

## **BRYAN CITY COUNCIL**

**FEBRUARY 21, 2022**

Council President Jim Kozumplik opened the meeting with the following members present: F. John Betts, Judith Yahraus, Richard Hupe, and Mary Leatherman. Also attending were: Mayor Carrie Schlade, City Attorney Rhonda Fisher, Fire Chief Douglas Pool, City Engineer Brian Wieland, Street Commissioner Tyson Engstrom, Wastewater Superintendent Wes Wygant, Parks and Recreation Director Benjamin Dominique, Planning and Zoning Administrator Andy Waterston, Board of Public Affairs member Annette Schreiner, and Clerk-Treasurer Laura Rode.

Ms. Leatherman moved, Mr. Betts seconded, to approve the minutes from the February 7, 2022, Regular Meeting as written. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Pete Schwiegeraht representing MVAH Partners addressed Council regarding the possible three (3) story, 43 unit, low income senior housing complex proposed via the St. Mary Development Corporation to be located at 1200 Center Street, Bryan, Ohio, which is referred to as Bryan Senior Lofts. Mr. Schwiegeraht provided some statistics pertaining to the potential residents including the average age is between 78-80 and 1.1 residents are in a unit on average. He also added some facts regarding the proposed building including that two-thirds of it would be brick, the buffering which would include landscaping and fencing, as well as the desire for a gabled roof line so long as the height restriction wasn't an issue.

Questions were asked at various points including Councilman Hupe inquiring about the expiration of the "senior" occupancy requirement to which Mr. Schwiegeraht replied 30 years. Council member Yahraus asked if a study had been conducted as the traffic on Center Street at times is very congested to which Mr. Schwiegeraht responded that the financing had to go through first, then the project would move into the site planning phase – adding that he believed the traffic produced from the complex would be "low intensity." Mrs. Yahraus added that she isn't against senior housing; but, she is not in favor of the location. Council member Leatherman inquired about possible fire issues at the facility as it is one (1) large unit to which Mr. Schwiegeraht replied there would be three (3) to four (4) access points.

At that point, Bryan resident Pam Bard Steel approached Council stating that this may be the right project for Bryan; however, it is the wrong location. She added that she felt the project may have safety issues as well as land being the last available space adjacent to that portion of the City park system. As a final comment, Mrs. Steel suggested that if the current plan would be abandoned, the Bard family would pledge to work together with the Betts family to explore an opportunity to create a space that would benefit the entire community.

At that time, Mr. Brent Wilson representing Wilson Auction & Realty addressed Council to state that senior housing is a must in the community and reminded that the property is zoned R-3. His opinion was that not endorsing the project sent a message that Bryan is closed to business and leaning towards being stagnant versus progressive. He added that it was Council's job to promote business and bring in revenue to the community to which Councilman Hupe said that while he agreed with a number of things said this evening, it was only part of Council's job to promote business. However, Mr. Hupe continued that it is also Council's job to represent the people and do what is best for Bryan. Council member Yahraus agreed with that statement and added that the development should not be in that location.

Bryan resident Brett Cordy inquired about the minimum acreage for an R-3 project as there are only 3.6 acres on this parcel to which Planning and Zoning Administrator Waterston replied that 5 acres is the new minimum acreage for an R-3 development; however, this property was grandfathered in. Mr. Cordy then asked about other possible location sites to which Planning and Zoning Administrator Waterston replied there are currently only two (2) possible sites in the City – with this being one (1) of them.

Further discussion was held with Bryan resident Chad Tinkel expressing his understanding of the need for housing in the community; however, this wasn't the right site. He voiced his opinion that Bryan has a need for condominiums. He added that a better solution for this property should have been considered before now and appealed to Mr. Betts to allow community members the opportunity to purchase the land while still having St. Mary's Development Corporation look into putting a senior housing development such as this elsewhere in the community.

Councilman Betts shared with the public that he had not invited Mr. Schwiegeraht to the meeting nor had he approached him with the initial interest on developing the property into low income, senior housing. Mr. Betts added that he had researched the St. Mary Development Corporation extensively. He continued that there were three (3) criteria required to be met for the property's development 12 years ago: It had to be the highest and best use for the City, best for the David Betts Double Play Diamond facility and best for the Betts family.

Councilman Betts exited the meeting at 6:21 p.m.

Mayor Schlade reiterated that a certified letter had been received from St. Mary Development Corporation regarding a 43-unit, three (3) story building being planned at 1200 Center Street, Bryan, Ohio, which is referred to as Bryan Senior Lofts. She reminded Council that they had requested City Attorney Fisher to draft a letter to the Ohio Housing Finance Agency should they have any objections.

City Attorney then read a prepared letter to Council expressing the "concerns about the placement and construction of a three-story 43 unit Senior Housing Development." In addition to the planned site location issue, traffic concerns, hindered park expansion and other issues were stated.

Mrs. Yahraus moved, Mrs. Leatherman seconded, to approve, sign, and send the letter as written to the Ohio Housing Finance Agency regarding the Bryan Senior Lofts project at 1200 Center Street, Bryan, Ohio. Roll call vote: Yahraus, aye; Leatherman, aye; Hupe, aye; Kozumplik, aye. Betts did not vote. Motion carried.

Councilman Betts returned to the meeting at 6:27 p.m.

A brief recess was taken.

Mr. Betts moved, Mr. Hupe seconded, to approve the Clerk-Treasurer's report for the month ending January 31, 2022, as submitted by Clerk-Treasurer Rode. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 10, 2022, titled,

**AN ORDINANCE TO AMEND BRYAN MUNICIPAL CODE SECTION 773, OF THE CITY OF BRYAN CODIFIED ORDINANCES, PERTAINING TO TEMPORARY STORES AND TRANSIENT DEALERS AND ADDING REGULATIONS PERTAINING TO FOOD TRUCKS, AND RESCINDING ANY SECTION INCONSISTENT HEREWITH.**

was presented and read by title only. City Attorney Fisher shared a few, minor edits that were made to the ordinance. Mayor Schlade restated that a balance needs to be reached with the ordinance between brick and mortar food establishments, existing concession stand events, and food trucks. Then, Mayor Schlade led a lengthy discussion regarding background checks and parameters, location issues such as parking lots, right of ways, and special event needs, adding the requirement of a driver's license, and the licensing fee to be charged. In addition, it was noted that a certificate from the Health Department and Fire Department inspection would also be needed during the application process. All information would be reviewed by both the City Attorney and the Mayor.

After much discussion, Mayor Schlade suggested making further enhancements for Council's review.

Mr. Hupe moved, Ms. Leatherman seconded, to approve the second reading of Ordinance No. 10, 2022, with modifications as discussed. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 13, 2022, titled,

**AN ORDINANCE PROVIDING FOR ANNUAL APPROPRIATIONS FOR THE CITY OF BRYAN, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY.**

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

Mr. Betts moved, Mrs. Yahraus seconded, to suspend the reading of Ordinance No. 13, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mr. Hupe seconded, to pass Ordinance No. 13, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 14, 2022, titled,

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GERKEN PAVING, INC. FOR THE PROJECT KNOWN AS “2022 ASPHALT PROGRAM.”**

was presented and read by title only. City Engineer Wieland requested that Council authorize a contract with Gerken Paving, Inc. for the 2022 Asphalt Program for \$583,238.50. Further discussion was held.

Mrs. Yahraus moved, Mr. Hupe seconded, to suspend the reading of Ordinance No. 14, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Ms. Leatherman seconded, to pass Ordinance No. 14, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 15, 2022, titled,

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GRIFFIN PAVEMENT STRIPING, LLC FOR THE PROJECT KNOWN AS “2022 PAVEMENT MARKING PROGRAM.”**

was presented and read by title only. City Engineer Wieland requested that Council authorize a contract with Griffin Pavement Striping, LLC for the 2022 Pavement Marking Program for \$104,938.85.

Mr. Betts moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 15, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Ms. Leatherman seconded, to pass Ordinance No. 15, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 16, 2022, titled,

**AN ORDINANCE AMENDING BRYAN CODIFIED ORDINANCE SECTION 929.03(a) (b) AND (f) PERTAINING TO RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SEWER RATES WITHIN THE CITY**

**OF BRYAN, AND REPEALING EXISTING SECTION 929.03 (a), (b) AND (f). FURTHER, AMENDING SECTION 929.05 (a), (b) AND (c) PERTAINING TO RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SEWER RATES OUTSIDE THE CITY, AND REPEALING EXISTING SECTION 929.05 (a), (b) AND (c).**

was presented and read by title only. Wastewater Superintendent Wygant reminded Council of the presentation made at the prior meeting pertaining to the need to increase wastewater rates for the City of Bryan in light of upcoming projects. Further discussion was held with the Mayor stating that the top five (5) users as well as the County had been notified of the potential rate increase and that most understood the necessity.

Mr. Betts moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 16, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mrs. Yahraus seconded, to pass Ordinance No. 16, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 17, 2022, titled,

**AN ORDINANCE AUTHORIZING THE CONSTRUCTION MANAGER AT RISK (CMAR) DELIVERY METHOD FOR THE WASTEWATER TREATMENT PLANT DEWATERING IMPROVEMENT PROJECT AND AUTHORIZING THE AGREEMENT WITH PETERSON CONSTRUCTION COMPANY AS THE CONSTRUCTION MANAGER AT RISK.**

was presented and read by title only. Wastewater Superintendent Wygant requested Council approve the construction manager at risk delivery method for the Wastewater Treatment Plant Dewatering Improvement Project and authorize an agreement with Peterson Construction Company as the Construction Manager at Risk. Further discussion was held.

Mr. Hupe moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 17, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Ms. Leatherman seconded, to pass Ordinance No. 17, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 18, 2022, titled,

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WEST ERIE REALTY SOLUTIONS LTD FOR RIGHT OF WAY ACQUISITION SERVICES FOR THE CITY OF BRYAN SAFE ROUTES TO SCHOOLS INFRASTRUCTURE IMPROVEMENTS PROJECT, "WIL-STRS BRYAN CITY SCHLS" PID 113489 PROJECT.**

was presented and read by title only. Per a requirement from the Ohio Department of Transportation, City Engineer Wieland requested Council approve an agreement with West Erie Realty Solutions Ltd for the right of way acquisition services for the City of Bryan Safe Routes to Schools Infrastructure Improvements Project. Further discussion was held.

Mr. Betts moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 18, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Ms. Leatherman seconded, to pass Ordinance No. 18, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 15, 2022, titled,

**A RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION FOR THE CITY OF BRYAN, TO APPLY FOR GRANTS FOR THE CITY OF BRYAN.**

was presented and read by title only. Parks and Recreation Director Dominique requested permission to apply for the following grants in 2022: Nature Works, OFCC, and Bryan Area Foundation.

Mrs. Yahraus moved, Ms. Leatherman seconded, to suspend the reading of Resolution No. 15, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Ms. Leatherman seconded, to pass Resolution No. 15, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 16, 2022, titled,

**A RESOLUTION TO APPOINT INDIVIDUALS TO SERVE AS POINT OF CONTACT, ACCOUNT ADMINISTRATOR AND REPORTING REPRESENTATIVES TO THE TREASURY FOR CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF) FROM THE AMERICAN RESCUE PLAN ACT.**

was presented and read by title only. Mayor Schlade addressed the need to appoint individuals to serve as representatives of the City for the Coronavirus State and Local Fiscal Recovery Fund established for the American Rescue Plan Act.

Mr. Hupe moved, Mr. Betts seconded, to suspend the reading of Resolution No. 16, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mrs. Yahraus seconded, to pass Resolution No. 16, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Annual reports for the Fire, Street, and Parks departments, respectively. Discussion was held at various points during the presentations.

Councilman Hupe thanked the public for their participation in the senior housing issue.

Councilman Betts thanked the departments heads for their annual reports and advised citizens that they are allowed to speak with him on issues and he will share the facts. He continued that maintaining distance was his responsibility.

Council member Yahraus thanked the department heads for their annual report as well as the members of the public who showed up to be heard.

Mayor Schlade shared that she appreciated the civil discussion this evening. In addition, she and Council President Kozumplik thanked the department heads for the respective reports.

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

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President of Council

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Clerk-Treasurer