

BRYAN CITY COUNCIL

NOVEMBER 4, 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, City Engineer Brian Wieland, Parks and Recreation Director Benjamin Dominique, Interim Police Chief Christopher Chapa, Street Commissioner Tyson Engstrom, Fire Chief Bruce Siders, Director of Utilities Kevin Maynard, Lineworkers IV Kevin Rau and Brad Plummer, Power Plant Operators IV AJ Geren and Jay Zigler, Laborer III John DeGroff, Water Distribution Operator III Eugene Wilson, Water Distribution Supervisor John Caperton, Board of Public Affairs members Jim Salsbury, Richard Long, Karen Ford, and Tom Sprow, and Clerk-Treasurer Laura Rode.

Mrs. Yahraus moved, Mr. Hupe seconded, to approve the minutes from the October 21, 2019, Regular Meeting as written. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 29, 2019, titled,

A RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF NEW FUNDS

was presented and read by title only. Clerk-Treasurer Rode detailed for Council the request to establish new funds.

Mr. Hupe moved, Mr. Betts seconded, to suspend the reading of Resolution No. 29, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mrs. Yahraus seconded, to pass Resolution No. 29, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 45, 2019, titled,

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO ATTORNEY GENERAL'S OFFICE FOR THE COLLECTION OF OUTSTANDING, DELINQUENT INCOME TAX PAYMENTS.

was presented and read by title only. Clerk-Treasurer Rode explained the request to have a new program launched by the Ohio Attorney General's office to assist with the collection of outstanding, delinquent income taxes. The program will be of no cost to the City; however, there is a 10% charge that the Attorney General's office will tack onto the bills. So, for example, if someone owes the City \$100 in taxes, they will have to pay \$110. The Attorney General's Office would keep \$10, while the City would collect the full \$100. The Attorney General's Office has the ability to withhold from State refunds

as well as lottery winnings. City Attorney Fisher added that while diligent efforts are made to collect income taxes internally, this program provides a win-win for the City. Further discussion was held.

Mr. Hupe moved, Ms. Leatherman seconded, to suspend the reading of Ordinance No. 45, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Mr. Betts seconded, to pass Ordinance No. 45, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 30, 2019, titled,

**A RESOLUTION STATING THE SERVICES THAT THE CITY WILL
PROVIDE TO THE PROPOSED ANNEXATION OF PROPERTIES
LOCATED IN THE WEST HALF OF SECTION 19 IN PULASKI
TOWNSHIP AND KNOWN AS PARCEL NUMBER(S) 063-190-10-016.000
AND 063-190-10-017.000.**

was presented and read by title only. City Attorney Fisher informed Council that if approved, all City utilities would be provided to both Center Street properties being proposed for annexation located in the west half of section 19 in Pulaski Township and known as parcel numbers 063-190-10-016.000 and 063-190-10-017.000. In addition, City Attorney Fisher addressed the following resolution regarding the annexation of another property located adjacent to the Williams County Airport. She continued to inform Council that if approved, Police and Fire services would be provided to this property being proposed for annexation which is located in the northwest quarter of section 22 in Pulaski Township and known as parcel number 063-220-00-007.001. She added that a hearing has been set for Monday, November 25, 2019, with the Williams County Commissioners regarding the proposed annexations after which another resolution should be presented to Council to annex the properties into the City. Further discussion was held.

Mr. Betts moved, Ms. Leatherman seconded, to suspend the reading of Resolution No. 30, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mrs. Yahraus seconded, to pass Resolution No. 30, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 31, 2019, titled,

**A RESOLUTION STATING THE SERVICES THAT THE CITY WILL
PROVIDE TO THE PROPOSED ANNEXATION OF PROPERTY
LOCATED IN THE NORTHWEST QUARTER OF SECTION 22 IN
PULASKI TOWNSHIP KNOWN AS PARCEL NUMBER 063-220-00-
007.001**

was presented and read by title only.

Mr. Hupe moved, Mrs. Yahraus seconded, to suspend the reading of Resolution No. 31, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Ms. Leatherman seconded, to pass Resolution No. 31, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 32, 2019, titled,

**A RESOLUTION APPROVING THE *COMMUNITY REINVESTMENT AREA TAX EXEMPTION APPLICATION AS SUBMITTED BY*
NOSTRUM LABORATORIES.**

was presented and read by title only. City Engineer Wieland requested Council approve a Community Reinvestment Area Tax Exemption application for Nostrum Laboratories located at 705 East Mulberry Street, Bryan, Ohio.

Mr. Betts moved, Mr. Hupe seconded, to suspend the reading of Resolution No. 32, 2019, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mrs. Yahraus seconded, to pass Resolution No. 32, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 46, 2019, titled,

AN ORDINANCE TO PLACE ON THE BALLOT FOR ELECTORAL CONSIDERATION, AN AMENDMENT TO THE CHARTER OF THE CITY OF BRYAN, TO DISSOLVE THE ELECTED BOARD OF PUBLIC AFFAIRS AND TO BRING THE BRYAN MUNICIPAL UTILITIES UNDER THE DIRECTION AND SUPERVISION OF THE BRYAN MAYOR AND BRYAN CITY COUNCIL.

was presented and read by title only. As she had been directed to create legislation to unify the City of Bryan government at the last Council meeting, City Attorney Fisher reviewed the parameters for moving forward utilizing the Bryan City Charter and the Ohio Constitution. In the City Charter under Section 10.07, it directs any amendment to the Charter to follow the Ohio Constitution. She noted that the City Charter does not require a Charter Commission. She then referred to the Ohio Constitution under Article 18, Section 9 which controls municipal charters, explaining the two (2) ways a proposed charter amendment can be brought forward to the electoral ballot adding that if the proposed amendment is brought before Council, it must be approved by a two-thirds vote. If Council approves to place the issue on the ballot, copies of the proposed amendment will be mailed to the electors of the City as well as provided to the newspaper of general circulation. If the amendment passes by a vote the people, it would take effect in 60 days from the vote according to the City Charter.

City Attorney Fisher then added that if Council has three (3) readings on the proposed amendment, it would become effective on the date of the third reading should Council choose to pass it. The language would then be submitted to the Williams County Board of Elections by December 17, 2019, who will submit it to the Ohio Secretary of State to determine if the language is appropriate to be placed on the ballot. If approved, the proposed issue would go on the ballot before the electorate on the Primary Election to be held on March 17, 2020.

City Attorney Fisher then addressed some questions she had received over the past two (2) weeks reiterating that a Charter Commission is not required to bring forward an amendment to the Charter. To the question regarding a City Administrator or City Manager, section 6.11 of the Charter advises that the Council can create any department if deemed necessary if approved by the Mayor and Council. She continued by addressing the question of whether the number of Council members should be increased noting that if an increase to the number of Council members were considered, it would take a vote of the people to change the Charter. City Attorney Fisher added that to her knowledge, Bryan is the last chartered municipality in the State of Ohio to have both an elected Board of Public Affairs and City Council. She explained that villages are different as they are governed by the Ohio Revised Code requiring them to have a three (3) member elected Board of Public Affairs or their Council can require them to remove the Board of Public Affairs and have an administrator. Bryan has a strong Mayor government in the City of Bryan according to the Charter. She added that at this time, she feels the members of the public need to decide this issue and recommended a first reading.

Council member Yahraus addressed the public noting that she was unaware of this issue coming before Council at the last meeting. But, she feels the issue must be decided by the citizens and urged citizens to contact elected officials with questions or concerns. Council member Leatherman supported the statement made by Mrs. Yahraus.

Council President Wieland noted that he has heard both positive and negative comments as the issue has been approached at various points in time. He continued that the voters need to decide. He also supported having three (3) readings on the subject.

Mr. Wieland moved, Mr. Betts seconded, to approve the first reading of Ordinance No. 46, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade requested to transfer Firefighter 2 Michael P. Ruby to Fire Officer I effective November 4, 2019, taking him from \$14.86 per hour to \$15.49 per hour as he has completed his Fire Officer I certification. She then requested to transfer Firefighter Dustin L. Gillett to Fire Officer I effective November 4, 2019, taking him from \$15.06 per hour to \$16.95 per hour as he has completed his Fire Instructor, EMS CE Instructor, and Fire Officer I certification. In addition, she requested to give a merit increase to Fire Captain Jeremy M. Miklovic effective November 4, 2019, taking him from \$35,000 per year to \$36,000 per year as he has completed three-quarters of his required training since being promoted to Captain in February.

Mrs. Yahraus moved, Mr. Hupe seconded, to transfer Firefighter 2 Michael P. Ruby to Fire Officer I effective November 4, 2019, taking him from \$14.86 per hour to \$15.49 per hour, to transfer Firefighter Dustin L. Gillett to Fire Officer I effective November 4, 2019, taking him from \$15.06 per hour to \$16.95 per hour, and to give a merit increase to Fire Captain Jeremy M. Miklovic effective November 4, 2019, taking him from \$35,000 per year to \$36,000 per year and place him on regular status. Roll call vote: all ayes; nays, none. Motion carried.

Interim Police Chief Chapa requested a contractual increase for Patrol Officer Mason Hammond taking him from \$20.98 per hour to \$21.90 per hour effective November 7, 2019.

Mr. Betts moved, Ms. Leatherman seconded, to allow a contractual increase for Patrol Officer Mason Hammond taking him from \$20.98 per hour to \$21.90 per hour effective November 7, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Interim Police Chief Chapa requested Patrol Officer Jeremy Viers be promoted to Patrol Sergeant effective November 5, 2019, taking him from \$26.91 per hour to \$29.65 per hour.

Mr. Hupe moved, Mr. Wieland seconded, to promote Patrol Officer Jeremy Viers to Patrol Sergeant effective November 5, 2019, taking him from \$26.91 per hour to \$29.65 per hour. Roll call vote: all ayes; nays, none. Motion carried.

Board of Public Affairs member Ford addressed Council stating she didn't agree with the process of combining governments. She believes the Utilities are successful because members take time and invest in making it successful. She added that she has concerns if the Board of Public Affairs were abolished. She doesn't see how the Utilities can stay viable and remain beneficial to the citizens of Bryan noting that the Board of Public Affairs has done very well going back to when it started. Further, Ms. Ford added that the Board of Public Affairs has done things she doesn't think a Council can do without knowledge and understanding of the Utilities.

Board of Public Affairs member Sprow addressed Council having two (2) questions pertaining to Mr. Reed's statement from the last meeting. One question asked was: When is the public going to know the plan for saving money? The second question was pertaining to the duplication of services: What was going to be eliminated or combined?

Mayor Schlade and several Council members encouraged citizens to vote tomorrow.

Council member Yahraus added that she wants citizens to be informed and appreciated the questions being brought up. Councilman Betts added that the Sunshine Law is why a number of members were not aware of the Charter issue being brought before Council last week. He added that he had over three (3) dozen people approach him over the past two (2) years as to why there are two (2) governing bodies in Bryan.

Mayor Schlade mentioned that the State is preparing for the 2020 census and stressed the importance of reporting.

A brief recess was taken.

Mrs. Yahraus moved, Ms. Leatherman seconded, to go into Executive Session to discuss imminent litigation, discipline of a public employee, acquisition of property, and appointment of personnel at 7:42 p.m. Roll call vote: all ayes; nays, none. Motion carried.

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

City Engineer Wieland exited the Executive Session at 7:50 p.m.

Mr. Betts moved, Ms. Leatherman seconded, to adjourn Executive Session at 9:30 p.m. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mrs. Yahraus seconded, to adjourn the meeting. Roll call vote: all ayes; nays, none. Motion carried.

President of Council

Clerk-Treasurer