

## **BRYAN CITY COUNCIL**

**December 18, 2023**

Council President Richard Hupe opened the meeting with the following members present: F. John Betts, Judith Yahraus, Mary Leatherman, and Jim Kozumplik. Also attending were: Mayor Carrie Schlade, City Engineer Brian Wieland, Police Chief Greg Ruskey, Fire Chief Doug Pool, Street Commissioner Tyson Engstrom, Wastewater Superintendent Wes Wygant, Parks and Recreation Director Benjamin Dominique, City Attorney Marc Fishel, Planning & Zoning Administrator Andy Waterston, Director of Utilities Derek Schultz, Board of Public Affairs Member Tom Sprow, Board of Public Affairs Member Jim Salisbury, Bryan City Council Appointee Steve Alspaugh, and Clerk-Treasurer John Lehner.

Public Hearing – Zoning Code Changes: Planning & Zoning Administrator Andy Waterston stated that the Planning Commission has approved the new Planning and Zoning Code language that City Council will be considering; he explained the intent was to clean up ambiguous language and streamline the process for customers. The language eliminates the Board of Zoning Appeals and lays out an improved appeals process. Further discussion was held with the City Council; there was no input from the public.

Ms. Leatherman moved, Mr. Kozumplik seconded, to approve the minutes from the December 4, 2023 Regular Meeting as written. Roll call vote: all ayes; nays, none. Motion carried.

Board of Public Affairs Member Sprow, speaking as a citizen of the City of Bryan, voiced his opposition to allowing any cannabis operations within the Bryan city limits, and provided election data showing that the broader local vote within the Bryan City School District was against the passage of State Issue 2. (Numbers within the city limits were narrowly in favor of the measure.)

Mayor Schlade presented Service Awards and appreciation to Council President Hupe for his time serving as Council President in 2023, and to outgoing Council Member Yahraus for her eight years of service as a Council Member.

Mr. Kozumplik moved, Mr. Betts seconded, to approve the Clerk-Treasurer's Report for the month ending November 30, 2023 as submitted by Clerk-Treasurer Lehner. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 61, 2023, titled,

**AN ORDINANCE HIRING A CITY ATTORNEY AND DECLARING AN EMERGENCY.**

was presented and read by title only. Mayor Schlade indicated that the current arrangement with City Attorney Marc Fishel has worked out very well, and requested Council consider his reappointment for 2024 at a rate of \$210 per hour.

Mrs. Yahraus moved, Mr. Betts seconded, to suspend the reading of Ordinance No. 61, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Kozumplik moved, Ms. Leatherman seconded, to pass Ordinance No. 61, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 62, 2023, titled,

**AN ORDINANCE TO ACCEPT THE PROPOSED PLANNING AND ZONING CODE AS PREPARED BY REVELLE LTD AND APPROVED BY THE CITY OF BRYAN PLANNING COMMISSION.**

was presented and read by title only. Planning & Zoning Administrator Waterston explained the ordinance once again and asked that Council to let it lie after one reading, to give the public more time to submit questions and comments.

Ordinance No. 62, 2023 was let lie after its first reading.

Ordinance No. 63, 2023, titled,

**AN ORDINANCE PROVIDING FOR ANNUAL APPROPRIATIONS FOR THE CITY OF BRYAN, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024, AND DECLARING AN EMERGENCY.**

was presented and read by title only. Clerk-Treasurer Lehner recapped the 2024 budget review process that included Council Members Betts and Kozumplik, along with Mayor Schlade, department heads, and himself. He offered a basic summary of the budget and a review of any changes that had been incorporated since the review meetings occurred.

Mrs. Yahraus moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 63, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Mr. Kozumplik seconded, to pass Ordinance No. 63, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 64, 2023, titled,

**AN ORDINANCE AUTHORIZING THE SALARY RANGES AND CLASSIFICATIONS IN THE COMPENSATION PROGRAM FOR THE CITY OF BRYAN, AMENDING ORDINANCE 66, 2022 AND REPEALING**

**ANY PORTION OF THE ORDINANCES INCONSISTENT THEREWITH,  
AND DECLARING AN EMERGENCY.**

was presented and read by title only. Clerk-Treasurer Lehner indicated that the wages included in this ordinance are as discussed in the 2024 budget review process, and had the approval of the Bryan City Council Wage Committee.

Mr. Betts moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 64, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Kozumplik moved, Mrs. Yahraus seconded, to pass Ordinance No. 64, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 65, 2023, titled,

**AN ORDINANCE AMENDING THE SALARY FOR RANGES 1, 2, AND 3  
OF THE BRYAN VOLUNTEER FIRE DEPARTMENT.**

was presented and read by title only. Clerk-Treasurer Lehner indicated that the adjustments made to the volunteer fire wages in this ordinance were solely to address discrepancies between rates at the lower end of the pay scale and the increased minimum wage in the State of Ohio (\$10.45/hour).

Mrs. Yahraus moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 65, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mr. Betts seconded, to pass Ordinance No. 65, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 66, 2023, titled,

**AN ORDINANCE PROVIDING FOR ANNUAL APPROPRIATIONS FOR  
THE CITY OF BRYAN, FOR THE FISCAL YEAR ENDING DECEMBER  
31, 2023 AND DECLARING AN EMERGENCY.**

was presented and read by title only. Clerk-Treasurer Lehner explained the three items attached to the ordinance, including two to accommodate the request of the Bryan Board of Public Affairs to move money from the Electric and Water operating funds to the Electric and Water Capital Reserve Funds, addressed in the next ordinance. The third item, which was included in a revised version of the ordinance distributed prior to the meeting, was to finalize accounting for the completed Horton Heights Sewer Project Fund.

Mr. Kozumplik moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 66, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mrs. Yahraus seconded, to pass Ordinance No. 66, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 67, 2023, titled,

**AN ORDINANCE PROVIDING FOR THE TRANSFER OF FUNDS FOR THE CITY OF BRYAN, FOR THE MONTH ENDING DECEMBER 31, 2023.**

was presented and read by title only.

Mr. Kozumplik moved, Mr. Betts seconded, to suspend the reading of Ordinance No. 67, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Ms. Leatherman seconded, to pass Ordinance No. 67, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 53, 2023, titled,

**A RESOLUTION PROVIDING FOR THE REPAYMENT OF AN INTER-FUND CASH ADVANCE**

was presented and read by title only. Clerk-Treasurer Lehner referred to his previous explanation.

Mr. Betts moved, Mr. Kozumplik seconded, to suspend the reading of Resolution No. 53, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mrs. Yahraus seconded, to pass Resolution No. 53, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 68, 2023, titled,

**AN ORDINANCE FOR A “THEN AND NOW” PURCHASE CERTIFYING ADEQUATE FUNDS WERE AVAILABLE.**

was presented and read by title only. Clerk-Treasurer Lehner explained the need for this ordinance to timely pay the 2024 Bureau of Workers’ Compensation premium.

Ms. Leatherman moved, Mr. Kozumplik seconded, to suspend the reading of Ordinance No. 68, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Ms. Leatherman seconded, to pass Ordinance No. 68, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 69, 2023, titled,

**AN ORDINANCE TO AMEND THE CITY INCOME TAX CODE  
(CHAPTER 181) TO COMPLY WITH THE CHANGES MADE IN HB 33  
EFFECTIVE JANUARY 1, 2024**

was presented and read by title only. Clerk-Treasurer Lehner explained the changes incorporated by this ordinance were primarily to affect how businesses can apportion net profits to its reporting sites, when applicable, and in consideration of remote workers potentially working from many different locations. This and other minor amendments are required by legislation recently passed by the Ohio General Assembly.

Mrs. Yahraus moved, Mr. Kozumplik seconded, to suspend the reading of Ordinance No. 69, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mr. Betts seconded, to pass Ordinance No. 69, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 57, 2023, titled,

**AN ORDINANCE LIMITING ADULT USE CANNABIS OPERATORS,  
ADULT USE CULTIVATORS, AND ADULT USE DISPENSARIES  
OPERATIONS WITHIN THE CITY OF BRYAN (AS AMENDED) (THIRD  
READING)**

was presented and read by title only. Mayor Schlade reminded all of the purpose of this ordinance – limiting the number and locations of cannabis related business operations in the City of Bryan. Council Member Betts kicked off a lengthy discussion about the uncertainty of the direction the Ohio General Assembly will take regarding local tax revenues from cannabis operators, and potential issues of potency of product and odor emanating from operating facilities.

Mr. Betts moved, but there was no second to pass Ordinance No. 57, 2023.

Discussion continued. City Attorney Fishel noted that no matter what action was taken tonight, Council could revisit the matter in the future. He suggested that passing a more restrictive measure now would be easier to amend, if warranted, than to try to add restrictions later. All agreed in wishing to maintain as much local control over the issue as would be allowed.

Mr. Kozumplik moved, Mr. Betts seconded, to table Ordinance No. 57, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 52, 2023, titled,

**AN ORDINANCE PROHIBITING ADULT USE CANNABIS OPERATORS, ADULT USE CULTIVATORS, AND ADULT USE DISPENSARIES FROM OPERATING WITHIN THE CITY OF BRYAN (THIRD READING)**

was presented and read by title only. Mayor Schlade reminded all that this ordinance effectively bans all adult use cannabis operations in the City of Bryan.

Mrs. Yahraus moved, Ms. Leatherman seconded, to pass Ordinance No. 52, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 53, 2023, titled,

**AN ORDINANCE PROHIBITING ADULT USE CANNABIS OPERATORS, ADULT USE CULTIVATORS, AND ADULT USE DISPENSARIES FROM OPERATING WITHIN THE C-3 ZONING DISTRICT IN THE CITY OF BRYAN (THIRD READING)**

was presented and read by title only. There was discussion from City Attorney Fishel and Council Member Betts on how to proceed with this ordinance -- which prohibits adult use cannabis operations in only the downtown business district -- in light of passage of the previous ordinance.

Mr. Betts moved, Mr. Kozumplik seconded, to pass Ordinance No. 53, 2023. Roll call vote: ayes, none; all nays. Motion failed.

Ordinance No. 70, 2023, titled,

**AN ORDINANCE ESTABLISHING RESIDENCY REQUIREMENTS FOR EMPLOYEES OF THE BRYAN POLICE DEPARTMENT AND BRYAN FIRE DEPARTMENT**

was presented and read by title only. Police Chief Ruskey explained that expanding the residency requirement to include Williams, Fulton, Lucas, Wood, Henry, Putnam, Paulding, and Defiance Counties, will help in securing more qualified candidates for open positions in the Police and Fire Departments.

Mrs. Yahraus moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 70, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mr. Kozumplik seconded, to pass Ordinance No. 70, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 71, 2023, titled,

**AN ORDINANCE REQUIRING THE MAYOR TO REJECT ALL BIDS FOR THE PROJECT KNOWN AS “2023 LINCOLN PARK RESTROOM FACILITY.”**

was presented and read by title only. City Engineer Wieland explained that all bids received for the Lincoln Park restroom project exceeded 20 percent of the project estimate. He, Parks and Recreation Director Dominique, and the project consultant, Denny Bell, will revisit the project specifications, projected material costs, possibly the timing of bid, as necessary, and attempt to re-bid. Indications were that the original scope of the project would not be compromised, but there would be a review of potential cost savings. He suggested there may be a need to appropriate additional funds for the project, but reminded all that much of the Lincoln Park project is/has been, funded with private donations.

Mr. Kozumplik moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 71, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Ms. Leatherman seconded, to pass Ordinance No. 71, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 54, 2023, titled,

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE ECONOMIC DEVELOPMENT TRANSFER FORM (TRES) FOR A LIQUOR PERMIT TO BE TRANSFERRED TO THE OWNERS OF RIDI STORES, LLC LOCATED AT 1108 SOUTH MAIN ST. IN BRYAN, OHIO**

was presented and read by title only. Mayor Schlade introduced Attorney John Shaffer and representatives from Ridi Stores, LLC to speak on behalf of the application for a liquor permit for the newly renovated convenience store at the site of the old Bryan Drive-Thru, noting that previous discussions about TRES permits emphasized food and entertainment venues to meet the economic development aspect of the request. Mr. Shaffer highlighted the significant investment Ridi Stores had already made in the property. Council Member Betts noted the number and type of liquor permits already allowed in the City and asked if there was a limit to the number of TRES-type permits that could be issued. The answer will require further research. Several Council members thanked the presenters for providing such detailed information and for their investment in the community.

Mr. Betts moved, Ms. Leatherman seconded, to suspend the reading of Resolution No. 54, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mr. Kozumplik seconded, to pass Resolution No. 54, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 55, 2023, titled,

**A RESOLUTION TO DESIGNATE A CENTRAL BUSINESS DISTRICT  
IN THE CITY OF BRYAN, WILLIAMS COUNTY, OHIO, AND  
DECLARING THE SAME AN EMERGENCY**

was presented and read by title only. Mayor Schlade explained that to qualify for the Community Development Block Grant (CDBG) 2023 Downtown Revitalization Grant program, the City of Bryan would have to designate its downtown area as a “Central Business District”, which this resolution would accomplish.

Mr. Kozumplik moved, Ms. Leatherman seconded, to suspend the reading of Resolution No. 55, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Mr. Betts seconded, to pass Resolution No. 55, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 56, 2023, titled,

**A RESOLUTION TO ACCEPT A DONATION OF LAND, 1.48 ACRES,  
PARCEL NUMBER 063-190-10-029.000, WILLIAMS COUNTY, BRYAN,  
OHIO FROM POLLY WINZELER ON BEHALF OF HER LATE  
HUSBAND DENNY WINZELER.**

was presented and read by title only. Parks and Recreation Director Dominique explained that soil sample testing required before the City could accept the property came back “clean,” and he recommended accepting the donation.

Mr. Kozumplik moved, Ms. Leatherman seconded, to suspend the reading of Resolution No. 56, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Mr. Betts seconded, to pass Resolution No. 56, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 57, 2023, titled,

**A RESOLUTION TO ACCEPT A \$40,000 DONATION FROM THE  
BRYAN VFW TO THE STREET DEPARTMENT FOR MEMORIAL  
BENCHES AT FOUNTAIN GROVE CEMETERY.**



was presented and read by title only. Street Commissioner Engstrom explained that the Bryan VFW, through the Williams County Veterans Services Commission, provided the granite benches, one representing each of the United States Armed Forces, at a value of \$40,000. City of Bryan crews poured the bases for each bench.

Mr. Betts moved, Ms. Leatherman seconded, to suspend the reading of Resolution No. 57, 2023, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Mr. Kozumplik seconded, to pass Resolution No. 57, 2023. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade reviewed the following to set the time and dates of Council meetings for 2024: Council meetings are currently at **5:30 PM** on the **First and Third Mondays** of the month unless changed upon special request. Proposed changes are Monday, January 1, 2024, **City Recognized Holiday** council meeting is changed to **Tuesday, January 2, 2024**, Monday January 15, 2024, **Martin Luther King Day** council meeting is changed to **Tuesday, January 16, 2024**, Monday, September 2, 2024 **Labor Day** council meeting is changed to **Tuesday, September 3, 2024**, Monday, October 7, 2024 (**Ready, Set, Relax**) changed to **Tuesday, October 8, 2024**.

Ms. Leatherman moved, Mr. Betts seconded, to approve the 2024 Bryan City Council meeting schedule, as presented. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Mr. Hupe seconded, to appoint Mary Leatherman as Bryan City Council President and Jim Kozumplik as Bryan City Council Vice President for 2024. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade offered year-end thanks to all city staff for a job-well-done, and again thanked Council President Hupe and Council Member Yahraus for their service to the Bryan City Council and the City of Bryan. Many others offered holiday wishes, thank-yous to the Winzeler's and VFW for their donations, and very warm wishes to Council Member Yahraus for her eight years' service on Council.

Council President Hupe expressed his appreciation for working with a "top-notch" staff and all the City's accomplishments over the past year; he added kind words for Mrs. Yahraus and her love for the community.

Council Member Yahraus was last to speak and offered thanks to the staff and her constituents, and described her time on the Bryan City Council as an "unforgettable experience."

Mrs. Yahraus 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