

CLYDE CITY COUNCIL
Regular Session – April 4, 2023

Clyde City Council met at 7:00 p.m. on Tuesday, April 4, 2023 in Council Chambers of the Municipal Building, 222 N. Main Street, Clyde, Ohio. Mayor Doug McCauley called the meeting to order.

Roll Call.

Present: Mayor Doug McCauley
Vice Mayor Scott Black
Council Member Steve Keegan
Council Member Chris Shay
Council Member Brent Stanley
City Manager Justin LaBenne (Not voting)
Clerk of Council Janet Dickman (Not voting)
Deputy Clerk Jackie Hoppe (Not voting)
Finance Director Frank Weasner (Not voting)

Absent/

Excused: Solicitor Zachary Selvey (Not voting)

Visitors signing in can be referenced in the Record Book Supplement.

The meeting opened with The Lord's Prayer followed by the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

The minutes of the March 21, 2023 regular session of council were distributed for review prior to this meeting. There were no corrections.

Motion: to approve the minutes of the March 21, 2023 regular session of council as written,

Action: Approve,

Moved by Council Member Brent Stanley, **Seconded by** Council Member Steve Keegan.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mayor Doug McCauley, Vice Mayor Scott Black, Council Member Chris Shay, Council Member Steve Keegan, Council Member Brent Stanley.

DISCUSSION OF PENDING OLD BUSINESS

Mr. Stanley questioned the status of the conduit at the corner of Buckeye/Main Streets that needs repairs (Kiser will be giving us a quote to re-do the conduit).

Mr. Shay recalled a worksession held a year ago to discuss an issue with feral cats. He feels the issue subsided for a while, but it is coming back again. He questioned the status of using vouchers for residents to acquire to have feral cats sterilized to address this issue, noting it was previously discussed to set aside \$10,000 for a catch and release program (this can be discussed further in the motions section of this meeting).

CORRESPONDENCE

There was none.

Visitors:

Mike Cleveland 1028 Race Street, Clyde.

Mr. Cleveland was out of the country when the first meeting was held discussing the chickens being raised in town. He is concerned regarding how this could negatively impact property values, which in turn would negatively affect the schools. He doesn't have anything against chickens, but it is better for them to be raised in the country. He was raised in the country and he knows that the chicken waste has a very bad smell; he also questions how the waste would be disposed of. Concerns have been previously voiced regarding coyotes being in this area and he noted that chickens would attract coyotes. With no local newspaper, there could be many residents who may not know that these discussions are being held. He feels this should be put up for a vote to all residents.

Bill Brown 129 W. Thomson Drive, Clyde.

He too is a resident opposing raising chickens in town. He distributed and read various reasons for his views of opposition (a copy of his letter can be found in the record book supplement).

Art Lester 150 Liberty Street, Clyde.

He noted that cat owners need to be responsible owners and the same will apply to owners of chickens. Other towns have the same issues with dogs and cats. If a complaint is voiced related to a dog, someone responds to the complaint within an hour. If a complaint is voiced related to a cat, there is no response.

FIRST READING ORDINANCES

2023-36 AN ORDINANCE CREATING CHAPTER 506 OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE, OHIO, FOR THE PURPOSE OF REGULATING THE KEEPING OF BACKYARD CHICKENS.

Ordinance No. **2023-36** was read in its entirety.

Mr. Keegan has made it known he is in favor of allowing chickens to be raised in town. He visited a residence where he purchases eggs; he could not notice a smell until he reached the coupe. The owner noted she let the area get away from her, had not cleaned the coupe in a couple months and that is why there was a smell. He noted there have been some problems with dogs over the years, related to zoning, etc. This is a separate issue and is only related to chickens, which would be kept in a fenced in area and would not be running all around the yard. His preference is to talk to his neighbors if there is a problem, not to call the police. He does not think that many people will begin raising chickens. He acknowledges there will be violations because there always are. A stipulation in the Ordinance states that anyone who has past problems with violations will not be issued a permit to have chickens. This Ordinance will be voted on at the next Council meeting.

Mr. Stanley voiced a concern with enforcement. The responsibility for enforcement would be

with the City Manager and the Zoning Inspector, but they are already very busy. He feels there is a need for a different plan for enforcement (fines for infractions will be added to the resident's utilities bill; in the future, the Police Department will have the ability to issue a ticket for a violation). Mr. Stanley is not for or against this Ordinance; he just wants the decision to be the right decision.

Mr. Black has received many comments from residents. He would agree with this issue going to a ballot vote. If a vote would result in passage of this Ordinance, we would have to find a way to deal with it.

Mr. Shay feels this is not the biggest issue for the City to address. However, both sides have made good points and he appreciates the information he has heard and learned. This Ordinance is detailed and well prepared. One reason he ran for Council is to be a Councilman with a goal to make life better in the City of Clyde. His vision for Clyde does not see neighborhoods with chickens.

Mayor McCauley noted the City is governed by hundreds of Ordinances, and it is very difficult to enforce all of them. As an example, Mayor McCauley complained for five years regarding a disabled car that was parked in a neighbor's front yard. The car was finally moved, but they replaced it with a shed in the front yard. Ordinances are put into place to address situations of those who do not follow the regulations. Concerns related to raising chickens in town include the smell during the heat of summer and a fire hazard if heaters are used during the cold of winter. He questioned how they will dispose of the waste, noting it would be disrespectful to dispose of it in the garbage. At one time an Ordinance was changed to accommodate RV's to be parked at residences, but now the RV's are parked in yards and they never are used or moved. Some have made the point that chickens should be permitted due to the price of eggs going up; would this mean that if the price of bacon goes up, the City should permit pigs to be raised in the City? Mayor McCauley ran for a Council seat to affect the aesthetics of Clyde. Clyde has been without chickens for forty-one years. There will be a second reading of this Ordinance at the next Council meeting. More comments can be made before Council votes. Another situation to consider is rental properties and how it would be handled if tenants want to raise chickens. He questions why we would want to pile on more regulations related to zoning to enforce.

Mayor McCauley announced that Ordinance No. **2023-36** had its first reading.

2023-37 AN ORDINANCE CREATING CHAPTER 1310 "CONDEMNATION AND DEMOLITION" OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE, OHIO AND DECLARING AN EMERGENCY.

Ordinance No. **2023-37** was read in its entirety.

Mayor McCauley announced that this ordinance contained an emergency clause.

Motion: to suspend the rule preventing passage of an ordinance at a meeting at which it is first introduced, which is section 4-5 of the Charter, **Action:** Suspend rule,

Moved by Council Member Chris Shay, **Seconded by** Council Member Brent Stanley.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Vice Mayor Scott Black, Council Member Chris Shay, Council Member Steve Keegan, Council Member Brent Stanley, Mayor Doug McCauley.

Mr. LaBenne stated this Ordinance is needed because some property owners do not honor their commitment to comply with zoning regulations.

Mr. Shay is highly in favor of this Ordinance.

Mayor McCauley stated it is time for the City to step in sometimes to address issues. He is glad this Ordinance is being put into place.

Visitor Mr. Cleveland extended thanks for this legislation. This has been a long standing issue. He feels the City Manager has great ideas.

By poll of Council, Ordinance No. **2023-37** was read by title only for its second reading.

There were no additional questions/comments from Administration or Council.

Motion: to adopt Ordinance No. **2023-37**, **Action:** Adopt,

Moved by Council Member Brent Stanley, **Seconded by** Council Member Steve Keegan.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Council Member Chris Shay, Council Member Steve Keegan, Council Member Brent Stanley, Mayor Doug McCauley, Vice Mayor Scott Black.

Mayor McCauley announced that Ordinance No. **2023-37** has been adopted.

SECOND READING ORDINANCES

There were none.

RESOLUTIONS

2023-38 A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE CODY SYSTEMS SOFTWARE UPGRADES FOR THE CITY OF CLYDE POLICE DEPARTMENT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

Resolution No. **2023-38** was read in its entirety.

Mr. LaBenne noted this purchase was originally budgeted at \$50,000; the current proposal is over that original amount.

Motion: to pass Resolution No. **2023-38**, **Action:** Pass,

Moved by Council Member Chris Shay, **Seconded by** Council Member Steve Keegan.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Council Member Steve Keegan, Council Member Brent Stanley, Mayor Doug McCauley, Vice Mayor Scott Black, Council Member Chris Shay.

Mayor McCauley announced that Resolution No. **2023-38** passed.

2023-39 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DESIGNING LOCAL FOR THE CREATION OF A 15-YEAR REVITALIZATION AND PLACEMAKING PLAN.

Resolution No. **2023-39** was read in its entirety.

Mr. LaBenne has seen this company's work and he has vetted them. Even though Mr. LaBenne would like to draw up the plans for his many projects he has in mind, this company can put our ideas on paper faster with their architectural renderings. They will also help with chasing the funding for the projects. This agreement is an "up to" dollar amount plan.

Mr. Keegan has mixed feelings about this Resolution. Strategic plans were proposed in the past at very high dollar amounts. He thought it had been decided that we would do the work with our own people (we did do some work on our own).

Mr. Shay questioned the difference between what this company will do and what Small Nation did (Small Nation focused only on downtown; this will encompass all of the town). It was noted this expenditure was budgeted for in 2023. Mr. Shay questioned if they will also help with a walking plan from the reservoir to Community Park (yes).

Mayor McCauley heard from residents of a town who used this company and they were very impressed. He also saw the results in a community who used this company and he hopes to see the same polished results here.

Motion: to pass Resolution No. **2023-39**, **Action:** Pass,

Moved by Council Member Chris Shay, **Seconded by** Mayor Doug McCauley.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Council Member Brent Stanley, Mayor Doug McCauley, Vice Mayor Scott Black, Council Member Chris Shay, Council Member Steve Keegan.

Mayor McCauley announced that Resolution No. **2023-39** passed.

2023-40 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR CONSTRUCTION ENGINEERING SERVICES WITH MS ENGINEERING, LLC OF CLYDE, OHIO FOR THE WOODLAND AVENUE SANITARY SEWER PROJECT IN THE CITY OF CLYDE; APPROPRIATING FUNDS AND AUTHORIZING THE EXPENDITURE OF MONEYS THEREFOR.

Resolution No. **2023-40** was read in its entirety.

Mr. LaBenne explained this will be an engineer to oversee the project to ensure it is done properly.

Mr. Keegan clarified this will be an onsite inspector (yes).

Mr. Stanley questioned if he has previously done several projects for us (yes).

Mr. Black is glad to see this getting taken care of.

Mr. Shay spoke with him when he was the inspector for the Mulberry Street bridge project and found him to be very professional and will have Clyde's best interest in mind.

Motion: to pass Resolution No. **2023-40**, **Action:** Pass,

Moved by Council Member Brent Stanley, **Seconded by** Council Member Steve Keegan.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mayor Doug McCauley, Vice Mayor Scott Black, Council Member Chris Shay, Council Member Steve Keegan, Council Member Brent Stanley.

Mayor McCauley announced that Resolution No. **2023-40** passed.

2023-41 A RESOLUTION AWARDING A CONTRACT FOR THE WOODLAND AVENUE SANITARY SEWER PROJECT TO HELMS & SONS EXCAVATING, INC. OF FINDLAY, OHIO.

Resolution No. **2023-41** was read in its entirety.

Mr. LaBenne vetted this new company and received positive comments. This is a higher price than expected, but adjustments were made in the Permanent Improvement funding to accommodate.

Mr. Keegan feels this project is well over due. He questioned if there will be some assessments (we have tried for many grants and we have accounted for this in the budget). There are homes in this area that their septic system is overtaxed.

Mr. Stanley questioned the breakdown of how much the county is giving toward this project (none; about 50% of the project is funded).

Mr. Black noted the large price tag for this project even though we are using the low bidder. He is glad their work quality has been checked.

Mayor McCauley stated this is the cost of a capital upgrade. With inflation the price will keep going up so he is glad we are moving forward with this.

Motion: to pass Resolution No. **2023-41**, **Action:** Pass,

Moved by Council Member Steve Keegan, **Seconded by** Council Member Brent Stanley.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Vice Mayor Scott Black, Council Member Chris Shay, Council Member Steve Keegan, Mayor Doug McCauley, Council Member Brent Stanley.

Mayor McCauley announced that Resolution No. **2023-41** passed.

ADMINISTRATIVE REPORT

Mr. LaBenne gave the following report:

- 102 S. Main Street Building is being worked on at a steady pace.
- There was an accidental CL&P power outage today, lasting about three minutes. This was not safety related.
- Demolition updates: Bertha Ave. structure is down and cleaned up; Vine Street property is a County Landbank and we are hoping for removal soon. Mr. Winke and Mr. LaBenne have been working on this and have been meeting with some people to discuss their properties. Some property owners may be surprised when the demolition process is started, some may not be. There is a cost that comes with this process.
- A representative from Ottawa, Sandusky, Seneca Counties Waste could be scheduled to attend a Council meeting to discuss in detail their program that Council did not pass at the last Council meeting

FINANCE DIRECTOR'S REPORT

Mr. Weasner reported the following:

- Financials are in good shape
- We received our letter of intent and the annual audit is in the beginning stages

COUNCIL REMARKS

Mr. Stanley offered a reminder to Council members that the financial disclosure form is due to the Ohio Ethics Commission by May 18.

Mr. Stanley offered a reminder that some ball teams are already starting to practice and he hopes the ball fields at Community Park can be ready for use.

Mr. Stanley offered a reminder to watch for kids being outside more often with the warmer weather. He offered a reminder to not speed and to not have distracted driving.

Mr. Black attended the CHS girls softball game prior to coming to this Council meeting and they were winning when he left. He hopes they continued winning.

Mr. Black continues to hear comments from residents who feel there needs to be a stop sign at CR 236 for the new truck stop exit (Clyde does not have the authority to post a stop sign at that location; Mr. Winke will speak to the business owner who would need to place a sign on his private property).

Mr. Black again voiced concern for the need for additional lighting near the Middle School for safety of children who are walking in that area.

Mr. Black is glad that Ordinance 2023-37 was adopted. He feels the City needs to have the ability to get rid of bad houses. Mr. Black dealt with a situation of a bad house next to his;

although the home was condemned it was not torn down. Mr. Black then built a fence between his house and the bad house. It is hard when you live next to a property in bad condition when there is nothing that you can do about it.

Mr. Shay referenced two employees from the Waste Water Treatment Plant, extending thanks to Louie Stein upon his retirement with thirty-eight years of service and expressing concern for Gary Beamer (also a former Council member) who is currently in the hospital.

Mayor McCauley referenced a letter sent to Council, stating "City Council is trying to get chickens raised in Clyde." He noted this statement is not accurate; this topic is being discussed and will then be voted on. The full letter was not read due to it being anonymous. Only letters that are signed and include an address will be read at Council meetings. Mr. Keegan voiced agreement with not reading letters that are not signed.

Mayor McCauley recalled the Evergreen Plastics property being discussed last fall as being a deplorable mess, and this mess extending to the bike trail. Mayor McCauley spoke to EPA last week regarding this situation. Mr. LaBenne is aware that representatives from EPA visited the property and they are making an action plan.

Mayor McCauley offered kudos to Mr. LaBenne for the work involved in preparing the demolition legislation.

Mr. Winke reported that brush and leaf pick up has started again.

Mr. Winke reported they have a list of properties for demolition.

MOTIONS

Motion: to allocate \$10,000 to a voucher program for a feral cat catch/release program,

Action: Approve,

Moved by Council Member Chris Shay, **Seconded by** Council Member Brent Stanley.

Mr. Black feels it needs to be a spay/neuter program; if the feral cats are euthanized, new cats will move in and will have litters of kittens.

Mayor McCauley questions how the program will be administered and how it will be policed to not use vouchers for house cats. He clarified that when the money is gone, no additional vouchers will be given out.

Mr. LaBenne recalled the worksession when a veterinarian stated it would be three years with the catch and release program before we would notice a difference. An agreement will need to be signed with a veterinarian for this program.

Mr. Shay acknowledged this is not a perfect program but it is something to try to address the issue. At the worksession an amount of \$60/cat was discussed.

Visitor Art Lester asked if a resident requests a voucher, would they then own the cat they use the voucher for (no, this is a voluntary program).

Vote: Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

Yes: Council Member Chris Shay, Council Member Steve Keegan, Council Member Brent Stanley, Vice Mayor Scott Black.

No: Mayor Doug McCauley.

Mr. LaBenne noted Council could rescind this motion at a future date if they so choose.

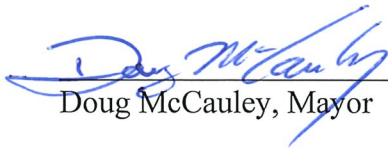
ADJOURNMENT

Motion: to adjourn the meeting at 8:32 p.m., **Action:** Adjourn,

Moved by Mayor Doug McCauley, **Seconded by** Council Member Brent Stanley.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Council Member Steve Keegan, Council Member Brent Stanley, Mayor Doug McCauley, Vice Mayor Scott Black, Council Member Chris Shay.



Doug McCauley, Mayor

Janet R. Dickman, Clerk of Council

CITY OF CLYDE

COUNCIL MEETING

Date: Tuesday April 4, 2023 Regular Session

Visitors – PLEASE SIGN IN:

1. MIKE CLEVELAND
2. Ranae Cleveland
3. Rob W. Dyer
4. Walt
5. Crystal Schuler
6. Gene T. Paul
7. Bru Brown
8. Jessica Schreiber
9. Ken White
10. Christie Watkins
11. Gary Smith
12. See Mayes
13. Christina Lowe
14. _____
15. _____