

BRYAN CITY COUNCIL

OCTOBER 8, 2019

Council President Lynn Wieland opened the meeting with the following members present: Judith Yahraus, Mary Leatherman, Richard Hupe, and F. John Betts. Also present were: Mayor Carrie Schlade, City Attorney Fisher, Parks and Recreation Director Benjamin Dominique, City Engineer Brian Wieland, Street Commissioner Tyson Engstrom, Wastewater Superintendent Wes Wygant, Fire Chief Bruce Siders, Board of Public Affairs members Jim Salsbury and Derek Allen, and Clerk-Treasurer Laura Rode.

Mr. Betts moved, Ms. Leatherman seconded, to approve the minutes from the September 16, 2019, Regular Meeting as written. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade welcomed a group from Leadership of Williams County to the meeting. The Leadership of Williams County members then introduced themselves to the Council.

Resolution No. 28, 2019, titled,

A RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF A NEW FUND

was presented and read by title only. Clerk-Treasurer Rode detailed for Council the request to establish a Capital Proceeds Fund.

Mrs. Yahraus moved, Mr. Hupe seconded, to suspend the reading of Resolution No. 28, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mr. Betts seconded, to pass Resolution No. 28, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 37, 2019, titled,

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

was presented and read by title only. Clerk-Treasurer Rode detailed the requested transfer of funds for Council.

Ms. Leatherman moved, Mr. Betts seconded, to suspend the reading of Ordinance No. 37, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Mr. Hupe seconded, to pass Ordinance No. 37, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 38, 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 Council.

Mr. Betts moved, Mrs. Yahraus seconded, to suspend the reading of Ordinance No. 38, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mr. Hupe seconded, to pass Ordinance No. 38, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 39, 2019, titled,

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF BRYAN, STATE OF OHIO, AND CONFORMING TRAFFIC AND GENERAL OFFENSES CODE PROVISIONS TO STATE LAW CHANGES.

was presented and read by title only. City Attorney Fisher requested Council approve changes to certain ordinances as parts of the various component codes of the Codified Ordinances of the City of Bryan to conform to the traffic and general offenses code provisions of the State law changes specifically noting the provisions pertaining to distracted driving. Further discussion was held.

Mr. Betts moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 39, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mrs. Yahraus seconded, to pass Ordinance No. 39, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 40, 2019, titled,

AN ORDINANCE AUTHORIZING THE CLERK-TREASURER TO ISSUE CHANGE ORDER #1 & FINAL FOR THE PROJECT KNOWN AS “2019 PAVEMENT MARKING PROGRAM.”

was presented and read by title only. City Engineer Wieland requested Council approve change order #1 and final for the 2019 Pavement Marking Program resulting in a decrease of \$8,344.06. He requested Council to suspend the readings.

Mr. Betts moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 40, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Mr. Hupe seconded, to pass Ordinance No. 40, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 41, 2019, titled,

AN ORDINANCE AUTHORIZING THE CLERK-TREASURER TO ISSUE CHANGE ORDER #2 & FINAL FOR THE PROJECT KNOWN AS “2019 ASPHALT PROGRAM.”

was presented and read by title only. City Engineer Wieland requested Council approve change order #2 and final for the 2019 Asphalt Program resulting in an increase of \$10,311.06 due to additional work on South Street. Further discussion was held.

Mrs. Yahraus moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 41, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Mr. Hupe seconded, to pass Ordinance No. 41, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 42, 2019, titled,

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO APPROVE A PURCHASE ORDER TO SOUTHEASTERN EQUIPMENT, FOR THE PURCHASE OF A 2019 CASE MODEL 521GXRT4 WHEEL LOADER AND BUCKET, FOR THE BRYAN STREET DEPARTMENT, THROUGH THE STATE PURCHASING PROGRAM PURSUANT TO THE ORC 125.04(C), AT A TOAL COST OF ONE HUNDRED SEVENTEEN THOUSAND TWO HUNDRED FOURTEEN DOLLARS AND SIXTY-NINE CENTS (\$117,214.69), HEREBY WAIVING THE COMPETITIVE BIDDING PROCESS PRESCRIBED BY OHIO REVISED CODE 127.16.

was presented and read by title only. Street Commissioner Engstrom explained to Council that a loader was budgeted for 2019 and purchased through the State of Ohio Purchasing Program; however, the step of bringing the item before Council to approve the purchase through the State Purchasing Program was overlooked. This ordinance was presented to correct that oversight. Further discussion was held.

Mrs. Yahraus moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 42, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mr. Betts seconded, to pass Ordinance No. 42, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade requested Council approve the appointment of Kirk Yosick to the Income Tax Board of Review. In addition, Council President Wieland had requested that the Council appoint Mark Beaver and Chris Walker to the Income Tax Board of Review. Mayor Schlade reminded that these appointments were two (2) year terms.

Mr. Betts moved, Ms. Leatherman seconded, to appoint the Mayor's recommendation of Kirk Yosick and Council's recommendations of Mark Beaver and Chris Walker to the Income Tax Board of Review for 2019 and 2020. Roll call vote: all ayes; nays, none. Motion carried.

City Engineer Wieland requested that Council approve a building permit application for McCran Properties Bryan LLC located at 1206 South Main Street, Bryan, Ohio.

Mr. Hupe moved, Mrs. Yahraus seconded, to approve a building permit application for McCran Properties Bryan LLC located at 1206 South Main Street, Bryan, Ohio. Roll call vote: all ayes; nays, none. Motion carried.

Fire Chief Siders requested to hire Casey P. Sanders as a Volunteer Firefighter effective October 8, 2019, at a rate of \$10.50 per hour.

Mr. Wieland moved, Ms. Leatherman seconded, to hire Casey P. Sanders as a Volunteer Firefighter effective October 8, 2019, at a rate of \$10.50 per hour. Roll call vote: all ayes; nays, none. Motion carried.

Fire Chief Siders requested to hire Devin L. Johnson as a Firefighter effective October 8, 2019, at a rate of \$12.89 per hour.

Mr. Betts moved, Ms. Leatherman seconded, to hire Devin L. Johnson as a Firefighter effective October 8, 2019, at a rate of \$12.89 per hour. Roll call vote: all ayes; nays, none. Motion carried.

Fire Chief Siders added that there was only one (1) person left on the eligibility list from the last Civil Service test. Further discussion was held.

Fire Chief Siders then requested to appoint Ryan D. Hake and Eric M. McClaine to the position of Volunteer Fire Lieutenant effective October 8, 2019.

Mr. Hupe moved, Mr. Betts seconded, to appoint Ryan D. Hake and Eric M. McClaine to the position of Volunteer Fire Lieutenant effective October 8, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Councilman Betts raised a question with Fire Chief Siders regarding the term volunteer when referring to the Volunteer Firefighters who are paid for their time. Chief Siders replied that the Volunteer Firefighters have always been paid in the City of Bryan and later in the meeting cited the Ohio Revised Code with regard to the term.

Parks and Recreation Director Dominique thanked the Board of Public Affairs for the tree donation.

City Engineer Wieland provided Council with a graph depicting speeding data for the 300-400 block of East High Street.

Dan Yahraus from the Bryan Area Chamber of Commerce reminded Council that tomorrow is the Meet the Candidate meetings at the winery.

Councilman Hupe welcomed the new Fire Department staff.

Councilman Yahraus congratulated the Park and Recreation Department on the Imagination Station celebration as did Mayor Schlade who added that the crew also did a great job on the vandalism cleanup.

Councilman Leatherman thanked everyone for working on the downtown clean up as well as attending the Fall/Barnfest events.

Councilman Betts thanked Bryan Municipal Utilities for the tree donation and restated his concern regarding providing electric car stations in the future.

A brief recess was taken.

Mrs. Yahraus moved, Ms. Leatherman seconded, to go into Executive Session to discuss imminent litigation, compensation of personnel, acquisition of property, and the hiring and compensation of a public employee at 7:44 p.m. Roll call vote: all ayes; nays, none. Motion carried.

Asked to attend Executive Session were: Mayor Schlade, City Attorney Fisher, Fire Chief Siders, City Engineer Wieland, Street Commissioner Engstrom, and Clerk-Treasurer Rode.

Fire Chief Siders and Street Commissioner Engstrom exited the Executive Session at 8:50 p.m.

City Engineer Wieland exited the Executive Session at 9:07 p.m.

Mr. Betts moved, Ms. Leatherman seconded, to adjourn Executive Session at 9:22 p.m. Roll call vote: all ayes; nays, none. Motion carried.

Discussion was held regarding the burn building as it cannot be used due to manufacturing and/or material and/or design issues. Due to the complexities regarding the engineering, construction, and design, City Attorney Fisher recommended using Bricker and Eckler of Columbus, Ohio to represent the City. Further discussion was held noting that an expert has opined that the building should not be used for the purpose intended.

Ordinance No. 43, 2019, titled,

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO
HIRE THE FIRM OF BRICKER & ECKLER, COLUMBUS, OHIO AS
OUTSIDE COUNSEL FOR IMMINENT LITIGATION**

was presented and read by title only.

Mrs. Yahraus moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 43, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mr. Betts seconded, to pass Ordinance No. 43, 2019. Roll call vote: all ayes; nays, none. Motion carried.

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

President of Council

Clerk-Treasurer