

Brookville City Council
Regular Meeting
October 3, 2023

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Zimmerlin at 7:30 p.m. on October 3, 2023. The meeting was held in the City Council Chambers and virtually using the Cisco Webex application. The Pledge of Allegiance was recited. Members Crane, Schreier, Fowler, and Wilder; Manager Keaton, Finance Director Brandt, Fire Chief Fletcher, Police Chief Jerome, and Law Director Stephan were present. Mayor Letner, Member Kristof, and Clerk Duncan were absent.

Roll Call by Finance Director Brandt.

Motion by Fowler, second by Wilder to adopt the Agenda as presented. All yeas, motion carried.

Motion by Schreier, second by Fowler to approve the September 19, 2023 Regular Meeting Minutes. All yeas, motion carried.

Vice Mayor Zimmerlin recognized Pak-Rite Industries as the business of the month.

Jenny Rogers, of Pak-Rite Industries, spoke about the business, which has been in Brookville for two years. Pak-Rite Industries is a family-owned business that started in Ecorse, Michigan 75 years ago and expanded operations to Brookville in August of 2021. The Brookville location currently packages aftermarket Ford products. Pak-Rite ships out the packages to depots and from the depots the products are then sent to their final destination, including mechanics, car dealerships, auto part stores or auto repair shops. Pak-Rite is currently only using a portion of their 6,000 square foot facility and plans to continue to expand and grow. Ms. Rogers thanked Vice Mayor Zimmerlin for the recognition and invited Council to tour the facility to see how they have expanded since first opening.

Manager Keaton announced since our Clerk of Council is out on medical leave, we have items that need to be signed by the Clerk of Council, so she is requesting Council appoint Michelle Brandt as Acting Clerk of Council until our Clerk of Council returns from leave.

Motion by Schreier, second by Wilder to appoint Finance Director Brandt as Acting Clerk of Council while Clerk Duncan is on leave. All yeas, motion carried.

Manager Keaton requested Council adopt proposed Resolution No. 23-27 that authorizes her to apply for, accept, and enter into a Water Pollution Control Loan Fund Agreement on behalf of the City for the construction of the Market Street Sanitary Sewer Extension. This is the project that she nominated last August as a result of the Infrastructure Investment and Jobs Act that was signed into law in November 2021 that is providing \$1.4 billion to Ohio for water and wastewater projects. The extension of the sanitary sewer main on Market Street will improve sewer capacity in that area of the City and also be able to serve sewer north of Upper Lewisburg-Salem Road. The estimated construction loan amount is \$1,138,146 and the loan term is 30 years. The Water Pollution Control Loan Fund offers below-market interest rate loans, and the interest rate through December 2023 is 1%. The City's dedicated repayment will be user fees in the Sanitary Sewer Fund. The Application will be submitted this week, thus the reason for declaring it an emergency.

Motion by Fowler, second by Schreier to read proposed Resolution No. 23-27. All yeas, motion carried.

Motion by Wilder, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 23-27 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF BROOKVILLE FOR CONSTRUCTION OF THE MARKET STREET SANITARY SEWER EXTENSION PROJECT AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Keaton reported the Miami Valley Regional Planning Commission (MVRPC) is soliciting qualified member jurisdictions for new transportation projects using MVRPC regionally controlled federal funds. Funding for the Surface Transportation Program (STP) is available in

SFY2028. Manager Keaton requested Council authorization to adopt proposed Resolution No. 23-28, which authorizes the submittal of a Surface Transportation Resurfacing Project through MVRPC for Arlington Road from Wolf Creek Street to Triggs Road and from the westbound exit ramp to the city limits. The application is due October 11, thus the reason for declaring it an emergency. Manager Keaton advised the project will be submitted with a Local Share of 30% for Construction and Construction Engineering, as we gain two additional points with a 30% match.

STP/CMAQ Project Funding Detail

PHASE	TOTAL \$	FEDERAL PRO-RATA (3)	FEDERAL \$	LOCAL PRO-RATA (3)	LOCAL \$	TOTAL PRO-RATA
Preliminary Engineering	\$ 61,000.00	%	(1) \$	100%	\$ 61,000.00	100%
Right-of-Way	\$	%	(1) \$	%	\$	100%
Construction	\$608,270.00	70%	\$425,789.00	30%	\$182,481.00	100%
Construction Engineering (See footnote (2) below)	\$ 49,000.00	70%	\$ 34,300.00	30%	\$ 14,700.00	100%
TOTAL	\$718,270.00		\$460,089.00		\$258,181.00	

(1) These phases are not typically funded with MVRPC's STP/CMAQ Funds.

(2) Construction Engineering (CE) costs should be calculated based on the guidance on the following page. The requested % Federal participation in CE must be the same as the requested % Federal participation in Construction unless the CE will be 100% Local.

(3) Numbers shown in these columns must be whole numbers.

Motion by Wilder, second by Crane to read proposed Resolution No. 23-28. All yeas, motion carried.

Motion by Fowler, second by Crane to accept the first reading, dispense with the second and third reading and adopt Resolution No. 23-28 entitled "A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FEDERAL IIJA FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Keaton announced the pre-construction meeting on the City Park Improvements, CDBG Walking Paths Project was held and that the project is scheduled to begin next week.

Manager Keaton reported an Open House will be held on Thursday, October 12 from 5:00-6:30 p.m. for the 12 property owners along the Hay Avenue Roadway Improvements, Phase II Project that runs between Mulberry Street and Cusick Avenue. Council is welcome to attend. We hope to advertise for bids soon on that project.

Manager Keaton advised leaf pickup will begin on October 16 and will be picked up daily, beginning at one end of the city and working completely through all streets before starting the route over again. Place raked leaves in the street, 6" away from curbs to allow rain to drain properly. Make sure leaves are not under, between or around parked vehicles and do not mix yard waste with leaves. Grass, sticks, brush or spent flowers clog the vacuum. Small piles of leaves can also be placed in with your refuse.

Manager Keaton reported the month of October is Domestic Violence Awareness Month and the YWCA has placed purple ribbons on the trees and light posts on Market Street.

Manager Keaton reported Albert Road, between Salem Street and E. Upper Lewisburg-Salem Road, will be closed to traffic from 7:00 a.m. to 6:00 p.m. beginning tomorrow for two weeks for the expansion of Albert Road adjacent to the Arbor Homes project. Albert Road will be open to traffic after 6:00 p.m. and on weekends. Detours will be Market Street to Salem Street, and E. Upper Lewisburg-Salem Road to Brookville-Salem Road. Detour signs will be posted.

Manager Keaton reported Brookville High School Seniors that are in the IMPACT class will create small story book trails in Golden Gate Park, Westbrook Park, and Powell Park. This project is in collaboration with the story book trail that runs from the Brookville Library through Brookville Schools Land Lab. The story book trails will be displayed in our parks from October 8 through October 22.

Manager Keaton reported the final planting for the RETREET campaign in the Dayton region took place on Saturday, September 23. That campaign helped restore our landscape from the 2019 Memorial Day tornadoes. There was a total of five plantings over the last three years that planted over 700 trees. I would like to thank MVRPC and RETREET for bringing this project to fruition.

Finance Director Brandt presented the September 30, 2023, Fund Balance report for Council review and approval.

Motion by Schreier, second by Fowler to accept the September 30, 2023, Fund Balance as presented. All yeas, motion carried.

Finance Director Brandt requested Council's authorization to transfer \$100,000 to the Park Fund from the General Fund, which is a portion of the total amount appropriated.

Motion by Wilder, second by Fowler to authorize the transfer of \$100,000 to the Park Fund from the General Fund, as appropriated. All yeas, motion carried.

Fire Chief Fletcher reported the number of September calls in 2023 was 146 which was almost identical with 2022 calls which were at 147. Fire calls were 13% of their activity during September with the remaining 87% being EMS calls.

Fire Chief Fletcher reported firefighters have inspected, lubricated, and flushed more than 350 hydrants during the last week of September. To date 23 hydrants have been referred to the Service Department for additional attention and repairs.

Fire Chief Fletcher reminded Council that the Fire Department's Open House is on October 8, from 1:00 p.m. until 4:00 p.m. at Station 76. There will be activities, a car show, and food trucks at the event.

Fire Chief Fletcher reported that the Ohio Department of Natural Resources has a burn ban in effect during daytime hours of 6:00 AM to 6:00 PM for five months out of the year, two of these months include October and November. During these hours is when wind, coupled with typically dry conditions, increases the hazards associated with open burning.

Police Chief Jerome reported that they have free Kia car locks available, one for each Brookville City resident, until they are no longer available.

Police Chief Jerome reported the Police Department is busy planning for the Ghostly Night Out event, which will be held at Golden Gate Park on October 21, 2023 from 6:00-9:30 p.m.

Police Chief Jerome reported that soon the Police Officers will all be wearing pink badges in honor of Breast Cancer Awareness Month.

Law Director Stephan reported a petition for annexation of 85.611 acres from Clay Township to the City of Brookville was filed with the Clerk of the Montgomery County Board of County Commissioners on September 28, 2023. The property is located on Upper Lewisburg-Salem Road and is adjacent to the property on Upper Lewisburg-Salem Road that was recently annexed to the City of Brookville. The petition was filed under the expedited Type 2 annexation process set forth in Ohio Revised Code Section 709.023. Under the expedited Type 2 annexation process, the property will not be excluded from the township and the township will continue to receive property taxes from the property.

Law Director Stephan reported Resolution No's. 23-29, 23-30, and 23-31 are before City Council for the annexation. Resolution No. 23-29 sets forth the services to be provided to the area by the City if the annexation is approved. Resolution No. 23-30 requires the establishment of a buffer when mandated by Section 709.023 in the event that municipal zoning permits uses that are

incompatible with uses permitted under township zoning. Resolution No. 23-31 provides that the City of Brookville consents to the proposed annexation. All resolutions are being passed in emergency to meet the time requirements of Ohio Revised Code 709.023 for filing the resolutions with the Clerk of the Montgomery County Board of County Commissioners.

Motion by Fowler, second by Wilder to read proposed Resolution No. 23-29. 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. 23-29 entitled "A RESOLUTION REGARDING MUNICIPAL SERVICES TO BE PROVIDED TO THE TERRITORY CONTAINED IN A PROPOSED ANNEXATION OF 85.611 ACRES, MORE OR LESS, FROM CLAY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO IF ANNEXATION OF SAID TERRITORY IS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Fowler, second by Schreier to read proposed Resolution No. 23-30. All yeas, motion carried.

Motion by Crane, second by Fowler to accept the first reading, dispense with the second and third reading and adopt Resolution No. 23-30 entitled "A RESOLUTION REQUIRING THE ESTABLISHMENT OF A BUFFER WHEN MANDATED BY OHIO REVISED CODE SECTION 709.023 IN THE EVENT THAT THE PROPOSED ANNEXATION OF 85.611 ACRES, MORE OR LESS, FROM CLAY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO IS APPROVED, AND DECLARING IT AN EMERGENCY." All yeas, motion carried

Motion by Schreier, second by Wilder to read proposed Resolution No. 23-31. All yeas, motion carried.

Motion by Fowler, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 23-31 entitled "A RESOLUTION CONSENTING TO THE PROPOSED ANNEXATION OF 85.611 ACRES, MORE OR LESS, FROM CLAY TOWNSHIP TO THE CITY OF BROOKVILLE, OHIO, IS APPROVED, AND DECLARING IT AN EMERGENCY." All yeas, motion carried

Member Fowler asked how the land would be zoned.

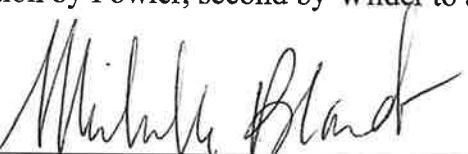
Law Director Stephan stated that there would be a discussion with Planning Commission and City Council once the annexation is approved. Currently we are looking at a similar zoning structure to the property that is beside it, which is a GB area out front and an R1-B area behind it.

Vice Mayor Zimmerlin requested a motion for the third reading of Resolution No. 23-26.

Motion by Wilder, second by Schreier to read proposed Resolution No. 23-26. All yeas, motion carried.

Motion by Fowler, second by Crane to accept the third reading and adopt Resolution No. 23-26 entitled "A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR." All yeas, motion carried

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



Michelle Brandt, Acting Clerk



James Zimmerlin, Vice Mayor