

**THE CITY OF FREMONT, OHIO**

*Journal of Council*

*December 19, 2019*

The regular meeting of Fremont City Council was called to order at 7:30 p.m. in the form prescribed by the General Rules of Council. President Hafford called the meeting to order. The following members answered roll call: Liebold, Barbour, Smith, Otte, Zilch, Ruiz, and Sleek. The minutes from December 5th were approved. Councilman Zilch made a motion to add a resolution requesting the Governor to file a removal complaint pursuant to R.C. 3.08 against Sandusky County Prosecuting Attorney Timothy Braun and declaring an emergency. Chris Liebold seconded, motion passed 7 yea votes. Mr. Otte made a motion to enter into Executive Session pursuant to Ohio Revised Cod 121.22 (G)(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment with Council business to transpire thereafter. Rick Zilch seconded, motion passed 7 yea votes. Mr. Zilch made motion to add an ordinance authorizing the Mayor and Safety Service Director to enter into an employment contract with the International Association of Firefighters representing Lieutenants, Captains, and Firefighters of the City Department and declaring an emergency. Jim Sleek seconded, motion passed 7 yea votes. Mr. Otte made a motion to remove item #8 on the agenda. Justin Smith seconded. Mr. Melle stated that the item was not needed because it was under the required amount to be placed on the agenda. Motion carried 7 yea votes.

First reading of a resolution requesting the Governor to file a removal complaint pursuant to R.C. 3.08 against Sandusky County Prosecuting Attorney Timothy Braun and declaring an emergency. On a motion to suspend rule 4 by Otte, seconded by Ruiz, motion carried 7 yea votes. On a motion to adopt by Zilch and seconded by Barbour. Mr. Smith made a statement that he was voting for this because he believed it was the right thing to do, but questioned if it truly was the city's responsibility to do. Mr. Zilch stated that it had to do with an elected official and this was one option to remove him from office. Mayor Sanchez stated that Sheriff Hilton briefed him and stated that the county prosecutor has lost the trust of the public, and he believed it was not fair for tax payers to pay a salary for someone who will not be in the office. Sheriff Hilton read a statement that he had prepared stating that Braun's misconduct in office was not just a county issue, but had also directly impacted the city of Fremont and the police department's interactions with the prosecutor's office on a daily basis. He stated that as the saga of the case unfolded, he believes that the 5 women were victimized again in a courtroom by a justice system that is sworn to protect them. Sheriff Hilton believed that the council in passing this resolution would send a clear and unmistakable message to the Governor that Fremont, Ohio will not stand for this and will fight against this miscarriage of justice. Next Former prosecutor's office employee Brandy White requested that council members also pass the resolution and told them it was imperative that elected officials take a stand against Braun and his creation of a hostile work environment. She stated that she had been a victim of Braun's misconduct and was forced to resign from her job. Mrs. White stated that it would be irresponsible to allow Tim Braun to stay on the taxpayers' payroll and receive \$12,000 a month and only have to show up to the office once every 90 days. Mr. Otte stated that he did not want to set a precedent that elected officials can act any way that they wanted to. Mr. Barbour thanked Sheriff Hilton and Brandi White for speaking before council. He then stated that this boils down to one simple fact...Power. We have the power to say something and to hold those in positions of power accountable for their actions. Monica Ramirez, a Fremont native and leader in the national #MeToo movement, thanked council members for considering the resolution and holding public officials accountable for their actions. Mr. Liebold stated that a similar situation occurred in Washington County and the elected official did the right thing and resigned. He is hoping that Mr. Braun will do the right thing and resign also. Motion carried 6 yea votes to 1 abstain vote. Res. 2019-2095

Council returned from Executive Session and resumed Council business with the reading of the agenda.

First reading an ordinance authorizing the Mayor and Safety Service Director to enter into an employment contract with the International Association of Firefighters representing Lieutenants, Captains, and Firefighters of the City Department and declaring an emergency. On a motion to suspend rule 4 by Zilch, seconded by Ruiz, motion carried 7 yea votes. On a motion to adopt by Smith and seconded by Barbour, motion carried 7 yea votes. Mr. Frost stated that the union negotiation went very well and they were able to come to an agreement. Ord. 2019-3991

Third reading of an ordinance to make appropriation in the amount of \$61,994,827.00 for expenses and expenditures for the 2020 Fiscal Year January 1<sup>st</sup> thru December 31<sup>st</sup> for the City of Fremont, State of Ohio and declaring an emergency. On a motion to adopt by Ruiz and seconded by Smith, motion carried 6 yea votes and 1 abstain Ord. 2019-3989

Third reading of an ordinance authorizing the Mayor and Safety Service Director to grant pay increases to non-union employees of the City of Fremont and declaring an emergency. On a motion to adopt by Smith and seconded by Ruiz, motion carried 7 yea votes. Ord. 2019-3990

Second reading ordinance authorizing the Safety Service Director to amend the Position Classification Plan and the Employee Compensation Plan for non-union employees to amend the position of Victim's Advocate an declaring an emergency. On a motion to suspend rule 4 by Smith, seconded by Sleek, motion carried 7 yea votes. On a motion to adopt by Ruiz and seconded by Barbour, motion carried 7 yea votes. Ord. 2019-3992

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Second reading of an ordinance amending Chapter 1305 Equal Housing Practices Code Sections 1305.02 Definitions, 1305.03 Unlawful Housing Practices and 1305.04 posting of notices for the City of Fremont.

Second reading of an ordinance amending the Position Classification Plan established on December 3rd, 1992 for the City of Fremont, and declaring an emergency. Mr. Otte made a motion to table the ordinance, it was not seconded. On a motion to suspend rule 4 by Ruiz, and seconded by Sleek. Discussion was held concerning the transparency and wording of the ordinance. A statement was made by Mrs. Ruiz that the ordinance should have been taken to the Rules, Laws, and Ordinance Committee before being presented to council. Motion carried 7 yeas votes. Motion to adopt by Zilch, seconded by Liebold. Mr. Liebold stated that the ordinance had been passed in 17 cities around the State of Ohio. The language definitions had been taken from the City of Bowling Green similar ordinance. Councilman Barbour and he are simply trying to move the needle on an ordinance that has been on the books since 1984 passed in Fremont. Mayor Sanchez stated that there are several people in the audience that would like to have their say. Dave Amerante, Jamie Polter, Cindy Gabel, Dave Freitag, and Tammi Heflinger all spoke before council stating their opposition to the ordinance. Stating that there is constant training on discrimination and fair housing for all real estate agents. Thought were that the wording in the ordinance was redundant, and they believe it would be an unfair burden on the city to have to police this ordinance. The realtors believed they should have been given time to review the ordinance and make recommendations to the council. They feel that the ordinance was rushed through and is unnecessary with state and federal rules and regulations in place already. Mr. Liebold addressed some of the concerns from the realtors. Mayor Sanchez stated that the Law Director stated the ordinance has no teeth to it. Mr. Liebold stated that he just wanted to send a positive message to the city. Mrs. Ruiz stated that if this is voted down you can still get the proper verbiage, go through the proper channels, and bring it back again. Motion failed 5 no votes to 2 yes votes.

Second reading of an ordinance amending the Position Classification Plan established on December 3rd, 1992 for the City of Fremont, and declaring an emergency. On a motion to suspend rule 4 by Barbour, seconded by Sleek, motion carried 7 yeas votes. On a motion to adopt by Zilch and seconded by Barbour, motion carried 7 yeas votes. Ord. 2019-3993

First reading of an ordinance to authorize the expenditure and direct the Safety Service Director to enter into a contract with Buckeye Excavating and Construction, Inc. in an amount not to exceed \$322,153.00 for the 2020 Haynes Street Storm Sewer Improvements, and declaring an emergency. Mr. Frost stated that this directly relates to the Rawson Street project and asked for suspension of rule 4. On a motion to suspend rule 4 by Sleek, seconded by Ruiz, motion carried 7 yeas votes. On a motion to adopt by Smith and seconded by Barbour, motion carried 7 yeas votes. Ord. 2019-3994

First reading of an ordinance to authorize the expenditure and direct the Safety Service Director to enter into a contract with HF Gerold Construction Co. For an amount not to exceed \$87,324.55 for services to improve and renovate the Rodger Young Park and Biggs-Kettner Park tennis courts in Fremont, State of Ohio and declaring an emergency. Mr. Frost explained this for the resurfacing of the tennis courts.

First reading of an ordinance to authorize the expenditure and direct the Safety Service Director to enter into a contract with Great Lakes Demolition Company, LLC for an amount not to exceed \$104,525.00 for services to improve and renovate the Sand Docks Recreational Area in Fremont, State of Ohio and declaring an emergency. Mr. Frost asked that rule 4 be suspended. On a motion to suspend rule 4 by Ruiz, seconded by Smith, motion carried 7 yeas votes. On a motion to adopt by Smith and seconded by Sleek, motion carried 7 yeas votes. Ord. 2019-3995

First reading of an ordinance to authorize the expenditure and direct the Safety Service Director to enter into a contract with Clean Care Incorporated in an amount not to exceed \$85,901.00 annually for cleaning services, carpet maintenance, floor stripping and refinishing at city facilities for the period January 1st, 2020 through December 31st, 2022, and declaring an emergency. Mr. Frost asked that rule 4 be suspended. On a motion to suspend rule 4 by Ruiz, seconded by Zilch motion carried 7 yeas votes. On a motion to adopt by Ruiz and seconded by Zilch, motion carried 7 yeas votes. Ord. 2019-3996

First reading of an ordinance accepting the plat and survey of Sunset Meadows Subdivision Phase One. Mr. Frost explained that the Sunset Meadows division is located by Big Lots and has been approved by the Planning Commission and is the first phase.

First reading of an ordinance amending appropriations within General Fund 101, Public Recreation Fund 211, Idiam Fund 230, Dare Fund 256, Ohio CDBG Fund 260, Water Operating Fund 510, Sewer Operating Fund 570, Demolition Security Fund 713, Sandusky County Sewer District Fund 726, and declaring an emergency. Mr. Grahl circulated a letter to council explaining the changes for appropriations. He stated it is a last minutes ordinance to clean up the budget for the end of the year and asked to suspend rule 4. On a motion to suspend rule 4 by Ruiz, seconded by Liebold, motion carried 7 yeas votes. On a motion to adopt by Ruiz and seconded by Liebold, motion carried 6 yeas votes and 1 abstain vote. Ord. 2019-3997

First reading of a resolution authorizing the approval and issuance of a warrant for payment of \$13,774.73 to Buckeye Excavating & Construction, Inc., and declaring an emergency. Mr. Frost explained that this is pertaining to the waterline project and contractor failed to present the invoices in a timely fashion. On a motion to suspend rule 4 by Zilch, seconded by Liebold, motion carried 7 yeas votes. On a motion to adopt by Barbour and seconded by Ruiz, motion carried 7 yeas votes. Ord. 2019-3998

### Committee Reports

Parks and Recreation Committee – Chairman Smith nothing to report.

Finance and Labor Committee – Chairman Liebold nothing to report

Community Partnership Committee – Chairman Barbour nothing to report.

Utilities and Traffic Committee – Chairman Otte nothing to report.

Citizen Service Committee – Chairman Ruiz nothing to report.

Economic Development Committee – Chairman Sleek nothing to report.

Laws, Rules, and Ordinance Committee – Chairman Zilch that application will be open until January 3rd if anyone is interested in the Board of Zoning Appeals Committee.

Executive Director of Downtown Fremont Kristie Bilger – Kristie stated this is the last weekend for Santa. Thanked everyone for their support of downtown and passed out flyers pertaining to New Years Eve. There is \$5 pass that you can get to participate in activities. There will be shuttle services that night, along with the Best Hometown Ceremony will take place with the Editor of Ohio Magazine. She ended with announcing from 10 am to noon there will be activities at the Rec. Department for children ending with a 4,000 balloon drop.

### Department Heads/Elected Officials

Mr. Frost deferred his time to Chief Foos who explained about the brain child of Captain Burmeister to put together a vehicle that can be used for education purposes for students pertaining to fire safety.

Chief Bliss wished everyone a safe and Happy New Year.

Erica Williams stated that they are working on updating Codified ordinances and requested that there is some type of representation from council with the departure of Mr. Zilch.

Mayor Sanchez thanked Mr. Zilch for his services on City Council the last 4 years. He wished everyone Happy Holidays.

Mr. Melle thanked Mr. Zilch and Mr. Barbour for their services and wished everyone happy holidays.

Holly Elder echoed the sentiments of others concerning Mr. Zilch and Mr. Barbour.

Mr. Grahl thanked council for passing the budget and the adjustments for the end of the year. He also thanked both departing council members for their service.

### Council Comments

Mr. Otte wished everyone happy holidays. Thanked Mr. Zilch for his service along with Mr. Barbour.

Mr. Smith wished everyone Merry Christmas and also thanked the departing members.

Mr. Barbour thanked everyone for supporting him during his short term on council. He wished everyone Merry Christmas and a Happy New Year.

Mr. Sleek wished everyone a great holiday and thanked

Mr. Liebold thanked Rick and Matt for their service and hoped that they would continue to be involved in the moving forward of the city.

Mr. Zilch wished everyone a Merry Christmas and a Happy New Year. He reflected on his four years on council and was appreciative of the level of communication between the council and administration.

Mrs. Ruiz echoed the sentiments of all towards Mr. Zilch and Mr. Barbour. She wished them both well. She mentioned the Clark Gas Station and it being torn down. She wished everyone a Merry Christmas and a Happy New Year.

Mrs. Hafford stated that both departing councilman were a great asset to the council and that they would be missed. She mention that she ate at the new restaurant on the Eastside A's and that they had excellent service and really great food. She ended by thanking the realtors and landlords for attending the council meeting tonight.

### Public Comments

On a motion to adjourn by Mr. Liebold, seconded by Mr. Barbour, motion carried 7 yes votes.

Meeting was adjourned at 9:40 p.m.

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Clerk of Council

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Council President