville. Choice One provided an original engineer's estimate for the project of \$392,473. The majority of the city's local match will come from the city's remaining ARPA funds.

The Brookville Charter Review Commission recently met for their last time and finalized their list of recommendations for City Council. There is a final draft of suggested edits which staff will provide to City Council in strikethrough form so Council can see the suggestions in a working draft format. Chairperson Rob Rutheford will make a presentation with an overview of the suggestions to City Council at a later meeting. Staff are requesting City Council provide staff and the Charter Review Commission with some dates on when they'd like Rob to come and do the presentation.

A year ago, at this meeting, we announced the first public meeting for the Comprehensive Land Use Plan. Tonight, we're holding the final public hearing. I'd like to thank Envision, especially Emil and Tom, for all their work over the past 18 months on putting the final draft together but

also listening and engaging with the entire community. We believe we've been able to capture the entire Brookville community's thoughts and desires through the data collection portion of this project and although no plan will ever meet every single person's entire wish list, we believe reasonable compromises and the best interests of the entire city are present in the final draft. I'd also like to thank the entire Steering Committee who worked with Envision throughout the process as well everyone who came out to public hearings and/or who participated in the community surveys. Everyone's participation directly impacted this plan and we're thankful and excited to use this plan as one of the city's tools in determining land use policy and strategic growth potential over the next 10-20 years. Finally, I'd like to thank Law Director Rod Stephan who worked hand in hand with Envision throughout this process, providing valuable staff and historical perspective, which greatly assisted in the overall process.

The Brookville Baseball Club has submitted a Special Event Permit application for their annual opening day parade. The date of the parade will be April 25 from 10am-11am. They expect to have approximately 40 vehicles included with the parade. The fire, police and service departments have reviewed the application and have no comment.

The Parks Board scheduled the annual parks cleanup event for April 11, 10am-noon. Additional details will be released as we get closer to the event.

Finally, utility bills recently went out and should have been received by residents. If you haven't received a utility bill yet, please contact our office. Included with the utility bills was the Winter Newsletter insert. We have copies of the newsletter insert in the city's lobby as well as at the Brookville Buildings & Savings, the Brookville Library and BrookHaven Retirement Community.



City of
BROOKVILLE
POLICE

Chief Douglas Jerome

djerome@brookvilleohio.com



Council Meeting Agenda
January 20, 2026

Reportable Incidents

01/01/2025 – 01/14/2025 = 29

01/01/2026 – 01/14/2026 = 24

Citations

01/01/2025 – 12/31/2025 = 21

01/01/2026 – 01/14/2026 = 51

Traffic Stops

January 2025 - 125

January 1, 2026 to date - 72

Brookville Police Department

Incident Arrest Blotter

Arrest Date	Time	Suspect's Name	Address, Charges(s)	Incident ID
01/02/2026	04:10 PM	JAMIE K. STEGNER	5491 CRAWFORD TOMS RUN RD, BROOKVILLE, OH 45309 35: WARRANT ARREST	2026-00004
01/03/2026	12:26 PM	WILLIAM LAMAR GREE	151 BRUNS, BROOKVILLE, OH 45309 291925A: Domestic violence - knowingly cause physical harm 290503: Unlawful restraint	2026-00005
01/04/2026	12:31 PM	RONALD J. LEHR	11811 AIRHILL, BROOKVILLE, OH 45309 451119A1: DUI - alcohol/drugs 451143A: FAILED TO STOP AT POSTED STOP SIGN 451132: DRIVING WRONG WAY ON ONE WAY POSTED ROADWAY	2026-00007
01/05/2026	01:46 PM	SAMUEL J. TODD	530 E UPPER LEWISBURG SALEM RD, BROOKVILLE, OH 45309 291925A: Domestic violence - knowingly cause physical harm 291925C: Domestic violence - knowingly force, threat of 292104A: Intimidation - victim, crime witness	2026-00011
01/05/2026	02:00 PM	STEVEN CLAY GIBSON	100 N PARKVIEW, BROOKVILLE, OH 45309 291302A1: Theft - without consent	2026-00010
01/09/2026	12:24 PM	PRINCE BYIRINGIRO	4639 GENESEE AVE, DAYTON, OH 45406 450311A: Expired Registration 451012A: DRIVING WITHOUT LICENSE MORE THAN 6 MONTHS 430162B4: Open container liquor - operator or passenger of v	2026-00016
01/12/2026	06:39 AM	ANDREW L. MILLER	736 PARK AVE, PIQUA, OH 45356 292511C3: Drug abuse - marijuana	2026-00019

Total Selected = 7

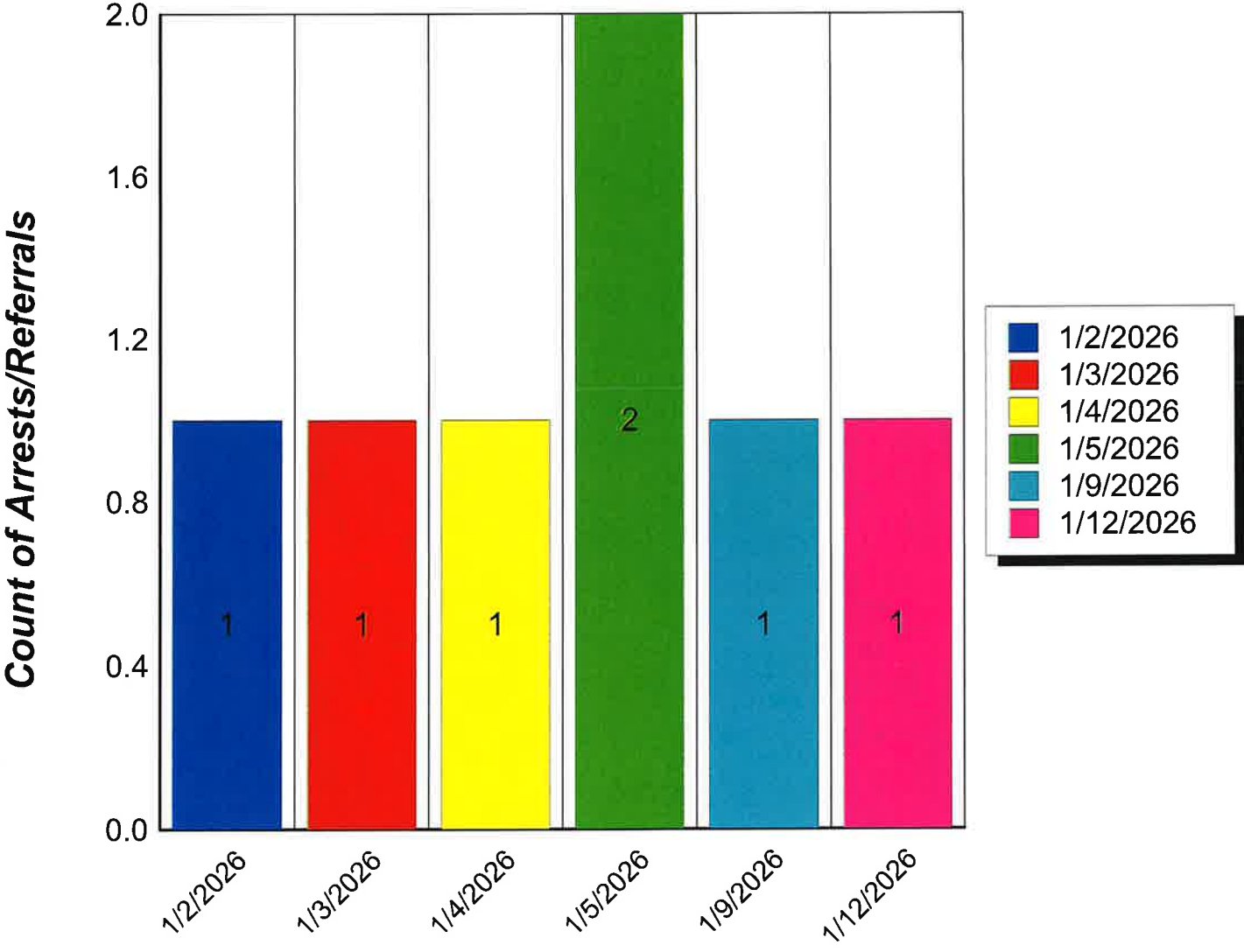
Brookville Police Department

Arrest Log by Date

Arrest Date	Total Arrests
January 02, 2026	1
January 03, 2026	1
January 04, 2026	1
January 05, 2026	2
January 09, 2026	1
January 12, 2026	1

Total Selected = 7

Arrest Log by Date

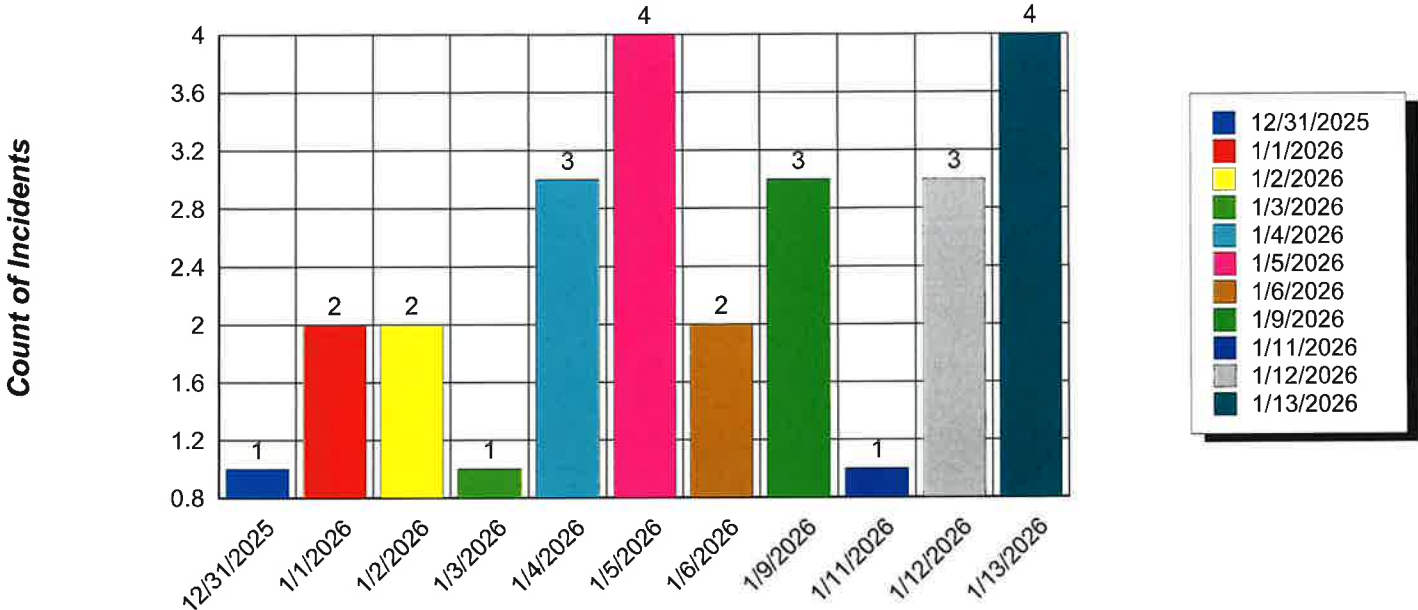


Brookville Police Department

Incident Log by Date Reported

Date Reported	Day of Week	Total Reported
12/31/2025	Wednesday	1
01/01/2026	Thursday	2
01/02/2026	Friday	2
01/03/2026	Saturday	1
01/04/2026	Sunday	3
01/05/2026	Monday	4
01/06/2026	Tuesday	2
01/09/2026	Friday	3
01/11/2026	Sunday	1
01/12/2026	Monday	3
01/13/2026	Tuesday	4
Total Selected = 26		

Incident Log by Date Reported



Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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December 31, 2025

2025-00600	808 PLEASANT BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	12/31/2025		OPEN CASE
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Offenses	UCR	Offense Description
1	02	26I - INFORMATION REPORT

Total Incidents Reported for Date: 1

January 01, 2026

2026-00001	303 E WESTBROOK BROOKVILLE PD	SIGNAL 9 - ASSAULT	01/01/2026		OPEN CASE
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Offenses	UCR	Offense Description
2	04	290322 - Menacing
	04	290313A - Assault - knowingly harm victim

2026-00002	MARKET @ SALEM BROOKVILLE PD	SIGNAL 55 - TRAFFIC VIOLATION	01/01/2026		OPEN CASE
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Offenses	UCR	Offense Description
3	N/A	451011 - DRIVING UNDER SUSPENSION
	N/A	450705 - DID OPERATE VEHICLE W/O A LICENSED DRIVER
	N/A	451121 - SPEEDING

Total Incidents Reported for Date: 2

January 02, 2026

2026-00003	1 COUNTRY BROOKVILLE PD	SIGNAL 53H&R - HIT AND RUN CRASH	01/02/2026		OPEN CASE
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Offenses	UCR	Offense Description
1	N/A	53H&R - HIT & RUN CRASH

2026-00004	5491 CRAWFORD TOMS RUN BROOKVILLE PD	SIGNAL 35M - MISDEMEANOR WARRANT	01/02/2026	01/02/2026	ARREST
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Offenses	UCR	Offense Description
1	N/A	35 - WARRANT ARREST

Total Incidents Reported for Date: 2

January 03, 2026

2026-00005	151 BRUNS	SIGNAL 20 - DOMESTIC VIOLENCE	01/03/2026	01/03/2026	
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Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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January 03, 2026

	BROOKVILLE PD				ARREST
Offenses	UCR	Offense Description			
2	02	291925A - Domestic violence - knowingly cause physical harm			
	02	290503 - Unlawful restraint			

Total Incidents Reported for Date: 1

January 04, 2026

2026-00006	403 MARKET BROOKVILLE PD	SIGNAL 260 - NOISE REGULATIONS	01/04/2026	01/07/2026	EXCEPTIONALLY CLEARED
Offenses	UCR	Offense Description			
1	N/A	53102 - LOUD STEREO 50' FROM BUILDING			

2026-00007	ALBERT @ MARILYN WAY BROOKVILLE PD	SIGNAL 21 - OVI	01/04/2026	01/04/2026	ARREST
Offenses	UCR	Offense Description			
3	02	451119A1 - DUI - alcohol/drugs			
	N/A	451143A - FAILED TO STOP AT POSTED STOP SIGN			
	N/A	451132 - DRIVING WRONG WAY ON ONE WAY POSTED ROADWAY			

2026-00008	403 MARKET BROOKVILLE PD	SIGNAL 14 - CRIMINAL DAMAGING	01/04/2026		OPEN CASE
Offenses	UCR	Offense Description			
1	01	290906 - Criminal damaging/endangering			

Total Incidents Reported for Date: 3

January 05, 2026

2026-00009	1 COUNTRY LN (BROOKHAVEN) BROOKVILLE PD	SIGNAL 11 - FRAUD	05/16/2022	01/05/2026	EXCEPTIONALLY CLEARED
Offenses	UCR	Offense Description			
1	06	291302A1 - Theft - without consent			

2026-00011	530 E UPPER LEWISBURG SALEM BROOKVILLE PD	SIGNAL - 20 DOMESTIC VIOLENCE	01/05/2026	01/05/2026	ARREST
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Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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January 05, 2026

Offenses	UCR	Offense Description
3	02	291925A - Domestic violence - knowingly cause physical harm
	02	291925C - Domestic violence - knowingly force, threat of
	02	292104A - Intimidation - victim, crime witness

2026-00010	799 ARLINGTON ROAD BROOKVILLE PD	SIGNAL 06B - PETTY THEFT	01/05/2026	01/05/2026	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	06	291302A1 - Theft - without consent

2026-00012	84 CORONADO BROOKVILLE PD	SIGNAL 11 - FRAUD	01/05/2026	01/08/2026	INACTIVE
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Offenses	UCR	Offense Description
1	N/A	291305A - TELECOMMUNICATION FRAUD

Total Incidents Reported for Date: 4

January 06, 2026

2026-00013	945 ARLINGTON RD BROOKVILLE PD	SIGNAL 24 - DISORDERLY CONDUCT	01/06/2026	01/06/2026	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	02	291121A - Criminal trespass

2026-00014	MARKET & MULBERRY BROOKVILLE PD	SIGNAL 09 - ASSAULT	01/06/2026	01/06/2026	ARREST
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Offenses	UCR	Offense Description
1	04	290313A - Assault - knowingly harm victim

Total Incidents Reported for Date: 2

January 09, 2026

2026-00017	SALEM @ COUNTRY BROOKVILLE PD	SIGNAL 53A - PROPERTY DAMAGE CRASH	01/09/2026	01/09/2026	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	N/A	53A - PROPERTY DAMAGE TRAFFIC CRASH

2026-00015	75 JUNE BROOKVILLE PD	SIGNAL 26I - FOUND PROPERTY	01/08/2026	01/10/2026	EXCEPTIONALLY CLEARED
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Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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January 09, 2026

Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

2026-00016	I-70 AT ARLINGTON BROOKVILLE PD	SIGNAL - TRAFFIC VIOLATION	01/09/2026	01/09/2026	ARREST
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Offenses UCR Offense Description
 3 N/A 450311A - Expired Registration
 N/A 451012A - DRIVING WITHOUT LICENSE MORE THAN 6 MONTHS
 02 430162B4 - Open container liquor - operator or passenger of v

Total Incidents Reported for Date: 3

January 11, 2026

2026-00018	Arlington & Exit 21 BROOKVILLE PD	SIGNAL 55 - TRAFFIC VIOLATION	01/11/2026	01/11/2026	ARREST
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Offenses UCR Offense Description
 1 N/A 450605 - CONDITIONS FOR DRIVING A COMMERCIAL MOTOR VEHICLE

Total Incidents Reported for Date: 1

January 12, 2026

2026-00019	CAMPUS @ COLLECTIVE BROOKVILLE PD	SIGNAL 55 - TRAFFIC VIOLATION	01/12/2026	01/12/2026	ARREST
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Offenses UCR Offense Description
 3 N/A 33728 - SUNSCREEN,NONTRANSPARENT & REFLECTORIZED MATERIAL
 01 292511C3 - Drug abuse - marijuana
 02 430162B4 - Open container liquor - operator or passenger of v

2026-00020	CLAYSHIRE @ UPPER LEWISBURG SALEM BROOKVILLE PD	SIGNAL 53A - PROPERTY DAMAGE CRASH	01/12/2026		OPEN CASE
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Offenses UCR Offense Description
 1 N/A 53A - PROPERTY DAMAGE TRAFFIC CRASH

2026-00021	306 EDGEBROOK DR BROOKVILLE PD	SIGNAL 260 - DOG AT LARGE	01/12/2026		OPEN CASE
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Offenses UCR Offense Description
 1 N/A 50510 - DOG/CAT BITE

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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Total Incidents Reported for Date: 3

January 13, 2026

2026-00022	E UPPER LEWISBURG SALEM @ MARKET BROOKVILLE PD	SIGNAL 55 - TRAFFIC VIOLATION	01/13/2026	01/13/2026	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description					
	2	N/A	33704B - LICENSE PLATE ILLUMINATION		
		02	292702 - Illegal distribution of cigarettes / other tobacco		
2026-00023	ARLINGTON @ VILLA BROOKVILLE PD	SIGNAL 55 - TRAFFIC VIOLATION	01/13/2026	01/13/2026	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description					
	2	N/A	451016 - FRA SUSPENSION		
		N/A	451143A - FAILED TO STOP AT POSTED STOP SIGN		
2026-00024	715 MARKET BROOKVILLE PD	SIGNAL 53HR - HIT AND RUN	01/13/2026		OPEN CASE
Offenses UCR Offense Description					
	1	N/A	454902 - STOPPING AFTER ACCIDENT		
2026-00025	ALBERT @ SALEM BROOKVILLE PD	SIGNAL 53HR - HIT AND RUN CRASH	01/13/2026		OPEN CASE
Offenses UCR Offense Description					
	2	N/A	454902 - STOPPING AFTER ACCIDENT		
		N/A	4511202 - REASONABLE CONTROL		

Total Incidents Reported for Date: 4

Total Selected = 26

MEMORANDUM:

DATE: JANUARY 13, 2026

TO: CITY OF BROOKVILLE CITY COUNCIL

FROM: RODNEY L. STEPHAN, LAW DIRECTOR

RE: MEDICAL MARIJUANA AND ADULT USE CANNABIS IN THE CITY OF BROOKVILLE

In 2024, City Council passed Ordinance 2024-09 to establish the cultivation, processing and laboratory testing of medical marijuana and adult use cannabis as permitted use in the I-2 General Industrial District subject to the limitation of that only one (1) zoning permit would be issued for this use. Ordinance 2024-09 prohibited the issuance of any permits for retail dispensaries for medical marijuana and adult use cannabis. A copy of the current zoning text in Chapter 1170 is attached to this memorandum.

At the request of Council Member Michael Hughes, Ordinance 2026-02 has been prepared and submitted to City Council to amend the zoning code and establish a total ban on any permits for cultivation, processing and laboratory testing of medical marijuana and adult use cannabis and maintaining the ban on retail dispensaries for medical marijuana and adult use cannabis.

CHAPTER 1170

Medical Marijuana and Adult Use Cannabis

1170.01 Medical marijuana.

1170.02 Adult use cannabis.

1170.03 Permits.

CROSS REFERENCES

Drug abuse control - see GEN. OFF. Ch. 513

1170.01 MEDICAL MARIJUANA.

(a) The cultivation, processing and laboratory testing of medical marijuana shall be a permitted use in the 1-2 General Industrial District and shall not be permitted in any other zoning district in the City of Brookville. A license as described in Ohio R.C. 3796.09 shall be required to operate a cultivation, processing or laboratory testing facility for medical marijuana in the City of Brookville.

(b) The operation of a retail medical marijuana dispensary as described in Ohio R.C. 3796.10 shall be prohibited in the City of Brookville, and a zoning permit shall not be issued for a retail medical marijuana dispensary.

(Ord. 2024-09. Passed 7-2-24.)

1170.02 ADULT USE CANNABIS.

(a) The cultivation, processing and laboratory testing of adult use cannabis shall be a permitted use in the 1-2 General Industrial District and shall not be permitted in any other zoning district in the City of Brookville. A license as described in Ohio R.C. 3780.10 shall be required to operate a cultivation, processing or laboratory testing facility for adult use cannabis in the City of Brookville.

(b) The operation of a retail adult use cannabis dispensary as described in Ohio R.C. 3780.10 shall be prohibited in the City of Brookville, and a zoning permit shall not be issued for a retail adult use cannabis dispensary.

(Ord. 2024-09. Passed 7-2-24.)

1170.03 PERMITS.

The number of zoning permits for the cultivation, processing and laboratory testing of medical marijuana and adult use cannabis shall be limited to one (1) zoning permit in the City of Brookville. (Ord. 2024-09. Passed 7-2-24.)

RESOLUTION NO. 25-15

A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2026 FOR TAX YEAR 2025.

WHEREAS: It is in the best interest of citizens of the City of Brookville, Ohio that a request be made for advance taxes collected in 2026 for year 2025.

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

SECTION I: Authorization is granted to the Director of Finance of the City of Brookville, Ohio to make a request for an advance of taxes collected by the Treasurer of Montgomery County, Ohio, not to exceed the amount allotted by the Ohio Revised Code for the year 2025.

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

PASSED this _____ day of _____ 2025.

ATTEST:

Kimberly Duncan, Clerk

Charles Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio does hereby certify that the foregoing is a true and correct copy of Resolution No. 25-15 passed by the Council of said City on the _____ day of _____ 2025.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 25-15 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 _____ 2025, to the _____ day of _____ 2025, both days inclusive.

Kimberly Duncan, Clerk

ORDINANCE 2026-02

AN ORDINANCE AMENDING CHAPTER 1170 MEDICAL MARIJUANA AND ADULT USE CANNABIS AND CHAPTER 1145 I-2 GENERAL INDUSTRIAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, Chapter 1170 of the Code of Ordinances provides that the cultivation processing and laboratory testing of medical marijuana and adult use cannabis is a permitted use in the I-2 General Industrial District in the City of Brookville; and

WHEREAS, the Planning Commission and City Council desire to amend the zoning code to prohibit all marijuana cultivators, processors, laboratory testing facilities and retail dispensaries for medical marijuana and adult use cannabis to locate in the City of Brookville; and

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

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

SECTION I: Chapter 1170 Medical Marijuana and Adult Use Cannabis of the Code of Ordinances is hereby repealed and replaced with in its entirety with Chapter 1170, Medical Marijuana and Adult Use Cannabis, as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION II: Section 1145.02(a) Permitted Uses is hereby amended to remove 1145.02(a) (10) Medical Marijuana and Adult Use Cannabis Cultivation, Processing and Laboratory Testing as a permitted use and to renumber the current Section 1145.02(a) (11) to 1145.02(a) (10):

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

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

PASSED this _____ day of _____, 2026.

ATTEST:

Kimberly Duncan, Clerk

Charles Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2026-02, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2026.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2026-02 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2026, to the _____ day of _____, 2026, both days inclusive.

Kimberly Duncan, Clerk

EXHIBIT "A"

CHAPTER 1170
MEDICAL MARIJUANA AND ADULT USE CANNABIS

Section 1170.01 MEDICAL MARIJUANA

(a) The cultivation, processing and laboratory testing of medical marijuana shall be a prohibited use in the City of Brookville and shall not be permitted in any zoning district in the City of Brookville.

(b) The operation of a retail medical marijuana dispensary as described in Ohio Revised Code Section 3796.10 shall be prohibited in the City of Brookville, and a zoning permit shall not be issued for a retail medical marijuana dispensary.

Section 1170.02 ADULT USE CANNABIS

(a) The cultivation, processing and laboratory testing of adult use cannabis shall be a prohibited use in the City of Brookville and shall not be permitted in any zoning district in the City of Brookville.

(b) The operation of a retail adult use cannabis dispensary as described in Ohio Revised Code Section 3780.10 shall be prohibited in the City of Brookville, and a zoning permit shall not be issued for a retail adult use cannabis dispensary.

ORDINANCE 2026-03

AN ORDINANCE APPROVING CONSTRUCTION OF STREET LIGHTING IMPROVEMENTS IN AND TO ADOPT ASSESSMENTS FOR ANNUAL LIGHTING CHARGES UPON LOTS LOCATED WITHIN MEADOWLARK SUBDIVISION-PHASE ONE IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, by Resolution 25-18, enacted January 6, 2026, (“Resolution of Necessity”) and in accordance with Ohio Revised Code 727.12, Council declared the necessity of constructing street lighting improvements in Meadowlark Subdivision-Phase One; and

WHEREAS, the owner of the land included within Meadowlark Subdivision-Phase One has executed a petition requesting street lighting improvements and waiving notice of the passage of the Resolution of Necessity under Ohio Revised Code Section 727.13 and the filing of the estimated assessment under Ohio Revised Code Section 727.12; and

WHEREAS, no objections were made or requests for the creation of an Assessment Equalization Board under Ohio Revised Code Section 727.16 nor have claims been received pursuant to Ohio Revised Code Section 727.18 by any owner of a lot or parcel of land asserting that the owner will sustain damages by reason of the proposed improvements; and

WHEREAS, Council desires and hereby declares its intent to proceed with approval of the construction of the street lighting improvements in accordance with the provisions of the Resolution of Necessity and impose the required assessments for said improvements.

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

SECTION I: The City hereby approves construction of the street lighting improvements in Meadowlark Subdivision -Phase One, in accordance with the plans, specifications and assessments, rates and charges provided for in the Resolution of Necessity duly enacted by Council on January 6, 2026, under the authority of Ohio Revised Code Chapter 727.

SECTION II: The assessments prepared and filed in accordance with the Resolution of Necessity passed under Ohio Revised Code Chapter 727.12 and on file in the offices of the City of Brookville are hereby ratified, confirmed and adopted.

SECTION III: No claims for damages were filed in accordance with Ohio Revised Code Section 727.18, and pursuant to that Section of the Code, such claims are deemed waived and therefore barred.

SECTION IV: Council hereby declares it necessary for the preservation and promotion of the public health and welfare, for the reasons set forth in the preambles hereof, to enter into an agreement with AES/Miami Valley Lighting LLC for full service lighting and to assess the

accumulated annual charge estimated to be \$816.12 against the lots in Meadowlark Subdivision-Phase One.

SECTION V: The lots or parcels of land to be assessed for the Meadowlark Subdivision-Phase One Street Lighting Improvement Project are Lots 2880-2909, Meadowlark Subdivision-Phase One, located in City of Brookville, Montgomery County, Ohio. A copy of said Meadowlark Subdivision-Phase One is attached hereto as Exhibit A.

SECTION VI: The Meadowlark Subdivision-Phase One, Street Lighting Improvement Project is estimated to consist of four (4) light poles and fixtures at a developers' cost of \$46927.00 and total annual lighting charges for said five (5) poles and fixtures of \$816.12 to be assessed and delineated herein with no portion of the improvement to be paid by the City.

SECTION VII: The boundaries of the areas to be assessed include all of the land within Meadowlark Subdivision-Phase One.

SECTION VIII: The Improvements are more particularly described and set out in the plans, specifications, estimates of cost, rates, and tentative assessments which are on file at the City of Brookville offices, 301 Sycamore Street, Brookville, Ohio 45309, where they can be examined and which plans, specifications, estimates of costs, rates, charges and tentative assessments are hereby approved.

SECTION IX: The total annual lighting charge is estimated to be \$993.48 and shall be funded as follows: The portion to be specially assessed to property owners on an annual basis totals \$993.48, being \$29.22 per lot, as adjusted to reflect increases in future years, in an equal amount against each benefited lot, the amount to be determined by dividing the total cost per semiannual installment by the number of benefited lots in the district.

SECTION X: The City does not intend to issue securities in anticipation of the levy of the assessments. The City does not intend to issue securities in anticipation of the collection of the assessments.

SECTION XI: The assessments against each parcel of property subject to assessment shall be prepared and filed in the office of the Clerk of Council and shall be open for inspection during regular business hours.

SECTION XII: Notice of the passage of this Ordinance shall, after the assessment has been made and filed as provided be served by the Clerk of Council, or a person designated by the clerk, upon the owners of the lots or parcels of land to be assessed for the Improvements, by certified mail, return receipt requested, addressed to such owner at his or her last known address or to the address to which the property tax bills are sent.

SECTION XIII: A certified copy of this Ordinance shall be filed with the Montgomery County Auditor.

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

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

PASSED this _____ day of _____, 2026.

ATTEST:

Kimberly Duncan, Clerk

Charles Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2026-03, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2026.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2026-03 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2026, to the _____ day of _____, 2026, both days inclusive.

Kimberly Duncan, Clerk

FINAL RESOLUTION

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

WHEREAS, on the **3rd day of December 2024**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of resurfacing improvements to Westbrook Road from Arlington Road to 300 Feet west of Wolf Creek Street, including pavement repair, pavement planing, asphalt concrete surfacing, and pavement markings, lying within the City of Brookville; and

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

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

The share of the cost of the LPA is now estimated in the amount of **One Hundred Thirty-Four Thousand Six Hundred Forty and - - - 00/100 Dollars, (\$134,640.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

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

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

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **One Hundred Thirty-Four Thousand Six Hundred Forty and - - - 00/100 Dollars, (\$134,640.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that the **City Manager** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

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

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

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

City Manager

Clerk (Secretary Ex-Officio)

SEAL
(If Applicable)

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

I hereby certify to that the money, to wit: **\$134,640.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **Westbrook RSF 3.11**, lying within the corporate limits of the City of **Brookville**, more particularly described as follows:

The project consists of resurfacing improvements to Westbrook Road from Arlington Road to 300 Feet west of Wolf Creek Street, including pavement repair, pavement planing, asphalt concrete surfacing, and pavement markings, lying within the City of Brookville; and

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 20____.

(Fiscal Officer's Seal)
(If Applicable)

Fiscal Officer of the City of
Brookville, Ohio

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

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

WITNESSTH:

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

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

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

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

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

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

SECTION I: **RECITALS**

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

SECTION II: **PURPOSE**

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

SECTION III: LEGAL REFERENCES

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

SECTION IV: SCOPE OF WORK

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

The project consists of resurfacing improvements to Westbrook Road from Arlington Road to 300 Feet west of Wolf Creek Street, including pavement repair, pavement planing, asphalt concrete surfacing, and pavement markings, lying within the City of Brookville.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the STATE.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **One Hundred Thirty-Four Thousand Six Hundred Forty and - - - - 00/100 Dollars, (\$134,640.00).**
5. **The LPA agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the LPA limits, less the amount of Federal-Aid funds set aside by the STATE for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the STATE and Federal Highway Administration.

7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

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

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;

- B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
- C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
- D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

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

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

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

Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, MS 4110
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.
3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The STATE may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

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

- 6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
- 7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

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

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

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

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

**LOCAL PUBLIC AGENCY
City of Brookville**

Director of Transportation

City Manager

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Corinna Efkeman
Unit Coordinator, Transportation
Executive Agencies Section