

CLYDE CITY COUNCIL
Regular Session – August 1, 2023

Clyde City Council met at 7:00 p.m. on Tuesday, August 1, 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 July 18, 2023 Public Hearing of council were distributed for review prior to this meeting. There were no corrections.

Motion: to approve the minutes of the July 18, 2023 Public Hearing 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.

The minutes of the July 18, 2023 regular session of council were distributed for review prior to this meeting. There were no corrections.

Motion: to approve the minutes of the July 18, 2023 regular session of council as written, **Action:** Approve,

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.

DISCUSSION OF PENDING OLD BUSINESS

Mr. Stanley questioned the status of repairs to conduit at the corner of Buckeye/S. Main Streets (no update/no quote at this time).

CORRESPONDENCE

There was none.

Visitors:

Michael Dennis spoke about the property at 385 N. Woodland Avenue. He is expressing interest on the property and would like the City to hold off on the demolition of this property. An institution he is affiliated with paid the \$43,000 tax lien for this property. Mr. Dennis stated he has had conversations and exchanged emails with Mr. LaBenne regarding their interest in the property. He has a couple of buyers that are interested in rehabbing the property and are willing to sign an affidavit that they will begin the work within ninety days.

Mr. Keegan asked Mr. Dennis if he has seen the structure on the property (he pulled in the driveway but did not get out and walk around). Mr. Dennis stated a potential buyer has seen the property three times; Mr. Dennis has seen structures ruined by fire brought back to be used. Mr. Keegan expressed concern that the property is too far gone.

Mr. Stanley indicated he does this kind of work on the side and has purchased property for little money and has restored. He has taken properties from nothing and made into something. He would not consider this property. The Woodland Avenue property has been damaged by water, animals, etc. for the past twenty years; the lot is not worth \$43,000. The City has \$20,000 invested with asbestos removal, trees removal and animal removal; he questioned how the City will be reimbursed for these expenses along with the county land bank that has also incurred expenses (Mr. Dennis referenced making payments or offering other property; if the buyer wants to try to rehab he should be given the opportunity).

Mr. Black noted he hasn't looked at or walked the property. If there truly is an investor to rehab it, he supports saving property rather than losing it. However, if this is just talk, he is against it (Mr. Dennis screens the potential buyers).

Mr. Dennis acknowledged it does require a lot of work to save it.

Mr. Shay extended credit to Mr. Dennis for attending this meeting and for trying to save this property. He has walked the property, but felt it was too dangerous to try to go inside. He questioned why he has interest in this property as there has to be other houses that would not require the amount of work this would need (this location is in a wooded area and he feels it is a nice location).

Mayor McCauley questioned where Mr. Dennis has been the last fifteen years while this structure was deteriorating (his institution just acquired the property). The neighbors have had to tolerate this mess for many years and it must be cleaned up.

Mr. Selvey asked for clarification of the ownership of this property (Mr. Dennis' company has the title). Mr. Selvey questioned what Mr. Dennis means when he references to "clean books" (his company paid the \$43,000 in back taxes to the county after the sheriff's auction and they have paid attorney fees). Mr. Selvey requested verification of Mr. Dennis' proof of employment as the brochure Mr. Dennis distributed only references a real estate class he offers. Mr. Selvey questioned the buyer name/s (Mr. Dennis does not have the exact information with him, other than it is an individual or a family, from Ohio, but he will provide this information by 9:00 a.m. tomorrow morning; he stated the buyer is under contract). Mr. Selvey questioned if the buyer will follow all City Ordinances. The buyer agrees to purchase the property for \$18,000; Mr. Selvey noted this would create a present loss of \$25,000 for his company after paying \$43,000 in back taxes.

Mr. Stanley questioned the reference to a 90 day period of time; Mr. LaBenne stated this is part of the City Ordinance/Code. Mr. Stanley finds it difficult to believe that there is a buyer but Mr. Dennis cannot recall his name (Mr. Dennis is concerned about disclosure).

It was noted Sandusky County condemned the property in 2013 and the City of Clyde condemned the property at the end of April/May. Mr. Dennis stated he was assigned the property in June.

Mayor McCauley is not interested in receiving payments from an unknown buyer for reimbursement of expenses incurred by the City and he is not convinced this property should not be condemned. He questioned if Mr. Dennis is looking at other properties in Clyde (unknown).

FIRST READING ORDINANCES

2023-67 AN AMENDMENT TO ORDINANCE NO. 2015-27 ESTABLISHING A SCHEDULE OF FEES TO BE CHARGED FOR VARIOUS RECREATIONAL ACTIVITIES AN RENTALS AND PAYMENT SCALE FOR SCOREKEEPERS AND OFFICIALS FOR THE RECREATION DEPARTMENT AND DECLARING AN EMERGENCY.

Ordinance No. **2023-67** 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 Steve Keegan.

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

Mr. Keegan is glad the umpires are getting a raise as they deserve it.

Mr. Stanley feels these increases are a long time coming, as prices keep going up. The Officials are deserving.

Mr. Black, Mr. Shay and Mayor McCauley questioned the amount of the increase, with some being doubled, as this seems somewhat steep.

Mr. LaBenne noted even with doubling some fees, we are still lower than other surrounding communities. Our Recreation department has been incurring a significant loss for our recreation activities.

By poll of Council, Ordinance No. **2023-67** was read by title only for its second reading.

Motion: to adopt Ordinance No. **2023-67**, **Action:** Adopt,

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

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

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

No: Vice Mayor Scott Black.

Mayor McCauley announced that Ordinance No. **2023-67** has been adopted.

2023-68 AN ORDINANCE CREATING CHAPTER 1305, "REAL PROPERTY PUBLIC NUISANCE ABATEMENT," OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE, OHIO, AND DECLARING AN EMERGENCY.

Ordinance No. 2023-68 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 Steve Keegan.

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

Mr. Keegan supports this new legislation and feels it covers a lot. It is sad it has come to this, however, we can only warn property owners so many times to clean up, before we need to take other action.

Mr. Stanley requested for future changes to legislation, to send Council a mark-up draft copy, to show what changes were made (this is all new legislation, with no changes).

Mr. Shay and Mayor McCauley thanked Mr. LaBenne for his time and effort as this legislation is nicely done. It is relevant, as we are determined to clean up our town.

Mr. LaBenne stated this is a new chapter in our building code, and it is more comprehensive. This will give the City more options to use if other options fail.

By poll of Council, Ordinance No. **2023-68** was read by title only for its second reading.

Motion: to adopt Ordinance No. **2023-68**, **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: Mayor Doug McCauley, Vice Mayor Scott Black, Council Member Chris Shay, Council Member Steve Keegan, Council Member Brent Stanley.

Mayor McCauley announced that Ordinance No. **2023-68** has been adopted.

2023-69 AN ORDINANCE CREATING CHAPTER 1306, "ADMINISTRATIVE PROPERTY CODE ENFORCEMENT," OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE, OHIO, AND DECLARING AN EMERGENCY.

Ordinance No. **2023-69** 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.

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

By poll of Council, Ordinance No. **2023-69** was read by title only for its second reading.

Motion: to adopt Ordinance No. **2023-69**, **Action:** Adopt,

Moved by Council Member Chris Shay, **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 that Ordinance No. **2023-69** has been adopted.

SECOND READING ORDINANCES

2023-64 AN ORDINANCE REDESIGNATING THE HEREINAFTER-DESCRIBED REAL ESTATE IN THE CITY OF CLYDE, OUTLOT 175, PARCEL NO. 326000017500, TOTALING 89.595 ACRES, IN THE CITY OF CLYDE FROM (R-1A) SINGLE FAMILY RESIDENTIAL TO (I-1) GENERAL INDUSTRIAL.

By poll of Council, Ordinance No. **2023-64** was read by title only for its second reading.

Mr. Bill Brown, Director of Clydescope, distributed a copy of his comments as he spoke on behalf of Mr. Lehmkuhl's family. A copy is available in the record book supplement.

Mary Shelley, 208 S. Woodland

- This change would affect her family and friend
- She uses the bike trail, which is very beautiful, on a regular basis.
- She feels the vegetation and the animals on the bike trail would be damaged
- As elected officials Council has the responsibility to vote to accommodate the majority of people.

Michelle Newsome, 4334 CR 175

- In reference to the discussion tonight related to condemned properties and the clean up efforts, she commends Council and appreciates cleaning up our town
- If the land is rezoned, and is sold to a “friendly” company, could that company in turn sell it to anyone they want (yes, but the City has Ordinances to enforce and address issues).
- She understands progress but warns to be careful what the progress is, and to consider the health and well-being of our citizens
- When Evergreen came in, there were rats everywhere, and the racks they use are stacked far above the buffer tree line

Barb Ritchey, 4690 CR 175

- Inquired if any studies have been performed for increased traffic as the traffic is already bad
- Inquired about new roads being added between houses (those are access roads that are already deeded for this property; as a county road, the City has no power)
- Inquired about a nuisance/noise code, and this code is not being enforced (residents in that area could band together to get a decibel study completed).
- City/Council does not care about York Township (this is an unfair and inaccurate generalization; Council is tasked to make decisions that are in the best interest of Clyde for today and for the future).

Mr. Stanley referenced a Planning Commission public hearing held last night, which Mrs. Ritchey attended. He noted the City is not required to notify residents of these requests, but it did. The Planning Commission voted last night to not recommend a zoning change request by Sunrise, Inc. He stated the City/Council care about all residents. He recalled a zoning request years ago for a residential development and C.R. 175 residents did not want that subdivision.

Mrs. Ritchey feels no one will want to purchase her home in the years to come due to the industry in the area.

Mr. Norm Rose, 4722 C.R. 175

- Extended thanks for allowing residents to express concerns.
- If the rezoning is granted, could “restrictions” be added to the zoning (yes) He would like to suggest that restrictions be added
- If it must be rezoned, he would prefer residential zoning.

Mayor McCauley was in Fostoria last week. Fostoria, once a thriving city, lost some industry and

is now a shadow of what they once were. They have even fallen short on paying some of their bills. We must protect the security of our economic future. Much thought goes into this decision. We must learn from our past and do better in the future to address issues ahead of time. There are only two things guaranteed in life: taxes and death. Property owners have a right to do with their property as they see fit, within guidelines.

Mr. LaBenne indicated there is no hurry associated with this request. We have rejected hundreds of inquiries because we felt they were not a good fit for Clyde. The City is working on public nuisance issues, including legislature tonight, to give us more “teeth” to address issues. This property has been talked about for years.

Mr. Keegan lived beside Whirlpool Corp for twenty-five years. From Whirlpool he heard their stamping, buzzers, lights, intercom, among other loud noises. The railroad tracks beside his home were even worse. It was their living environment and he thought they had a fine life. He even tried to purchase a home in the same area when he went out on his own. He now lives on Fox Avenue and can hear the stamping that the residents of C.R. 175 refer to. He had worked midnights and needed to sleep during the day, during the stamping and other noises. Twenty years ago Mr. Lehmkuhl (senior) came to Council wanting to rezone to residential and the C.R. 175 residents spoke out against that too. There has been no interest in this property for residential use in twenty years. Mr. Lehmkuhl is asking for this change and Council needs to consider it.

Motion: to adopt Ordinance No. **2023-64**, **Action:** Adopt,

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.

Mayor McCauley announced that Ordinance No. **2023-64** has been adopted.

RESOLUTIONS

There were none.

ADMINISTRATIVE REPORT

Mr. LaBenne gave the following report:

- they continue to prepare for additional structure demolitions

FINANCE DIRECTOR'S REPORT

Mr. Weasner reported we are in a good position financially to continue the demolitions as planned. The Finance Department completed their first virtual audit. This will prepare for the on-site audit.

COUNCIL REMARKS

Mr. Keegan appreciates the picnic tables being taken to Gus Wolf Park (tables will also be taken to Cherry Street Park.

Mr. Stanley notices much usage of our City parks, by both kids and adults. The new pickleball courts are being enjoyed too. He offered thanks to City staff for their work and upkeep of all City property and parks. Mr. Stanley asks residents to keep an eye out for residents affected by the heat.

Mr. Black questioned the status of adding additional lights at the intersection of Main Street/Limerick Road for added safety of students walking to McPherson Middle School (two additional lights have been added; Mr. Black was asked to give additional details of more locations in this area in need of lights).

Mr. Black again requested a stop sign for the exit from the new truck stop (we have shared this request with the truck stop owner, but this is private property so we cannot mandate it).

Mr. Shay shared an upcoming event, a solar eclipse, that may result in increased visitors to our area (the date will be 4/8/2024; a representative from the Visitor's Bureau is scheduled to attend the next Council meeting to discuss this).

Mayor McCauley was dissatisfied with the discussion with Mr. Dennis as Mr. Dennis was not providing good information.

There will be a public hearing at 6:15 p.m. prior to the next Council meeting to hear a zoning change request from Sunrise, Inc.

Mr. Keegan asked for someone to check on the sidewalk near Ohio Avenue near Limerick Road as there are warning cones on an area with bad sidewalk, noting that students walking to MMS will need to walk around this area.

MOTIONS

Motion: to enter into an executive session at 8:35 p.m. for the sole purpose to consider the purchase or sale of property, **Action:** Enter Closed Session,

Moved by Mayor Doug McCauley, **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.

ADJOURNMENT

Motion: to exit the executive session at 9:21 p.m., **Action:** Exit,

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

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

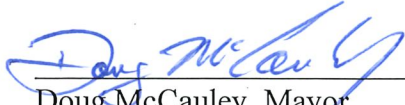
Yes: Mayor Doug McCauley, Vice Mayor Scott Black, Council Member Chris Shay, Council Member Steve Keegan, Council Member Brent Stanley.

Motion: to adjourn the regular meeting at 9:22 p.m., **Action:** Adjourn,

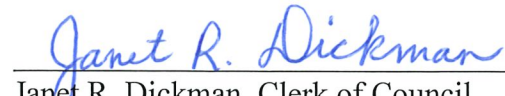
Moved by Council Member Brent Stanley, **Seconded by** Council Member Chris Shay.

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.



Doug McCauley, Mayor



Janet R. Dickman, Clerk of Council

CITY OF CLYDE

COUNCIL MEETING

Date: Tuesday August 1, 2023 Regular Session

Visitors – PLEASE SIGN IN:

ADDRESS:

1. Bar Broad

2. Dan Beamer

3. Mike Darnis

4. Gene Paul

5. Ken White

6. Donna Rie

7. Paul Ritchey

4690 CR 175 Clyde

8. Jerry Ritchey

4690 C.R. 175 Clyde

9. Gary Smith

10. Michelle Newcome

11. Paul Threlk

4637 C.R. 175

12. Mary Shelley

208 S. Woodland

13. Norm Rose

4722 C.R. 175 Clyde

14. _____

15. _____