PUBLIC HEARING
CLYDE CITY COUNCIL
CONDEMNATION OF PROPERTY

Clyde City Council held a Public Hearing at 6:30 p.m. on Tuesday, April 15, 2025, in Council Chambers, 2nd Floor of the Clyde Municipal Building, 222 N. Main Street, Clyde, Ohio, to hear the appeal of a property condemned in the City of Clyde. 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.

Mayor McCauley explained this public hearing is for the property at 227 S. Main Street, owned by Asbury Investment Group, LLC.

Solicitor Zak Selvey explained his role; he represents the City of Clyde and will offer legal advice to Council. Mr. Selvey can answer questions for Mr. Asbury but cannot give legal advice to him. Mr. Asbury completed the first step of this process by filing an appeal to the condemnation. Mr. Selvey reviewed the full guidelines; Council will need a three of five vote regarding the City Manager's decision to condemn. Their options are:

- Yes, to still condemn
- No, property is no longer condemned
- Modify/Variance to the condemnation

Council could also request an Executive Session, to discuss further legal advice.

Mayor McCauley offered, for complete transparency, that he lives across the street from this property, and has lived there for forty years. A storm occurred in June 2023 at which time a tree hit the home and knocked the home off the foundation square. The home has been close to that same damaged condition since then. On March 31, 2025 a condemnation was issued, which included signatures of four City officials.

Dan Asbury stated the home was not knocked off the foundation square and the inspection report does not say the property is unfixable. A site manager was hired and showed them how to get the home back to where it needs to be. With trusses they were able to push the peak up, and the walls were then pushed back into place. The property is now square. Mason Asbury has owned the property for one year one month and nine days. Much money has already been invested in the renovation. They cannot work on these repairs during the harsh winter we had. They have paid $6,000 to insure the property, as required, and all property taxes have been paid. They have a signed contract to finish the roof repairs and they have shown good faith in finishing the project.

Mr. Selvey questioned if Mr. Asbury has legal authority to represent Asbury Investment Group (yes).

Mayor McCauley questioned if they have a certified engineer to make a determination regarding the safety of the property (no, but they have an engineer inspection; Tusing sub-contractors will do the work).

The purchase price was $5,000; why is the insurance calculated at a $500,000 value and was the insurance purchased only in response to the condemnation notice (this is the terms the insurance company required in order to have the insurance). Was the insurance agent led to believe that there were tenants living in the home (no; there is not printed documentation as all communication with the insurance agent was verbal).

Ratchet straps can be seen on the home (these were placed as security, to ensure nothing moves now that the peak and walls are back in place).

Dustin Perkins, the previous homeowner, thought the repairs would begin immediately after he sold it.

Dan Asbury stated it does not matter what the inside looks like as they are re-doing all of it. They (he and his son Mason) have renovated multiple homes.

Mayor McCauley questioned if anything has been done on the property in the past 30 days (clean up around the outside but they cannot work inside at this time, due to the condemnation notice posted).

Mr. McMaster is not feeling assured this property will be safe. He also feels other members of Asbury Investment Group should be in attendance tonight.

Mrs. Meek inquired if the walls will be replaced (the south and east walls have been repaired and do not need to be replaced).

Mr. Shay noted the home was purchased March of 2024; he inquired what work has been done between 3/2024 to 3/2025 (chimney repair, roof repair to raise the peak, walls repaired, many other issues; an agreement was entered with Amish builders a month before the condemnation was issued). Did it take a year to get insurance (they were turned down by fourteen insurance companies before they found an agent who would issue insurance). Who is the insurance agent (USAA). How much money and how much time will be needed to complete this project before the house could be listed for sale ($30-40,000 and possibly six months). Mr. Shay has experience with damaged houses not being properly fixed (they want to start work on the roof tomorrow at 8:00 a.m.).

Mr. Selvey noted if the repairs are approved to resume, the house could be condemned again later if the work is not done.

Mr. Black commended the Asbury's to try to fix up this house; he questioned if it would be cheaper to tear this one down and build a new one (no, it would be much more expensive to build new).

Mr. McMaster questioned insurance coverage for those working on the house (they have a $1 mil blanket personal liability policy).

Dan Asbury reiterated that the engineer's report does not say the house is not repairable.

Mr. Winke sent twenty letters to neighboring property owners to inform them of this public hearing; one was undeliverable.

Mr. Bob Anderson, 219 S. Main St., is a neighbor and he would like to see the house repaired as opposed to being tore down. He corrected that it is the south and west (not east) walls that needed repaired. He feels the estimate of $30-40,000 to finish the project is a low estimate (they have many materials already available from other projects they have done, and they do much of the labor themselves; the roof will cost about $20,000). Mr. Anderson noted the Asburys have two other properties they have been working on and he feels those properties have taken precedence over this one (the house on Vine Street will be on the market in thirty days).

Motion: to overturn the condemnation order, **Action:** Overturn,
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: Council Member Greg McMaster, Vice Mayor Scott Black.
No: Mayor Doug McCauley, Council Member Chris Shay, Council Member Terri Meek.

Motion: to affirm the condemnation order, **Action:** Affirm,
Moved by Council Member Chris Shay, **Seconded by** Mayor Doug McCauley.
Vote: Motion failed by roll call vote (**summary:** Yes = 2, No = 3).
Yes: Mayor Doug McCauley, Council Member Chris Shay.
No: Council Member Greg McMaster, Vice Mayor Scott Black, Council Member Terri Meek.

Mr. Selvey reviewed the guidelines for possibly making a motion to add modifications to the condemnation order. He suggests eliminating the City Manager from solely making the decision. He suggests setting a timeframe for specific progress to be made; then a majority of the City Officials who sign the condemnation order would need to vote to retract the condemnation order before it would be removed. A timeframe of 90 days was discussed, with day 1 being April 16, 2025.

Mr. Asbury noted they need the condemnation order lifted in order to keep their insurance policy for the property.

Motion: to add modifications, as discussed, to the condemnation order, **Action:** Modify,
Moved by Council Member Greg McMaster, **Seconded by** Vice Mayor Scott Black.
Vote: Motion passed by roll call vote (**summary:** Yes = 3, No = 2).