

Brookville City Council
Regular Meeting
March 17, 2020

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on March 17, 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.

Roll Call by Clerk Duncan.

Manager Keaton requested to delete Item 4 on the Agenda, the Retirement Recognition of Detective Michael Swigart, which has been postponed. Under New Business, Manager Keaton requested the addition of proposed Resolution 20-03 to the Agenda. Manager Keaton also requested to add an Executive Session to the Agenda, under O.R.C Section 121.22 (G)6 Details relative to the security arrangements and emergency response protocols for a public body or office.

Motion by Zimmerlin, second by Fowler to approve the Agenda with one deletion and two additions. All yeas, motion carried.

Motion by Schreier, second by Fowler to approve the Regular Council Meeting Minutes of March 3, 2020. Swabb yea, Zimmerlin abstain, Schreier yea, Wilder yea, Fowler yea, Crane yea, Letner yea. Motion carried with six yeas and one abstention.

Manager Keaton reported FEMA has 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. Manager Keaton advised she hopes some of the City's share will be covered by the donations and volunteers that were received following the tornado.

Manager Keaton reported 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. Last Friday, Perry Township Trustees voted on a new three-year Agreement beginning January 1, 2020 and expiring on December 31, 2022. The new Agreement allows for the Trustees to pay the City an additional three percent 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. Manager Keaton requested Council authorize the City Manager to enter into a three-year renewal Agreement with Perry Township for Fire & EMS Service beginning January 1, 2020.

Motion by Zimmerlin, second by Swabb to authorize the City Manager to enter into a three-year renewal Agreement with Perry Township for Fire & EMS Service beginning January 1, 2020. All yeas, motion carried.

Manager Keaton reported last evening, the Clay Township Trustees voted on a new three-year Agreement beginning January 1, 2020 and expiring on December 31, 2022. Their Agreement also allows for the Trustees to pay the City an additional three percent each year of the Agreement. Manager Keaton requested Council authorize the City Manager to enter into a three-year renewal Agreement with Clay Township for Fire & EMS Service beginning January 1, 2020.

Motion by Swabb, second by Zimmerlin to authorize the City Manager to enter into a three-year renewal Agreement with Clay Township for Fire & EMS Service beginning January 1, 2020. All yeas, motion carried.

Manager Keaton stated Council has a copy of a letter of interest from Kim Cheatham who is requesting to fill an open seat on the Board of Zoning Appeals. Manager Keaton advised it is her recommendation that Council appoint Kim Cheatham to the Board of Zoning Appeals to fill the term expiring on 12/31/24.

Motion by Fowler, second by Schreier to appoint Kim Cheatham to the Board of Zoning Appeals to fill the term expiring on 12/31/24. All yeas, motion carried.

Manager Keaton stated Cheryl McKee has submitted her resignation from the Income Tax Board of Appeals. Manager Keaton requested Council approve the resignation of Cheryl McKee and authorize Clerk Duncan to advertise the open position.

Motion by Fowler, second by Wilder to accept the resignation of Cheryl McKee from the Income Tax Board of Appeals and authorize Clerk Duncan to advertise for the open position.

Manager Keaton advised at the January 7, 2020 Council Meeting, Council appointed her as Member and Jim Snedeker as Alternate to the MVRPC Board. Manager Keaton stated she learned yesterday that MVRPC's by-laws requires an elected official to be the Board Member. They made an exception for us last year after the former Mayor resigned mid-year. Manager Keaton requested that Council appoint Mayor Letner as Member and Manager Keaton as an Alternate to the MVRPC Board.

Motion by Fowler, second by Crane to appoint Mayor Letner as Member and Manager Keaton as an Alternate to the MVRPC Board. All yeas, motion carried.

Manager Keaton provided Council with 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. Manager Keaton advised 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.

Manager Keaton reported the MVRPC Annual Spring Dinner has been canceled.

Manager Keaton requested 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.

Manager Keaton indicated the Park Cleanup and the Optimist Easter Egg Hunt has been canceled.

Manager Keaton reported with the COVID-19 virus, the City is implementing plans to prevent or minimize the spread of COVID-19. The City building is closed to the public. Signs have been placed on the front door and on the Police Department door advising how to get in contact with us. Manager Keaton provided Council with a draft copy of an Announcement that will be on our website and Facebook accounts. COVID-19 is fluid and constantly changing. The City is proceeding in a calm, cautious and responsible manner.

Member Schreier asked if the FEMA reimbursement for the road repair was requested by the City?

Manager Keaton replied we requested it under a different category, and if the cost to repair exceeds their estimates we will put in a request for additional reimbursements.

Finance Director Brandt requested Council approve the first reading and dispense with the second and third reading of Resolution No. 20-03 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. This request is so that we can meet the Agreement deadline of March 30, 2020.

Motion by Zimmerlin, second by Schreier to read proposed Resolution 20-03. All yeas, motion carried.

Motion by Schreier, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 20-03 entitled "A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER TAX-EXEMPT LEASE/PURCHASE AGREEMENT, EQUIPMENT SCHEDULE, AND ESCROW AGREEMENT AND RELATED INSTRUMENTS." All yeas, motion carried.

Finance Director Brandt stated that due to the receipt of payment from 4 residents, the amount in Ordinance No. 2020-01 has been amended to \$7793.46 for property Tax Assessment of Water, Sewer and Refuse.

Finance Director Brandt advised at this time the City of Vandalia is still scheduled to be at the City Office to help residents with their income tax filing on March 27 from 8:00-4:30 and again on March 28 from 8:00 a.m. until 12:00 p.m. Finance Director Brandt advised the public will be notified if there are any changes to this schedule.

Mayor Letner asked if the tax filing or payment deadline has been extended?

Finance Director Brandt replied there are no changes to the filing or payment deadline at this time.

Fire Chief Fletcher advised since we are minimizing exposure due to Covid-19, the recipients of the annual awards are not present. Fire Chief Fletcher reported the Officer of the Year was Lt. Chad Ferguson; EMS Provider of the Year was Jordan Schoening and the Firefighter of the Year was Matt Fahncke. Fire Chief Fletcher stated these men are some of our finest. They work on the front line every day and each of them have been recognized in front of Council in the past.

Mayor Letner commented that he knows all three of these men personally and they are true professionals who serve our City well. Mayor Letner commented they also serve the other communities they work for as well.

Police Chief Jerome commented several indictments recently made it through the grand jury. One was a case involving unlawful sexual conduct with a minor, one involving a suspicious traffic stop at the IGA parking lot that resulted in a pursuit and another involving a local health care worker who pled guilty to tampering with and theft of drugs. Police Chief Jerome advised his staff is doing a terrific job investigating crimes without the detective position.

Law Director Stephan commented the Tax Incentive Review Council met on March 12, 2020 and found the Enterprise Zone Agreement of Green Tokai, Co, LTD. Dated March 26, 2016 is in compliance. Law Director Stephan stated that proposed Resolution No. 20-04 is to accept their recommendation and continue the Enterprise Zone Agreement. Law Director Stephan stated the proposed Resolution No. 20-05 is to accept the recommendation of the Tax Incentive Review Council finding that the Enterprise Zone Agreement of Green Tokai Co., Ltd. Dated August 3, 2004 is expired. Law Director Stephan stated although it is expired, we are still required to file a report on it. Law Director Stephan stated as Green Tokai is in compliance and this is a routine matter, he is requesting Council dispense with the second and third reading as we need to report to Columbus before the end of the month.

Motion by Zimmerlin, second by Swabb to read proposed Resolution No. 20-04. 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. 20-04 entitled "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." All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to read proposed Resolution No. 20-05. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to amend the title and accept the first reading, dispense with the second and third reading and adopt Resolution No. 20-05 entitled "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE

REVIEW COUNCIL FINDING THAT THE ENTREPRISE ZONE AGREEMENT OF GREEN TOKAI, LTD., CO. DATED AUGUST 3, 2004 HAS EXPIRED," All yeas, motion carried.

Mayor Letner reported the City of Brookville and the entire United States is going through something we have never seen before with the Covid-19 pandemic. Mayor Letner assured everyone that the City of Brookville is prepared and extended his thanks to the Police and Fire Chief, City Manager and Law Director Stephan for their efforts. Mayor Letner stated there is a learning curve and things are constantly changing but the City is staying in front of it.

Mayor Letner also thanked Police Chief Jerome and everyone else that helped to provide lunches for the Brookville School students this past Saturday. Mayor Letner stated he was shocked to learn that 25% of our students need assistance, but he has since learned there are other entities with much higher percentages.

Police Chief Jerome commented that he received some questions regarding why the school needed help feeding the students. Police Chief Jerome stated the school needed help because of the logistics issue of getting a food delivery in time to feed the kids. Police Chief Jerome assured everyone the school is more than prepared to meet our students' needs. The effort this last Saturday was just to get the school and our students over this unexpected hump.

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

Motion by Zimmerlin, second by Fowler to amend the assessment amount to \$7,793.46, accept the third reading and adopt 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 Zimmerlin, second by Swabb to read proposed Ordinance No. 2020-02. All yeas, motion carried.

Motion by Fowler, second by Zimmerlin to accept the third reading and adopt 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 Schreier, second by Fowler to read Resolution 20-02. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept the second reading, dispense with the third reading and adopt 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.

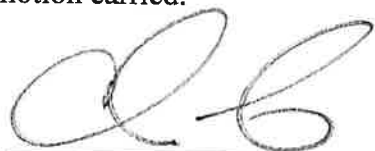
Member Schreier, Planning Commission Liaison, had no report.

Motion by Zimmerlin, second by Schwabb to go into Executive Session per ORC 121.22 (G)(6) Details relative to the security arrangements and emergency response protocols for a public body or office, if the disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or office. 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