

CLYDE CITY COUNCIL
Regular Session – July 6, 2023

Clyde City Council met at 7:00 p.m. on Tuesday, July 6, 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)
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 June 20, 2023 regular session of council were distributed for review prior to this meeting. There were no corrections.

Motion: to approve the minutes of the June 20, 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 4-0-1).

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

Abstain: Council Member Chris Shay

DISCUSSION OF PENDING OLD BUSINESS

Mr. Stanley noted the Ordinance related to keeping grass mowed has been discussed in the past. He questioned if letters have been sent recently to offenders of this Ordinance.

Mr. Shay drove around town and noticed areas where demolition has occurred and noticed much construction occurring. It is good to see this progress.

Mr. Shay saw 12-18 people using and really enjoying the new pickle ball court at Hendricks Park. There is an app that can be used on a smart phone to follow pickle ball games. A suggestion was received to convert more unused tennis courts to pickle ball courts.

CORRESPONDENCE

There was none.

Visitors:

Resident, Brittany Wott 4273 CR 223, Clyde

Ms. Wott attended to speak regarding the smoking issue in the parks that is on the agenda in legislation. She would like to see smoking removed from all City parks. She researched on the CDC website the danger of second hand smoke. The issue of second hand smoke becomes more of a problem during baseball season. Some smokers are not considerate, such as if the wind is blowing the smoke towards non-smokers. The dangers are especially bad for infants and anyone with health issues. She is aware of other communities that have a smoking ban in their parks. The only way to remove this danger is to completely stay away from it. There are signs on the dugouts stating "no smoking in this area" but these are ineffective. She has made comments to smokers to not smoke around others, but she does not want to be the "cigarette police." Ms. Wott also commented on the littering of cigarette butts. She referenced times when games have been cancelled due to poor air quality, but to allow smoking contradicts this. Allowing smoking anywhere in the park causes the non-smokers to have no choice but to be subject to the second hand smoke. Ms. Wott reviewed some of the specific CDC facts regarding the dangers of second hand smoke. As a compromise, possibly only the park parking lots could be a smoking area.

Mr. Keegan agrees 100 percent. This issue will be addressed tonight during the First Reading Ordinances section.

Mr. Shay referenced a long ago policy for restaurants to have a smoking and a non-smoking section, but the second hand smoke was still a concern. He agrees with these views, and is glad it will be addressed tonight. He offered thanks for attending tonight.

Janie Whitaker, 115 Vine Street, Clyde

She questioned if the legislation will need full majority vote to pass or a majority vote (majority). She agrees with elimination of smoking at all parks. Many people go to parks for exercise; second hand smoke is not conducive to a healthy lifestyle. If the legislation passes, the City will need to make sure the ban is clear upon entering the park.

Mr. Keegan shared a copy of the legislation with both visitors. He stated new signs will be needed at every park entrance. He noted fines can be levied against offenders.

Mr. Shay noted enforcement of a new code typically starts with a warning to the offender.

Mayor McCauley feels the culture in Ohio has made great strides. He grew up in a smoking environment and he saw the negative effects it has on a person's health. If residents police this, they need to be respectful when confronting a smoker. Hopefully more people will be willing to respectfully confront a smoker in the parks, and it will deter smoking. Mayor McCauley offered thanks for attending and voicing a concern.

Will this legislation including vaping (yes).

FIRST READING ORDINANCES

2023-60 AN ORDINANCE AMENDING CHAPTER 521 OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE, OHIO, TO PROHIBIT SMOKING IN PUBLIC PARKS AND RECREATIONAL AREAS AND DECLARING AN EMERGENCY.

Ordinance No. **2023-60** 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 Brent Stanley, **Seconded by** Council Member Chris Shay.

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. Keegan agrees 100 percent. He has seen smokers in their final days, offering warnings to not smoke. He learned at a young age to not smoke.

Mr. Stanley feels this amendment has been coming for years, with repeated comments about it. As a coach at the parks, he sees that some smokers are respectful and some are not. He did smoke twenty years ago, but he is glad he stopped. Mr. Stanley feels this is a good thing.

Mr. Black also grew up in an environment where his parents smoked. He also smoked from age 18 to 33, but quit one day when he ran out of cigarettes. Second hand smoke now bothers him, even at age 66. He is not opposed to this ban; he feels better since he stopped smoking.

Mayor McCauley feels this legislation is a non-smokers Bill of Rights.

Mr. LaBenne stated the existing signs would need to be replaced. Allowing smoking in the parking lot will be a compromise. He has spoken to the Recreation Coordinator about this. Other places in Ohio do have bans. Multiple other people, in addition to the Police Department, can cite an offender. The initial fine could be \$20, up to \$150. Including an emergency measure in this legislation would allow us to purchase the signs and keep the process moving forward, if the legislation passes.

Mr. Keegan referenced past Council members who were smokers and felt differently regarding this issue.

By poll of Council, Ordinance No. **2023-60** was read by title only for its second reading.

Mr. Selvey requested if a motion is made to pass this legislation, to include an amendment to change section C of the attachment from Safety Service Director to City Manager.

Motion: to adopt Ordinance No. **2023-60**, with a change to section C of the attachment from Safety Service Director to City Manager, **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. **2023-60** has been adopted.

2023-61 AN ORDINANCE MAKING CERTAIN SUPPLEMENTAL APPROPRIATIONS, INTER-FUND TRANSFERS, AND INTRA-FUND TRANSFERS TO APPROPRIATIONS DURING THE FISCAL YEAR 2023 AND DECLARING AN EMERGENCY.

Ordinance No. **2023-61** 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 Steve Keegan, **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.

Mr. Keegan questioned if this is a “housekeeping” issue (yes; it includes a transfer to the General Services account for their salt shed).

By poll of Council, Ordinance No. **2023-61** was read by title only for its second reading.

Motion: to adopt Ordinance No. **2023-61**, **Action:** Adopt,

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

Mayor McCauley announced that Ordinance No. **2023-61** has been adopted.

SECOND READING ORDINANCES

There were none.

RESOLUTIONS

2023-62 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GREAT LAKES DEMOLITION COMPANY FOR PAULA DRIVE CURB AND GUTTER IMPROVEMENTS.

Resolution No. **2023-62** was read in its entirety.

Mr. Keegan questioned if Paula Drive is within City limits (probably). Will this be for the entire

Drive (no, only 680 feet; it will include handicapped access). Which style for curb/gutter will be used (the new style; this will clean up problems that were in place when the contractor initially put them in).

Mr. Stanley asked if this is the first of many projects like this (the City does some of them; this is a very big one).

Mr. Shay is glad this is going to happen. Residents have voiced concerns about the need for this to be done.

Mayor McCauley has seen the area and it is a mess; he is glad it will be cleaned up as it will be a good improvement.

Motion: to pass Resolution No. **2023-62**, **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: 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. **2023-62** passed.

2023-63 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR THE 2023 CHURCH STREET IMPROVEMENTS IN THE CITY OF CLYDE; APPROPRIATING FUNDS THEREFOR; AUTHORIZING THE EXPENDITURE OF FUNDS; AND AUTHORIZING A CONTRACT.

Resolution No. **2023-63** was read in its entirety.

Mr. Stanley inquired if this was part of the budget last October (yes).

Mr. LaBenne stated this sewer separation was previously discussed. The total project cost is estimated at \$600,000; approval was received from Ohio Public Works and \$275,000 in funds from the State are approved.

Motion: to pass Resolution No. **2023-63**, **Action:** Pass,

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

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.

Mayor McCauley announced that Resolution No. **2023-63** passed.

ADMINISTRATIVE REPORT

Mr. LaBenne reported the following updates:

- The pickleball courts at Hendricks Park are good to go and being used.

- 102/104 S. Main Street building progress continues.
- 915 N. Main Street owner finalized the sale. The structure is still condemned and the new owner plans on getting it razed or repaired. We will continue to monitor until the nuisance issues are fully remediated. We have \$400 invested for the asbestos survey.
- 385 N. Woodland Ave – Our Service Department has removed overgrowth and trees from the property to clear a path for equipment to get in and begin the demolition, as soon as the asbestos abatement is complete. Abatement is scheduled for the week of the 17th and the Land Bank is covering that bill. We have \$400 and General Services Dept labor invested so far.
- 638 Vine Street – Great Lakes Demolition has razed both structures on the property and we have paid to have the grass mowed in the back. We will be circling back to evaluate any other issues that need to be taken care of and preparing a bill for the property owner. Currently we are owed \$12,235 for demo and property cleanup.
- 165 E. Cherry Street – Estimate of \$13,500, we will have into it for demo and survey. Waiting for a demo date from S&S.
- 117 Spring Ave – Invested \$12,900 so far, demo estimate is \$14,000 and we are guessing \$2,500 for removing dead trees. Waiting for a date from S&S.
- 1045 S. Main Street – Purchased for \$19,615 (Water Fund). Demo estimate is \$19,800, asbestos abatement of \$950, and asbestos survey of \$400. Total of \$40,765 from the Water Fund.
- 326 Vine Street – Closed on purchase of property on June 22nd. Working with the same Real Estate Agent to begin marketing the property for sale soon. A covenant will be added that a principal structure must be built or in contract to be built within 2 years. We will have first right of refusal to purchase the property back at the same cost paid if the new owner tries to sell.
- Excluding our Downtown building, property purchases so far have amounted to:
 - 4 properties, \$19,615 – Water Fund, \$35,000 General/PI Fund = \$54,615.
 - 100% value of these properties on the tax map amounted to \$168,200 and a land value of \$52,300.
 - \$64,486 for demolition, abatement, asbestos surveys, and one asbestos removal (1045 S. Main St. @ \$950).
 - The grand total of \$119,100 for purchases, demolition, abatement, and asbestos work.
 - We plan to sell 2 properties and recoup at least \$30,000 which brings our grand total spent, down to \$89,100.
 - We will be owed around \$28,000. If we get paid what is owed to us, our total spent to remediate, purchase, resell, force sell, etc.... on 8 properties would be \$64,000. These are not final numbers. Handling 2 demolition projects in-house and having the land bank pay for an \$18,000 asbestos abatement saved us quite a bit. I am not thrilled with every deal that had to happen quickly. Overall, I think we can do better on the next round of properties we work on, but these deals and costs incurred aren't terrible.
- Our Site Certification application for the Lemkuhl property has been submitted to JobsOhio, and we are getting back underway with the environmental assessment process. A public hearing for rezoning this property will be held before the next meeting of

Council on July 18th at 6:15 p.m.

- We are working on rebranding our Clyde Commerce Industrial Park and carving up some of the property we own to ensure buffer zones near residential homes and market actual “developable” land. This will be discussed as legislation as to which parcels will be included.
- ODEA Certification – Downtown Redevelopment Strategy.

FINANCE DIRECTOR’S REPORT

Mr. Weasner reported the following:

- The June Financial reports will be coming at the next meeting.
- Mid-year transfer appropriations will also be coming for review and approval
- We are waiting for the auditor annual report, then we will set dates for the audit

COUNCIL REMARKS

Mr. Keegan recalled that past practice for sewer separation projects included the affected residents receiving a letter inviting them to attend a meeting to explain and ask questions about the project. This allowed for everyone to hear the same message.

Mr. Keegan praised the fireworks as wonderful, noting they ended just prior to a heavy rain downpour. It can be difficult to decide what to do in those situations as Mother Nature can be unpredictable. He suggests starting the fireworks between 9-10pm next year.

The Police Department used the siren during a storm when they thought they saw a funnel cloud. This was the right thing to do.

Mr. Stanley offered thanks for a good fireworks show. He understands the need to start early due to the weather and noted it was still dark out, even with the early start time. There were no unusual incidents for the Police Department or Fire Department over the 4th of July holiday.

Mr. Stanley offered another reminder to be mindful of neighbors who could benefit from assistance during extremely hot weather.

Mr. Stanley saw the new leaf vac equipment out today and it was running well, operated by one staff member.

Mr. Stanley feels the whole block on Vine Street where the condemned house was located looks better now that it has been torn down. He noted progress is being made to take care of the shrubs and trees.

Mr. Black noted his wife also quit smoking years ago. At one time, cigarettes cost 25 cents a pack from a vending machine in the Whirlpool plant. Over the years, smoking was no longer allowed there.

Mr. Black commended the fireworks show.

Mr. Black is still waiting for a stop sign to be placed on C.R. 236 at the exit from the new truck stop.

Mr. Black still would like to see additional lighting placed at the Main Street/Limerick Road intersection area, before the school year starts.

Mr. Black commended the Economic Development report that Mr. LaBenne prepared. He suggested that a copy be sent to former Council member, Bobbie Boyer.

Mr. Shay congratulated Mr. LaBenne for his Economic Development accomplishments. Much work, time and effort went into this.

Mr. Shay watched the fireworks from his home; he is pleased with the City's flexibility with the timing. He suggests announcing that fireworks will be shown "at dusk."

Mr. Shay recommends giving some TLC attention to the overhead picnic area at Hendricks Park. With the new pickle ball courts there, it would be nice to offer a nice area to use.

Mr. Shay referenced the Wott property which is near his home. The property has been a challenge. He hopes the grossly overgrown grass areas can be remediated, which is currently obstructing Mr. Shay to put up a new fence on his property. He is grateful for the houses that are scheduled for demolition.

Mayor McCauley read the letter outlining Mr. LaBenne's Economic Development accomplishments. He offered his thanks to Mr. LaBenne for completing this course.

Mayor McCauley offered congratulations to Konner Garcia for the July 4th activities. There was great attendance, although the weather was challenging.

Mayor McCauley questioned if we are mandated by law to have sirens when there is a fire (no). Mayor McCauley questioned if the Fire Department personnel depend on the siren for notification (no, but the siren does notify residents who are traveling in the area of the fire department garage to clear the street for the fire trucks). There is a possibility that having a siren is included in our insurance rating. It was noted some residents confuse the fire sirens and the tornado sirens.

Mr. Black recalled the siren process at the Whirlpool plant. There were three sirens throughout the plant. Whirlpool employees must turn off their cell phones unless they are on a break. If a fire notice comes in, Whirlpool makes a general announcement overhead for the Fire Department volunteers. Mr. LaBenne will look into the sirens process but noted the process must be easy for the dispatcher to use.

Mayor McCauley noted the water fountain at Cherry Street Park does not work properly.

An Omni junction box at 109 Vine Street is not installed properly.

Mayor McCauley would like to see the weeds in the downtown area taken care of before the Firemen's Anniversary events.

Mayor McCauley is disappointed the new business on Main Street, beside the Clyde Eagles, has placed a catch pond by the sidewalk. This could be dangerous as there are children who use that sidewalk to walk to the Middle School. It was questioned if a fence can be put around the pond. It is hoped the pond is taken care of, and does not fill in with cattails.

Mayor McCauley asks for thoughts and prayers from the Clyde community for former teacher, coach and voice of Flier Nation, Mark Rosche. He is at Stein Hospice in Sandusky. A vigil was held last night.

MOTIONS

Motion: Enter into an executive session at 8:23 p.m. to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official and to consider the purchase or sale of property, **Action:** Enter Closed Session,

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

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 there will be no further business/action taken following adjournment of the Executive Session.

ADJOURNMENT

Motion: adjourn the executive session at 8:49 p.m., **Action:** Adjourn,

Moved by Council Member Steve Keegan, **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.

Motion: to adjourn the regular meeting at 8:50 p.m., **Action:** Adjourn,

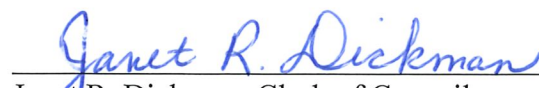
Moved by Council Member Steve Keegan, **Seconded by** Council Member Brent Stanley.

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.



Doug McCauley, Mayor



Janet R. Dickman, Clerk of Council

CITY OF CLYDE

COUNCIL MEETING

Date: Tuesday, July 6, 2023

Visitors – PLEASE SIGN IN:

1. Bill Brown
2. Janie Whitaker
3. Brittany Wilt
4. Gary Smith
5. _____
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