

CLYDE CITY COUNCIL
Regular Session – April 18, 2023

Clyde City Council met at 7:00 p.m. on Tuesday, April 18, 2023 in Council Chambers of the Municipal Building, 222 N. Main Street, Clyde, Ohio. Vice Mayor Scott Black called the meeting to order.

Roll Call.

Present: 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)
Solicitor Zachary Selvey (Not voting)

Absent/

Excused: Mayor Doug McCauley

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 April 4, 2023 regular session of council were distributed for review prior to this meeting. There were no corrections.

Motion: to approve the minutes of the April 4, 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 = 4).

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

Absent: Mayor Doug McCauley.

DISCUSSION OF PENDING OLD BUSINESS

Mr. Stanley inquired if the quote was received to repair the conduit at Buckeye/Main Streets (not yet; we will follow up with Mr. Kiser).

CORRESPONDENCE

A letter to Council from resident Mike Cleveland was read; this letter was in reference to the opportunity to voice concerns opposing the Ordinance to allow chickens to be raised within City limits.

Visitors:

Mike Cleveland, resident, distributed additional information to Council regarding his opposition to allowing chickens. His information included data from the CDC that he found online. (A copy of his information can be found in the record book supplement).

Gary Baty, Solid Waste Management District Director, is present tonight to clear up any questions/concerns that some may have. He confirmed the agreement presented to Council is not a contract and there is no exchange of money. The agreement just explains their program. It is an EPA requirement for them to share information with the counties every five years, regarding their programs and explaining what is available. Some of their programs include education programs, an adopt-a-road program for civic groups, and grants given to non-profits, such as schools.

Mr. Keegan questioned if they could collect recycled items in Clyde (no, they have these collection sites at fairgrounds in each county). Is there a cost to recycle items (there is a cost for some items as noted on their flyers).

Mr. Stanley requested additional explanation regarding the grants (an example, is a grant to purchase benches made of recycled materials instead of wood, or a shade structure made of recycled materials).

Mr. Stanley requested confirmation that there is no cost to the City (correct, no cost).

Mr. Stanley questioned if collection dates are advertised (yes, via the radio and newspapers).

Mr. Shay offered thanks for attending this meeting.

Mr. Black also offered thanks. He noted flyers for collection dates have previously been made available at the City Building and many people pick up these flyers. Mr. Black has taken recycled items to a collection and noted the collection process to be efficient and they do an excellent job.

FIRST READING ORDINANCES

2023-42 AN ORDINANCE MAKING CERTAIN SUPPLEMENTAL APPROPRIATIONS AND INTRA-FUND TRANSFERS TO APPROPRIATIONS DURING THE FISCAL YEAR OF 2023 AND DECLARING AN EMERGENCY.

Ordinance No. **2023-42** was read in its entirety.

Mr. Weasner explained this is a correction to a year-end charge, to bring the permanent improvement account whole. Also a jackhammer that was purchased was expensed to one account but then reimbursed by the general services account.

There were no questions/comments from Council.

Vice Mayor Black 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 = 4).

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

Absent: Mayor Doug McCauley.

By poll of Council, Ordinance No. **2023-42** was read by title only for its second reading.

Motion: to adopt Ordinance No. **2023-42**, **Action:** Adopt,

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

Absent: Mayor Doug McCauley.

Vice Mayor Black announced that Ordinance No. **2023-42** has been adopted.

2023-43 AN ORDINANCE AUTHORIZING THE PURCHASE OF PROPERTY FROM KATHLEEN LIMBERIOS, APPROPRIATING FUNDS, AND AUTHORIZING THE EXPENDITURE OF MONEYS THEREFORE, AND DECLARING AN EMERGENCY.

Ordinance No. **2023-43** was read in its entirety.

Mr. LaBenne noted he and Mr. Winke have been working on this with the property owner, who has been cooperative. He stated there is a large tree that will need to be removed; the City will have approximately \$20,000 invested.

Mr. Keegan requested confirmation that the expense for the house will be \$12,500 and the expense for the demolition and the asbestos removal will be \$12,700 (yes; this will be expensed to the Permanent Improvement fund).

Mr. Shay questioned the future plan for this property (to sell it).

Mr. Selvey stated the purchase agreement and issuance of a check can usually be done in about a week or two. The City could possibly own this property by mid-May to the end of May.

Vice Mayor Black 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 Brent Stanley, **Seconded by** Council Member Chris Shay.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

Council Member Steve Keegan.
Absent: Mayor Doug McCauley.

By poll of Council, Ordinance No. **2023-43** was read by title only for its second reading.

Mr. Stanley offered thanks for going after properties and cleaning up neighborhoods.

Motion: to adopt Ordinance No. **2023-43**, **Action:** Adopt,
Moved by Council Member Chris Shay, **Seconded by** Council Member Brent Stanley.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

Absent: Mayor Doug McCauley.

Vice Mayor Black announced that Ordinance No. **2023-43** has been adopted.

SECOND 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.

By poll of Council, Ordinance No. **2023-36** was read by title only for its second reading.

Mr. Keegan has many thoughts on this Ordinance:

- Who usually addresses zoning code issues (Mr. Winke and Mr. LaBenne)
- The residents making this request are not asking for money
- He is glad he has not had to ask for permission for everything he has wanted to do
- This City sits in the middle of much farmland
- The grain trains that are frequently discussed, are actually transporting grain to other states to feed chickens
- Other zoning violations such as not mowing a lawn or having junk cars on a property are a constant concern, but why should those who want to raise chickens be punished because of these zoning infractions
- If someone is arrested for a DUI, alcohol is not taken away from everyone
- Being a farmer is not a bad thing
- It has been mentioned that coyotes and skunks will kill the chickens, but he feels this will not happen if the rules are followed because the rules include the need for an enclosure
- When chickens are raised out in the country there are no rules for needing coups
- He asked the Fire Department how many chicken coup fires they have needed to put out and he was told “none”; other types of heaters are available to use now
- Frequently in the news there are reports of shootings and other violence; we are lucky to be only dealing with this issue and not those issues
- It has been questioned how to dispose of the chicken manure; dirty diapers and kitty litter are disposed through the trash pick-up so the same should be able to be done with the chicken manure; hog farms are a worse smell problem

- If chickens are not permitted, maybe ducks should be permitted to be raised since the City has ducks (Community Park) and Whirlpool has ducks
- In regards to concerns about property value, he feels the CRA took care of those concerns

Mr. Stanley questioned Mr. Winke and Mr. LaBenne how much time in their work day would they have available to address these issues (none).

Mr. Stanley questioned how other Cities enforce these zoning codes (neighbors have to deal with it or they are calling the Health Department). This is Mr. Stanley's concern, how it will be enforced.

Mr. Shay stated there were many concerns in Mike Cleveland's letter that are addressed in the Ordinance. Mr. Shay feels it is the duty of Council to address this issue that has been brought to them. When he envisions Clyde neighborhoods he does not see farm animals at these properties.

Brenda Gilbert, 132 W. Drew Lane

Ms. Gilbert has listened to the audio from previous meeting minutes. She read her many opinions to be in favor of allowing chickens to be raised within City limits (a copy of her statement is on file in the record book supplement). She has read the Ordinance and feels it was well written. She asks Council to please vote with logics, and not in fear of the unknown.

Christie Watkins, 284 Ott Street

Ms. Watkins expressed her views in support of allowing chickens to be raised within City limits (a copy of her statement is on file in the record book supplement). She noted not everyone will qualify to raise chickens due to guidelines in the Ordinance related to the need for a certain size of a back yard.

Mr. Selvey reminded Council they have the option to table this legislation.

Due to the absence of Mr. McCauley, this legislation is tabled temporarily until all Council members can be available to vote.

Motion: to table Ordinance No. **2023-36**, **Action:** Table,

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

Absent: Mayor Doug McCauley.

Vice Mayor Black announced that Ordinance No. **2023-36** has been tabled.

RESOLUTIONS

2023-44 A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION'S (ODOT'S) WINTER-USE SALT CONTRACT.

Resolution No. **2023-44** was read in its entirety.

Mr. LaBenne stated this is an annual contract for winter salt for next year. We do have some salt left over from this year.

Mr. Keegan questioned if the City has gotten a new salt building (no).

Mr. Stanley questioned how much salt is left from this year (about 400 tons; we will not need to purchase much for next year).

Motion: to pass Resolution No. **2023-44**, **Action:** Pass,

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

Absent: Mayor Doug McCauley.

Vice Mayor Black announced that Resolution No. **2023-44** passed.

2023-45 A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE OTTAWA-SANDUSKY-SENECA JOINT SOLID WASTE MANAGEMENT DISTRICT.

Resolution No. **2023-45** was read in its entirety.

Mr. LaBenne noted Mr. Baty was present this evening to give a synopsis of the 375 page plan, which is available for review upon request. There would be no money involved.

Mr. Keegan questioned if Mr. LaBenne read all 375 pages, and questioned if they could slip anything in that we are unaware of (it is not a contract and we will not be required to sign anything; Council could disapprove at any time). When recycle bins are made available, some people use it like a trash can instead of only placing recyclables in it. If Clyde would want recycle bins, OSS would help set this up.

Mr. Stanley feels it is nice that they cover the cost of the recyclables. Many people acquire items that are difficult to dispose of. The grants and education programs are a good part of the program.

Mr. Shay extended thanks to Mr. Selvey for his explanation related to this Resolution. Mr. Shay has used the recycle services and he appreciates it.

Mr. Black has used the recycle service. He wishes they offered collections twice per year, instead of once.

Motion: to pass Resolution No. **2023-45**, **Action:** Pass,
Moved by Council Member Chris Shay, **Seconded by** Council Member Steve Keegan.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).
Yes: Council Member Brent Stanley, Vice Mayor Scott Black, Council Member Chris Shay, Council Member Steve Keegan.
Absent: Mayor Doug McCauley.

Vice Mayor Black announced that Resolution No. **2023-45** passed.

2023-46 A RESOLUTION AUTHORIZING THE PURCHASE OF A 2023 FORD F250 XL FOR THE GENERAL SERVICES DEPARTMENT, APPROPRIATING FUNDS AND AUTHORIZING THE EXPENDITURE OF MONEYS THEREFORE.

Resolution No. **2023-46** was read in its entirety.

Mr. LaBenne noted the original request was for a 2022 truck; however, the dealer offered a 2023 model and the price would still be under the approved budgeted amount.

Mr. Black noted this was approved at the budget hearings last fall.

Motion: to pass Resolution No. **2023-46**, **Action:** Pass,
Moved by Council Member Brent Stanley, **Seconded by** Council Member Steve Keegan.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).
Yes: Vice Mayor Scott Black, Council Member Chris Shay, Council Member Steve Keegan, Council Member Brent Stanley.
Absent: Mayor Doug McCauley.

Vice Mayor Black announced that Resolution No. **2023-46** passed.

2023-47 A RESOLUTION AUTHORIZING THE PURCHASE OF A TANDEM VIBRATORY ROLLER FOR THE GENERAL SERVICES DEPARTMENT, APPROPRIATING FUNDS AND AUTHORIZING THE EXPENDITURE OF MONEYS THEREFORE.

Resolution No. **2023-47** was read in its entirety.

Mr. LaBenne stated this is another budgeted item from the budget hearings last fall.

Mr. Keegan understands the staff use this when they patch a street (the old model went to the WWTP department).

It was questioned what a “vibratory” roller is (we can have the machine brought to the City Building during a Council meeting for viewing).

Motion: to pass Resolution No. **2023-47**, **Action:** Pass,
Moved by Council Member Steve Keegan, **Seconded by** Council Member Brent Stanley.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

Absent: Mayor Doug McCauley.

Vice Mayor Black announced that Resolution No. **2023-47** passed.

ADMINISTRATIVE REPORT

Mr. LaBenne gave the following report:

- Omni Fiber will soon be back in town to clean up their messes at various properties
- Renovations at the recently purchased Main Street property are moving along; the store front has been removed and now shows the frontage is from the 1970's; brick is exposed
- The home at 638 Vine Street was condemned; they now have thirty days to respond. We are hoping to continue to clean up properties
- We are looking at doing a downtown walk; we are in good shape. Sandusky County grants are available
- Ryan Zimmerman, local veterinarian, has agreed to establish a voucher program with Clyde for sterilizing feral cats

FINANCE DIRECTOR'S REPORT

Mr. Weasner reported the following:

- He attended another training session to use the CMI budgeting tool
- Today was the tax due date
- Monthly financial report will be available at the next Council meeting
- He offered thanks to other staff for assistance

COUNCIL REMARKS

Mr. Keegan remarked that Brenda Gilbert who spoke tonight would volunteer to serve on a chicken committee to address concerns. The high school FFA teacher, along with high school students, is interested in policing those who are raising chickens. Mr. Selvey stated if a committee would be formed, the language in the Ordinance would need to be changed. An alternative to a committee is for the City Manager to appoint one or two persons as designees.

Mr. Keegan anticipates seeing more chicken coups pop up whether Council votes yes or no for the Ordinance. If Council votes no, and someone starts raising chickens they could be taken to court. However, this would be a less serious case for the courts to address compared to other cases coming before the court.

Mr. Keegan offered thanks to the City crews for picking up tree limbs and grass clippings.

Mr. Keegan asked about an entry in the police log about a person being on the railroad tracks; he questioned the status (the person went to jail for a few days and was released).

Mr. Stanley questioned Omni's intent related to their clean-up (they are aware of issues, they will drive down all roads and address what needs fixed). He questioned if other fiber providers

are still planning to come to Clyde (Frontier has submitted plans; they will use existing infrastructure and may start soon; they will update some of their old poles and wires).

Mr. Shay questioned clean-up of a guide wire by Omni Fiber for Mr. Gressman (that will need to be done differently).

Mr. Black attended a high school girls' softball game prior to attending this Council meeting and they were winning. He hopes this will continue.

By poll of Council and Administration the April 25, 2023 work session is cancelled.

MOTIONS

There were none.

ADJOURNMENT

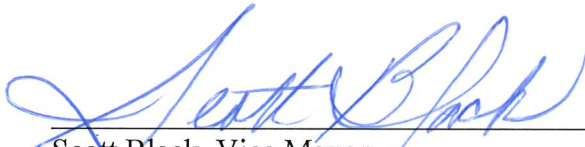
Motion: to adjourn the meeting at 8:43 p.m., **Action:** Adjourn,

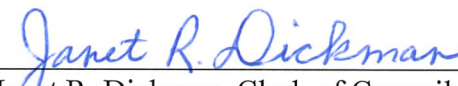
Moved by Vice Mayor Scott Black, **Seconded by** Council Member Steve Keegan.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

Absent: Mayor Doug McCauley.



Scott Black, Vice Mayor

Janet R. Dickman, Clerk of Council

CITY OF CLYDE

COUNCIL MEETING

Date: Tuesday April 18, 2023 Regular session

Visitors – PLEASE SIGN IN:

1. Rance Cleveland
2. Mike Cleveland
3. Christie Watkins
4. Ben Brown
5. Gary Smith
6. Ben White
7. Gary Barty
8. Brenda Gilber
9. Gene Paul
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____