

CLYDE CITY COUNCIL
Regular Session – February 4, 2025

Clyde City Council met at 7:00 p.m. on Tuesday, February 4, 2025 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 Greg McMaster
Council Member Terri Meek
Council Member Chris Shay
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:**

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 January 21, 2025 public hearing of council and the minutes of the January 21, 2025 regular session of council were distributed for review prior to this meeting. There were no corrections in either set of minutes.

Motion: to approve the minutes of the January 21, 2025 public hearing of council and the minutes of the January 21, 2025 regular session of council as written, **Action:** Approve,

Moved by Council Member Greg McMaster, **Seconded by** Council Member Terri Meek.

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

Yes: Mayor Doug McCauley, Council Member Chris Shay, Vice Mayor Scott Black, Council Member Greg McMaster, Council Member Terri Meek.

The minutes of the January 28, 2025 work session of council were distributed for review prior to this meeting. There were no corrections.

Motion: to approve the minutes of the January 28, 2025 work session of council as written.

Action: Approve,

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

Vote: Motion carried by roll call vote (**summary:** Yes = 4, No = 0, Abstain = 1).

Yes: Council Member Chris Shay, Council Member Greg McMaster, Council Member Terri Meek, Mayor Doug McCauley.

Abstain: Vice Mayor Scott Black

DISCUSSION OF PENDING OLD BUSINESS

There was none.

CORRESPONDENCE

- A Thank you note was received from the Clyde High School Prom Committee for a donation.

Visitors:

There were no visitors who requested to speak at this time.

FIRST READING ORDINANCES

2025-11 AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 521 BROWN STREET AND DELCARING AN EMERGENCY.

Ordinance No. **2025-11** 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,

Moved by Council Member Chris Shay, **Seconded by** Council Member Terri Meek.

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

Yes: Vice Mayor Scott Black, Council Member Greg McMaster, Council Member Terri Meek, Mayor Doug McCauley, Council Member Chris Shay.

Mr. LaBenne stated this purchase has a strategic purpose. The property is maintained but has been nonproductive for forty years. This will be part of the Welcome Home grant.

By poll of Council, Ordinance No. **2025-11** was read by title only for its second reading.

Motion: to adopt Ordinance No. **2025-11**, **Action:** Adopt,

Moved by Council Member Greg McMaster, **Seconded by** Council Member Chris Shay.

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

Yes: Council Member Greg McMaster, Council Member Terri Meek, Mayor Doug McCauley, Council Member Chris Shay, Vice Mayor Scott Black.

Mayor McCauley announced that Ordinance No. **2025-11** has been adopted.

2025-12 AN ORDINANCE REDESIGNATING THE HEREINAFTER-DESCRIBED REAL ESTATE IN THE CITY OF CLYDE, OHIO, PART OF OUTLOT 113, PARCEL NO. 32-60-00-0113-00 TOTALING 8.1699 ACRES IN THE CITY OF CLYDE AT 837 E MCPHERSON HWY. FROM (C-2) GENERAL COMMERCIAL TO (I-1) GENERAL INDUSTRIAL.

Ordinance No. **2025-12** was read in its entirety.

Mr. Selvey offered several procedural reminders to Council:

1. Council needs to respond to this request within 30 days of the public hearing that was held on 1/21/2025
2. If the Ordinance is approved as submitted, it will need a 3/5 majority vote.
3. If the Ordinance is disapproved (which is contrary to the Planning Commission's recommendation) it will need a 4/5 majority vote.
4. If caveats are added to the Ordinance (which is contrary to the Planning Commission's recommendation) and then approved, it will need a 4/5 majority vote.

He offered a reminder that a vote to approve or disapprove will not be taken tonight.

Mr. Selvey shared a recommendation for a caveat as proposed by Fire Chief Paul Fiser, for reasons of fire safety:

1. The pile size of flammable raw materials should be no larger than 50 x 50 x 20 feet high
2. There should be 25 feet fire break between the piles
3. There should be a 25-foot fire lane throughout the property
4. Property should be approved by the Fire Chief; and reevaluated/reapproved by the Fire Chief at a minimum of every five years

The Fire Chief's concern involves the piles being too large and Clyde Volunteer Firefighters may not have enough water to put out the fire, without depleting our water supply.

Mr. Selvey stated Council members should voice any caveats tonight, if they so choose to voice any, so that everyone including Mr. Garza is aware of them before a vote is taken at the next meeting. He also noted there is no limit to the number of amendments or a combination of amendments that can be proposed for this issue.

Mr. McMaster has no objection to the Fire Chief recommendations, noting the need to keep the firefighters and all residents safe. He added his caveats as follows:

1. Industrial zoning would be in effect as long as the property/business is owned by Mr. Garza, his wife and/or his heirs
2. The business would operate as the current business model, a Class 4 compost facility

Ms. Meek toured the property tonight with Mr. Garza and to hear his explanation of the business. She is not totally against the Fire Chief's recommendation. She agrees with the caveat related to

ownership and what can be produced.

Mr. Shay has no amendments to recommend. He referenced Mr. Garza's past comments during the public hearing of having EPA approval, and he questioned if Mr. Garza has written documentation, such as an email or anything in writing, of EPA approval. Mr. Garza stated he has submitted all needed application materials and has followed all Ohio EPA guidelines and he has met all of their criteria. The Waste District from Fremont has been monitoring his progress all along. He stated it is an industry best practice and is an insurance recommendation to not pre-mulch material until it is ready to ship, because there is no fire concern until the material is consolidated. Mr. Garza stated his piles have not exceeded 25 feet high, and the EPA has no problem with that height. Mr. Garza would be willing to meet with Mr. Fiser to discuss his recommendations because he feels Mr. Fiser is not familiar with the best practice standards for this business. The EPA has commended Mr. Garza for the way in which he has set up this business, and feel this business is needed in this area. It was clarified that Mr. Garza has submitted a letter of intent to the EPA, but has only verbal EPA approval, and has not yet received written approval.

Mr. Shay asked Mr. Garza if he is aware of a petition signed by thirty residents requesting a fence around the property/business. Mr. Garza stated he is unaware, but he would agree to a natural tree line fence. He noted a farmer who has a field butting up to Mr. Garza's property has requested to not have a fence as it would interfere with his farming. Mr. Shay asked Mr. Garza if he would commit to having a natural tree line fence if he is presented with the petition; Mr. Garza responded absolutely, he would consider a tree line fence as opposed to a chain link fence.

Mr. Shay referenced a conversation with Mr. Garza at Mr. Shay's place of employment, a public establishment, prior to the public hearing. Mr. Shay's recollection is that Mr. Garza stated, in front of Mr. Shay's associates and in front of customers, to Mr. Shay "if you take care of me, I will take care of you." Mr. Garza does not recall making this comment; he apologized if Mr. Shay interpreted a reference of quid pro quo. Mr. Shay feels this comment is inappropriate, and Mr. Gaza agreed a comment like this could be considered inappropriate. Mr. Shay noted it could be considered a crime. Mr. Shay is willing to assume Mr. Garza was joking by making this comment, but he noted others who may have overheard the conversation may not see it as a joke.

Mr. Black does not have a problem with this request, and he feels the process can sometimes feel like beating a dead horse.

Mayor McCauley questioned if there will be any food scraps in the piles, or if it will be strictly wood. Mr. Garza stated with this Class 4 classification, which is the same as the City of Clyde has, there will be pumpkins, but food scraps require a different compost classification which he does not want to have.

Mayor McCauley questioned the proposed hours of operation, noting that he would not be in favor of a 24-hour a day operation as the business will be abutting to residential areas, as the chipper could be loud. Mr. Garza stated they would be open "normal" business hours, with possible longer hours in the summer and varying hours at different times of the year. A timeframe of 7:00 a.m. to 7:00 p.m. was suggested and generally agreed on, although Mr. Garza does not want to restrict

himself from running his business as needed.

Mayor McCauley feels Council is backing into this issue instead of looking forward, as this request should have been presented to the City earlier before the business began operations.

Mayor McCauley questioned if a "reasonable timeframe" could be included. Mr. Selvey stated Council could include a caveat to approve the rezoning when all guidelines are met, and/or could set a 90-day timeframe, for example, for compliance.

Mayor McCauley does not look at this process as like beating a dead horse, but as being responsible to the community. This is a different type of business to be located inside the City limits, and the questions being asked are to ensure Council makes an informed decision, and to identify possible concerns now so we do not have to revisit it again later. These questions could be asked of any new business. He does not want to bog down our code enforcement for our community, but questions are sometimes necessary.

Mr. Selvey referenced a letter that was sent from the City to Mr. Garza, informing him to cease all operations for the composting while the rezoning request process is still in motion. Mr. Garza states he was verbally told he would be receiving the letter, but he did not receive the letter in the mail. Mr. Selvey asked Mr. Garza if he is operating the composting business now, including using a chipper (yes). Mr. Selvey noted Mr. Garza is already doing most of what he is asking to be able to do.

Mr. Selvey asked if Mr. Garza has any new equipment or new bins that have been purchased since the Planning Commission public hearing was held (no). Mr. Selvey asked if Mr. Garza has moved vehicles that were on the property and requested at the public hearing to be moved (yes).

The question regarding hours of operation comes from a noise perspective. Mr. Selvey questioned if any additional equipment, that is not currently being used, will be needed/purchased for the composting business (a screener for the dirt).

Mr. Selvey noted that Mr. Garza is already doing what he is now asking for permission to do. Mr. Garza acknowledged he did not stop conducting this business, as requested, while he is applying for permission. If Council adds caveats to the approval for rezoning, it is hard to have faith that Mr. Garza will adhere to the caveats. Mr. Garza noted he has obligations to the businesses who rely on him daily to provide his service; if he doesn't do his business, the customers would leave and take their business elsewhere. It would be detrimental to his business that he has worked for years to build.

Mr. Selvey noted if someone starts off by breaking the rules, why should Council have faith that the rules will be helpful when more are added. If Mr. Garza would say he doesn't have time to put in a fire break, if there isn't time to do 50 x 50 x 20 foot piles, if he decides to sell part of the business to someone outside of the family, or if he is so busy he needs to work until 9:00 p.m., would Council then be approached with the excuse that these things needed to be done to make money and keep the customers happy, so the rules be damned. Because basically that is what is

happening now by operating without zoning approval.

Mr. Garza stated he has been doing this composting for five years plus and no one has objected before now (this is an unfair statement, as there is currently thirty signatures of residents who feel the business is unsightly and are requesting a fence if the rezoning is approved). Mr. Selvey and Mr. LaBenne have contacted Mr. Garza to explain that rezoning was needed. Mr. Garza has been through the rezoning process before, related to the business at the front of his property, and Mr. Garza served on the Board of Zoning Appeals for multiple years. By stating that he has been operating this business for five years does not make it right; for example, if someone speeds while driving for five years and then gets caught, they cannot go to court and expect to not receive corrective action just because they have been it for five years without being caught.

Mr. Garza feels he had no reason to believe he was doing anything wrong because the EPA standards that he researched stated it is a commercial type of business. Mr. Selvey noted the EPA definition of commercial is not the same as our industrial zoning. This process is for the zoning for the City of Clyde. Even if the five years of operation is forgiven, as soon as Mr. Garza completed the rezoning application, he knew he was not in compliance, but he continued with business as usual because that is what his customers needed. Therefore, for example, if a customer places a large order and Mr. Garza needs to work well past an established timeframe outlined in a caveat for approval, will Mr. Garza inform the customer he cannot work past the established timeframe or will he just go ahead and do it. Mr. Garza feels that nothing will change compared to what he has been doing, and he wants to be realistic with normal business hours. Mr. Garza feels it is him against everything that has been thrown at him. He is willing to be accommodating and he has been good to the community.

Mr. Selvey explained this is not about just rezoning for Mr. Garza, this is about every zoning question they may be asked and being equal to all. He referenced a zoning decision made a couple years ago to not allow more than six chickens per property, and now Council is faced with a decision regarding 25-foot high piles of compost. This decision must be taken seriously. This is not a personal attack against Mr. Garza; if anything, Mr. Garza has been given the benefit of the doubt, partly due to him being local and his length of time in the community. Council members have visited the business and Administration has provided information on how to request rezoning.

Mr. Garza feels he has followed every rule that has been asked of him. Mr. Shay feels he has not followed the rules due to continued composting although the rezoning had not been approved. Mr. Garza feels if he had stopped operating it would have sacrificed his business.

Mayor McCauley feels the City has done the homework needed to direct Mr. Garza. Mayor McCauley does not appreciate the guilt card, insinuating if Council does not make the "right" decision then Mr. Garza's business will fail. Council members want this business to be successful, and they have given Mr. Garza some guidelines to help ensure this will happen.

Mr. Selvey reviewed the amendments that have been presented tonight:

- Raw material piles are not to exceed 50 ft. X 50 ft. X 20 ft. high
- There must be at least a 25 ft. break between such piles.

- There must be at least a 25 ft. wide fire road passable by Clyde fire trucks with inspection by the Fire Chief saying such road satisfies the requirement and inspected no less than once every five years.
- Rezoning contingent upon the business and lot being owned and operated by Waylon Garza, or his wife and/or heirs or some combination thereof.
- The business will operate as a Class IV composting facility, specifically will not take or make use of food scraps.
- Hours of operation will not exceed 7 a.m. to 7 p.m.
- The business will be in compliance with and have licensing from the Ohio EPA.

Mr. McMaster asked Mr. Garza what is left to happen in the EPA licensing process (they have everything needed, and Mr. Garza is just waiting to hear back from them).

Mrs. Meek asked Mr. Garza if he feels he can meet all of the Fire Chief recommendations (he already has the rows between the piles, and a fire truck could get across his eight acres from Route 20 to the back of his property; it would take some time to bring the piles down to the size of 50x50x20 but he has equipment to move materials; he would like to have Mr. Fiser visit his property so they can review and discuss and come to an agreement).

Mayor McCauley asked Mr. Garza if he feels any of the items mentioned are an unreasonable request (he feels it is unreasonable to request him to shut this business down while going through the rezoning process; he feels the mention of a tree line fence is reasonable, and he is already meeting some of the Fire Chief recommendations). Mayor McCauley asked Mr. Garza if he feels all amendments mentioned are doable (yes). Mayor McCauley feels the amendments should be doable in a reasonable timeframe.

Mr. Selvey proposes that if the amendments are not met, the zoning would go back to commercial.

Mr. Selvey again reviewed the proposed amendments/caveat as noted above. Mr. Selvey requested Council member input on the proposed amendments.

Mr. Garza again requested a meeting with Mr. Fiser to discuss the Fire Chief recommendations regarding the size of the pile (the size will be noted at 50x50x20, unless written approval from the Fire Chief for deviation).

Mr. McMaster is okay with adding the amendments as stated; however, he does have a problem with the statement to cease operations unless EPA approval is received. He understands a business taking a risk (to continue operating before official approval is received), however he agrees it is not good to break the rules. Mr. Selvey noted this would be an enforcement issue. Mr. Selvey proposed an adjustment to the amendment to state it would revert back, only after obtaining compliance at least one time.

Mrs. Meek agrees, noting we do not know how long it will take to get EPA approval.

Mr. Black feels Mr. Garza should continue operating the way he has been, until approval is

received.

Mayor McCauley is not opposed to any of the amendments, and he feels the amendments help to clean up what needs to be done.

Motion: to amend Ordinance No. **2025-12**, **Action:** Amend,

Moved by Council Member Greg McMaster, **Seconded by** Vice Mayor Scott Black.

Vote: Motion carried by roll call vote (**summary:** Yes = 4, No = 1, Abstain = 0).

Yes: Council Member Terri Meek, Mayor Doug McCauley, Vice Mayor Scott Black, Council Member Greg McMaster.

No: Council Member Chris Shay

Ordinance No. **2025-12** was read in its entirety, including proposed amendments.

- Raw material piles are not to exceed 50 ft. X 50 ft. X 20 ft. high without written approval from the Fire Chief.
- There must be at least a 25 ft. break between raw material piles.
- There must be at least a 25 ft. wide fire road passable by Clyde fire trucks with written approval from the Fire Chief saying such road satisfies the requirement and inspected no less than once every five years.
- The business and lot must be owned and operated by Waylon Garza, his wife and/or heirs, or some combination thereof.
- The business will not operate, including operating any equipment even if they are not open to any customers outside the hours of 7 a.m. to 7 p.m.
- The business will operate as a Class IV composting facility and specifically will not take or make use of food scraps.
- The business will be in compliance with and have licensing from the Ohio EPA.
- A failure to comply with any of the following for a period of more than 30 days will cause the zoning to revert back to commercial within 60 days of the last day of said 30-day period, however this provision only applies once full compliance comes about.

Mayor McCauley announced that Ordinance No. **2025-12** had its first reading. He added the second reading will take place at the Council meeting to be held on 2/18/2025 at which time a vote will be taken.

2025-13 AN ORDINANCE AMENDING SUBSECTIONS 925.08(A), 925.08(B), AND 925.08(C)(9)D. OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE, OHIO FOR THE PURPOSES OF INCREASING SEWER RATES.

Ordinance No. **2025-13** was read in its entirety.

Mr. LaBenne noted a typographical error in the Ordinance; the outside rate for 2027 should be \$12.90. This increase was discussed at the Council work session. A rate increase has been a long time coming.

Mr. McMaster feels this increase is long overdue and is necessary.

Mrs. Meek feels the study was done well and this increase needs to happen.

Mr. Shay hopes the residents will appreciate the fact that there has not been an increase in sewer rates for the past nine years.

Mr. Black does not agree with an increase.

Mayor McCauley acknowledged we have an aging wastewater treatment plant (WWTP) and that issue has to be dealt with. This increase is needed for future expansion. Mayor McCauley commends Mr. Biggs and his staff for keeping the WWTP running.

Mayor McCauley announced that Ordinance No. **2025-13** had its first reading.

SECOND READING ORDINANCES

There were none.

RESOLUTIONS

2025-14 A RESOLUTION APPROVING THE COVERAGES AND PREMIUMS FOR VARIOUS LIABILITY, AUTO, AND PROPERTY INSURANCE COVERAGES FOR THE CITY OF CLYDE, OHIO, FOR THE PERIOD JANUARY 23, 2025 TO JANUARY 23, 2026.

Resolution No. **2025-14** was read in its entirety.

Mr. Weasner noted this is our annual policy. The premiums did go up by twenty-five percent, due to our valuation, our increased property values, increased City expenditures and increased police department vehicle values. All amounts are within reason. We have used this insurance company for a long time, and we again opt for no deductible.

Mrs. Meek feels only a twenty-five percent increase is actually good.

Mr. Black noted only the insurance company makes out in this situation.

Motion: to pass Resolution No. **2025-14**, **Action:** Pass,

Moved by Council Member Terri Meek, **Seconded by** Mayor Doug McCauley.

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

Yes: Mayor Doug McCauley, Council Member Chris Shay, Vice Mayor Scott Black, Council Member Greg McMaster, Council Member Terri Meek.

Mayor McCauley announced that Resolution No. **2025-14** passed.

2025-15 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE MANNIK & SMITH GROUP, INC. TO CONDUCT ENVIRONMENTAL SURVEYS ON REAL PROPERTY OWNED BY THE TRUST OF ALFRED LEHMKUHL DATED SEPTEMBER 29, 1982, IN ORDER TO CONTINUE THE JOBS OHIO SITE CERTIFICATION PROCESS.

Resolution No. **2025-15** was read in its entirety.

Mr. LaBenne stated this property has been discussed in budget hearings. The City will be reimbursed upon the sale of the property. We are making arrangements to provide sewer services for this property to be prepared for what comes in the future.

Mayor McCauley likes the agreement, but he questions a phrase in 2.2 which references “any contract”. He questioned if the City would have knowledge of “any contract”. Mr. Selvey stated this phrase basically means “you have the duty to pay us back”.

Motion: to pass Resolution No. **2025-15**, **Action:** Pass,

Moved by Council Member Chris Shay, **Seconded by** Council Member Greg McMaster.

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

Yes: Council Member Chris Shay, Vice Mayor Scott Black, Council Member Greg McMaster, Council Member Terri Meek, Mayor Doug McCauley.

Mayor McCauley announced that Resolution No. **2025-15** passed.

ADMINISTRATIVE REPORT

Mr. LaBenne gave the following report:

- Turnpike meeting was held, this will be a multi-year project
- Updating permit fees to be presented to the Planning Commission
- Great Lakes Demolition Company are interested in more property for expansion
- Continue to work on other low-cost property purchases
- Solicitor and I, met with County Prosecutor, Treasurer, Auditor and Land Bank Director for alignment with our Land Bank strategy
- 102-104 S. Main Street property has been shown to prospective tenants/business owners. Plumbing and Electric contractors are slated to return in the next week to continue their portion of Phase I to get the commercial spaces tenantable and reduce disruption for the commercial tenants when we are able to move to Phase II and complete the eight dwelling units.

FINANCE DIRECTOR'S REPORT

Mr. Weasner reported the following:

- The State Auditor will arrive sometime this month
- Their office has experienced some minimal hardware and software issues, which have been

- resolved
- All is good in the Finance department

COUNCIL REMARKS

Mr. Shay offered thanks for the Turnpike efforts and meetings. He questioned, if this project goes through, what would the City responsibility portion possibly be (we are optimistic for the Turnpike to pay for the interchange, but there are also others involved, such as ODOT).

MOTIONS

There were no motions.

ADJOURNMENT

Motion: to adjourn the meeting at 8:24 p.m., **Action:** Adjourn,

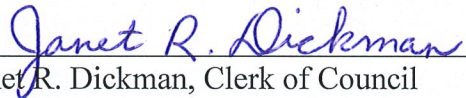
Moved by Mayor Doug McCauley, **Seconded by** Council Member Greg McMaster,

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

Yes: Vice Mayor Scott Black, Council Member Greg McMaster, Council Member Terri Meek, Mayor Doug McCauley, Council Member Chris Shay.



Doug McCauley, Mayor



Janet R. Dickman, Clerk of Council

CITY OF CLYDE
COUNCIL MEETING

Date: Tuesday, February 4, 2025 Regular Session

Visitors – PLEASE SIGN IN:

1. Ben Brown
2. Jim Byrd
3. James Wayne Garza
4. Gary Smith
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____