

Brookville City Council
Regular Meeting
May 5, 2020

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on May 5, 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 Swabb to approve the Regular Council Meeting Minutes of April 7, 2020. All yeas, motion carried.

Manager Keaton reported due to the coronavirus the doors to the City Building and Fire Station 76 remain locked. Employees continue to work inside the building answering phones and emails. Playgrounds, basketball and tennis courts remain closed in the parks. Building rentals at Golden Gate Park are canceled through mid-May and we have refunded \$2,757 in paid park permits since March 1 of this year. Manager Keaton reported Garage & Yard Sales will be permitted this season provided social distancing is followed; tables and chairs are cleaned throughout the day, masks and disposable gloves are worn, and hand sanitizer is supplied. A checklist from the Ohio Department of Health for Garage Sales has been posted on the City's website. Manager Keaton reported budget reductions have been implemented which defer 2020 budgeted projects and purchases until we see how our revenue comes in over the next several months. Manager Keaton advised the City will continue to provide basic services.

Manager Keaton reported we are expecting a decrease in income tax, Local Government Funds, motel tax, motor vehicle tax, gas tax, and park permits. We also anticipate delays in receiving the second half property taxes as the County Auditor & Treasurer are requesting a 30-day extension and utility payments.

Manager Keaton reported the City received a check from OBWC in the amount of \$54,279, which totaled the premium we paid in policy year 2018. The July 2020 Ohio Public Works Commission semi-annual loan repayment has been deferred for six months.

Manager Keaton reported since the April 7, 2020 Council Meeting, the Service Department has repaired a 10" water main break at the corner of Westbrook and Heckathorn; sprayed for weeds in all parks, continue to mow all parks, city lots and green space, removed dead trees and graded the hill at the WWTP; topsoil and seeding will follow, installed flex stakes on the bikeway at roadway intersections, cut down and removed dead trees at Westbrook Park and excavated a broken water valve on Hay Avenue at JoAnna Street, which will be repaired soon. Manager Keaton reported the Service Department also organized and inventoried materials at the service garage, removed wood posts along the BBC parking area, installed plastic parking blocks and finished repairs to the Sorority open-air shelter.

Manager Keaton reported the Fire Department's 2009 Ford Expedition was sold on GovDeals for \$5,050. This vehicle was purchased new in May of 2009 for \$25,700.

Manager Keaton advised she received notification that our donated resources following the tornado will cover the City's share of the FEMA costs that were paid out. Manager Keaton extended her thanks once again to all individuals and businesses that assisted with the Memorial Day tornado cleanup efforts, stating it was greatly appreciated.

Manager Keaton reported the 2020 Annual Water & Sewer Rate Survey was released, which shows out of 66 jurisdictions surveyed on water rates, Brookville ranked 55th. Manager Keaton said Brookville ranked 14th out of 63 jurisdictions on sewer rates and combined water and sewer rates rank Brookville 30th out of 63 jurisdictions.

Manager Keaton reported notification was received that two of the three Montgomery County Solid Waste Grants submitted by the City were approved. The first grant will allow us to replace a 2,000-gallon single wall storage tank with a 2,000-gallon double wall storage tank that is used to store used oil for our three waste burners. Total project cost is \$7,700 with grant funding totaling \$5,390, or 70% of the project cost with the City contributing \$2,310.

Manager Keaton advised the second grant will allow us to purchase a recycled content three-sided message center that will be placed on Market Street, adjacent to the bikeway. The message center will display maps and information of our businesses on Market Street and the Brookville Historical Society. This grant also includes 6 recycled content park benches that will be placed in Westbrook Park. Total project cost is \$8,276.29 with grant funding totaling \$5,379.59, or 65% of the project cost with the City contributing \$2,896.70. Manager Keaton thanked the Solid Waste Management Policy Committee for this grant opportunity.

Manager Keaton reported the City received notification from ODOT the bids came in higher than the engineers estimate for the Arlington/Upper Lewisburg/Triggs intersection project. The increase in costs were attributed to maintenance of traffic and mobilization throughout this project. Manager Keaton advised the City owes an additional \$31,550, which is due July 24. The additional funds will come out of our 2020 Capital Improvement Streets budget. The Contractor is Brumbaugh Construction and we are waiting to hear when they will start on the project. ODOT anticipates a 30-day construction project with a completion date scheduled for August 31, 2020.

Manager Keaton reported over the last month, she prepared and sent out two Request for Proposals (RFP). The first was for Appraisal Services for the Mitigation Project on S. Wolf Creek Street and the other RFP is for Right of Way Acquisition and Appraisal Services for the Safe Routes to School Project.

Manager Keaton stated at the February 4, 2020 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. The \$5 fee would be collected as part of the annual licensing fees paid each time a motor vehicle is registered with a City address. The projected revenue from the new tax is estimated at \$26,000 annually, which would be used to supplement our local tax dollars for maintaining our streets. The additional funding could also be used to increase our local share in grant applications. The last \$5 motor vehicle tax increase went into effect January 1, 1991. We were going to discuss this proposed increase at our Finance Work Session, but the Work Session was canceled due to the COVID-19 pandemic. Manager Keaton advised in order to submit an adopted Ordinance to the State by July 1 to collect the new tax in January of 2021, we need to begin the reading process this evening.

Manager Keaton stated at the March 17, 2020 Council Meeting, she reported FEMA included an amount of \$27,663.71 for future road surface repairs on various streets damaged by equipment following the Memorial Day tornado. Manager Keaton advised with that information, we prepared a Request for Proposal and sent it to three paving contractors. Last week we received two proposals, and both proposals exceeded our bidding threshold of \$50,000. Manager Keaton reported she had a conference call this morning with our Ohio EMA representative, who indicated if repairs exceed the dollar amount that was previously allocated, the City will be reimbursed by FEMA. Manager Keaton requested Council authorization to move forward with these road repairs and advertise for bids for this project.

Member Schreier clarified the City will be reimbursed for any overage on the bid?

Manager Keaton replied that is correct.

Motion by Schreier, second by Fowler to authorize Manager Keaton to advertise for bids for road surface repair on various streets damaged by equipment following the Memorial Day tornado. All yeas, motion carried.

Member Fowler thanked Manager Keaton for opening the parks.

Member Letner commented the 200 tons of topsoil that was donated by GM to the City of Brookville has been put to good use on several projects.

Manager Keaton stated the topsoil was used on the banks of the Waste Water Treatment Plant, at Westbrook Soccer Park, and to fill in some spots on Collective Way.

Member Schreier asked if the grant for the kiosk message center is the same grant he had inquired about at the Planning Commission?

Manager Keaton replied that is correct. She was pleasantly surprised to be notified of the grant approval last Friday.

Finance Director Brandt presented the April 30, 2020 Fund Balance.

Member Zimmerlin asked from an outlook perspective on our revenues, has staff done any forecasting from now until the end of the year?

Finance Director Brandt replied she has reached out to the City of Vandalia for an income tax projection but they responded there are too many variables right now. Finance Director Brandt reported that our income tax revenue is currently down 9.3%, however, we have not seen the true effects yet of our large businesses being shut.

Manager Keaton commented our large businesses will likely have a loss this year, which will affect their net profits for the five years as they can carry the losses forward. This year will be a small effect, however we will likely see lingering effects for the next three to five years. The City has not seen the dip in income tax revenue as we just received the March income tax. Most of our businesses were not shut down yet or were continuing to pay their employees in March.

Member Zimmerlin asked if staff is making long term plans, stating we need to have a pro-active plan on how to address the challenges we will encounter. Member Zimmerlin asked when we will have a better sense of how to address the challenges we will be facing?

Manager Keaton replied she is putting together a Power Point presentation for Council and needs a few more numbers from Montgomery County to finish it up. Manager Keaton advised she will email it to Council for their review and discussion at the next Council Meeting.

Member Schreier stated there are many questions regarding Phase 2 and 3, with many things up in the air. It will probably be three to six months before we hear how it will affect us.

Member Zimmerlin inquired whether we have word on any Federal dollars for local government?

Mayor Letner commented that the CARES money is to be used for protective equipment only and not to pay salaries.

Motion by Fowler, second by Zimmerlin to accept the April 30, 2020 Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt reported due to COVID-19, Ohio BWC refunded the City a portion of their 2018 premiums. The City also received a 2018 Retro Group refund from the BWC. The total of these refunds was \$68,904. Finance Director Brandt reported the money was receipted into the funds that it was originally expended out of in 2018.

Finance Director Brandt requested Council accept the first reading and dispense with the second and third reading to adopt proposed Resolution No. 20-08, which amends the 2020 Appropriations and Estimated Resources. This Resolution shall take effect immediately after passage of this Resolution as provided in 4.07(A)(1) of the Charter of the City.

Motion by Zimmerlin, second by Fowler to read Resolution No. 20-08. All yeas, motion carried.

Motion by Swabb, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 20-08 entitled "A RESOLUTION AMENDING THE 2020 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE, AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE

CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW." All yeas, motion carried.

Fire Chief Fletcher presented the Operations Report for the month of April, showing Fire Department personnel responded to 129 EMS and 31 Fire Incidents during the month of March. This was 3 more EMS/Rescue calls and 15 more Fire/Service calls than one year ago at this time.

Fire Chief Fletcher reported a marked change in activity as the Fire Department has not responded to any vehicle accidents in the last five weeks. This activity has been replaced with ambulance calls related to illness, several of which are COVID-19 related. There was a period last week when he was getting repeated notifications that patients from runs were COVID-19 positive or presumptive positive. Fire Chief Fletcher reported crews are wearing PPE to every call and while the department normally runs with two ambulances, the third one has been put into the rotation so that they have time to thoroughly disinfect the ambulances between calls. Fire Chief Fletcher reported they are adequately stockpiled with PPE. He expects to have continued exposure to COVID-19 patients throughout the summer and plans to continue PPE and stringent disinfection procedures throughout 2020.

Fire Chief Fletcher reported crews have been busy performing hydrant maintenance and should be done with the 500 hydrants in the city by the end of the week.

Fire Chief Fletcher reported a large amount of his staff are employed full-time by other entities. While they are all very dedicated to Brookville, he continues to lose employees to other communities, stating we are just getting by.

Mayor Letner commended Fire Chief Fletcher and his crew, stating they are doing a fantastic job. Mayor Letner stated they are always there for us and wants them to know we are there for them.

Fire Chief Fletcher replied he is fortunate to work directly with his staff and has observed they are all proud to perform their job with no expectations of anyone owing them anything. Fire Chief Fletcher stated they appreciate Council support.

Police Chief Jerome commented that calls are down but they continue to maintain high visibility patrols. Police Chief stated the Ohio State Patrol has found as they have decreased traffic stops in response to COVID-19, the number of drivers speeding has increased. Police Chief Jerome reported Brookville and other entities are experiencing the same thing and he has observed drivers speeding down Westbrook Road. As a result, the Police Department will be increasing the number of traffic stops for speeding. Police Chief Jerome reported he has worked with city staff to honor the Brookville High School Senior Class of 2020. Banners purchased with funds donated by the Brookville Optimist Club are displayed on the back of each police cruiser and a video with all the department heads congratulating the seniors has been posted on the Police Department's Facebook page. The video has reached over 9,000 people to date. Police Chief Jerome reported banners to recognize the seniors were purchased with donated funds and installed by our service department at various locations in Brookville. Police Chief Jerome thanked Fire Chief Fletcher for teaming up with the Police Department to do drive-by birthday wishes for young kids who cannot have birthday parties due to social distancing. Police Chief Jerome reported all officers trained at the range last weekend, in groups of less than ten, to qualify with handguns, rifles and shotguns. Officers and supervisors are also completing eight hours of online coronavirus training through Lexipool. Police Chief Jerome reported they served several search warrants in the past few weeks and responded to an OVI traffic crash near the highway in which the driver had a blood alcohol content of .42, which is five times the legal limit and the highest he has seen in his career. Police Chief Jerome reported he is working with the Brookville School Superintendent, along with the City Manager and other city staff to assist with a form of graduation event. Police Chief Jerome thanked his staff for their superior attitudes during this trying time. With the changes in procedures, state updates and city updates from Manager Keaton, their attitudes have remained positive. Police Chief Jerome reported the department will be moving forward with staff vacations as scheduled, so that officers can get much needed time off, in case anything should change in the near future. Police Chief Jerome reported Mayor Letner swore in new Part-time Officer Jessica Moore in an outdoor ceremony, stating she is a great addition to the department and he feels fortunate to have her.

Law Director advised proposed Ordinance No. 2020-05 is an Ordinance to adopt certain federal policies for administering federal grants. This Ordinance will codify certain policies that we need to comply with in order for us to secure federal grants and will demonstrate to the Federal Agencies involved that we are complying with federal regulations and are aware of the policies we need to follow.

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

Motion by Zimmerlin, second by Fowler to accept the first reading of proposed Ordinance No. 2020-05 entitled "AN ORDINANCE ADOPTING CERTAIN FEDERAL POLICIES FOR ADMINISTERING FEDERAL GRANTS." All yeas, motion carried.

Mayor Letner stated he is sad to report the Let's Eat group chaired by Karen Osswald has decided to cease operations in light of recent events. This group has been operating for over 11 years, fed a lot of mouths and made a lot of people happy. Mayor Letner thanked the group for their service to the community and wished them well, stating they will be missed.

Mayor Letner reported the Community United Methodist Church has hosted a community blood drive for years but due to ADA accommodations they can no longer operate out of the church. They tried using Brookhaven and later the church lot using the bloodmobiles, but found the units are too heavy for their lot. Mayor Letner reported starting tomorrow, thanks to city staff and the Park Board, the Christena Leiber Center will be the new home of the monthly blood drive. Mayor Letner stated they normally have 80-100 donors and encouraged everyone to donate as it is truly needed in times like this. Following this month's event, the blood drive will be held the first Wednesday of every month.

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

Motion by Zimmerlin, second by Fowler to accept the second 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.

Motion by Zimmerlin, second by Schreier to read proposed Ordinance No. 2020-03. All yeas, motion carried.

Manager Keaton advised that currently four municipalities within Montgomery County have implemented this tax and a number of others are in the process.

Law Director Stephan stated this Ordinance is required if we want to take action on this license tax. Law Director Stephan advised he has reviewed Ordinances from other entities and modeled this proposed Ordinance after those.

Motion by Schreier, second by Fowler to accept the second reading of proposed Ordinance No. 2020-03 entitled "AN ORDINANCE TO LEVY A MUNICIPAL MOTOR VEHICLE LICENSE FEE PURSUANT TO SECTION 4504.173 OF THE OHIO REVISED CODE AS AUTHORIZED BY HOUSE BILL 62 AND AMENDING THE CODIFIED ORDINANCES OF THE CITY OF BROOKVILLE, OHIO BY ADDING NEW SECTION 195.05 "LICENSE TAX FOR OPERATION OF MOTOR VEHICLES PURSUANT TO OHIO REVISED CODE SECTION 4504.173" TO CHAPTER 195 MOTOR VEHICLE LICENSE TAX." All yeas, motion carried.

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

Motion by Swabb, second by Zimmerlin to accept the first reading of 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.

Member Fowler, Park Board Liaison, had no report.

Member Schreier, Planning Commission Liaison, reported Planning Commission met virtually on April 23, 2020. They approved a permit for Mr. Ritter to erect a hoop building at his operation at 10402 Westbrook Road and amended his initial permit to allow retail sales for topsoil and mulch.

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



Kimberly Duncan, Clerk



Charles Letner, Mayor