

BRYAN CITY COUNCIL

AUGUST 2, 2021

Council President Mary Leatherman opened the meeting with the following members present: Judith Yahraus, F. John Betts, Richard Hupe, and Jim Kozumplik. Also attending in person were: Mayor Carrie Schlade, City Attorney Rhonda Fisher, City Engineer Brian Wieland, Fire Chief Bruce Siders, Street Commissioner Tyson Engstrom, Police Chief Christopher Chapa, Assistant Police Chief Gary Mohre, Parks and Recreation Director Benjamin Dominique, Board of Public Affairs members Tom Sprow and Dick Long, and City Clerk-Treasurer Laura I. Rode.

Mr. Kozumplik moved, Mr. Betts seconded, to approve the minutes from the July 19, 2021, Regular Meeting as written. Roll call vote: all ayes; nays, none. Motion carried.

Council President Leatherman asked Assistant Police Chief Mohre if he would like to speak now or wait until the resignation agenda item. He chose to wait.

Ordinance No. 30, 2021, titled,

AN ORDINANCE PROVIDING FOR ANNUAL APPROPRIATIONS FOR THE CITY OF BRYAN, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.

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

Mrs. Yahraus moved, Mr. Betts seconded, to suspend the reading of Ordinance No. 30, 2021, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mr. Kozumplik seconded, to pass Ordinance No. 30, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 31, 2021, titled,

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CENTRAL POLY-BAG CORP. FOR "600,000 CITY OF BRYAN REFUSE BAGS."

was presented and read by title only. Street Commissioner Engstrom requested Council approve entering into a contract with Central Poly-Bag Corp. at a cost of \$58,200 for 600,000 City of Bryan garbage bags. He noted that this is an annual request. Further discussion was held.

Mr. Kozumplik moved, Mr. Hupe seconded, to suspend the reading of Ordinance No. 31, 2021, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Mrs. Yahraus seconded, to pass Ordinance No. 31, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 32, 2021, 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 that Council update various component codes of the Codified Ordinances of the City of Bryan to conform to traffic and general offenses code provisions to State law enacted by the Ohio General Assembly. Further discussion was held.

Mr. Hupe moved, Mr. Betts seconded, to suspend the reading of Ordinance No. 32, 2021, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Kozumplik moved, Mrs. Yahraus seconded, to pass Ordinance No. 32, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 33, 2021, titled,

AN ORDINANCE AUTHORIZING THE BRYAN POLICE AND FIRE DEPARTMENTS TO PURCHASE MARCS MOBILE RADIOS, MARCS PORTABLE RADIOS, AND RADIO CONSOLES FOR THE BRYAN POLICE AND FIRE DEPARTMENTS THROUGH THE STATE OF OHIO PURCHASING PROGRAM NEGATING THE COMPETITIVE BID REQUIREMENT AND DECLARING AN EMERGENCY.

was presented and read by title only. Police Chief Chapa addressed Council requesting to purchase MARCS equipment through the State of Ohio Purchasing Program for the Police and Fire Departments at an estimated cost of \$371,000 from J&K Communications. He noted the equipment to be purchased for Council and added that improved communications was a great advantage of going to the MARCS system when asked.

Mr. Kozumplik moved, Mr. Hupe seconded, to suspend the reading of Ordinance No. 33, 2021, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Mrs. Yahraus seconded, to pass Ordinance No. 33, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 27, 2021, titled,

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

was presented and read by title only. Clerk-Treasurer Rode requested Council approve the repayment of the Probation Grant 22/23 Fund advance as the State had issued the first grant payment.

Mrs. Yahraus moved, Mr. Hupe seconded, to suspend the reading of Resolution No. 27, 2021, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Kozumplik moved, Mr. Betts seconded, to pass Resolution No. 27, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 28, 2021, titled,

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

was presented and read by title only. City Engineer Wieland requested Council allow an application to be submitted to the participate in the Ohio Public Works Commission state improvement and/or local transportation improvement program(s) for a sanitary sewer line project in the southwest quadrant of the City. Further discussion was held.

Mr. Betts moved, Mr. Kozumplik seconded, to suspend the reading of Resolution No. 28, 2021, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Mrs. Yahraus seconded, to pass Resolution No. 28, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 29, 2021, titled,

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

was presented and read by title only. City Engineer Wieland requested Council allow an application to be submitted to the participate in the Ohio Public Works Commission state improvement and/or local transportation improvement program(s) for a waterline project on South Lynn Street. Further discussion was held.

Mr. Kozumplik moved, Mr. Betts seconded, to suspend the reading of Resolution No. 29, 2021, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Mr. Hupe seconded, to pass Resolution No. 29, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 30, 2021, titled,

A RESOLUTION AUTHORIZING THE MAYOR, CITY ENGINEER, AND CLERK-TREASURER TO PREPARE AND SUBMIT AN APPLICATION FOR THE WATER AND WASTEWATER INFRASTRUCTURE GRANT AND TO EXECUTE CONTRACTS AS REQUIRED.

was presented and read by title only. City Engineer Wieland requested permission to apply for the Water and Wastewater Infrastructure Grant with the Ohio Department of Development in partnership with the Ohio Environmental Protection Agency to provide financial assistance for capital improvements to public infrastructure. Projects under consideration include capital improvements to drinking waterlines and sanitary sewer collection systems and wastewater treatment facilities. He noted the required expediency for the grant applications and that projects must be shovel ready.

Mr. Hupe moved, Mrs. Yahraus seconded, to suspend the reading of Resolution No. 30, 2021, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Betts moved, Mr. Kozumplik seconded, to pass Resolution No. 30, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 31, 2021, titled,

A RESOLUTION TO SET THE EMPLOYEE ANNUAL PREMIUM RATE FOR HEALTH INSURANCE FOR THE PERIOD SEPTEMBER 1, 2021 THROUGH AUGUST 31, 2022, AND DECLARING AN EMERGENCY.

was presented and read by title only. City Clerk-Treasurer Rode requested Council approve the health insurance premium rates for the period September 1, 2021, through August 31, 2022. She added that employees were being encouraged to use the services provided at the Activate/Everside Health organization. Further discussion was held.

Mr. Betts moved, Mrs. Yahraus seconded, to suspend the reading of Resolution No. 31, 2021, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Kozumplik moved, Mr. Hupe seconded, to pass Resolution No. 31, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 34, 2021, titled,

**AN ORDINANCE PROVIDING FOR THE TRANSFER OF FUNDS FOR
THE CITY OF BRYAN, FOR THE MONTH ENDING AUGUST 31, 2021**

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

Mr. Kozumplik moved, Mr. Betts seconded, to suspend the reading of Ordinance No. 34, 2021, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Mr. Hupe seconded, to pass Ordinance No. 34, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Parks and Recreation Director Dominique requested Council's permission to hire April Smith as Arborist/Horticulturist for the City of Bryan at a pay rate of \$16.00 per hour effective August 3, 2021.

Mrs. Yahraus moved, Mr. Betts seconded, to hire April Smith as Arborist/Horticulturist for the City of Bryan at a pay rate of \$16.00 per hour effective August 3, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Police Chief Chapa requested Council move Patrol Officer Ian Younts from probationary status to regular employment status effective August 4, 2021, taking him from a pay rate of \$20.00 per hour to a pay rate of \$22.15 per hour. Further discussion was held.

Mrs. Yahraus moved, Mr. Hupe seconded, to move Patrol Officer Ian Younts from probationary status to regular employment status effective August 4, 2021, taking him from a pay rate of \$20.00 per hour to a pay rate of \$22.15 per hour. Roll call vote: all ayes; nays, none. Motion carried.

Police Chief Chapa informed Council of the pending resignation of Assistant Police Chief Gary Mohre. Assistant Police Chief Mohre approached Council to clarify that his resignation was not due to family issues; it was just time for him to go. Council President Leatherman had questions regarding his submitted resignation as a result of a recent article in The Bryan Times. She continued by sharing that she had heard of an incident by his patrol car on a Friday where he was getting ready to leave and Chief Chapa followed him. She asked him to clarify the story.

After a pause, Assistant Police Chief Mohre shared that while driving from a repair shop with Chief Chapa, he felt he was ridiculed for 35 minutes on his not being able to do his job and other issues. Upon arrival at the Police station, Assistant Chief Mohre wanted to go home sick. Assistant Chief Mohre left and Police Chief Chapa followed him home. According to Assistant Chief Mohre, Chief Chapa would not leave when told to leave the property; however, Chief Chapa entered the home with Assistant Chief Mohre's wife who had been outside. According to Assistant Chief Mohre, his wife suggested calling the Sheriff; but, he said it wasn't necessary. The actions upset his wife.

Assistant Chief Mohre continued that when he got back to work, he was written up for leaving his post. In the write up, a remark about an investigation was included that Assistant Chief Mohre said he had done nothing due to the timeframe involved. He also mentioned an issue with the fireworks that Assistant Chief Mohre was to be in charge of for traffic control. But, when Assistant Chief Mohre wanted to talk to Chief Chapa about how to go about it, Chief Chapa didn't have time. There was also a comment about "breast feeding" as Assistant Chief Mohre didn't want to ask him every day to talk about the fireworks traffic control.

Chief Chapa approached Council asking if an open Council meeting was the proper venue to discuss this issue. City Attorney Fisher said that the discussion was inappropriate to have; however, she felt Chief Chapa had the right to respond. He explained that he was talking to Assistant Chief Mohre in the car about where he was with several issues including investigations to which Assistant Chief Mohre said he was doing nothing and he wasn't going to breast feed him and go get the information himself. Chief Chapa noted that he didn't feel he was talking down to or berating Assistant Chief Mohre. After Assistant Chief Mohre left, Chief Chapa added that he did follow Assistant Chief Mohre to his home to continue the discussion and that they hugged prior to his departure.

Council member Yahraus reminded that a number of officers had recently left the department and noted that she had sought out discussions with former Police employees Tony Plotts and Mike Willis upon their respective exits from the City. She inquired if an investigation was necessary. Councilman Hupe noted that in January when presented with the addition of Assistant Chief Mohre and Police Captain Greg Ruskey to the Bryan Police Department, it appeared to be a "dream team" and that this was a quick turnaround. It also concerned him that there are other incidents.

Council President Leatherman asked if there could be an investigation to which City Attorney Fisher replied that there are no allegations of misconduct to investigate. Council member Yahraus inquired as to not accepting Assistant Chief Mohre's resignation to which City Attorney Fisher said he would remain an employee in that case.

Further discussion was held noting that respect is necessary and that the two (2) should be able to talk it out.

Council President Leatherman then suggested an investigation into the matter. Chief Chapa stated that there are several instances of mistreatment that need to be investigated that he could bring forward. Further discussion was held with Chief Chapa clearly stating that this was not the correct venue for this discussion rather the matter should have been discussed in Executive Session. Mayor Schlade added that the discussion should have been held in Executive Session; but, her hands were tied without knowing the issue was to come before Council prior to Thursday for notification. Further discussion was held with Mayor Schlade stating that she was not approached on this issue directly and that an exit interview is scheduled for later this week. Further discussion was held.

Mr. Kozumplik moved, Mr. Betts seconded, to accept the resignation of Assistant Police Chief Gary Mohre effective August 6, 2021. Roll call vote: Kozumplik, aye; Betts, aye; Yahraus, nay; Hupe, nay; Leatherman, nay. Motion failed.

After the vote, Assistant Chief Mohre was asked if he was going to continue working for the Bryan Police Department, to which he replied yes; but, if it's going to be a hostile environment, he would bring it to their attention. He also stated he would do whatever Chief Chapa tells him to do. Then, Assistant Chief Mohre stated that he doesn't want to cause problems for the City of Bryan; but, he noted there is a major issue and he would like Council to find answers for themselves. Further discussion was held with Assistant Chief Mohre voicing concern about his reputation. Council member Yahraus added that she hoped change would occur.

Councilman Betts asked if Assistant Chief Mohre felt Council's role was dealing with personnel/administrative issues to which Assistant Chief Mohre replied yes. Councilman Betts then shared that per the City of Bryan charter, Council's role is legislative. He continued that he felt it was inappropriate for Council to solicit information from employees on personnel/administrative issues.

Assistant Chief Mohre restated that issues need to be addressed and that he thought the Mayor would have asked for his side of the story regarding the incident. He added that he thought the incident would be isolated and that he didn't think he would be reprimanded for it. Mayor Schlade told Assistant Chief Mohre that he should have come to her and that she had asked him several times how things were going. If the Assistant Chief replied "great," she took his answer at face value. Further discussion was held with Assistant Chief Mohre stating he hadn't planned to address this tonight until he was put on the spot.

Mayor Schlade stated that she apologized for anyone improperly thinking family issues were the cause. She added that if the Assistant Chief had come to her directly with this issue, she would have responded. He did not. Assistant Chief Mohre stated that he wasn't blaming her; but, the problem should be addressed as no one should be spoken to like that. Assistant Chief Mohre noted that he was speaking honestly and venting; but, he will continue working in what will likely be an uncomfortable situation if that's what they want him to do.

Council member Yahraus suggested all think before speaking. She added that they are both good men and need to make it work. Councilman Hupe concurred.

Fire Chief Siders requested Council accept the resignation of Firefighter Kolton Myers from the City of Bryan Fire Department effective July 31, 2021.

Mr. Kozumplik moved, Mr. Hupe seconded, to accept the resignation of Firefighter Kolton Myers from the City of Bryan Fire Department effective July 31, 2021. Roll call vote: all ayes; nays, none. Motion carried.

Councilmen Betts and Kozumplik shared that they didn't feel it was their place to vote no on an employee's request to resign.

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

President of Council

Clerk-Treasurer