

BRYAN CITY COUNCIL

FEBRUARY 7, 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, and Clerk-Treasurer Laura Rode.

Mrs. Yahraus moved, Ms. Leatherman seconded, to approve the minutes from the January 18, 2022, Regular Meeting as written. Roll call vote: all ayes; nays, none. Motion carried.

A presentation was made by John Courtney of Courtney and Associates regarding the need to increase wastewater rates in light of two (2) large upcoming projects. He explained the anticipated revenue requirements for the next five (5) years which current rates are not sufficient to meet. He continued that residential customers are subsidizing commercial/industrial customers currently; therefore; he presented a two (2) step rate plan that would increase rates 15% each year over the next two (2) years impacting both the base cost as well as the usage rate. Questions were asked at various intervals of the presentation.

Mayor Schlade reminded the Council of the intention to use ARPA funds for the dewatering project. However, when the funding was decreased by half, there became a need to seek outside funding possibly via an Ohio Water Development Authority loan. Further discussion was held with Mr. Courtney reminding that even with the anticipated increases, City of Bryan rates would be lower than most in the area as well as the state.

Mayor Schlade concluded that a rate ordinance would be presented to Council at a future meeting for consideration.

Resolution No. 11, 2022, titled,

A RESOLUTION TO ACCEPT A DONATION OF LAND FROM THE BOARD OF EDUCATION OF THE BRYAN CITY SCHOOL DISTRICT (AKA the BOARD OF EDUCATION OF THE VILLAGE SCHOOL DISTRICT) KNOWN AS THE BRYAN ROTARY PAVILION, BRYAN, OHIO CONTAINING 0.329 ACRES OF LAND, MORE OR LESS.

was presented and read by title only. City Engineer Wieland asked Council to accept a donation of 0.329 acres of land from the Bryan Board of Education located under the Rotary Pavilion near Garver Park. A Quit Claim Deed was included for Council's review. Further discussion was held regarding the parking lot near the pavilion.

Mr. Betts moved, Mr. Hupe seconded, to suspend the reading of Resolution No. 11, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Ms. Leatherman seconded, to pass Resolution No. 11, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 12, 2022, titled,

A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO ADVERTISE FOR BIDS FOR THE PROJECT KNOWN AS “WESTERN BRYAN SANITARY SEWER REPLACEMENT – HORTON HEIGHTS.”

was presented and read by title only. City Engineer Wieland requested Council’s permission to advertise for bids for the Western Bryan Sanitary Sewer Replacement – Horton Heights project. He elaborated that the project was being funded by a \$2,100,000 grant and would replace 9,000 feet of sewer lines.

Mrs. Yahraus moved, Mr. Hupe seconded, to suspend the reading of Resolution No. 12, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mr. Betts seconded, to pass Resolution No. 12, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 13, 2022, titled,

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION, OF THE ENACTMENT OF AN ORDINANCE TO AMEND SECTIONS OF THE CODIFIED ORDINANCES RELATING TO INCOME TAX, TO PROVIDE FOR THE REPLACEMENT OF THE ADDITIONAL ONE-HALF OF ONE PERCENT (0.5%) ON AND AFTER JUNE 1, 2023 FOR NINE AND ONE-HALF (9 1/2) YEARS ENDING DECEMBER 31, 2032 ON EARNINGS AND INCOME SUBJECT TO THE MUNICIPAL INCOME TAX FOR THE PURPOSE OF RETIREMENT OF ALL INDEBTEDNESS AND/OR EXPENSES FOR THE IMPROVEMENTS OF THE CITY STREETS AND THE SEWER SYSTEM FOR THE CITY OF BRYAN, OHIO, AS MORE FULLY SET FORTH HEREIN, DECLARING AN EMERGENCY AND RESCINDING RESOLUTION 5, 2022.

was presented and read by title only. City Attorney Fisher explained to Council that the State Attorney General requested some minor language modifications to the income tax issue coming up on the May 3, 2022, election. Therefore, this resolution needed to be approved to be in compliance.

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

Mr. Hupe moved, Mrs. Yahraus seconded, to pass Resolution No. 13, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 14, 2022, titled,

A RESOLUTION AUTHORIZING THE CLERK-TREASURER OF THE CITY OF BRYAN TO ADVERTISE FOR CONTRACTED OUTSIDE REFUSE REMOVAL SERVICE TO REPLACE INSIDE SERVICES FOR RESIDENTIAL AND CITY OF BRYAN COMMERCIAL REFUSE REMOVAL.

was presented and read by title only. Street Commissioner Engstrom requested Council's approval to advertise for contracted outside refuse removal service to replace inside services for residential and City of Bryan commercial refuse removal.

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

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

Ordinance No. 8, 2022, titled,

AN ORDINANCE PROVIDING FOR THE TRANSFER OF FUNDS FOR THE CITY OF BRYAN, FOR THE MONTH ENDING FEBRUARY 28, 2022.

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

Mr. Betts moved, Mr. Hupe seconded, to suspend the reading of Ordinance No. 8, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mrs. Yahraus seconded, to pass Ordinance No. 8, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 9, 2022, titled,

AN ORDINANCE AUTHORIZING THE CLERK-TREASURER TO ISSUE CHANGE ORDER #1 FOR THE PROJECT KNOWN AS "Bryan Fire Department Live Fire Training Structure Re-Build."

was presented and read by title only. City Engineer Wieland requested Council approve a change order for the Bryan Fire Department Live Fire Training Structure Re-build project. The change order would allow for an increase in cost due to requirements of the Ohio Department of Commerce Plan Review Process. In addition, the change order would permit the date of completion to be changed to August 31, 2022. Further discussion was held.

Mr. Hupe moved, Mrs. Yahraus seconded, to suspend the reading of Ordinance No. 9, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Ms. Leatherman moved, Mr. Betts seconded, to pass Ordinance No. 9, 2022. 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. Mayor Schlade approached Council regarding amending Bryan Municipal Code Section 773 of the Bryan Codified Ordinances pertaining to temporary store and transient dealers and adding regulations pertaining to food trucks. Mayor Schlade continued that a balance needs to be reached with the ordinance between brick and mortar food establishments, existing concession stand events, and food trucks. However, in an effort of invite more people into the City, food trucks are growing in popularity. This ordinance also addresses safety concerns with registering vendors such as food trucks to require background checks.

Further discussion was held with Council members voicing the need to hear from the public on this issue.

Mr. Hupe moved, Mrs. Yahraus seconded, to approve the first reading of Ordinance No. 10, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 11, 2022, titled,

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO APPROVE A PURCHASE ORDER TO SELKING INTERNATIONAL, FOR THE PURCHASE OF A MODEL 2023 HV507 SFA INTERNATIONAL CAB AND CHASSIS FOR THE BRYAN STREET DEPARTMENT, THROUGH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM PURSUANT TO ORC 5513.01(B), AT A TOTAL COST OF EIGHTY-EIGHT THOUSAND EIGHT HUNDRED SEVENTY-SEVEN DOLLARS

AND FIFTEEN CENTS (\$88,877.15), HEREBY WAIVING THE COMPETITIVE BIDDING PROCESS PRESCRIBED BY OHIO REVISED CODE AND PURSUANT TO ORC 5513.01(B).

was presented and read by title only. Street Commissioner Engstrom requested Council's permission to purchase a Selking International cab and chassis for the Bryan Street Department through the State of Ohio Department of Transportation Cooperative Purchasing Program and, thereby waive the bidding process. With the current supply chain issues, an order needs to be place now to receive the item in 2023. Further discussion was held.

Mrs. Yahraus moved, Mr. Betts seconded, to suspend the reading of Ordinance No. 11, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Hupe moved, Ms. Leatherman seconded, to pass Ordinance No. 11, 2022. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade requested Council's approval for the following members for the Volunteer Peace Officers Dependents Fund Board for 2022:

Council Member Richard Hupe
Council Member Judith Yahraus
Police Chief Gregory Ruskey
Sergeant Jeremy Viers
Jim Livengood

Ms. Leatherman moved, Mr. Betts seconded, to approve the above members to the Volunteer Peace Officers Dependents Fund Board for the City of Bryan for 2022. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade requested Council designate her as representative to the Executive Council of Maumee Valley Planning Organization for 2022 for the City of Bryan.

Mrs. Yahraus moved, Ms. Leatherman seconded, to designate Mayor Carrie M. Schlade as the City of Bryan representative to the Executive Council of Maumee Valley Planning Organization for 2022. Roll call vote: all ayes; nays, none. Motion carried.

Mayor Schlade informed Council 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.

At this point, Councilman Betts recused himself from the meeting as he disclosed that the proposed development site is owned by the Betts Family Recreational LLC. The time was 6:27 p.m.

Discussion was held noting that the property was zoned properly; however, the number of parking spaces may be an issue. Planning and Zoning Administrator Waterston noted that funding was still being sought. A conceptual drawing was shared. Concerns were voiced regarding the noise, the height of the building and the long-term ramifications should it cease to be a senior living development. Mayor Schlade did point out that as Bryan lacked housing, perhaps this development would help.

Citizens were encouraged to reach out to Council members with concerns regarding the proposed development as Council has the option to write a letter to the Ohio Housing Finance Agency stating any objections.

Ms. Leatherman moved, Mrs. Yahraus seconded, to allow comments regarding the Bryan Senior Lofts be submitted City Attorney Fisher and subsequently allow her to draft a letter to the Ohio Housing Finance Agency. Roll call vote: Leatherman, aye; Yahraus, aye; Hupe, aye; Kozumplik, aye; Betts, did not vote. Motion carried.

Council member Betts returned to the meeting at 6:42 p.m.

Annual reports for 2021 were given for the Engineering Department and Wastewater Department, respectively. Discussion was held at various points during the presentations.

Mayor Schlade and Council members thanked all involved with mitigating the effects from the recent snowstorm. In addition, appreciation was extended to Bryan City Schools for the land donation.

A brief recess was taken.

Mrs. Yahraus moved, Mr. Betts seconded, to go into Executive Session to discuss the compensation of a public employee at 7:15 p.m. Roll call vote: all ayes; nays, none. Motion carried.

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

Ms. Leatherman moved, Mr. Betts seconded, to exit Executive Session at 7:35 p.m. Roll call vote: all ayes; nays, none. Motion carried.

Ordinance No. 12, 2022, titled,

AN ORDINANCE AMENDING THE CITY OF BRYAN EMPLOYEE 2019 HANDBOOK SPECIFICALLY, SECTION 301 PERTAINING TO SICK LEAVE PAYOUT PERTAINING TO PAYOUT OF SICK LEAVE UPON DEATH OF AN EMPLOYEE AND MAKING IT RETROACTIVE TO JANUARY 1, 2022.

was presented and read by title only. Mayor Schlade requested Council consider amending Section 301 of the City of Bryan Employee 2019 Handbook to change the sick leave payout benefit to 100% up to 120 days or 960 hours in the event of the death of a City employee and making it retroactive to January 1, 2022.

Ms. Leatherman moved, Mr. Betts seconded, to suspend the reading of Ordinance No. 12, 2022, on three separate days. Roll call vote: all ayes; nays, none. Motion carried.

Mrs. Yahraus moved, Mr. Hupe seconded, to pass Ordinance No. 12, 2022. Roll call vote: all ayes; nays, none. Motion carried.

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

President of Council

Clerk-Treasurer