

Brookville City Council
Regular Meeting
July 21, 2020

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on July 21, 2020. The meeting was held virtually using the Zoom web 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 Fowler, second by Schreier to approve the Agenda as presented. All yeas, motion carried.

Motion by Swabb, second by Fowler to approve the Regular Council Meeting Minutes of July 21, 2020. All yeas, motion carried.

Manager Keaton reported Clay Township has a 2.5 mill Fire/EMS renewal levy on the August 4, 2020 ballot. The current 2.5 mill levy expired in tax year 2019 collectable in 2020. Per our Fire/EMS Agreement with Clay Township, Brookville receives 60% of levy proceeds, of which 75% is receipted in the General Fund toward the Fire Department operating budget and 25% is receipted in the Fire Capital Improvement Fund toward capital purchases in the Fire Department. Manager Keaton advised Fire/EMS levy money is not used to pay debt service for the new Fire Station.

Manager Keaton reported proposals for our Front Office Renovation Project were received last week. Six Request for Proposals were sent out and we received proposals from all six firms. Proposals ranged from \$48,250 to \$72,690. Manager Keaton requested that Council accept the proposal of \$48,250 submitted by Brumbaugh Construction, Inc. as the lowest and responsive proposal. Manager Keaton stated included in their proposal is approximately \$15,060 for adding ballistic glass and panels at the Reception desk and ballistic film on the glass in the Vestibule. The ballistic items will be paid out of the Legislative Department in the General Fund, which has a \$20,000 unencumbered balance. The remaining amount will be paid with CARES Act funding.

Motion by Swabb, second by Zimmerlin to accept the proposal of \$48,250 submitted by Brumbaugh Construction, Inc. as the lowest and responsive proposal on the Front Office Renovation Project. All yeas, motion carried.

Manager Keaton advised as part of our Safe Routes to School Infrastructure project, the City's portion of the project is to obtain an ODOT prequalified firm to perform right-of-way acquisition services. Request for Proposals were sent out in May to three ODOT prequalified firms. We received one response from O.R. Colan Associates LLC, and their cost proposal was \$41,000. Manager Keaton reported she and Law Director Stephan had a conference call with O.R. Colan Associates last Friday to see if we could negotiate a lower cost proposal, and O.R. Colan Associates submitted a revised cost proposal of \$38,500. If discussions go well with the nine property owners along this project, the costs could be less; if they run into any problems, the cost could be more. Manager Keaton requested Council allow the City Manager to issue a Notice to Proceed to O.R. Colan Associates, LLC at a cost not to exceed \$40,000.

Motion by Schreier, second by Zimmerlin authorize a Notice to Proceed to O.R. Colan Associates, LLC at a cost not to exceed \$40,000 for the Safe Routes to School Project. All yeas, motion carried.

Manager Keaton stated included in our 2020 Street Fund Budget was the purchase of a dump truck and a pickup truck. With the current decline in revenue, purchasing these items new is out of the question. We continue to look at GovDeals and recently found a 2007, 8-ton dump truck. The dump truck comes with a plow and a salt spinner. Street Superintendent Homan and our mechanic, Blair Mullins, inspected the truck last week, and the dump truck is in good condition. Manager Keaton stated our intent is to remove one of our two 1997 International dump trucks as a plow

truck and use it exclusively for watermain breaks. Currently during watermain repairs, they use one of our plow trucks to load road debris, spoils, and gravel. If the break occurs during a snow and/or ice event, it is very difficult to get the truck cleaned and ready for snow clearing and/or salt spreading. Manager Keaton requested Council allow the City to bid on this dump truck up to a maximum amount of \$16,000. Manager Keaton advised if we are the successful bidder, there is an additional 5% buyer's premium.

Motion by Fowler, second by Wilder to authorize Manager Keaton to bid a maximum of \$16,000 on the 2007 7400 8-ton dump truck with an additional 5% buyer's premium. All yeas, motion carried.

Manager Keaton reported Jobs Ohio recently provided us with 25 PPE Safety Tool Kits for Small Businesses with 100 or less employees. Zoning Officer Snedeker distributed the kits to some of our small businesses last Friday.

Manager Keaton reported that Montgomery County recently launched CARES Act Grants targeted at helping homeowners and renters that were impacted by the coronavirus pandemic. The qualifications and link to the application is posted on the City's website and Facebook page.

Manager Keaton reported Montgomery County also expanded the eligibility criteria for small businesses looking for COVID-19 relief. The grant is geared for businesses that are locally owned and located in Montgomery County and have fewer than 50 employees. The qualifications and a link to the application has been posted on the City's website and Facebook page.

Manager Keaton reported the fireworks display scheduled for July 25, 2020 has been postponed until a later date.

Member Zimmerlin inquired in reference to the Clay Township Renewal levy, is the Phillipsburg Fire Department still operational?

Manager Keaton replied Phillipsburg Fire is operational, and both the Phillipsburg and Verona Fire Departments are part of that fire contract.

Mayor Letner commented he likes Manager Keaton's idea of holding the fireworks when the weather is colder, with everyone sitting in their vehicles and blasting out the year 2020.

Mayor Letner inquired whether the City has seen an increase in delinquent accounts with the re-institution of water shut-offs?

Manager Keaton replied we only had two accounts to shut off, one of which is now paid. The other has entered into a payment arrangement.

Mayor Letner asked if we have heard from any landlords regarding renters who are behind and may be facing eviction?

Manager Keaton replied the front office has not received any feedback from our landlords.

Member Fowler inquired when the Freedom First Credit Union will resume their new building construction?

Manager Keaton replied they had to revise some building plans due to COVID-19 and they just received their final approvals. Construction should begin soon.

Member Fowler commented there is a bike rack near the skate park that could probably be moved over to Market Street near the ice cream shop as previously suggested by Member Zimmerlin.

Manager Keaton replied we just took delivery of a new bike rack and message board. Both will be installed in the next two weeks, along with park benches that were part of a Solid Waste Grant. Finance Director Brandt reported the 2021 Montgomery County Budget Commission Meeting will be held on Wednesday, August 27, 2020. Annually all public entities need to complete and submit

a form to the Auditors Office that indicates if they want to waive or request a hearing before the Montgomery County Budget Commission for the 2020/2021 Tax Information/Budget and/or Inside Millage. Finance Director Brandt requested Council authorization to waive the hearing before the Montgomery County Budget Commission for the 2020/2021 Tax Information/Budget and/or Inside Millage.

Motion by Zimmerlin, second by Fowler to waive the hearing before the Montgomery County Budget Commission for the 2020/2021 Tax Information/Budget and/or Inside Millage. All yeas, motion carried.

Finance Director Brandt requested Council authorization to transfer \$150,000 from the General Fund to the Street M&R Fund as appropriated.

Motion by Schreier, second by Fowler to authorize the transfer of \$150,000 from the General Fund to the Street M&R Fund as appropriated. All yeas, motion carried.

Finance Director Brandt reported our 2019 Financial Audit Report has been released. The City had a clean audit with no comments or issues.

Mayor Letner stated he is proud that we once again had a clean audit and commended Finance Director Brandt on a job well done.

Fire Chief Fletcher advised the Fire Department has signs supporting the upcoming Clay Township levy renewal if anyone wants one for their yard. Fire Chief Fletcher stated without the support of this levy it would be difficult for the Fire Department to provide their current level of service.

Fire Chief Fletcher reported Horton Ambulance has finished our new medic ahead of schedule and we should take delivery of it next week. It will need to be lettered and all equipment transferred from the old medic to the new one. Fire Chief Fletcher stated if we are still observing social distancing once it is completed, he could give Council a video tour.

Fire Chief Fletcher commented the number of calls has increased three-fold since July 1. Overdoses are increasing across the region and currently people are using a mixture of fentanyl with methamphetamine. This mixture causes patients to be violent when they receive Narcan and regain consciousness, which leads to the need for chemical restraint to allow them to be compliant and protect their airway. Fire Chief Fletcher reported this volatile mixture increases the potential for our personnel to be exposed.

Fire Chief Fletcher commented the Fire Department responded to an accident last week where the driver fled the scene and hid in a creek bed for 24 hours.

Police Chief Jerome reported calls are definitely on the uptick for the Police Department as well.

Police Chief Jerome advised he has been in touch with Superintendent Hopkins and the school year is resuming on schedule with the SRO returning.

Police Chief Jerome advised he is pleased to report that Officer Creager has completed his EV technician training, which means all Brookville Officers are now certified EV Technicians.

Police Chief Jerome reported investigations are still running smoothly, with Captain Jacobs monitoring all misdemeanor investigations and Major Simon monitoring all felony investigations.

Police Chief Jerome reported the Police Department has received provisional certification on the latest Ohio Collaborative Certification IV. All Officers have completed the latest Duty to Intercede Webinar training.

Police Chief Jerome advised he is following the example of another entity and putting our Use of Force Policy online, so the public is familiar with our ideology.

Police Chief Jerome reported he regretfully had to cancel this year's Ghostly Night Out event. This event has been moved to the school the last three of five years. If the weather does not cooperate

again this year, it would be impossible to use the school for a back-up location and get it sanitized before school opens back up on Monday.

Mayor Letner asked Police Chief Jerome to comment on a recent Facebook post he read about Officer Creager that he found refreshing.

Police Chief Jerome advised Officer Creager was on patrol and saw a group of kids waiting on the ice cream truck, so he bought them all an ice cream. Police Chief Jerome reported his number one goal is community policing and commended Officer Creager for taking the initiative to make a positive impact on the kids and the community.

Law Director Stephan reported Planning Commission approved a Record Plan for Golden Gate Estates Section II-B, which subdivides Lot 2044 into two parts and combines it with the two adjacent lots.

Motion by Zimmerlin, second by Fowler to approve the Record Plan for Golden Gate Estates Section 2-B to subdivide Lot 2044. All yeas, motion carried.

Mayor Letner reported the City was contacted by Barton Mallow, the contractor building the DMAX building, regarding the possibility of a community service project in Brookville. The company has agreed to seal the exterior fence of our Golden Gate Castle. Mayor Letner encouraged everyone who is willing and able to help with the project on August 7, 2020.

Law Director Stephan commented that Resolutions 20-13 and 20-14, which are for the proposed property tax levies, must be submitted to the Board of Elections by August 5, 2020. If Council has two readings, this gives Staff less than 48 hours to get the paperwork properly filed and address any issues that may exist with the Board of Elections, or the Ohio Secretary of State. Law Director Stephan advised Council could dispense with the second and third reading of both Resolutions tonight. If Council opts not to do this, they will still have to dispense with the third reading in order to meet the filing deadline.

Motion by Swabb, second by Zimmerlin to read proposed Resolution No. 20-13. All yeas, motion carried.

Mayor Letner inquired whether the Resolutions should be passed as an emergency if we dispense with the second and third readings?

Law Director Stephan replied it cannot be passed as an emergency, however if Council dispenses with the second and third reading it will go into effect immediately, per our Charter.

Mayor Letner recommended Council accept the first reading and dispense with the second and third reading of Resolution No. 20-13.

Member Schreier commented Council discussed having a public hearing regarding these Resolutions and asked whether we could go ahead with a public hearing if we pass the Resolutions tonight?

Law Director Stephan advised once these are passed, the Resolutions are on the ballot and Staff is moving forward with it. If Council wants to have a public hearing, we can schedule a public hearing at the first Council meeting in August and then have a second reading of the Resolutions at that meeting after the public hearing.

Member Zimmerlin commented Council has been talking about this for some time and it has been well publicized. There have been multiple presentations which have been publicized on Facebook, the website and in the Brookville Star. This is a strategic vision that Council has for Brookville and at the end of the day, the residents will have a chance to vote either for or against the levy. Member Zimmerlin stated he wants to allow enough time for Staff to submit this properly. If there is public outcry, they can always file a referendum, but at this point the lack of comment by the public makes him feel comfortable with dispensing with the second and third reading.

Motion by Swabb, second by Zimmerlin to accept the first reading, dispense with the second and third reading and adopt Resolution No. 20-13 entitled "A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF BROOKVILLE AT THE ELECTION OF NOVEMBER 3, 2020 THE QUESTION OF AN ADDITIONAL PROPERTY TAX LEVY AT THE ANNUAL RATE OF FOUR AND SIXTY-THREE HUNDREDTHS (4.63) MILLS TO GENERATE FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) PER YEAR FOR A PERIOD OF FIVE YEARS TO BE PLACED ON THE TAX LIST AND DUPLICATE FOR TAX YEAR 2020 TO BE COLLECTED IN CALENDAR YEAR 2021, FOR THE GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, AND REPAIR OF STREETS, ROADS, AND BRIDGES IN THE CITY OF BROOKVILLE, PURSUANT TO OHIO REVISED CODE SECTION 5705.19(G), AND DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY TO PLACE THE ISSUE ON THE BALLOT." All yeas, motion carried.

Motion by Crane, second by Fowler to read proposed Resolution No. 20-14. All yeas, motion carried.

Motion by Zimmerlin, second by Crane to accept the first reading, dispense with the second and third reading and adopt Resolution No. 20-14 entitled "A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF BROOKVILLE AT THE ELECTION OF NOVEMBER 3, 2020 THE QUESTION OF AN ADDITIONAL PROPERTY TAX LEVY AT THE ANNUAL RATE OF ONE AND SIXTEEN HUNDREDTHS (1.16) MILLS TO GENERATE ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) PER YEAR FOR A PERIOD OF FIVE YEARS TO BE PLACED ON THE TAX LIST AND DUPLICATE FOR TAX YEAR 2020 TO BE COLLECTED IN CALENDAR YEAR 2021, FOR PARKS AND RECREATIONAL PURPOSES IN THE CITY OF BROOKVILLE, PURSUANT TO OHIO REVISED CODE SECTION 5705.19(H), AND DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY TO PLACE THE ISSUE ON THE BALLOT." All yeas, motion carried.

Motion by Swabb, second by Zimmerlin to read proposed Resolution No. 20-15. All yeas, motion carried.

Motion by Crane, second by Fowler accept the first reading of proposed Resolution No. 20-15. All yeas, motion carried.

Member Fowler, Park Board Liaison, had no report as Park Board did not meet this month.

Mayor Letner commented to Member Fowler they had some hard decisions with the cancellation of the Community Picnic and the fireworks, but he feels they made the right decisions.

Member Schreier, Planning Commission Liaison, reported Planning Commission reviewed the Record Plan for Golden Gate Estates Section 2-B that Council approved at this meeting. Planning Commission also approved a Special Use Permit for HR Holp & Sons to purchase the old Singer Catering property, combine it with their property and replat it all into one parcel. Member Schreier stated Planning Commission also reviewed a Special Use Permit submitted by Oakwood Investments to operate the Louisiana Chicken mobile food vendor. Planning Commission discussed this extensively and approved the permit as they had no specific evidence to overturn the application. Member Schreier reported Planning Commission was provided with a reasonable amount of material to review regarding allowing chickens within the city limits. Planning Commission will discuss this at the next meeting.

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

Kimberly Duncan, Clerk

Charles Letner, Mayor