

CLYDE CITY COUNCIL
Regular Session – February 18, 2025

Clyde City Council met at 7:00 p.m. on Tuesday, February 18, 2025 in Council Chambers of the Municipal Building, 222 N. Main Street, Clyde, Ohio. Mayor Doug McCauley called the meeting to order.

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)
Safety/Service Director Paul Fiser (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 February 4, 2025 regular session of council were distributed for review prior to this meeting. There were no corrections.

Motion: to approve the minutes of the February 4, 2025 regular session of council as written,

Action: Approve,

Moved by Council Member Chris Shay, **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.

DISCUSSION OF PENDING OLD BUSINESS

There was none.

CORRESPONDENCE

There was none.

Visitors:

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

FIRST READING ORDINANCES

2025-16 AN ORDINANCE AMENDING CHAPTER 107 – “PUBLIC RECORDS” OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE IN ACCORDANCE WITH THE OHIO HOUSE BILL 315.

Ordinance No. **2025-16** was read in its entirety.

Mr. LaBenne reported the Police Department has been wanting this amendment for a while. This change was included in House Bill 315; this amendment will bring our codes in alliance with the House code. This change will become effective in April 2025. Mr. Selvey clarified that anyone criminally charged will receive free copies of police videos as part of discovery for their case.

Council had no comments and/or questions.

Mayor McCauley announced that Ordinance No. **2025-16** had its first reading.

2025-17 AN ORDINANCE UPDATING THE COMPREHENSIVE SCHEDULE OF FEES FOR VARIOUS PERMITS AND SERVICES OF THE CITY OF CLYDE; ESTABLISHING NEW CATEGORIES OF FEES; REVISING EXISTING FEES; RECONFIRMING EXISTING FEES; AND COMPILING FEES INTO A MASTER SCHEDULE.

Ordinance No. **2025-17** was read in its entirety.

Mr. LaBenne explained these fee revisions were presented to the Planning Commission as early as last August 2024. No fees are exorbitant; they are in line with the fees being charged by other area communities. The increase in fees is needed to cover our costs for requirements such as certified letters, public postings, etc. These are not fees for profit. Public records fees will be added to this list; additional specific fees will be added in time.

Mr. McMaster likes that Clyde has been able to keep the fees stable for many years, but these cannot always stay the same.

Mayor McCauley appreciates the diligence of City staff in updating these fees and other codes to be current.

Mayor McCauley announced that Ordinance No. **2025-17** had its first reading.

SECOND READING ORDINANCES

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.

By poll of Council, Ordinance No. **2025-12** was read by title only for its second reading.

Paul Fiser, Fire Chief, met with Mr. Garza, along with Mr. LaBenne and Mr. Selvey. They reviewed a site plan, discussed reasonable pile sizes, fire access roads around each pile, and a fence. Mr. Fiser's first preference would be a seven-foot-high chain link fence, but he would approve a natural tree line fence of arborvitaes.

Mr. Selvey noted a fence was discussed at the last Council meeting, but it was not included in the amendments that were discussed. He also noted that Council can add more amendments if they so choose.

Mr. Selvey reminded Council of their options tonight:

- Vote yes for the Ordinance as presented
- Vote no for the Ordinance as presented
- Make amendments to the Ordinance, then
 - Vote yes with the new amendments
 - Vote no with the new amendments

Mayor McCauley made a motion to add three additional amendments to the Ordinance that was presented:

- Completion of a living fence on the residential side of the property
- If the property to the east is purchased by Mr. Garza he must submit a site plan to the Planning Commission for approval
- Pile size of 50x150x20 (as approved by Mr. Fiser at their recent property visit)

This motion died for lack of a second.

Mr. McMaster feels there is no need to make adjustments to the Ordinance as presented. The pile size is stated as a size as approved by the Fire Chief, so the size increase does not need to be noted since the increase has been approved by Mr. Fiser. Mr. Garza has already verbally agreed to the natural tree line fence. Residents have not attended the public hearings/meetings to complain. Other properties in that area are already zoned industrial.

Ms. Meek agrees that the pile sizes can expand, with written approval from the Fire Chief.

Mr. Shay feels any amendments are pointless. He feels Mr. Garza has already said he is going to do whatever he feels he needs to do for his business, regardless of what an Ordinance would say. Mr. Shay is opposed with or without amendments.

Mayor McCauley offered a reminder that there is a petition submitted to Administration, signed by thirty-plus residents who want a living fence. He questioned what can be done to protect residents if the business expands to the east.

Mr. Selvey noted there are no dates included in the Ordinance, for Mr. Garza to be in compliance. He suggests adding dates and he requested input from Mr. Garza for reasonable timelines for all parties involved.

- Pile sizes of 50x150x20 – by February 2026
- Fire lanes between all piles – this was originally set as February 2026, however Mr. Garza referenced the high cost of these materials and the date was moved to February 2027
- EPA compliance – by February 2026

Mr. Garza also requested a revision to one of the amendments, to expand the operating hours from 7a-7p to 6a-7p.

Mayor McCauley stated everything should have been taken care of before this issue came before Council. He noted Mr. Garza stated he had visited other similar sites and he should have known the roads between the piles would be needed.

Mr. Garza stated other sites have piles that are much larger than what he has. He stated he does have one road that goes around one side of the property. He does not know about the hours of operation. Mr. Garza feels the discussion about the pile size is being blown out of proportion.

Mr. Shay noted there are eight amendments included in the Ordinance and Mr. Garza has agreed to only two of them. The hours of operation were agreed upon at the last Council meeting two weeks ago, and already Mr. Garza is arguing to change it. If this can happen in two weeks, what will happen in the next year. Mr. Shay feels Mr. Garza has been evasive, has mislead Council and he does not believe he will follow the rules. Council should not be belaboring this issue and business owners cannot do whatever they want.

Mr. McMaster made a motion to add new amendments to the Ordinance presented:

- Raw materials pile size of 50x150x20 by February 2026
- Twenty-five-foot break by February 2026
- Fire lanes by February 2027
- Hours of operations from 6am to 7pm
- EPA license by February 2026
- Add a live fence

This motion died for lack of a second.

Motion: to Enter into Executive Session at 7:39 p.m. for legal advice, **Action:** Enter, **Moved by** Mayor Doug McCauley, **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, Council Member Chris Shay, Vice Mayor Scott Black, Mayor Doug McCauley.

Mr. Fiser was invited by Mayor McCauley to join this Executive Session.

Exit Executive Session at 7:55 p.m.

Mr. Selvey confirmed they did not discuss during the Executive Session whether to pass or not pass this Ordinance, they only discussed the legal ramifications of how to proceed.

Mayor McCauley questioned if any Council member had any other amendments to discuss (no).

Mr. Selvey reminded Council if they vote regarding the Ordinance that was included in this meeting agenda packet, they would need a 4/5 majority to approve since the amendments added make it different from the recommendation from the Planning Commission.

Motion: to adopt Ordinance No. **2025-12** as presented with the agenda, **Action:** Failed,

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

Vote: Motion failed by roll call vote (**summary:** Yes = 2, No = 3).

Yes: Vice Mayor Scott Black, Council Member Greg McMaster.

No: Council Member Chris Shay, Council Member Terri Meek, Mayor Doug McCauley.

Mr. Selvey reminded Council they need to take action on the Planning Commission recommendation within thirty days of the Council public hearing.

Motion: to adopt Ordinance No. **2025-12** as recommended by the Planning Commission,

Action: Failed,

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

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

Yes: Vice Mayor Scott Black.

No: Council Member Greg McMaster, Council Member Terri Meek, Mayor Doug McCauley, Council Member Chris Shay.

Mayor McCauley announced that Ordinance No. **2025-12** was not adopted.

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.

By poll of Council, Ordinance No. **2025-13** was read by title only for its second reading.

Mr. LaBenne noted if we intend to upgrade the Waste Water Treatment Plant, we will need to have the money to pay back the loan needed to make the upgrade.

Council had no comments and/or questions.

Motion: to adopt Ordinance No. **2025-13**, **Action:** Adopt,

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

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

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

No: Vice Mayor Scott Black

Mayor McCauley announced that Ordinance No. **2025-13** was adopted.

RESOLUTIONS

2025-18 A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW COOPERATIVE FISHING AGREEMENTS WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE BEAVER CREEK AND RACON CREEK RESERVOIRS.

Resolution No. **2025-18** was read in its entirety.

Mr. LaBenne reported this is an update to extend the life of this contract another twenty-five years. There have been no problems in the past, which Mr. Fiser agreed with.

Mr. Selvey stated no restrictions can be imposed to access the reservoirs if someone wants to fish, and fishing is done at your own risk.

Council had no comments and/or questions.

Motion: to pass Resolution No. **2025-18**, **Action:** Pass,

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

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

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

Mayor McCauley announced that Resolution No. **2025-18** passed.

2025-19 A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF A REPLACEMENT VERMEER BORING MACHINE FOR CLYDE LIGHT & POWER.

Resolution No. **2025-19** was read in its entirety.

Mr. LaBenne indicated the City will receive \$23,000 for the trade in value of the old machine which was purchased in 2008-2009. It is time to upgrade as we have outgrown the current machine.

Mr. McMaster referenced the extended twenty-four-month warranty that was purchased; he questioned the length of the original warranty (unknown at this time).

Motion: to pass Resolution No. **2025-19**, **Action:** Adopt,
Moved by Council Member Chris Shay, **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.

Mayor McCauley announced that Resolution No. **2025-19** passed.

2025-20 A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF A GALION 9' STEEL DUMP PACKAGE FOR CLYDE LIGHT & POWER.

Resolution No. **2025-20** was read in its entirety.

Mr. LaBenne reiterated this is for the purchase of a dump package for a new truck.

Council had no comments and/or questions.

Motion: to pass Resolution No. **2025-20**, **Action:** Pass,
Moved by Council Member Greg McMaster, **Seconded by** Mayor Doug McCauley.
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. **2025-20** passed.

2025-21 A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF A 2025 F-150 SUPER CAB, A 2025 F-350 CREW CAB, AND A 2025 F-550 CREW CHASSIS CAB FOR CLYDE LIGHT & POWER.

Resolution No. **2025-21** was read in its entirety.

Mr. LaBenne noted these three trucks were all approved during the budget hearing. He is unaware of the timeline for delivery of the trucks.

Council had no comments and/or questions.

Motion: to pass Resolution No. **2025-21**, **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: Vice Mayor Scott Black, Council Member Greg McMaster, Council Member Terri Meek, Mayor Doug McCauley, Council Member Chris Shay.

Mayor McCauley announced that Resolution No. **2025-21** passed.

2025-22 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR THE WASTEWATER PHASE I IMPROVEMENT, HENDRICK'S PARK CUL-DE-SAC, GRANT STREET CULVERT REPLACEMENT, AND ELM STREET SEWER PROJECTS.

Resolution No. **2025-22** was read in its entirety.

Mr. LaBenne noted this Resolution is for various projects to go out for bids.

Mr. Fiser offered to share a site plan for the projects.

Mayor McCauley questioned how many parking spaces there will be at Hendricks Park (this will add six to seven spots). Mayor McCauley questioned if there is no cul-de-sac would that allow more parking (no).

Motion: to pass Resolution No. **2025-22**, **Action:** Pass,

Moved by Council Member Terri Meek, **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 Resolution No. **2025-22** passed.

ADMINISTRATIVE REPORT

Mr. LaBenne gave the following report:

- Preparing legislation items for tonight's meeting
- Land Bank Meeting for "Welcome Home Ohio Possibilities"
- Attending the APPA Legislative Rally in DC next week with Mr. Lachner and Mayor McCauley
- Participated in a webinar on Quiet Zones
- Updating and consolidating fees across the board for codes and other code changes
- 911 meeting to discuss upcoming next generation call handling, new requirements for compliance, costs, etc.

FINANCE DIRECTOR'S REPORT

Mr. Weasner reported the following:

- Reviewed unaudited balances for year ending 2024
 - General Fund is below budget
 - Water fund is below budget – a large reimbursement will be coming from the state
 - Sewer fund is below budget – adjustments are being made for future receipts

- Electric fund is below budget
- Income Tax is below budget
- Met with Opengov regarding the new budgeting software
- Working on requisition routing, by setting up users
- Registered Mr. Shay for the Sandusky County Economic Development Corporation breakfast meeting

COUNCIL REMARKS

By poll of Council and Administration the work session scheduled for February 25, 2025 is cancelled.

MOTIONS

There was none.

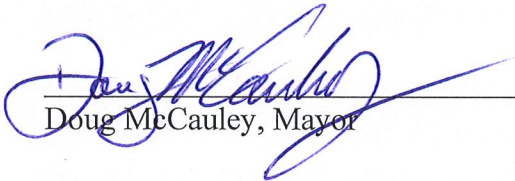
ADJOURNMENT

Motion: to adjourn the meeting at 8:22 p.m., **Action:** Adjourn,

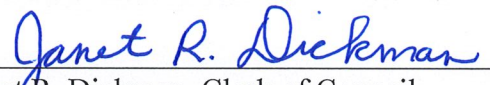
Moved by Mayor Doug McCauley, **Seconded by** Council Member Greg McMaster,

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

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



Doug McCauley, Mayor



Janet R. Dickman, Clerk of Council

CITY OF CLYDE

COUNCIL MEETING

Date: Tuesday, February 18, 2025

Regular Session

Visitors – PLEASE SIGN IN:

1. John & Waylon Garza

2. $\int \frac{1}{x^2} dx$

3. Gene Paul

4. Donald Burdick

5. Gary Smith

6.

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