

BRYAN CITY COUNCIL

DECEMBER 16, 2019

Council President Lynn Wieland opened the meeting with the following members present: Judith Yahraus, Mary Leatherman, F. John Betts, and Richard Hupe. Also present were: Mayor Carrie Schlade, City Attorney Rhonda Fisher, Street Commissioner Tyson Engstrom, Fire Chief Bruce Siders, Interim Police Chief Christopher Chapa, Wastewater Superintendent Wes Wygant, Board of Public Affairs members Jim Salsbury, Richard Long, Derek Allen, and Tom Sprow, Laborer III John DeGroff, and Clerk-Treasurer Laura Rode.

Mayor Schalde and Council President Wieland requested a moment of silence for former Bryan Police Officer Samuel Yoh who was critically injured in the line of duty in Alabama on December 12, 2019.

Mrs. Yahraus moved, Mr. Betts seconded, to approve the minutes from the December 2, 2019, Regular Meeting as written. Roll call vote: all ayes; nays, none. Motion carried.

Bryan citizen Bill Metz addressed the Council requesting again that they vote no on Ordinance No. 46, 2019, which would place dissolving the Bryan Board of Public Affairs on the ballot. He addressed items including vac trucks for both entities, the four (4) Bryan Municipal Utilities rental homes, comments made at the recent Meet the Candidates meeting as well as other entities having a Board of Public Affairs according to American Municipal Power. He concluded by asking the Council to vote no on abolishing the Board of Public Affairs. City Attorney Fisher addressed Mr. Metz regarding the entities he stated as having a Board of Public Affairs reminding that villages are required to have either a Board of Public Affairs or a Village Administrator according to the Ohio Revised Code while the City of Bryan is a chartered municipality. Street Commissioner Engstrom addressed the issue pertaining to the City vac truck noting that it is utilized the entire year.

Mr. Betts moved, Mr. Hupe seconded, to approve the Clerk-Treasurer's Report for the month ending November 30, 2019, as presented by Clerk-Treasurer Rode. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 54, 2019, titled,

AN ORDINANCE PROVIDING FOR ANNUAL APPROPRIATIONS FOR THE CITY OF BRYAN, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 AND DECLARING AN EMERGENCY.

was presented and read by title only. Clerk-Treasurer Rode detailed the requested appropriations for City Council.

Mrs. Yahraus moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 54, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mr. Betts seconded, to pass Ordinance No. 54, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 55, 2019, titled,

AN ORDINANCE PROVIDING FOR THE TRANSFER OF FUNDS FOR THE CITY OF BRYAN, FOR THE MONTH ENDING DECEMBER 31, 2019

was presented and read by title only. Clerk-Treasurer Rode detailed the requested transfers for City Council.

Mr. Betts moved, Mrs. Yahraus seconded, to suspend the reading of Ordinance No. 55, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mr. Hupe seconded, to pass Ordinance No. 55, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 56, 2019, titled,

AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A PLEDGE OF SUPPORT FOR A SAFE ROUTES TO SCHOOL TRAVEL PLAN.

was presented and read by title only. Mayor Schlade reminded that a representative of Maumee Valley Planning Organization addressed Council at the previous meeting regarding the Safe Routes to School grant as funds may be available to provide sidewalks for children to walk or bike to school safely. This resolution is to pledge support to the grant efforts.

Mr. Hupe moved, Mrs. Yahraus seconded, to suspend the reading of Ordinance No. 56, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Mrs. Yahraus seconded, to pass Ordinance No. 56, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 57, 2019, titled,

AN ORDINANCE AMENDING CHAPTER 549 and SECTIONS 301.12, 375.03, 505.11, 509.08, 517.01 (VV), OF THE CITY OF BRYAN CODIFIED ORDINANCES, AND SECTION 1161.07(k) OF THE BRYAN PLANNING AND ZONING CODE (AS INCORPORATED INTO THE BRYAN

MUNICIPAL CODE), RELATING TO THE OWNERSHIP, POSSESSION, PURCHASE, OTHER ACQUISITION, TRANSPORT, STORAGE, CARRYING, SALE, OTHER TRANSFER, MANUFACTURE, TAXATION, KEEPING, AND REPORTING OF LOSS OR THEFT OF FIREARMS, THEIR COMPONENTS, AND THEIR AMMUNITION, AND DECLARING AN EMERGENCY.

was presented and read by title only. City Attorney Fisher address Council regarding this ordinance noting that there is some controversy over Ohio Revised Code section 9.68 as revised indicating the matter will be clarified at some point via the court system. She continued by quoting the following section of 9.68 (A): Except as specially provided by the United State Constitution, Ohio Constitution, state law, or federal law, a person, without further license, permission, restriction, delay or process, including by any ordinance, rule, regulation, resolution, practice, or other action or any threat of citation, prosecution, or other legal process, may own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, or keep any firearm, part of a firearm, its components, and its ammunition. Any such further license, permission, restriction, delay or process interferes with the fundamental individual right described in this division and unduly inhibits law-abiding people from protecting themselves, their families, and others from intruders and attackers and from other legitimate uses of constitutionally protected firearms, including hunting and sporting activities, and the state by this section preempts, supersedes, and declares null and void any such further license, permission, restriction, delay, or process.” She further shared that a person, group, or entity adversely affected by a local ordinance, rule, or regulation may bring civil action against the political subdivision seeking damages from the political subdivision, declaratory relief, injunctive relief, or a combination of those remedies. Any damages awarded shall be awarded against, and paid by, the political subdivision.

She stated that the legislature has taken our homerule authority to control the use of firearms as defined by the Ohio Revised Code. Therefore, any section in the Bryan Municipal Code dealing with firearms must be amended by December 27, 2019. She further requested that anyone wishing to share their thoughts contact the State legislature.

Following some discussion, City Attorney stated that this legislation changes the City’s ability to control hunting on one’s own property and as previously stated, the intent of the legislature may be addressed by the courts. For now, the law is in effect as of December 28, 2019, and added that our Police Department has been advised of said changes.

Ms. Leatherman moved, Mrs. Yahraus seconded, to suspend the reading of Ordinance No. 57, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mr. Betts seconded, to pass Ordinance No. 57, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 58, 2019, titled,

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACTS ON BEHALF OF THE BRYAN FIRE DEPARTMENT FOR MUTUAL AID OR FIRE PROTECTION SERVICES FOR 2020, TO JEFFERSON TOWNSHIP.

was presented and read by title only. Fire Chief Siders requested Council allow the Mayor to enter into a contract with Jefferson Township for 2020 at a cost of \$12,897.00 for fire protection services and mutual aid.

Mrs. Yahraus moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 58, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Mr. Hupe seconded, to pass Ordinance No. 58, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 59, 2019, titled,

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACTS ON BEHALF OF THE BRYAN FIRE DEPARTMENT FOR FIRE PROTECTION SERVICES TO THE BOARD OF COMMISSIONERS OF WILLIAMS COUNTY FOR HILLSIDE COUNTRY LIVING, OPDYCKE PARK, AND THE WILLIAMS COUNTY PARK BUILDING FOR YEARS 2020 AND 2021.

was presented and read by title only. Fire Chief Siders requested Council allow the Mayor to enter into a contract with Williams County Commissioners for Hillside County Living, Opdycke Park, and the Williams County Park Building for fire protection services for 2020 and 2021 at a cost of \$3,000 per year.

Mr. Hupe moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 59, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mr. Betts seconded, to pass Ordinance No. 59, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 60, 2019, titled,

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACTS ON BEHALF OF THE BRYAN FIRE DEPARTMENT FOR MUTUAL AID OR FIRE PROTECTION SERVICES FOR 2020, TO PULASKI TOWNSHIP.

was presented and read by title only. Fire Chief Siders requested Council allow the Mayor to enter into a contract with Pulaski Township for 2020 at a cost of \$29,500.00 for fire protection services and mutual aid. Further discussion was held.

Mr. Betts moved, Mrs. Yahraus seconded, to suspend the reading of Ordinance No. 60, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Ms. Leatherman seconded, to pass Ordinance No. 60, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 35, 2019, titled,

A RESOLUTION TO AUTHORIZE THE MAYOR TO ENTER INTO A PROGRAMMATIC AGREEMENT FOR COORDINATION BETWEEN THE CITY OF BRYAN AND THE OHIO HISTORIC PRESERVATION OFFICE FOR THE ADMINISTRATION OF PROGRAMS USING HUD ALLOCATED FUNDS WITH DELEGATED REVIEW RESPONSIBILITIES UNDER 24 CFR 58.

was presented and read by title only. Mayor Schalde requested Council's permission to enter into a programmatic agreement for coordination between the City and the Ohio Historic Preservation Office for the administering of programs using HUD allocated funds with delegated review responsibilities. She explained that the City utilizes Community Block Development Grant funds as well as other funds from the State.

Mr. Hupe moved, Mr. Betts seconded, to suspend the reading of Resolution No. 35, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Ms. Leatherman seconded, to pass Resolution No. 35, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 36, 2019, titled,

A RESOLUTION PROVIDING FOR THE REPAYMENT OF AN INTERFUND CASH ADVANCE

was presented and read by title only. Clerk-Treasurer Rode detailed for Council the repayment of an interfund cash advance from the Bement Street/Johnson Drive project.

Ms. Leatherman moved, Mr. Betts seconded, to suspend the reading of Resolution No. 36, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mrs. Yahraus seconded, to pass Resolution No. 36, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade informed Council of the unanimous recommendation from the interview committee to appoint Interim Police Chief Chapa to Police Chief. She briefly reviewed his credentials as well as noting several accomplishments during his tenure at the Bryan Police Department. Council member Leatherman inquired as to when his probationary period would begin and how Interim Chief Chapa's probation would be monitored. Mayor Schlade responded that department heads interact daily. Council member Leatherman mentioned that some officers are scared to come forward and wanted to ensure they wouldn't be singled out. City Attorney Fisher added that Interim Chief Chapa's contributions to recent union negotiations as well as Shop with a Cop were impressive. Council members Betts and Wieland concurred with regard to how smoothly the collective bargaining process was this year and commending Interim Chief Chapa's contributions.

Mr. Betts moved, Mr. Wieland seconded, to appoint Interim Police Chief Chapa to the position of Police Chief effective December 3, 2019, at a salary of \$69,500 per year. Roll call vote: Betts, aye; Wieland, aye; Hupe, aye; Yahraus, nay; Leatherman, nay. Motion carried.

Mayor Schlade requested that she and Mari Ivan continue to serve on the WEDCO Board of Directors for 2020.

Mr. Hupe moved, Mr. Betts seconded, to allow Mayor Schlade and Mari Ivan to continue to serve on the WEDCO Board of Directors for 2020. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade requested to post for the Police Captain position.

Mr. Hupe moved, Mr. Betts seconded, to allow the posting for the Police Captain position. Roll call vote: all ayes; nays, none. Motion carried.

Police Chief Chapa then requested to increase Dispatcher Trainee Danielle Nicholson's wage by \$.50 per hour as she has successfully completed her 12 week training period as of November 25, 2019.

Mr. Hupe moved, Mr. Betts seconded, to increase Dispatcher Trainee Danielle Nicholson's wage by \$.50 per hour as she has successfully completed her 12 week training period as of November 25, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade requested Council approve a building permit application for Schlachter Investment, LLC, located at 525 Winzeler Drive, Bryan, Ohio.

Mr. Hupe moved, Mrs. Yahraus seconded, to approve a building permit application for Schlachter Investment, LLC, located at 525 Winzeler Drive, Bryan, Ohio. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade requested Council consider a date to hold a Special Meeting to conduct any pertinent year end business including hiring the City Attorney and approving the 2020 budget.

Mrs. Yahraus moved, Mr. Hupe seconded, to set a Special Meeting on December 27, 2019, at 12:00 p.m. to conduct any pertinent year end business. Roll call vote: all ayes; nays, none. Motion carried.

Several Council members and department heads asked for former Police Officer Yoh to be in their thoughts and wished Chief Chapa well in his new position. In addition, they wished the public a safe and Merry Christmas.

Street Commissioner Engstrom reviewed the holiday trash collection schedule.

Mr. Chapa, Chief Chapa's father, appealed to Council to discuss issues with department heads to avoid further issues down the line.

Councilman Betts noted the spirit of cooperation that was prevalent during the recent union negotiations and thanked all involved with the 2020 budgeting process.

Mayor Schlade commented that working on better communications including following the chain of command will aid the Police Department as well as all City departments.

A brief recess was taken.

Mrs. Yahraus moved, Mr. Betts seconded, to go into Executive Session to discuss collective bargaining and acquisition of property at 8:04 p.m. Roll call vote: all ayes; nays, none. Motion carried.

Asked to attend Executive Session were: Mayor Schlade, City Attorney Fisher, Police Chief Chapa, and City Clerk-Treasurer Rode.

Police Chief Chapa exited Executive Session at 8:42 p.m.

Mr. Betts moved, Mr. Hupe seconded, to adjourn Executive Session at 8:44 p.m. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mrs. Yahraus seconded, to go into Executive Session to discuss compensation of personnel 8:45 p.m. Roll call vote: all ayes; nays, none. Motion carried.

Asked to attend Executive Session were: Mayor Schlade, City Attorney Fisher, and City Clerk-Treasurer Rode.

Mr. Betts moved, Ms. Leatherman seconded, to adjourn Executive Session at 8:57 p.m. Roll call vote: all ayes; nays, none. Motion carried.

City Attorney Fisher provided a brief update on the status of the fire burn building.

Discussion was held regarding the December 27, 2019, Special Meeting as well as potential items for discussion for future meetings.

Mr. Betts moved, Ms. Leatherman seconded, to adjourn the meeting. Roll call vote: all ayes; nays, none. Motion carried.

President of Council

Clerk-Treasurer