

Brookville City Council
Regular Meeting
April 7, 2020

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on April 7, 2020. The meeting was held virtually using the Cisco WebEx application. The Pledge of Allegiance was recited. Members Crane, Fowler, Schreier, Swabb; Wilder and Zimmerlin; Manager Keaton, Finance Director Brandt, Law Director Stephan, Clerk Duncan, Fire Chief Fletcher and Police Chief Jerome were present.

Roll Call by Clerk Duncan.

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

Motion by Fowler, second by Zimmerlin to approve the Regular Council Meeting Minutes of March 17, 2020. All yeas, motion carried.

Manager Keaton provided a COVID-19 update, stating on March 16, 2020 all doors into the City Building were locked to the public. Signs providing our contact information were posted, as employees are still working inside. Manager Keaton advised the doors will remain locked until such time that it is safe for our employees to interact with the public. Manager Keaton advised we operate with a small and efficient workforce appropriate for the City's size and needs, and we need to protect them. All departments have been segregated and all employees observe social distancing while at work. Manager Keaton reported the Golden Gate Park outdoor restrooms were locked to protect the public and our Caretaker. All rentals were canceled through March and April, and we refunded \$1,277 in park permits in March. All playgrounds, basketball and tennis courts were taped off and signs posted that they are closed. Manager Keaton stated Golden Gate and Westbrook Park gates are locked to alleviate the number of vehicles and people congregating in the parks. Manager Keaton advised our parks are open for walking, running, and/or biking provided individuals maintain at least a six-foot distance. Manager Keaton reported individual taxpayers will have until July 15, 2020 to file and pay their 2019 municipal income tax return. Net profit taxpayers (calendar year) who have opted to file with the State Tax Commissioner will have until July 15, 2020 to file and pay their 2019 municipal income tax return with the State. Net profit taxpayers (calendar year) who file directly with the tax administrator of the municipal corporation will have until July 15, 2020 to file and pay their 2019 municipal income tax return. Manager Keaton reported first and second quarter estimated tax payments (individuals and calendar year net profit tax filers) will both be due by July 15, 2020. Manager Keaton advised these extensions combined with the temporary closure or reduced hours of many of our local businesses due to the shut-down, will result in a sharp decline in our income tax receipts. In 2019, 72.5% of our General Fund receipts were attributed to income tax. In looking back at our 2019 income tax receipts, local withholding tax totaled \$2,596,693 or 99% of our total income tax receipts. Manager Keaton advised we will continue to strictly monitor our 2020 budget. All expenditures, especially those that operate off income tax dollars, will be scrutinized. Manager Keaton stated we hope to continue with projects that were included in our 2020 budget in our Enterprise Funds. (Water, Sewer and Stormwater). Manager Keaton advised disconnection of public water service is not permitted during the declared pandemic. Manager Keaton reported April 28, 2020 is the new Primary and mail-in voting period for absentee ballots. The President declared a federal emergency on March 13, 2020. The declaration is limited to costs incurred by local governments for Category B, emergency protective measures. Manager Keaton reported The Request for Public Assistance was completed and submitted and we are documenting all costs associated with COVID-19.

Manager Keaton advised the 2019 Annual Report for all departments is complete. Council has a copy and it is posted on our website.

Manager Keaton reported the Service Department has been working on a modified park cleanup since our Annual Park Cleanup was canceled. They have repaired the Sorority open-air shelter at Golden Gate Park and continue with street sweeping. All mowers have been serviced and mowing began last week in our parks. Fertilizer was applied to all municipal properties. Manager Keaton reported the SK8 Park equipment has been painted and they are currently painting no parking signs and striping on roadways in our parks.

Manager Keaton reported our sludge press is currently in for minor repairs. All tornado repair work at the WWTP by Fryman & Kuck has been completed. Manager Keaton advised tornado repair work with Thrush and Son continues and should be completed this summer.

Manager Keaton advised we have been notified by our Natural Resources Conservation Services representative that our project to remove the fallen trees adjacent to our Wastewater Treatment Plant was approved at the federal level. Manager Keaton indicated we are currently waiting on paperwork to review.

Manager Keaton reported Miami Valley Lighting has notified us that the demand for LED street lighting has caused a significant decline in requests for high pressure street lighting fixtures. We have approximately 94 high pressure sodium lighting fixtures throughout the City. Manager Keaton advised once Miami Valley Lighting runs out of high-pressure sodium fixtures, they will be replaced with an equivalent sized LED fixture.

Manager Keaton reported Moody's Investors Service released their Credit Opinion on March 24, and they affirmed the City's A1 tax rating on our Fire Station Bonds.

Manager Keaton advised Five Rivers MetroParks has notified us that the distribution of tree seedlings to those affected by the Memorial Day tornado will not take place this month. They hope to resume this distribution later this year.

Manager Keaton reported all Keep Montgomery County Beautiful programs were suspended until further notice due to the concerns related to COVID-19. The City previously applied for a \$1,000 grant, on behalf of the Leaf and Blossom Garden Club, to go toward the purchase of flowers that line Market Street.

Manager Keaton advised in our 2020 budget, we included funds to paint the interior of our 500,000-gallon water tower. Our Water Fund budget included \$131,000 in abrasive blasting and interior painting costs and \$37,000 in engineering costs. Manager Keaton requested Council authorization to enter into a contract with Dixon Engineering for engineering services at a cost not to exceed \$37,000 and to get Council authorization to advertise for bids for this project.

Member Schreier inquired if these costs will be paid for from the Water Fund?

Manager Keaton replied that is correct. Water, Sewer and Refuse funds are all enterprise funds. They are independent and cannot be used in any other fund.

Motion by Swabb, second by Zimmerlin to authorize Manager Keaton to enter into a contract with Dixon Engineering for engineering services at a cost not to exceed \$37,000 and to advertise for bids for this project. All yeas, motion carried.

Manager Keaton reported on April 1, 2020, the Family First Coronavirus Response Act took effect and is good through December 31, 2020. This act creates two new emergency paid leave requirements in response to the COVID-19 global pandemic. The Emergency Paid Sick Leave Act entitles certain employees to take up to two weeks of paid sick leave when the employee is unable to work because the employee is subject to a quarantine or isolation order related to COVID-19. The Emergency Family and Medical Leave Expansion Act requires covered employers to provide up to 12 weeks of expanded family and medical leave, when an eligible employee is unable to work because of a need to care for the employee's child or children whose school or place of care is closed due to COVID-19 reasons. The Secretary of Labor issued regulations that states employers may exclude emergency responders from the definition of eligible employees. Most municipalities in this region chose to exclude emergency responders which includes law enforcement, firefighters, EMT's, paramedics and public service employees. Manager Keaton advised some municipalities excluded their entire workforce, which is what we chose to do. Our reason for excluding the entire workforce is we cannot afford to lose employees for a lengthy period of time. Manager Keaton stated we operate with a small and efficient workforce appropriate for the City's size and needs. Manager Keaton stated most of our employees are first responders who are risking their lives to protect ours. Manager Keaton requested Council authorization to allow the City to pay emergency paid sick leave to employees who are unable to work if an employee is sick, is caring for a family member that is sick, or is

quarantined under the direction of a doctor for potential exposure to the virus, or because they tested positive for Coronavirus as follows:

The City will provide up to a maximum of 80 hours at the employee's regular rate of pay for full-time employees, and part-time pay will be based on the average hours worked in a two-week period at their regular rate of pay during the last three months, with the Act expiring on 12/31/2020 with no carryover to the following year.

Motion by Schreier, second by Zimmerlin to allow the City to pay emergency paid sick leave to employees who are unable to work if an employee is sick, is caring for a family member that is sick, or is quarantined under the direction of a doctor for potential exposure to the virus, or because they tested positive for Coronavirus with the City providing a maximum of 80 hours at the employee's regular rate of pay for full-time employees, and part-time pay will be based on the average hours worked in a two-week period at their regular rate of pay during the last three months, with the Act expiring on 12/31/2020 with no carryover to the following year. All yeas, motion carried.

Member Fowler inquired what kind of costs have we incurred so far due to COVID-19?

Manager Keaton replied we have not seen any results yet. Income tax is on a one to two-month delay and the March payment we just received was higher than March of 2019. Manager Keaton stated she expects to start seeing the trickle-down effect in June. Manager Keaton stated she recently drove through the industrial park and it brought tears to her eyes to see all the parking lots completely empty. Manager Keaton advised the city office is receiving minimal calls. The utility bills, which will be mailed out soon, will include all the options to pay their bill and advise we are closed to the public.

Member Fowler asked how many utility bills are currently delinquent?

Manager Keaton replied there are no occupied structures with water services shut off at this time. There are five unoccupied homes that are shut off.

Member Schreier asked when we will receive the FEMA payment for the tornado expenses incurred?

Manager Keaton replied she received and reviewed the paperwork for Category B. She is currently reviewing Category A, which includes road repairs, and has sent an inquiry regarding whether the funds for road repairs can be released prior to completing the work. Manager Keaton advised it should take three to five weeks to receive funding once FEMA receives our completed packet.

Mayor Letner reported Manager Keaton found some discrepancies in the paperwork and brought those to their attention. Mayor Letner inquired whether that will delay the release of the FEMA funds.

Manager Keaton replied she has been assured that it was typing errors and would not hold up the funding.

Member Schreier asked if there is any word on when the City may receive funding from the CARES Act?

Manager Keaton replied there has not been any conversation on that yet. Manager Keaton stated she participates in daily webinars and conference calls and eats, sleeps and breathes COVID-19 since this all began. Manager Keaton stated there has been discussion in the Mayors and Managers Association on sending an email to Columbus asking when those funds will be dispersed but she has no word at this time.

Member Schreier stated things are changing hourly with COVID-19 and he appreciates Manager Keaton's efforts.

Finance Director Brandt presented the March 31, 2020 Fund Balance.

Motion by Fowler, second by Zimmerlin to accept the March 31, 2020 Fund Balance as presented. All yeas, motion carried.

Fire Chief Fletcher presented the Operations Report for the month of February showing Fire Department personnel responded to 113 EMS and 25 Fire Incidents during the month of March. This was 12 less EMS/Rescue calls and 4 less Fire/Service calls than one year ago at this time.

Fire Chief Fletcher reported when the community locked down there was a marked decrease in calls. People are reluctant to call and are putting off going to hospital until last minute. Fire Chief Fletcher stated his crews are working under some tough conditions but doing a great job. Fire Chief Fletcher commended Manager Keaton for putting out directives to keep staff healthy and safe, but stated it is hard to distance his employees when they have to respond to calls together. Fire Chief Fletcher reported for employee safety and consumer confidence, his employees are screened every 12 hours, Equipment is decontaminated to an extraordinary level. Fire Chief Fletcher stated he has been asked but cannot release whether there have been COVID-19 cases in our community. Fire Chief Fletcher reported because we have to conserve PPE as much as possible, every call must be evaluated. Dispatch is doing an excellent job of screening to see if anyone is symptomatic and whether PPE is recommended. The situation has now evolved to every patient now getting a surgical mask. The potentially symptomatic patients are outnumbering the non-symptomatic patients, so crews are now wearing PPE on every call. Fire Chief Fletcher stated we have enough PPE city-wide to share with the Police Department. Fire Chief Fletcher thanked Council for supporting the City Manager in implanting a paid sick leave policy as his department consists of part time employees with no benefits. Fire Chief Fletcher reported staffing is an issue as he continues to have communities make the decision they don't want their full time personnel to work part time elsewhere due to exposure concerns. This has resulted in a number of employees he cannot use in their normal capacity. Fire Chief Fletcher advised he has hired some additional employees and they are currently training to get them up to speed.

Mayor Letner commended Fire Chief Fletcher and his crew, stating they are doing a fantastic job. Mayor Letner stated he knows they are up to the task and he knows the citizens appreciate what they are doing.

Fire Chief Fletcher replied he appreciates the support from the Mayor, Council and the City Manager, stating it is nice to know they can go out and do their job knowing if there is anything they need, they will be supported.

Police Chief Jerome commented that his report might show that calls are down but that is deceiving as the Police Department is staying very busy. While Officers are keeping minimal contact with the public, they are maintaining high visibility patrols. They are keeping the public updated on Ohio's Stay at Home order and have taken approximately 500 phone calls regarding the order. Police Chief Jerome thanked Fire Chief Fletcher for supplying PPE and advised Officers are diligent about sanitizing police cruisers. Police Chief Jerome indicated he learned from the tornado that documenting a timeline is important, not only for general knowledge but also for possible reimbursement. Police Chief Jerome said keeping this timeline is very time consuming. Police Chief Jerome also thanked Manager Keaton for her support and thanked Council for taking care of first responders. Police Chief Jerome advised he is also keeping the public informed by providing a link on their Facebook page that updates daily with the COVID-19 numbers. Police Chief Jerome reported his department is trying to do everything they can to keep down the level of depression and mental illness that comes with job loss and financial collapse. Police Chief Jerome advised tomorrow his department will be walking around the Brookhaven campus with signs to cheer the residents up and invited everyone to participate in the event.

Mayor Letner stated he appreciates the professionalism of the Police Department and is confident they represent Brookville very well. Mayor Letner commented that the Proclamation for the Brookville Neighborly Salute has been well received and he would like to see it continue until May 1, 2020. Mayor Letner thanked Manager Keaton, the Police and Fire Chiefs, Superintendent Homan and the employees of the City of Brookville, stating they are making the best of it for the City. Mayor Letner stated the stats are proving that Ohio is doing the right thing, the citizens of Brookville are doing the right thing, and he is proud to represent the City of Brookville.

Law Director Stephan reported the City received the annual notice to the Legislative Authority from the Ohio Division of Liquor Control that liquor permit holders in the City of Brookville must

file a renewal application. The City of Brookville has the right to object to any renewal. Law Director Stephan reported he has reviewed this with the Police Chief and the City Manager and they have no objections. Law Director Stephan recommended Council waive the right to objection to the renewal applications of existing liquor permits in the City of Brookville.

Motion by Zimmerlin, second by Crane to waive the right to object to the renewal applications of existing liquor permits in the City of Brookville. All yeas, motion carried.

Law Director Stephan advised the purpose of proposed Resolution 20-06 is for Council to ratify the State of Emergency declared by Mayor Letner on March 24, 2020.

Mayor Letner thanked Law Director Stephan for his guidance during these trying times.

Motion by Crane, second by Fowler to read proposed Resolution No. 20-06. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 20-06 entitled "A RESOLUTION RATIFYING THE STATE OF EMERGENCY DECLARED BY THE MAYOR EFFECTIVE MARCH 24, 2020 AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 20-07. All yeas, motion carried.

Motion by Crane, second by Fowler to accept the first reading of proposed Resolution No. 20-07 entitled "A RESOLUTION GIVING CONSENT TO THE DIRECTOR OF TRANSPORTATION TO COMPLETE THE SAFE ROUTES TO SCHOOL INFRASTRUCTURE PROJECT, WHICH INCLUDES THE UPGRADE OF THREE INTERSECTIONS WITH HI-VISIBILITY MARKINGS, ONE PROPOSED CROSSWALK WITH HI-VISIBILITY MARKINGS AND RECTANGULAR RAPID FLASHING BEACONS AND SIDEWALK CONNECTION AND GIVING CONSENT TO THE DIRECTOR OF TRANSPORTATION TO COMPLETE SAID PROJECT. All yeas, motion carried.

Member Fowler, Park Board Liaison, had no report.

Member Schreier, Planning Commission Liaison, had no report.

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



Kimberly Duncan, Clerk

Charles Letner, Mayor