

CLYDE CITY COUNCIL
Regular Session – September 19, 2023

Clyde City Council met at 7:00 p.m. on Tuesday, September 19, 2023 in the Conference Room 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 September 5, 2023 regular session of council were distributed for review prior to this meeting. There were no corrections.

Motion: to approve the minutes of the September 5, 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 = 4).

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

DISCUSSION OF PENDING OLD BUSINESS

Mr. Shay questioned the status of the Parkhurst property. Mr. LaBenne noted issues of non-compliance; follow up action is in process.

CORRESPONDENCE

Thank you letter from the Clyde Public Library for a donation to the 2023 Summer Reading Program.

Visitors:

Garry P. Salmons, Duane Street, near Parker Avenue

He has a concern with neighbors who have built a moto cross track at the corner of Burkholder Road/Route 20. He questions how this can be done in town. Noise and dirt are a concern; also, a biker could end up on Rt. 20 or on Burkholder Road and/or it could be a distraction to drivers on Route 20 and on Burkholder Road.

Mr. Selvey was informed of this by Mr. Winke, Zoning Inspector. We have zoning guidelines, but nothing that specifically applies to this. We need to determine which section of zoning would apply to this. The zoning basically says "you can do anything, but "this." This track currently does not break any current zoning guidelines. We will need to monitor this situation. If Mr. Salmons wishes to contact the Police Department to complain about the noise, the Police would also need to determine if they are breaking any laws before they could give it their attention. Mr. Selvey compared this motor noise to the noise of a lawn mower. Government is reactionary to address situations like this. Mr. Winke and Mr. Selvey will continue to monitor this situation.

Mr. Salmons feels a moto cross motor running continuously is different from a lawn mower that would run for a period of time then stop. What started as an area for smaller kids running their bikes has grown as they have brought in dirt for mounds and a track. He is also concerned with the amount of dirt from the track that is causing his white house and the outside areas to be dirty. Mr. Salmons would like to start the process to look at this and hopefully begin a discussion to disallow this. He feels this is disrespectful to the neighborhood residents.

Mr. Stanley referenced the fact that Council brought about an Ordinance a couple years ago to address golf carts being driven on the streets. This had not been an issue in the past, but when residents started using golf carts in town and kids were driving them on the sidewalk, the issue was addressed.

Mr. Black agrees it is not a good idea to have a racetrack at this location.

Mr. Shay also agrees, and feels it is odd this is not illegal. He sees many potential hazards that could be associated with this track. For now, he understands there is legally nothing we can do, but would agree to revisit this at a later date. He appreciates Mr. Salmons bringing his concern to Council to bring to their attention.

Mr. Keegan has mixed emotions about this, as he used a mini/dirt bike as a kid. He had a similar situation occur when he built a couple dirt bikes for his kids, and let them ride them on some open property he owned and a neighbor complained. He feels it will come down to being a nuisance due to the dirt. He feels it could also come down to a decibel situation related to the noise.

Mr. Salmons noted there was also a 4-wheeler there recently, and he feels it will continue to grow with more kids coming there.

Mr. Stanley offered thanks for Mr. Salmons bringing this to Council so they can monitor this situation. They cannot do anything about this, legally, at this time. He again referenced the new Ordinance related to golf carts.

Mr. Winke suggested Mr. Salmons share his complaint with the Police Department, so they can have it in their records. Mr. Salmons noted the amount of bikes and the time of day are factors that make this situation more difficult.

Mr. Black understands what Mr. Salmons is saying and he also would not like it. He reiterated we currently have no laws against this, but it will not be swept under the rug. He too offered to Mr. Salmons for him and his neighbors to contact the Police to record their complaints.

FIRST READING ORDINANCES

2023-79 AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 133 “CITY MANAGER” OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE, OHIO, AND DECLARING AN EMERGENCY.

Ordinance No. **2023-79** was read in its entirety.

Mr. LaBenne stated this would move the Purchasing and Contracting section from the City Manager’s Code to its own section. The next Ordinance will address the new section.

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 Steve Keegan.

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.

By poll of Council, Ordinance No. **2023-79** was read by title only for its second reading.

Motion: to adopt Ordinance No. **2023-79**, **Action:** Adopt,

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.

Vice Mayor Black announced that Ordinance No. **2023-79** has been adopted.

2023-80 AN ORDINANCE CREATING CHAPTER 159 “PURCHASING AND CONTRACTING,” OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE, OHIO, AND DECLARING AN EMERGENCY.

Ordinance No. **2023-80** was read in its entirety.

Mr. LaBenne stated this is the section that was removed from the chapter referenced in the previous Ordinance. It does have a change in accordance with the Ohio Revised Code; effective

October 3, 2023 bid limits will go up to \$75,000; with a 3% increase each year after that. The language clarifies the ORC and will not need to be updated with each year's change. All purchases over \$25,000 will continue to come before Council.

Mr. Stanley offered thanks for the explanation.

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.

By poll of Council, Ordinance No. **2023-80** was read by title only for its second reading.

Motion: to adopt Ordinance No. **2023-80**, **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

Vice Mayor Black announced that Ordinance No. **2023-80** has been adopted.

SECOND READING ORDINANCES

There were none.

RESOLUTIONS

2023-81 A RESOLUTION APPOINTING DAVID BAHR TO THE CLYDE BOARD OF ZONING APPEALS.

Resolution No. **2023-81** was read in its entirety.

Mr. LaBenne has heard good things about Mr. Bahr.

Mr. Winke reported the Board of Zoning Appeals met Mr. Bahr at their last meeting and are recommending he be appointed to fill the unexpired term.

Mr. Shay met Mr. Bahr at the BZA meeting. He feels his background in real estate will be very beneficial. We are very appreciative to everyone who is willing to volunteer for a City Board.

Mr. Keegan offered his thanks for volunteering and having an interest in the City.

Mr. Stanley has reviewed Mr. Bahr's letter of interest. He offered thanks and appreciation for his

willingness to serve. He feels Mr. Bahr will do fine with the BZA.

Mr. Black also offered thanks for volunteering as we have positions open in the City and it can be hard to fill them. BZA is an important role.

Motion: to pass Resolution No. **2023-81**, **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 Chris Shay, Council Member Steve Keegan, Vice Mayor Scott Black, Council Member Brent Stanley.

Vice Mayor Black announced that Resolution No. **2023-81** passed.

ADMINISTRATIVE REPORT

Mr. LaBenne gave the following report:

- He is still catching up after being out on vacation
- Fair went well, minor complaints overall; hats off to volunteers for their work that weekend, and their preparation in the year ahead of the Fair; thanks also to City workers who put in overtime hours to fulfill their duties associated with the Fair; Facebook complaints are minimal compared to the overall attendance; it was a less than desirable situation with the ride company, but sometimes you have to take what you can get or have nothing at all
- Sink hole on Route 20 continues to be addressed; the man hole has been repaired but we continue to have it roped off to be cautious and monitor the situation; hopefully it will be open in a week or two
- Woodland Avenue issues continue but things are progressing
- Primer has been applied to the building downtown, paint will start soon; still waiting for the final plans to be approved

FINANCE DIRECTOR'S REPORT

Mr. Weasner reported the following:

- August balances are unaudited as a clerk is on vacation, and a delay in closing the books
 - General Fund comparable to last year
 - Water, Sewer, Electric are in good shape
 - Income Tax collections up \$20,000 in August, however, continue to be affected by the situation with Whirlpool and not collecting like we have in the past
 - Revenue collected and Expenditures Unspent are on target
- Auditors here yesterday from Julian & Grube; we provided the information they needed and the audit should last about a month
- Budget is being finished and will be presented in October

COUNCIL REMARKS

Mr. Shay has heard positive comments regarding the building renovations beside Wild Brew. Credit to City Administration for this, among others.

Mr. Shay reported the Fair had very good weather; he was unfortunately unable to participate in the parade. He would like to recognize all the volunteers and the paid staff as well, including volunteers for the 5k and the go-kart race. Although there were some complaints regarding the rides, he noticed many children enjoying the rides. He is proud of the City for this event.

Mr. Keegan attended the Fair all three days. The go-kart racers come from all over. He is the liaison to the Fair Board and he noted this Board meets all year long. He understands there was an issue with the ride company, but sometimes that happens. He saw many people having a good time. Many people enjoyed the entertainment and the car show went off without a hitch. One of the marching bands in the parade came from Akron.

Mr. Keegan reported there are three bags of garbage in the ditch near Evergreen, and they have been there for a couple weeks.

Mr. Stanley requested the interest income for the financials from Mr. Weasner.

Mr. Stanley attended the Fair. He offered his congratulations to all who planned it. He noted that the Fair Board makes all decisions related to the Fair, not Council. Council supplies the funds, and approves all the plans the Fair Board makes. He feels they did a very good job.

Mr. Stanley noted this weekend is Homecoming weekend for Clyde High School. He hopes all will be safe.

Mr. Black reported the Fair Board did have a different ride company planned for the Fair, and that company backed out at the last minute. At the late date, it was a challenge to find another ride company to commit, and the replacement ride company did not bring all of their rides that they had said they would bring. But attendees did seem to enjoy the rides. He commended the organizers of the car show as this was their first year to plan it.

Mr. Black referenced many, many questions over the years regarding the problem with the grain trains. This problem has been around for about twenty years and he hopes that situation will now be resolved with the decision made by Council at their last meeting.

Mr. Black questioned the whereabouts of the photographer who was previously located near Wild Brew (she is now located on Main Street in the former 1st Place Awards). Mr. Black would like to donate some photography equipment to her.

Mr. Stanley observed a home on South Main that looks to be leaning toward the neighboring property, after being hit by a tree; although this is private property, not City property, Mr. Stanley expressed concern related to safety (this issue is tied up with insurance; Mr. LaBenne has discussed this with the property owner).

By poll of Council the work session for Tuesday, September 26, 2023 is cancelled (Mr. LaBenne will gather additional information related to a dirt race track, before deciding if a work session would be warranted).

MOTIONS

Information was distributed with the agenda regarding a Statewide Reading Program; no motion was made at this time.

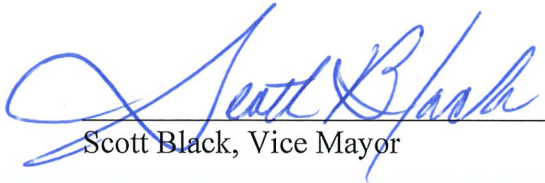
ADJOURNMENT

Motion: to adjourn the meeting at 8:03 p.m., **Action:** Adjourn,

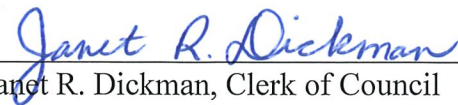
Moved by Vice Mayor Scott Black, **Seconded by** Council Member Brent Stanley,

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.



Scott Black, Vice Mayor



Janet R. Dickman, Clerk of Council

CITY OF CLYDE

COUNCIL MEETING

Date: Tuesday 9/19/2023 Regular Session

Visitors – PLEASE SIGN IN:

1. Darryl P. Salmons
2. David Bahr
3. Justin Meek
4. Ben White
5. Gary Smith
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