

Brookville City Council  
Regular Meeting  
June 2, 2020

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on June 2, 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 Swabb, second by Fowler to approve the Regular Council Meeting Minutes of May 19, 2020. All yeas, motion carried.

Manager Keaton reported work began last Thursday on the Arlington Road/Triggs Road/E. Upper Lewisburg-Salem Intersection Project. Milling and application of the asphalt base coat will take place this week, weather permitting.

Manager Keaton reported the Service Department assisted a contractor with the removal of three large dead trees in Ward Park, tilled the volleyball courts at Golden Gate Park and continued to mow when it is not raining. Today, they applied hot asphalt to several areas that were graveled or cold patched over the winter due to repairs. Manager Keaton advised they should finish the remaining areas around the City this week, weather permitting.

Manager Keaton advised Council previously authorized the City to proceed with the removal of storm debris from Wolf Creek associated with the 2019 Memorial Day tornado. Manager Keaton advised she previously reported to Council the City could provide in-kind services that would be applied toward the City's 25% share of the project cost. At a recent follow-up meeting with representatives of the Natural Resources Conservation Service, they expressed concern if the City provides in-kind services by removing and disposing the storm debris, as it may drive the project cost up. They feel certain that a contractor may want to chip the wood debris and resell it. Any cost overruns of the federal approved amount of \$69,330, would be funded by the City. Manager Keaton stated she wants Council to be aware that our 25% share of the project cost would be a cash match.

Manager Keaton advised the City's Commercial Property, Automobile and Liability Insurance coverage through The Ohio Plan renews on July 1 for a one-year period. The renewal premium came in at \$76,474, which is a \$6,639 increase over our expiring policy. Our risk insurance includes Property, Liability, Automobile, Equipment Breakdown, Special Property, Computer, Crime, Malicious Assailant, Cyber and Terrorism coverages. Property and equipment values, special scheduled equipment values and computer equipment values increased by 2% to reflect inflationary changes.

Manager Keaton reported in addition to the exposure increases, our rate increase is due to our loss ratio increase due to damages at our WWTP from the tornado. As a member of the Ohio Plan, we are eligible for an Ohio Plan Advantage discount, which is available to members with four or more consecutive years of membership with the Ohio Plan. We have been an active member since 2008. Under the discount program, we could receive up to 60 points based on our loss ratios and up to 40 points on risk management. This year we received zero loss ratio points and 40 risk management points. Had we scored well on both the loss ratio and risk management, we could have received a \$6,539 Advantage Premium discount, instead of the \$2,616 discount that we received. Manager Keaton inquired whether Council has any questions on our risk insurance renewal?

Member Fowler inquired whether the City bids this out every few years?

Manager Keaton replied the City has been a member of the Ohio Plan since 2008, which is a consortium of Ohio Municipalities. Unfortunately, last year and again this year we have not received the full discount due to the losses incurred at the WWTP.

Member Fowler asked if we have ever looked outside the consortium to see if we can get a better price?

Manager Keaton replied our premiums were much larger prior to being with Ohio Plan.

Member Schreier inquired if our assets were increased by 2% on the insurance renewal?

Manager Keaton replied that every year due to inflationary costs, most insurance companies increase your asset values by 2 to 3 percent to ensure you have good replacement coverage.

Fire Chief Fletcher commented his experience with the Ohio Plan was excellent when our rescue truck was struck. Also, the fact that the Ohio Plan picks up part of the cost of Lexipol makes it an incentive to have good public safety policies in place.

Mayor Letner stated we have definitely benefitted in coverage and cost since we switched from an independent agent to the Ohio Plan.

Manager Keaton commented it was the Ohio Plan that steered us to Lexipol, which allows us to have a sliding scale discount. The ability to get online and get the daily reports has made it pay for itself.

Manager Keaton requested Council authorization to accept our Commercial Property, Automobile and Liability Insurance coverage through The Ohio Plan at a rate of \$76,474, effective July 1, 2020 for a one-year period.

Motion by Fowler, second by Swabb to authorize Manager Keaton to accept our Commercial Property, Automobile and Liability Insurance coverage through The Ohio Plan at a rate of \$76,474, effective July 1, 2020 for a one-year period. All yeas, motion carried.

Manager Keaton reported the City received three bids for the Asphalt Resurfacing & Pavement Removal Project to repair the roadways damaged following the 2019 Memorial Day tornado. The bids submitted were from:

Barrett Paving Materials, Inc. - \$126,480  
Butler Asphalt LLC - \$91,016  
Wagner Paving, Inc. - \$86,500

Manager Keaton recommended that Council accept the bid submitted by Wagner Paving as the lowest and responsible bid. Manager Keaton advised the City will initially fund this project and we will be reimbursed by FEMA.

Motion by Schreier, second by Zimmerlin to accept the bid submitted by Wagner Paving as the lowest and responsible bid for the Asphalt Resurfacing and Pavement Removal Project. All yeas, motion carried.

Mayor Letner commented this bid is for patching as FEMA would not fund total overlay of the street.

Manager Keaton reported the Chamber of Commerce Board has elected to move forward with the Annual Community Picnic scheduled for July 23, 24 and 25. There will be no rides this year. Manager Keaton stated she and Finance Director Brandt met with several of the Chamber Board Members to discuss the fireworks show the City normally sponsors. Manager Keaton stated due to the decline in City revenues and the concern of how many people the fireworks may attract from other communities with so many cancelled fireworks displays this year, it is her recommendation that the fireworks display be cancelled this year. Manager Keaton stated they did discuss possibly holding a fireworks display sometime in August for the community, if the City receives donations toward the display. Manager Keaton opened the floor for discussion regarding the fireworks. Member Fowler stated the Chamber Board of Directors would like to have the fireworks display and fund it with donations.

Member Schreier commented it is a tough call, as we do want to have a nice Community Picnic.

Member Fowler stated his family watches the fireworks display from the baseball field each year and there is plenty of room to social distance.

Mayor Letner agreed there is probably room for social distancing, however, \$6,000 is a lot of money to spend right now with the revenue loss the City is experiencing. Mayor Letner stated he is in favor of the fireworks display if the Chamber receives enough donations to pay for it.

Angie Dull, Chamber of Commerce Member Relations Specialist, advised the Chamber Board of Directors would like to have the fireworks display and fund it with community support. Several businesses have already pledged donations and the fireworks display will move forward if enough money can be raised. If not, the donations will go towards the 2021 fireworks display.

Mayor Letner asked what the contract termination date is with the fireworks company?

Manager Keaton stated we normally have signed a contract by now, however she held off on signing this year due to current events. Once signed, if we cancel within 90 days or more prior to display date results in cancellation fee of 10%, within 90 days of display date a fee of 15% and cancellation within 5 days of the event will result in a cancellation fee of 25%.

Member Schreier commented since we have not signed a contract this year, maybe those fees could be negotiable. Member Schreier stated he leans toward having the fireworks if they can be funded. We can encourage social distancing as much as possible and people can have the choice of attending.

Member Zimmerlin indicated he fully supports having the fireworks if the funds can be raised. It would be a great asset to the Picnic and very much appreciated by the community. Member Zimmerlin asked if staff has any legal liability or public safety concerns outside of COVID-19 that would give us pause from that perspective?

Police Chief Jerome replied his concern is that Englewood, Dayton and many other communities have already cancelled their fireworks displays, which will probably result in us getting a much larger crowd than we have ever had. Parking and traffic could be an issue. With our current staff it will be difficult, not impossible, but difficult, to keep people properly six foot socially distanced.

Fire Chief Fletcher stated the Montgomery County Health Department has been inspecting and working to ensure social distancing and occupant loading is maintained within our businesses. Fire Chief Fletcher stated he is not optimistic that having an event in the park will result in proper social distancing as it requires a certain level of cooperation from the public. There is the potential to calculate square footage of the park and have a known number of people we can have in attendance. Fire Chief Fletcher agreed with the Police Chief that there is a high potential of having more people attend than we could ever successfully socially distance and liability wise he does not believe that would reflect well on us.

Member Fowler stated the Chamber Board of Directors will follow all guidelines that are required.

Member Swabb commented the Health Department has done several inspections at his place of employment. Their main focus seems to be if businesses are checking occupancy, if they are maintaining distance for customers and employees, and if businesses have a written or visual plan of what they are doing to maintain the guidelines. Member Swabb recommended the Chamber and the City have a written plan to give us a better idea of how we could safely maintain social distancing. Member Swabb suggested having signage up and volunteers at entrance gates advising attendees to maintain social distancing. Member Swabb stated this way we can cover ourselves and say that we have instructed people and we have a written plan for a large group of people to safely attend.

Law Director Stephan stated that he has been working with Manager Keaton to prepare notices and for other park events, and stated we can draft a Picnic handout that lays out what attendees should be doing to follow social distancing and health guidelines. Law Director Stephan stated hopefully, the State of Ohio will provide clearer guidance on legalities and the liability side, but in general some guidelines could be put together for the Community Picnic and the fireworks display.

Member Zimmerlin commented not every community in the area has cancelled their Fourth of July fireworks display this year, and suggested we watch and learn from their events to see what we can apply to hold our fireworks display safely.

Member Zimmerlin inquired about the possibility of installing a bike rack in the vicinity of the What's the Scoop ice cream shop on Market Street?

Manager Keaton stated there is a bike rack at Powell Park, but she will look at the possibility of getting one closer.

Member Zimmerlin asked if we have had a good relationship with Montgomery County Building Department since switching over from NIC?

Manager Keaton advised we have a good relationship with Montgomery County Building Department, and we share information back and forth. There are no issues that she is aware of. Manager Keaton stated Montgomery County Building Department went above and beyond following the tornado and continues to work well with our residents who are still reconstructing in the Terrace Park plat.

Member Zimmerlin inquired whether our complaints have gone down with Rumpke now that we are settled into the switchover to a five-day pick-up schedule?

Manager Keaton replied complaints have picked up a little in the past few weeks because we got a new recycling driver. There have also been a few issues due to the change in schedule due to the Memorial Day holiday, but overall complaints have gone down.

Member Fowler observed there are no nets up in the tennis courts at Westbrook Park and asked if we are replacing those nets?

Manager Keaton replied that new nets have been ordered and the courts will be opened as soon as they arrive and are installed.

Member Fowler asked if the tennis courts are open at Golden Gate Park?

Manager Keaton stated those courts are open with the Responsible ReStart Ohio guidelines posted.

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

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

Finance Director Brandt requested Council authorization to transfer funds from the FEMA Fund to the following funds as appropriated; \$99,135.88 to the General Fund, \$21,802.24 to the Street M&R Fund, \$3,780.35 to the Park & Recreation Fund, \$7,619.69 to the Water Fund, \$9,072.84 to the Sewer Fund and \$756.07 to the Refuse Fund. Finance Director Brandt advised these transfers are returning the Category A funds back to the fund that they were originally expended from for the tornado work.

Motion by Fowler, second by Swabb to authorize the transfer from the FEMA Fund as requested. All yeas, motion carried.

Finance Director Brandt reported we were recently notified by the State of Ohio that the amount of donated resources we received related to the tornado would cover the matching portion for both the City and the State. Finance Director Brandt stated since the State has already paid us \$20,568.90, she is requesting Council approval to cut a check in the amount of \$20,568.90 to the Treasurer of State to refund the State's matching share.

Motion by Fowler, second by Wilder to authorize Finance Director Brandt to refund the State's matching share of \$20,568.90 to the Treasurer of State. All yeas, motion carried.

Fire Chief Fletcher reported call volume is down for the month of May, as last year at this time there were many tornado related calls. Fire Chief Fletcher reported a successful tornado siren test was conducted this week. Due to volume of calls received in the City office, he has been pushing out a Hyper-Reach message prior to testing the sirens to remind the public of the tests. The Hyper-Reach message is also to advise that the sirens are for outdoor warnings and not intended to be heard over everything inside the home. Fire Chief Fletcher stated his policy is to encourage everyone to use multiple means, such as weather alerts apps and weather radios to stay informed of inclement weather. Fire Chief Fletcher reported he also uses the Hyper Reach system to send targeted messages to select areas for notifications regarding things such as fire hydrant maintenance. Fire Chief Fletcher reported the all-city message he sent out resulted in over 1,000 failed messages, and he would like to send a letter to those addresses to advise them they need to update their information.

Mayor Letner commented he got the Hyper-Reach message yesterday, but it went to his spam folder.

Fire Chief Fletcher replied that is likely a result of a spam filter on his email, which is something he should also remind the public of.

Fire Chief Fletcher reported the recent protests sometimes changes the hospitals that his ambulances will transport to safely and in a timely manner. Fire Chief Fletcher reported none of our resources have been called upon to assist in recent protests.

Fire Chief Fletcher stated he has been asked if our department should consolidate with other departments, due to the recent consolidation of the Englewood, Clayton and Union Fire Departments. Fire Chief Fletcher advised this concept works for them because they are only 3.5 miles apart. Brookville is too far away from other communities for this concept to work, and we struggle to maintain our staff as it is. Fire Chief Fletcher advised we will benefit from the consolidated concept that other communities have put in place, but it just does not make sense for us to join.

Police Chief Jerome reported the Police Department recently helped with the Senior parade, graduation ceremonies and the third-grade clap-out. Police Chief Jerome advised there is still a speeding problem on Westbrook Road, and Officers have been working this area diligently, as well as using the speed trailer. Police Chief Jerome reported incidents are down and his staff is continuing to practice health safety guidelines and staying healthy.

Police Chief Jerome commented the Ohio Plan was quick to provide legal counsel in 2016, when we had the Officer involved shooting. Police Chief Jerome stated Lexipol has been very beneficial to the Police Department, most recently with COVID-19 training for Supervisors and Officers.

Police Chief Jerome reported Brookville Police assisted with recent protests and demonstrations in downtown Dayton, stating it was our turn to reciprocate, as so many were quick to respond with assistance when one of our Officers was shot.

Law Director Stephan had no report.

Mayor Letner reported he walked the Terrace Park plat on the Memorial Day holiday, talking to residents. The one message that was clear from those residents was their appreciation of the City and the community for their help after the 2019 tornado. Mayor Letner stated it was encouraging to see the transformation that has occurred in the past year and what it can be a year from now.

Mayor Letner commented the City of Brookville went international this week, as he sent a pin to a 75-year-old resident of Germany, who has collected over 500 pins from cities all over the world. Mayor Letner stated the gentleman received his City of Brookville pin today and sent a very appreciative email thanking the Mayor for honoring his request.

Mayor Letner reported staff is working to find a way that allows Council to meet in person while following social distancing standards set by the Ohio Department of Health. Mayor Letner stated he knows that meeting virtually is not ideal and asked everyone to be patient while a safe meeting plan is worked out.

Member Zimmerlin inquired about the possibility of meeting at the school?

Mayor Letner replied the school is currently holding their Board of Education meetings virtually so using their facilities does not appear to be a viable option, however he will have Manager Keaton reach out to Superintendent Hopkins regarding the possibility.

Motion by Swabb, second by Zimmerlin to read Ordinance No. 2020-04. All yeas, motion carried.

Motion by Swabb, second by Fowler to accept the third reading and adopt Ordinance No. 2020-04 entitled "AN ORDINANCE LEVYING ASSESSMENTS FOR THE CUTTING AND REMOVAL OF WEEDS, VINES, GRASS AND/OR OTHER VEGETATION DURING THE YEAR 2019 FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

Motion by Fowler, second by Swabb to read proposed Ordinance No. 2020-05. All yeas, motion carried.

Motion by Swabb, second by Schreier, to accept the third reading and adopt Ordinance No. 2020-05 entitled "AN ORDINANCE ADOPTING CERTAIN FEDERAL POLICIES FOR ADMINISTERING FEDERAL GRANTS." All yeas, motion carried.

Member Schreier asked when Council would discuss Manager Keaton's 2020 Revenue Presentation?

Manager Keaton replied she will have a second revenue presentation at the next Council meeting.

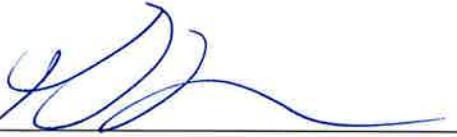
Member Zimmerlin asked what the timeline would be if Council chooses to put a levy on the ballot?

Manager Keaton replied that deadline to file is August 5, 2020 at 4:30 p.m.

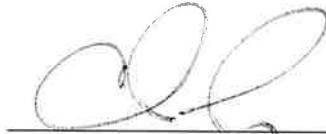
Member Fowler, Park Board Liaison, had no report.

Member Schreier, Planning Commission Liaison, stated Planning Commission did not meet, however he was advised by Zoning Officer Snedeker that Freedom First Credit Union has submitted their revised plan and is ready to move forward.

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



Kimberly Duncan, Clerk



Charles Letner, Mayor