



CITY COUNCIL MEETING
Tuesday, March 17, 2020, 7:30 PM
CITY HALL
301 SYCAMORE STREET, BROOKVILLE, OHIO 45309
(937) 833-2135
www.brookvilleohio.com

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 March 3, 2020 Regular Meeting Minutes

IV. Police Retirement Recognition - Detective Michael Swigart

V. Reports of Municipal Officers

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

VI. Old Business

- a. Third reading of Ordinance No. 2020-01 entitled "AN ORDINANCE LEVYING ASSESSMENTS FOR DELINQUENT UTILITY BILLS FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO."



- b. Third reading of proposed Ordinance No. 2020-02 entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 3, SECTION 931.20(A) FIXING THE RATES AND CHARGES TO ALL WATER CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO.
- c. Second reading of Resolution 20-02, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FINAL AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ON THE STP PROJECT FOR THE ARLINGTON ROAD AND TRIGGS ROAD/UPPER LEWISBURG-SALEM ROAD INTERSECTION."

VII. New Business

- a. First reading of Resolution No. 20-04, "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FINDING THAT THE ENTERPRISE ZONE AGREEMENT OF GREEN TOKAI CO., LTD. DATED MARCH 25, 2016 IS IN COMPLIANCE AND THAT THE ENTERPRISE ZONE AGREEMENT BE CONTINUED."
- b. First reading of Resolution No. 20-05, "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FINDING THAT THE ENTERPRISE ZONE AGREEMENT OF GREEN TOKAI, LTD. DATED AUGUST 3, 2014 HAS EXPIRED."

VIII. Reports of Boards and Commissions

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

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
March 3, 2020

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on March 3, 2020 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Crane, Fowler, Schreier, Swabb and Wilder; Manager Keaton, Finance Director Brandt, Law Director Stephan, Clerk Duncan, Fire Chief Fletcher and Police Chief Jerome were present. Member Zimmerlin was absent.

Mayor Letner announced that Member Zimmerlin is excused from tonight's meeting due to a death in the family.

Roll Call by Clerk Duncan.

Motion by Crane, second by Swabb to approve the Agenda as presented. All yeas, motion carried.

Motion by Fowler, second by Swabb to approve the Regular Council Meeting Minutes of February 18, 2020. All yeas, motion carried.

Ann Stammen, of the Brookville Baseball Club (BBC), requested Council approval for the annual BBC Opening Day Parade on May 2, 2020, beginning on Carr Drive to Cusick Avenue to Market Street to Wolf Creek Street to Arlington Road to Upper Lewisburg Salem Road to Golden Gate Park. Ms. Stammen stated BBC is now responsible for the annual Community Picnic 5K Run and asked for Council approval of this event on July 25, 2020.

Mayor Letner asked if the Police and Fire Chiefs have reviewed these events?

Police Chief Jerome and Fire Chief both indicated they have each reviewed the parade route and the 5K event and approved both with no additions or changes.

Ms. Stammen also reported the BBC Board is strong this year and they are making some great improvements to the program. Ms. Stammen advised she is meeting with Park Board next week to propose helping with some improvements within the park.

Motion by Crane, second by Fowler to approve the Brookville Baseball Club Opening Day Parade on May 2, 2020 as presented and the Community Picnic 5K Run on July 25, 2020 as presented. All yeas, motion carried.

Shannon O'Neil, of Firefighters and Company Federal Credit Union, presented the Brookville Fire Department with 50 carbon monoxide detectors to distribute to residents as they see fit. Ms. O'Neil stated the Credit Union donates one carbon monoxide detector for every customer that takes advantage of their skip-a-payment program over the holidays. The program is in its fifth year, and this year they are excited to donate 541 carbon monoxide detectors. Ms. O'Neil stated they are concentrating on donating to communities most affected by the 2019 tornados. Ms. O'Neil stated the Credit Union is located in Dayton but is available for all Brookville residents to take advantage of.

Fire Chief Fletcher stated the Fire Department is very appreciative of this program and thanked Ms. O'Neal for the donation. Fire Chief Fletcher advised this donation along with donations of carbon monoxide detectors from The Ridge Church and smoke detectors from the Red Cross fills a need and allows crews to look for opportunities to match people with these resources when they go out on calls.

Manager Keaton gave a huge shout-out to the Service Department for painting the large side of the Christena Leiber Center and installing new LED wall lighting, which enhanced the room. Manager Keaton provided Council with pictures of the completed job. Manager Keaton also reported the fine screen auger at the Wastewater Treatment Plant that was damaged during the Memorial Day tornado, is being installed.

Manager Keaton advised last fall, she reported that she and Street Superintendent Homan met with a representative from Natural Resources Conservation Services regarding financial

assistance for removing the fallen trees from the Memorial Day tornado, adjacent to our Wastewater Treatment Plant. At that time, we were advised the project would qualify, but Natural Resources Conservation Services did not have funding in place. Manager Keaton reported she received a call that our project was approved at the state level and is moving to the federal level for review. Manager Keaton reported we should know by mid-March if funding is approved.

Manager Keaton advised she and Finance Director Brandt had our annual surveillance review call with Moody's Investors Service last Tuesday. Once a credit rating is assigned, which we were assigned a rating in 2016 on our Fire Station Bonds, Moody's monitors it on a continuing basis for possible changes to our rating. The surveillance framework includes three types of evaluations, screening reviews, analyst reviews and rating committees. There were four areas that were discussed with Moody's:

- Tax Base & Local Economy - which included any change, or anticipated change to our assessed values, was the City impacted financially by the Memorial Day tornado, were there any economic development projects during 2019, and any material changes in property tax or income tax rates for 2020
- Financial Profile - we discussed the 2019 General Fund operating deficit, that we are receiving FEMA reimbursement for costs associated with the Memorial Day tornado, status of our Police Collective Bargaining Agreement, and minimum level of reserves in the General Fund at fiscal year-end
- Debt, Pensions, Capital Expenditures - do we anticipate issuing General Obligation bonds or notes in the next 2-3 years, and are there any changes to the city's contributions to OPERS & OP&F pensions
- Management & Governance - they inquired about current and future staffing/personnel trends, any litigation and what cyber risk preventions we have in place

Manager Keaton advised she received notification that FEMA approved our Category B, Emergency Protective Measures, for costs associated with the Memorial Day tornado. Category B consisted of Police & Fire labor, equipment, portable restrooms and hand washing stations, Police mutual aid, Hyper-Reach notifications and supplies for the EOC. The total amount that was approved for Category B is \$25,004.92, FEMA (75%)-\$18,753.69, State of Ohio (12.5%)-\$3,125.62 and City-(12.5%) \$3,125.62. We hope the City's share will be covered by the donations and volunteers that we received following the tornado. Category A, Debris Removal, is still in the review process.

Manager Keaton reported that she met with representatives of the Optimist Club last Friday, along with Police Chief Jerome and Street Superintendent Homan to see where they could place their US flags on Arlington Road. Manager Keaton reported the consensus was the flags would be placed 18" to 36" behind the sidewalks on Arlington Road from Triggs Road to West Upper Lewisburg-Salem Road. Manager Keaton stated flags will not be placed on Arlington Road from the overpass to Triggs Road.

Manager Keaton advised she received word last week from the City of Dayton that they met with a financial consultant, and they hope to reach out to us by the end of March to go over the "Cost of Service" model that they are working on and to discuss a new agreement.

Manager Keaton announced the Miami Valley Regional Planning Commission's Annual Spring Dinner is scheduled for Thursday, April 16. If Council is interested in attending, please let Clerk Duncan know by March 25.

Manager Keaton stated at the February 4 Council Meeting, she provided Council with a packet of financial information to review for further discussion and asked if Council would like to hold a Work Session in March to discuss the packet in more detail? The consensus was to hold a Work Session on March 24, 2020 at 6:30 p.m.

Manager Keaton advised at the February 4 Council Meeting, she informed Council about the 2019 Ohio Transportation Budget bill that included a provision allowing municipalities to levy a new \$5 permissive tax on the registration of all motor vehicles, with 100% of that registration tax going directly to the City. Manager Keaton asked if Council wanted to discuss this item now or

during the Work Session on March 24, 2020? The consensus was to discuss this item at the Work Session.

Manager Keaton requested Council accept the first reading of proposed Resolution No. 20-02, which is the Final Resolution for upgrading the Arlington Road and Triggs/Upper Lewisburg-Salem Road intersection by removing the concrete island, realigning the crosswalks on the northwest corner, new pedestrian push buttons, upgrade truncated domes to the current standard, resurfacing of the intersection pavement, and replacing loop detectors. Manager Keaton stated Council approved the Preliminary Legislation for this project last June. Proposed Resolution 20-02 includes a Fiscal Officer's Certificate that states the funds for this project have been lawfully appropriated. Manager Keaton stated ODOT needs a copy of the adopted Resolution, Fiscal Officer's Certificate, Signed Contract and check by March 20, 2020.

Manager Keaton reminded everyone to set their clocks ahead one hour this Sunday morning and that the first day of Spring is 16 days away!

Finance Director Brandt presented the February 29, 2020 Fund Balance.

Motion by Schreier, second by Fowler to accept the February 29, 2020 Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt presented a map and list of streets for the Brookville City Wide Garage Sales and requested Council approval for the garage sales to be held each weekend throughout the month of June.

Motion by Fowler, second by Schreier to approve the Brookville City Wide Garage Sales as presented. All yeas, motion carried.

Finance Director Brandt reminded everyone the City of Vandalia will be at the City Offices on March 27, 2020 from 8:00 a.m. until 4:30 p.m. and on March 28, 2020 from 8:00 a.m. until noon to assist residents in preparing their city income tax returns. There is no charge for this service.

Fire Chief Fletcher presented the Operations Report for the month of February showing Fire Department personnel responded to 124 EMS And 16 Fire Incidents during the month of February. This was 6 more EMS/Rescue calls and 8 less Fire/Service calls than one year ago.

Fire Chief Fletcher requested Council authorize the City Manager to enter into a Purchase Agreement with Horton Emergency Vehicles to provide a new 2019 Ford / Horton 623 Type I Ambulance at a cost of \$245,117.29. This purchase is through the State of Ohio STS 223 bid program. Fire Chief Fletcher stated at the February 4, 2020 Council meeting, Council approved his request for the purchase of a 2020 Tahoe, and he had reported he planned to keep it under budget with a surplus. Fire Chief Fletcher reported that his plan to reuse equipment is contrary to our fleet mechanic's recommendation, whose advice is to use Tahoe specific material in the Tahoe. Fire Chief Fletcher stated this will result in having to make some adjustments to this project. Fire Chief Fletcher advised he will still come in under budget on the medic and other capital projects for 2020, however, he wants to be crystal clear and not mislead Council in any way. He advised he is still hoping to re-use the equipment from the old vehicle on another project. Fire Chief Fletcher reported the plan is to trade in our oldest medic. We will get a better trade-in value than selling it on GovDeals, as the diesel motors just do not bring in any money. Fire Chief Fletcher stated that Finance Director Brandt has determined to be the best approach to pay for this capital improvement is through a Municipal Tax-Exempt lease. Fire Chief Fletcher requested that Council authorize the City Manager to enter into a Municipal Tax-Exempt Lease agreement for \$245,117.29.

Member Schreier asked if Finance Director Brandt if she has any concerns about meeting these lease payments with the decrease in revenue projected with this year's budget.

Finance Director Brandt replied she solicited proposals from five different banks and determined a 60-month lease through US Bank is \$8,000 less than the other banks who responded to her inquiries. Finance Director Brandt stated we have already budgeted for a decrease in revenue and she does not foresee any problem with making the payments.

Motion by Schreier, second by Crane to accept the State of Ohio Department of Administrative Services, State Term Schedule bid of \$245,117.29 for a new 2019 Ford/Horton 623 Type I Ambulance. All yeas, motion carried.

Member Schreier asked if this is a lease, will the City actually own the vehicle when the principal payments are completed?

Manager Keaton advised the City has used this purchase method several times in the past and we will own the medic at the end of the lease.

Finance Director Brandt stated many municipalities purchase vehicles this way as the interest rates are much lower.

Manager Keaton advised the interest rates are lower because it is tax exempt.

Motion by Fowler, second by Schreier to allow Manager Keaton to enter into a Municipal Tax-Exempt Lease agreement with U.S. bank for \$245,117.29 to purchase a new 2019 Ford/Horton 623 Type I Ambulance. All yeas, motion carried.

Fire Chief Fletcher advised he will present the 2019 Brookville Fire Department Annual Report at the next Council Meeting.

Police Chief Jerome had no report.

Mayor Letner inquired how the traffic control was going on Columbia Street and on Albert Road?

Police Chief Jerome replied the Police Department is still making quite a few stops on Albert Road. The Officers have been issuing warnings, however if the number of stops does not seem to be decreasing, they will soon change to issuing tickets.

Police Chief Jerome stated the Officers are continuing to monitor the traffic on Columbia Street as well.

Law Director Stephan presented for Council approval a request to re-plat Wenger Woods, Lot 2392. This is a subdivision plat that would take existing Lot 2392 and add .275 acres from Lot 1278, creating a new lot known as Lot 2653. Law Director Stephan stated the owners are building a new single-family home and wanted the additional property behind the house. Law Director Stephan advised this was approved by Planning Commission and the lot meets all the legal requirements for the subdivision.

Motion by Schreier, second by Fowler to approve the Wenger Woods, Lot 2392 Record Plan as presented. All yeas, motion carried.

Law Director Stephan commented Planning Commission also approved a second Record Plan that creates three lots to the south of this parcel. This has been tabled until we receive additional information from their engineer.

Mayor Letner thanked everyone for their thoughts and prayers on the loss of his father-in-law.

Motion by Crane, second by Fowler to read proposed Ordinance No. 2020-01. All yeas, motion carried.

Motion by Swabb, second by Crane to accept the second reading of proposed Ordinance No. 2020-01 entitled "AN ORDINANCE LEVYING ASSESSMENTS FOR DELINQUENT UTILITY BILLS FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

Motion by Wilder, second by Schrier to read proposed Ordinance No. 2020-02. All yeas, motion carried.

Motion by Fowler, second by Wilder to accept the second reading of proposed Ordinance No. 2020-02 entitled “AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 3, SECTION 931.20 (A) FIXING THE RATES AND CHARGES TO ALL WATER CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO.” All yeas, motion carried.

Motion by Swabb, second by Schreier to read Resolution 20-02. All yeas, motion carried.

Motion by Crane, second by Fowler to accept the first reading of Resolution 20-02, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FINAL AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ON THE STP PROJECT FOR THE ARLINGTON ROAD AND TRIGGS ROAD/UPPER LEWISBURG-SALEM ROAD INTERSECTION." All yeas, motion carried.

Member Fowler, Park Board Liaison, had no report.

Member Schreier, Planning Commission Liaison, reported Planning Commission approved the two re-plats in Wenger Woods that were just reported by Law Director Stephan. Planning Commission also approved a site plan for a Freedom First Credit Union to be built at the old library site at 425 Rona Parkway, using the same ingress and egress from Rona Parkway. The proposed building is smaller, with a drive-thru and parking in the back. Planning Commission also heard a preliminary presentation for Planned Use Development on the corner of Albert Road and Upper Lewisburg Salem Road for potentially 69 homes on the 18 acres adjacent to the firehouse. Member Schreier stated Planning Commission had quite a few questions for the potential developers, who would develop the site and contract out to builders to construct the homes. Member Schreier stated there is still a lot of work to be done, including a Public Hearing, before moving forward with this.

Law Director Stephan stated that is a good summary and it is important for everyone to understand that was just a preliminary conference and there are a lot of steps ahead before a final decision can be made.

Matt Yablonsky, of 14 Columbia Street, thanked Council and the Brookville Police Department for taking his concerns seriously regarding the need for additional signage on Columbia Street to make drivers aware it is a one-way street. He has noticed the Police presence on Columbia Street, and he has only seen two people drive down the bike path since the new yellow markers have been placed.

Motion by Fowler, second by Schreier to go into Executive Session per ORC 121.22 (G)(2) To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property. All yeas, motion carried.

Motion by Wilder, second by Crane to go back into Regular Session.

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

Kimberly Duncan, Clerk

Charles Letner, Mayor

To: Mayor & Council
From: Sonja M. Keaton, City Manager
RE: Manager's Report
Date: 3/16/2020

We learned last week that our Westbrook Surface Transportation Project (STP) Resurfacing Project that we submitted last October to MVRPC was not funded.

The Service Department installed a new 25' rail inside the Mosier Lift Station that allows them to climb down and out safely when performing maintenance on that lift station. The previous rail had corroded over the years. Street sweeping and alley maintenance has begun now that we have warmer weather. The Service Department removed the oversize pine tree in the Terrace Park median.

We received notification that FEMA approved our Category A, Debris Removal, for costs associated with the Memorial Day tornado. Category A consisted of Service Department regular and overtime labor and equipment, rented equipment, mutual aid that was provided by the City of Union, City of Centerville and Clay Township, contracted debris removal and landfill disposal costs. FEMA also included an amount of \$27,663.71 for future road surface repairs. The total amount that was approved for Category A is \$192,214.89, FEMA (75%)-\$144,161.17, State of Ohio (12.5%)-\$24,026.86 and City-(12.5%) \$24,026.86. We are confident some of the City's share will be covered by the donations and volunteers that we received following the tornado.

Council has a separate Memorandum that outlines Municipal Tax-Exempt Leasing in more detail. The purchase and lease of a new Medic was included in our 2020 Fire Capital Improvement Fund Budget. We budgeted \$250,000 for the purchase and \$50,000 for lease payments in 2020. The Master Tax-Exempt Lease will be setup with quarterly payments versus semi-annual payments, which saves the City approximately \$700 over the five-year lease.

Our Fire & EMS Agreements with Perry and Clay Township expired on 12/31/19 and we are nearing the end of our 90-day grace period. Perry Township Trustees voted last Friday on a new three-year Agreement beginning January 1, 2020 and expiring on December 31, 2022. The new Agreement allows the Trustees to pay to the City an additional three percent increase, which is based on the amount we received in 2019, per year compounded each year of the Agreement. This increase will not apply if the Trustees pass a Fire/EMS levy during the contract time that generates more than the three percent. The Trustees may elect to defer payment of the additional funds in any calendar year, provided that by December 31, 2022 the Trustees pay any of the additional funds stipulated in the Agreement that were deferred. I am requesting Council authorize the City Manager to enter into a three-year renewal Agreement with Perry Township for Fire & EMS Service beginning January 1, 2020.

We received a letter of interest from Kim Cheatham who is requesting to fill an open seat on the Board of Zoning Appeals. It is my recommendation that Council appoint Kim Cheatham to the Board of Zoning Appeals to fill the term expiring on 12/31/24.

We received a resignation letter from Cheryl McKee who currently sits on the Income Tax Board of Appeals.



I am requesting Council accept the second reading, dispense with the third reading and adopt proposed Resolution No. 20-02. ODOT needs a copy of the adopted Resolution, Fiscal Officer's Certificate, Signed Contract and check by March 20, 2020.

Memo

To: Mayor and Council

From: Michelle Brandt, Finance Director

Date: March 17, 2020

Subject: Finance Report

- Requesting Council adopt proposed Resolution 2020-03 which authorizes the execution and delivery of a Master Tax Exempt Lease/Purchase Agreement with US Bank and authorizes the City Manager and Finance Director to execute the lease documents.
- Due to the payment of 4 residents the amount in ordinance 2020-01 will be amended to \$8,159.00 for property Tax Assessment of Water, Sewer and Refuse.
- Reminder that the City of Vandalia will be here to help residents with their income tax filing on March 27 from 8:00-4:30 and again on March 28 from 8:00-12:00.

ORDINANCE 2020-01

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

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

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

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

SECTION I: City Council hereby approves and authorizes the Director of Finance to certify to the County Auditor assessments for delinquent water, sewer and refuse charges, said assessments being set forth in Exhibit A attached hereto and incorporated herein by reference and aggregating in the amount of \$8,159.00, which includes County Fees.

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

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

PASSED this _____ day of _____ 2020.

Kimberly Duncan, Clerk

Chuck Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2020-01 passed by the Council of the City of Brookville, Ohio, on the _____ day of _____ 2020.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2020-01 as posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____ 2020 to the _____ day of _____ 2020, both days inclusive.

Kimberly Duncan, Clerk

EXHIBIT A

Address	Parcel ID	Water Charge	Cty. Fee	Water Total	Sewer Charge	Cty. Fee	Sewer Total	Refuse Charge	Cty. Fee	Refuse Total	Total Assessment
331 Albert Road	C05 00206 0008	\$ 147.08	\$ 7.35	\$ 154.43	\$ 79.10	\$ 3.96	\$ 83.06	\$ 54.63	\$ 2.73	\$ 57.36	\$294.85
726 Albert Road	C05 00405 0022	\$ 92.75	\$ 4.64	\$ 97.39	\$ 40.43	\$ 2.02	\$ 42.45	\$ 49.50	\$ 2.48	\$ 51.98	\$191.81
745 Albert Road	C05 00111 0029	\$ 261.16	\$ 13.06	\$ 274.22	\$ 133.82	\$ 6.69	\$ 140.51	\$ 327.69	\$ 16.38	\$ 344.07	\$758.80
612 Hay Street	C05 00106 0007	\$ 339.09	\$ 16.95	\$ 356.04	\$ 195.93	\$ 9.80	\$ 205.73	\$ 411.27	\$ 20.56	\$ 431.83	\$993.60
612 Hay Street	C05 00106 0007	\$ 152.20	\$ 7.61	\$ 159.81	\$ 106.54	\$ 5.33	\$ 111.87	\$ 285.14	\$ 14.26	\$ 299.40	\$571.07
512 Main Street	C05 00101 0002	\$ 32.25	\$ 1.61	\$ 33.86	\$ 17.15	\$ 0.86	\$ 18.01	\$ 21.00	\$ 1.05	\$ 22.05	\$73.92
16 Walnut Street	C05 00201 0048	\$ 177.10	\$ 8.86	\$ 185.96	\$ 113.29	\$ 5.66	\$ 118.95	\$ 57.75	\$ 2.89	\$ 60.64	\$365.55
109 Market Street	C05 00201 0044	\$ 158.71	\$ 7.94	\$ 166.65	\$ 77.33	\$ 3.87	\$ 81.20	\$ 152.09	\$ 7.60	\$ 159.69	\$407.54
15 Western Avenue	C05 00208 0018	\$ 191.16	\$ 9.56	\$ 200.72	\$ 133.82	\$ 6.69	\$ 140.51	\$ 163.85	\$ 8.19	\$ 172.04	\$513.27
131 W. Westbrook Road	L54 00303 0015	\$ 66.50	\$ 3.33	\$ 69.83	\$ 46.55	\$ 2.33	\$ 48.88	\$ 57.00	\$ 2.85	\$ 59.85	\$178.55
15 1/2 Western Avenue	C05 00208 0018	\$ 191.16	\$ 9.56	\$ 200.72	\$ 133.82	\$ 6.69	\$ 140.51	\$ 191.15	\$ 9.56	\$ 200.71	\$541.94
216 Harshman Street	C05 00207 0001	\$ 58.13	\$ 2.91	\$ 61.04	\$ 37.97	\$ 1.90	\$ 39.87	\$ 46.50	\$ 2.33	\$ 48.83	\$149.73
71 Hill Street	C05 00112 0011	\$ 114.07	\$ 5.70	\$ 119.77	\$ 40.43	\$ 2.02	\$ 42.45	\$ 49.50	\$ 2.48	\$ 51.98	\$214.20
303 Woodfield Drive	L54 00307 0032	\$ 178.86	\$ 8.94	\$ 187.80	\$ 84.91	\$ 4.25	\$ 89.16	\$ 121.28	\$ 6.06	\$ 127.34	\$404.30
257 Foothill Drive	L54 00311 0023	\$ 21.35	\$ 1.07	\$ 22.42	\$ 15.94	\$ 0.80	\$ 16.74	\$ 20.65	\$ 1.03	\$ 21.68	\$60.84
112 June Place	L54 00310 0008	\$ 191.16	\$ 9.56	\$ 200.72	\$ 133.82	\$ 6.69	\$ 140.51	\$ 163.85	\$ 8.19	\$ 172.04	\$513.27
248 Crosswell Avenue	L54 00309 0039	\$ 162.17	\$ 8.11	\$ 170.28	\$ 103.81	\$ 5.19	\$ 109.00	\$ 46.00	\$ 2.30	\$ 48.30	\$327.58
260 Crosswell Avenue	L54 00309 0037	\$ 56.65	\$ 2.83	\$ 59.48	\$ 36.63	\$ 1.83	\$ 38.46	\$ 44.85	\$ 2.24	\$ 47.09	\$145.04
266 Crosswell Avenue	L54 00309 0036	\$ 71.25	\$ 3.56	\$ 74.81	\$ 28.18	\$ 1.41	\$ 29.59	\$ 42.00	\$ 2.10	\$ 44.10	\$148.50

EXHIBIT A

200 Arlington Road	C05 00302 0010	\$	67.17	\$	3.36	\$	70.53	\$	25.32	\$	1.27	\$	26.59	\$	38.50	\$	1.93	\$	40.43	\$137.54
333 N. Wolf Creek Pike	C05 00112 0060	\$	224.75	\$	11.24	\$	235.99	\$	116.44	\$	5.82	\$	122.26	\$	108.75	\$	5.44	\$	114.19	\$472.44
336 N. Wolf Creek Street	C05 00116 0005	\$	242.20	\$	12.11	\$	254.31	\$	104.52	\$	5.23	\$	109.75	\$	119.16	\$	5.96	\$	125.12	\$489.17
307 Flanders Avenue	C05 00409 0015	\$	9.93	\$	0.50	\$	10.43	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$10.43
139 Brookmoor Drive	L54 00307 0004	\$	87.59	\$	4.38	\$	91.97	\$	40.43	\$	2.02	\$	42.45	\$	57.75	\$	2.89	\$	60.64	\$195.06
TOTALS		\$	3,294.44	\$	164.72	\$	3,459.16	\$	1,846.18	\$	92.31	\$	1,938.49	\$	2,629.86	\$	131.49	\$	2,761.35	\$8,159.00

RESOLUTION NO. 20-03

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER TAX-EXEMPT LEASE/PURCHASE AGREEMENT, EQUIPMENT SCHEDULE, AN ESCROW AGREEMENT AND RELATED INSTRUMENTS AND DECLARING IT AN EMERGENCY.

WHEREAS, at the March 3 2020 Brookville City Council Meeting, Brookville City Council accepted the state of Ohio Department of Administrative Services bid of \$245,117.29 for the construction of a Horton Medic; and

WHEREAS, the governing body of the City of Brookville (“Lessee”) desires to obtain a Horton Medic (the “Equipment”) described in Equipment Schedule to the Master Lease Agreement (collectively, the “Lease”) with U.S. Bancorp Government Leasing and Financing, Inc. (“Lessor”); and

WHEREAS, the Equipment is essential for the Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be deposited with U.S. Bancorp Government Leasing and Financing, Inc. (“the “Escrow Agent”) pursuant to an Escrow Agreement between Lessee and the Escrow Agent (the “Escrow Agreement”) and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement.

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

SECTION I: It is hereby found and determined that the terms of the Lease and the Escrow Agreement (collectively, the “Financing Documents”) in the forms presented to this meeting and incorporated in this resolution are in the best interests of the Lessee for the acquisition of the Equipment.

SECTION II: The Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The City Manager of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officer who executes the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents. The City Manager of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

SECTION III: The proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents.

SECTION IV: Pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), Lessee hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code.

SECTION V: This Resolution is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Brookville, Ohio and to insure timely execution of the closing of the Municipal Tax Exempt Lease prior to March 30, 2020. Therefore, this Resolution shall take effect and be in force from and after its passage, provided passage is by at least two-thirds of the members of Council.

PASSED this _____ day of _____, 2020.

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. 20-03, passed by the Council of said City on the _____ day of _____, 2020.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio hereby certifies that the foregoing Resolution No. 20-03 was posted at the City Building, U.S. Post Office, and the Brookville Branch of the Montgomery County Library, Brookville, Ohio on the _____ day of _____, 2020 to the _____ day of _____, 2020, both days inclusive.

Kimberly Duncan, Clerk



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

Chief Douglas Jerome

djerome@brookvilleohio.com



Council Meeting Agenda March 17, 2020

Reportable Incidents

1/1/2019 – 3/13/2019 = 120

1/1/2020 – 3/13/2020 = 141

Citations

1/1/2019 – 3/13/2019 = 99

1/1/2020 – 3/13/2020 = 98

Traffic Stops

March 2019- 190

March 2020 to date- 69

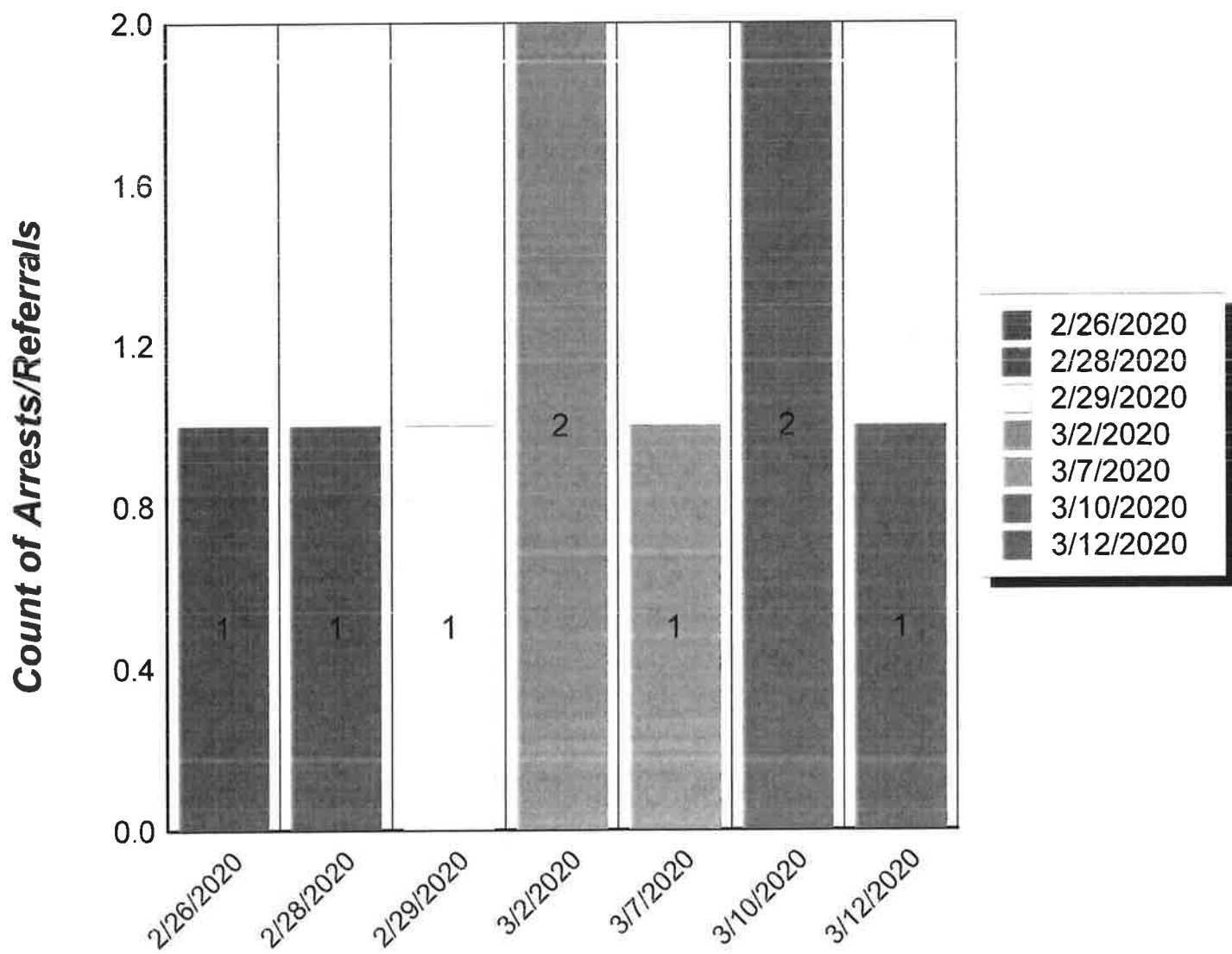
Detective Swigart Retirement Presentation

Arrest Log by Date

Arrest Date	Total Arrests
February 26, 2020	1
February 28, 2020	1
February 29, 2020	1
March 02, 2020	2
March 07, 2020	1
March 10, 2020	2
March 12, 2020	1

Total Selected = 9

Arrest Log by Date



Brookville Police Department

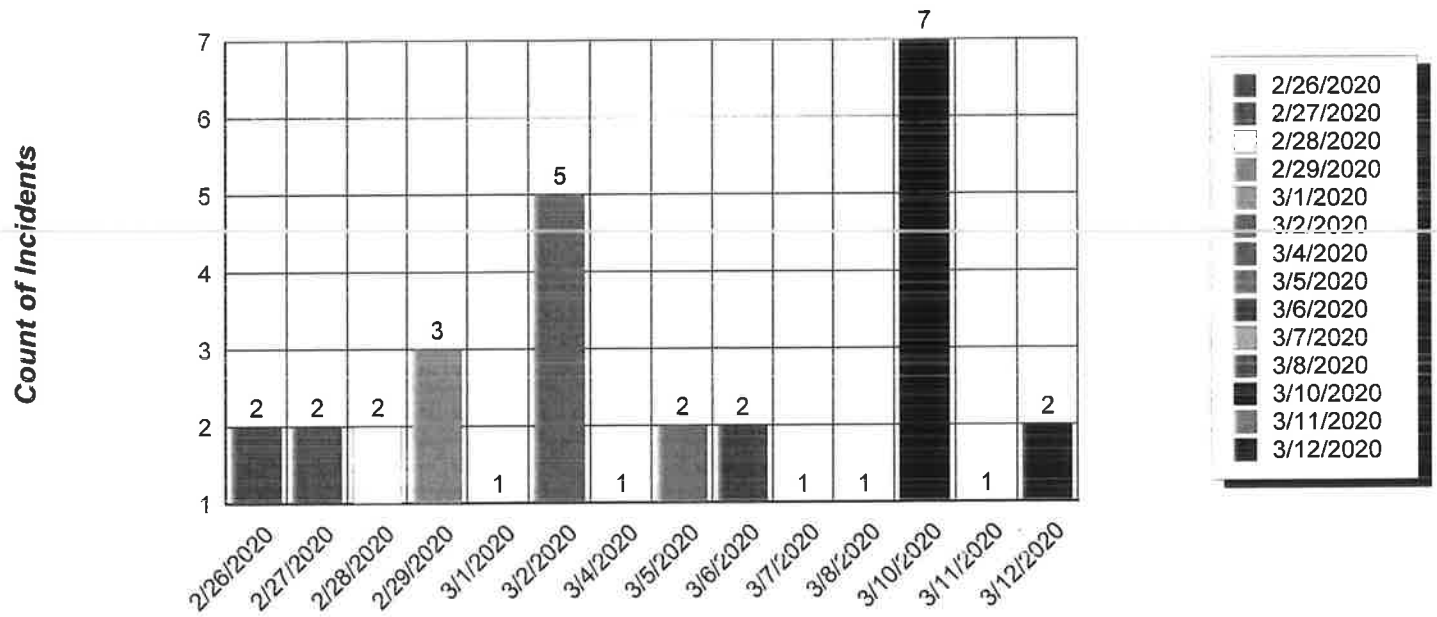
Incident Arrest Blotter

Arrest Date	Time	Suspect's Name	Address, Charges(s)	Incident ID
02/26/2020		NOAH N. HELTON	625 MARKET ST, BROOKVILLE, OH 45309 2151022A: Juvenile - incorrigible, habitually disobedient	2020-00111
02/28/2020		JACQUELINE J. SNOW	16 WALNUT, BROOKVILLE, OH 45309 451011: DRIVING UNDER SUSPENSION	2020-00115
02/29/2020		GARY R. CHANDLER	1704 FAUVER AVE, DAYTON, OH 45401 35: WARRANT ARREST	2020-00118
03/02/2020		KENNETH R. CURTIS	100 N PARKVIEW DR RM 114, BROOKVILLE, OH 45309 290704A: Unlawful Sexual Conduct w/ Minor	2020-00121
		JAVIER K. MENA	5532 AUTUMN WOODS DR, TROTWOOD, OH 45426 292511C3: Drug abuse - marijuana 292514: Drug paraphernalia	2020-00124
03/07/2020		TIMOTHY B. COMBS	206 LIVINGSTON AVE, DAYTON, OH 45404 292512: Possessing drug abuse instrument - obtain, use	2020-00130
03/10/2020		BRANDY L. STILL	125 ROCKWOOD AVE, DAYTON, OH 45405 4510037: POINTS SUSPENSION	2020-00132
		DAVID L. MUNDY	21 WALNUT ST, BROOKVILLE, OH 45309 291925A: Domestic violence - knowingly cause physical harm	2020-00136
03/12/2020		WILLIAM E. RAINEY	207 W. SHEERY ST, TROTWOOD, OH 45424 291927: Violate protection order or consent agreement	2020-00141
Total Selected = 9				

Incident Log by Date Reported

Date Reported	Day of Week	Total Reported
02/26/2020	Wednesday	2
02/27/2020	Thursday	2
02/28/2020	Friday	2
02/29/2020	Saturday	3
03/01/2020	Sunday	1
03/02/2020	Monday	5
03/04/2020	Wednesday	1
03/05/2020	Thursday	2
03/06/2020	Friday	2
03/07/2020	Saturday	1
03/08/2020	Sunday	1
03/10/2020	Tuesday	7
03/11/2020	Wednesday	1
03/12/2020	Thursday	2
Total Selected = 32		

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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February 26, 2020

2020-00110	801 ARLINGTON RD BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	02/26/2020	02/26/2020	EXCEPTIONALLY CLEARED
2020-00111	625 MARKET ST. BROOKVILLE PD	SIGNAL 46 - JUVENILE COMPLAINT	02/26/2020	02/26/2020	ARREST

Offenses UCR Offense Description
1 02 2151022A - Juvenile - incorrigible, habitually disobedient

Total Incidents Reported for Date: 2

February 27, 2020

2020-00112	926 ARLINGTON ROAD BROOKVILLE PD	SIGNAL 55 - TRAFFIC STOP	02/27/2020	02/27/2020	EXCEPTIONALLY CLEARED
2020-00113	205 JESSICA BROOKVILLE PD	SIGNAL 26DB - DEAD BODY	02/27/2020	02/27/2020	EXCEPTIONALLY CLEARED

Offenses UCR Offense Description
1 N/A 451016 - FRA SUSPENSION

Offenses UCR Offense Description
1 02 26DB - DEAD BODY

Total Incidents Reported for Date: 2

February 28, 2020

2020-00114	45 WEST MCKINLEY STREET BROOKVILLE PD	SIGNAL 55 - TRAFFIC STOP	02/28/2020	02/28/2020	EXCEPTIONALLY CLEARED
2020-00115	11926 WOLF CREEK PIKE BROOKVILLE PD	SIGNAL 18 - DRUG ABUSE	02/28/2020	02/28/2020	ARREST

Offenses UCR Offense Description
1 N/A 454908 - FICTICIOUS PLATES

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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February 28, 2020

Offenses	UCR	Offense Description
8	01	292511 - Drug abuse - obtain, possess, use controlled subst
	01	451134 - SPACE BETWEEN MOVING VEHICLES
	N/A	451016 - FRA SUSPENSION
	N/A	451021 - FAILURE TO REINSTATE
	N/A	451012 - DRIVING WITHOUT VALID LICENSE
	N/A	451011 - DRIVING UNDER SUSPENSION
	N/A	4511203 - Wrongful entrustment of a motor vehicle
	02	292514C1 - Illegal use or possession of drug paraphernalia

Total Incidents Reported for Date: 2

February 29, 2020

2020-00117	799 ARLINGTON ROAD BROOKVILLE PD	SIGNAL 09 - ASSAULT	02/29/2020	02/29/2020	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	04	290313 - Assault

2020-00116	ARLINGTON @ TRIGGS BROOKVILLE PD	SIGNAL 53A - VEHICLE ACCIDENT	02/29/2020	02/29/2020	EXCEPTIONALLY CLEARED
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Offenses	UCR	Offense Description
1	N/A	4511202 - REASONABLE CONTROL

2020-00118	S. WOLF CREEK ST @ WESTBROOK RD BROOKVILLE PD	SIGNAL 18 - DRUG ABUSE	02/29/2020	02/29/2020	ARREST
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Offenses	UCR	Offense Description
6	N/A	35 - WARRANT ARREST
	01	451315A1 - HEADLIGHT ILLUMINATION
	N/A	451016 - FRA SUSPENSION
	01	292511 - Drug abuse - obtain, possess, use controlled subst
	02	292514C1 - Illegal use or possession of drug paraphernalia
	02	430162B4 - Open container liquor - operator or passenger of v

Total Incidents Reported for Date: 3

March 01, 2020

2020-00119	21 WALNUT ST BROOKVILLE PD	SIGNAL 18 - DRUG LAWS	03/01/2020	03/01/2020	ARREST
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Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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March 01, 2020

Offenses	UCR	Offense Description
6	N/A	4510037 - POINTS SUSPENSION
	N/A	451012 - DRIVING WITHOUT VALID LICENSE
	N/A	451305 - NO TAIL LIGHTS
	N/A	4510.111 - CHILD SUPPORT SUSPENSION
	N/A	451016 - FRA SUSPENSION
	02	292514C1 - Illegal use or possession of drug paraphernalia

Total Incidents Reported for Date: 1

March 02, 2020

2020-00120	33 HECKATHORN BROOKVILLE PD	SIGNAL 260 - STALKING	03/02/2020		OPEN CASE
	Offenses	UCR Offense Description			
	1	04 2903211 - MENACING BY STALKING			
2020-00121	100 PARKVIEW DRIVE NORTH BROOKVILLE PD	SIGNAL 17 - SEX OFFENSE	03/02/2020	03/02/2020	ARREST
	Offenses	UCR Offense Description			
	1	01 290704A - Unlawful Sexual Conduct w/ Minor			
2020-00122	117 SYCAMORE STREET UNIT 102 BROOKVILLE PD	SIGNAL 17 - SEX OFFENSE	03/02/2020	03/02/2020	EXCEPTIONALLY CLEARED
	Offenses	UCR Offense Description			
	1	01 290704A - Unlawful Sexual Conduct w/ Minor			
2020-00123	130 MAIN STREETTJB BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	03/02/2020	03/02/2020	EXCEPTIONALLY CLEARED
	Offenses	UCR Offense Description			
	1	02 26I - INFORMATION REPORT			
2020-00124	CARR @ MOSIER BROOKVILLE PD	SIGNAL 18 - DRUG LAWS	03/02/2020	03/02/2020	ARREST
	Offenses	UCR Offense Description			
	3	01 292511C3 - Drug abuse - marijuana			
		02 292514 - Drug paraphernalia			
		N/A 33119 - REQUIREMENTS AT STOP SIGNS			

Total Incidents Reported for Date: 5

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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March 04, 2020

2020-00125	408 MAIN ST BROOKVILLE PD	SIGNAL 55 - PARKING VIOLATION	03/04/2020		OPEN CASE
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Offenses UCR Offense Description
 1 N/A 35111 - PARKING IN ALLEYS AND NARROW STREETS

Total Incidents Reported for Date: 1

March 05, 2020

2020-00126	112 MARKET STREET APARTMENT 2 BROOKVILLE PD	SIGNAL 14 - CRIMINAL DAMAGING	03/05/2020		OPEN CASE
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Offenses UCR Offense Description
 1 01 290906 - Criminal damaging/endangering

2020-00127	620 ARLINGTON ROAD BROOKVILLE PD	SIGNAL 55 - TRAFFIC STOP	03/05/2020	03/05/2020	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 2

March 06, 2020

2020-00128	16 MCKINLEY ST BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	03/06/2020	03/06/2020	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

2020-00129	1 MCMAKEN LN BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	03/06/2020	08/29/1986	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 2

March 07, 2020

2020-00130	170 @ ARLINGTON RD BROOKVILLE PD	SIGNAL 18 - DRUG ABUSE	03/07/2020	03/07/2020	ARREST
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Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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March 07, 2020

Offenses UCR Offense Description
 3 01 292512 - Possessing drug abuse instrument - obtain, use
 N/A 4510.111 - CHILD SUPPORT SUSPENSION
 N/A 451133A - LANES AND LINES

Total Incidents Reported for Date: 1

March 08, 2020

2020-00131	345 E WESTBROOK RD BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	03/08/2020	03/08/2020	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 1

March 10, 2020

2020-00132	ARLING TON RD @ I70 BROOKVILLE PD	SIGNAL 55 - DRIVING UNDER SUSPENSION	03/10/2020	03/10/2020	ARREST
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Offenses UCR Offense Description
 2 N/A 4510037 - POINTS SUSPENSION
 N/A 451016 - FRA SUSPENSION

2020-00133	2 BLUE PRIDE DRIVE BROOKVILLE PD	SIGNAL 53C - PEDESTRIAN STRIKE	03/10/2020		OPEN CASE
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Offenses UCR Offense Description
 1 N/A 53C - PEDESTRIAN/MOTOR VEHICLE CRASH

2020-00134	428 N. WOLFCREEK ST BROOKVILLE PD	SIGNAL 6 - THEFT	03/10/2020		OPEN CASE
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Offenses UCR Offense Description
 1 05 291132 - Tampering with coin machines

2020-00135	245 DOYLE AVE BROOKVILLE PD	SIGNAL 05 - BURGLARY	03/10/2020		OPEN CASE
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Offenses UCR Offense Description
 1 05 291113 - Breaking and entering

2020-00136	21 WALNUT ST BROOKVILLE PD	SIGNAL 20 - DOMESTIC VIOLENCE	03/10/2020	03/10/2020	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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March 10, 2020

Offenses UCR Offense Description

1 02 291925A - Domestic violence - knowingly cause physical harm

2020-00137	520 ARLINGTON RD BROOKVILLE PD	SIGNAL 6B - THEFT	03/10/2020		OPEN CASE
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Offenses UCR Offense Description

1 06 291302 - Theft

2020-00138	12 COLUMBIA ST BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	03/10/2020		OPEN CASE
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Offenses UCR Offense Description

1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 7

March 11, 2020

2020-00139	295 UPPER LEWISBURG SALEM RD BROOKVILLE PD	SIGNAL 7 - AUTO THEFT	03/11/2020	03/11/2020	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description

1 07 291302B5 - Auto Theft

Total Incidents Reported for Date: 1

March 12, 2020

2020-00140	100 N. PARKVIEW BROOKVILLE PD	SIGNAL 260 - CRIMINAL TRESPASS	03/12/2020		OPEN CASE
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Offenses UCR Offense Description

1 02 291121A - Criminal trespass

2020-00141	55 ROBERT WRIGHT DR. BROOKVILLE PD	SIGNAL 20 - PROTECTION ORDER VIOLATION	03/12/2020	03/12/2020	ARREST
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Offenses UCR Offense Description

4 02 291927 - Violate protection order or consent agreement
N/A 451012 - DRIVING WITHOUT VALID LICENSE
N/A 451011 - DRIVING UNDER SUSPENSION
N/A 451021 - FAILURE TO REINSTATE

Total Incidents Reported for Date: 2

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
Total Selected = 32					

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8084 FORM NO. 30043

Ordinance No. 2020-01 Passed , 20

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

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

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

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

SECTION I: City Council hereby approves and authorizes the Director of Finance to certify to the County Auditor assessments for delinquent water, sewer and refuse charges, said assessments being set forth in Exhibit A attached hereto and incorporated herein by reference and aggregating in the amount of \$8,159.00, which includes County Fees.

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

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

PASSED this day of 2020.

Kimberly Duncan, Clerk

Chuck Letner, Mayor

CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2020-01 passed by the Council of the City of Brookville, Ohio, on the day of 2020.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2020-01 as posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the day of 2020 to the day of 2020, both days inclusive.

Kimberly Duncan, Clerk

RECORD OF ORDINANCES

Ordinance No. 2020-02 Passed , 20

AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 3, SECTION 931.20(a) FIXING THE RATES AND CHARGES TO ALL WATER CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO.

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

SECTION I: Section 931.20(a) of the Code of Ordinances is hereby amended to read as follows:

There shall be a minimum charge for water, billed quarterly. The minimum charge is to cover investment, overhead expenses and the cost of being ready to serve with water. These minimum charges will be payable quarterly as due, at the following rates for the various sized meters.

MINIMUM CHARGES
PER QUARTER

5/8 inch meter	\$ 55.15
3/4 inch meter	\$ 67.25
1 inch meter	\$ 107.75
1½ inch meter	\$ 180.10
2 inch meter	\$ 301.10
3 inch meter	\$ 604.00
4 inch meter	\$ 910.00
6 inch meter	\$1,568.00
8 inch meter	\$2,152.00
10 inch meter	\$3,586.00
12 inch meter	\$4,948.00

The following shall be additional charges per thousand cubic feet per quarter for the:

First 10,000 cubic feet	\$ 40.68
Next 90,000 cubic feet	\$ 38.47
Next 400,000 cubic feet	\$ 36.21
Next 500,000 cubic feet	\$ 29.65

These rates shall start and be in effect with the June 2020 billing for water consumed during the previous quarter of March 2020 through May 2020.

SECTION II: This Ordinance shall revoke and rescind all Ordinances, and parts of Ordinances and Resolutions, and parts of Resolutions that are in conflict herewith.

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

PASSED this day of 2020.

Kimberly Duncan, Clerk

Charles Letner, Mayor

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ Passed _____, 20_____

CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2020-02, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____ 2020.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2020-02 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 _____ 2020 to the _____ day of _____ 2020, 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 **16th day of July 2019**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of upgrading the Arlington Road and Triggs Road/Upper Lewisburg-Salem Road intersection by removing the concrete island, realigning the crosswalks on the northwest corner, new pedestrian push buttons, upgraded truncated domes to the current standard, resurfacing of the intersection pavement, and replacing loop detectors, 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 **Fifty-Eight Thousand Four Hundred and - - - 00/100 Dollars, (\$58,400.00)**, 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 **Fifty-Eight Thousand Four Hundred and - - - - 00/100 Dollars, (\$58,400.00)** 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

Mayor

SEAL
(If Applicable)

Clerk (Secretary Ex-Officio)

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

I hereby certify to that the money, to wit: **\$58,400.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **Arlington Road/Upper Lewisburg-Salem Road**, lying within the corporate limits of the City of Brookville, more particularly described as follows:

The project consists of upgrading the Arlington Road and Triggs Road/Upper Lewisburg-Salem Road intersection by removing the concrete island, realigning the crosswalks on the northwest corner, new pedestrian push buttons, upgraded truncated domes to the current standard, resurfacing of the intersection pavement, and replacing loop detectors, 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 N/A, at Page N/A,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this 3rd day of March, 2020.

(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 Director of Transportation; 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 upgrading the Arlington Road and Triggs Road/Upper Lewisburg-Salem Road intersection by removing the concrete island, realigning the crosswalks on the northwest corner, new pedestrian push buttons, upgraded truncated domes to the current standard, resurfacing of the intersection pavement, and replacing loop detectors, 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 Director of Transportation.
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 **Fifty-Eight Thousand Four Hundred and - - - 00/100 Dollars, (\$58,400.00).**
5. **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.**
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 Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

**City of Brookville
301 Sycamore Street
Brookville, Ohio
45309**

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
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 Director of Transportation 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

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Stephen H. Johnson
Chief, Transportation Section

Date: _____

CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2020-02, passed by the Council of said City on the _____ day of _____ 2020.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2020-02 was posted at the City Building, U.S. Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio on the _____ day of _____ 2020 to the _____ day of _____ 2020, both days inclusive.

Kimberly Duncan, Clerk

No.

RESOLUTION NO. 20-04

Passed

Yr.

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FINDING THAT THE ENTERPRISE ZONE AGREEMENT OF GREEN TOKAI CO. LTD. DATED MARCH 25, 2016 IS IN COMPLIANCE AND THAT THE ENTERPRISE ZONE AGREEMENT BE CONTINUED.

WHEREAS, the Tax Incentive Review Council (TIRC) of the City of Brookville Enterprise Zone held an annual meeting on March 12, 2020; and

WHEREAS, the TIRC reviewed the compliance of Green Tokai Co. Ltd. to the terms and conditions of a certain Enterprise Zone Agreement dated March 25, 2016; and

WHEREAS, the TIRC found that Green Tokai Co. Ltd. is in compliance with the terms and conditions of the aforementioned Enterprise Zone Agreement and that the Enterprise Zone Agreement be continued.

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

SECTION I: The written recommendation of the TIRC finding that Green Tokai Co. Ltd. has complied with the terms and conditions of the Enterprise Zone Agreement dated March 25, 2016 and that the agreement be continued.

SECTION II: The Enterprise Zone Manager shall report the acceptance by this Council of the recommendations of the TIRC to the Ohio Development Services Agency.

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

PASSED this _____ day of _____, 2020.

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. 2020- , passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2020.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 2020- 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 _____, 2020, to the _____ day of _____, 2020, both days inclusive.

Kimberly Duncan, Clerk

No.

RESOLUTION NO. 20-05

Passed

Yr.

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FINDING THAT THE ENTERPRISE ZONE AGREEMENT OF GREEN TOKAI CO. LTD. DATED AUGUST 3, 2014 HAS EXPIRED.

WHEREAS, the Tax Incentive Review Council (TIRC) of the City of Brookville Enterprise Zone held an annual meeting on March 12, 2020; and

WHEREAS, the TIRC reviewed the compliance of Green Tokai Co. Ltd. to the terms and conditions of a certain Enterprise Zone Agreement dated August 3, 2004; and

WHEREAS, the TIRC found that Green Tokai Co. Ltd. is in compliance with the terms and conditions of the aforementioned Enterprise Zone Agreement, and the TIRC further found that the Enterprise Zone Agreement with Green Tokai Co. Ltd. dated August 3, 2004 established a ten (10) year enterprise zone exemption, and that the ten (10) year exemption has now expired.

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

SECTION I: The written recommendation of the TIRC finding that Green Tokai Co. Ltd. has complied with the terms and conditions of the Enterprise Zone Agreement dated August 3, 2004, and that the ten year exemption has now expired is hereby accepted and adopted by this Council.

SECTION II: The Enterprise Zone Manager shall report the acceptance by this Council of the recommendations of the TIRC to the Ohio Development Services Agency.

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

PASSED this _____ day of _____, 2020.

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. 2020-, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2020.

Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 2020- 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 _____, 2020, to the _____ day of _____, 2020, both days inclusive.

Kimberly Duncan, Clerk