

**PUBLIC HEARING
CLYDE CITY COUNCIL
CONDEMNATION OF PROPERTY**

Clyde City Council held a Public Hearing at 6:00 p.m. on Tuesday, February 17, 2026, 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 Chris Shay
Council Member Cody Browning
Council Member Greg McMaster
Council Member Terri Meek
City Manager Justin LaBenne (Not voting)
Clerk of Council Janet Dickman (Not voting)
Deputy Clerk Jackie Hoppe (Not voting)
Solicitor Zachary Selvey (Not voting)

Absent/

Excused: Finance Director Frank Weasner (Not voting)

Visitors signing in can be referenced in the Record Book Supplement.

Mayor McCauley explained this public hearing is to hear an appeal for the condemnation of the property at 246 N. Church Street, owned by Heather Lear-Shaull (“HLS”).

Code Enforcement Officer Jared Young gave a detailed overview of the timeline of events related to this property. Some events included abatement, public health department involvement, complaints from neighbors, the need for pest control, City crews involvement, and communications to HLS regarding these events. Documentation evidence from 2018 to 2025 was presented to a judge; on 1/15/2026 the judge gave approval. Pictures were taken by Mr. Young when the City went in to search the property. The Fire Chief was in attendance and condemned the property. Notice of the condemnation was prepared for the owner and placards were placed on the property.

Solicitor Zak Selvey (“SZS”) explained his role, noting he represents the City of Clyde and will offer legal advice to Council. Mr. Selvey can answer questions for Heather Lear-Shaull but cannot give legal advice to her. Heather Lear-Shaull 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, possibly including rules for the rehab of the property

Council could also request an Executive Session, to discuss further legal advice. Mr. Selvey noted the

condemnation is the only topic for discussion this evening; demolition of the property structure would be addressed at a later date.

The condemnation issued included signatures of four City officials.

Mayor McCauley noted this meeting will be run in a civil and professional manner.

Butch Guhn is a homeowner at 231 N. Church Street and he also owns the property at 230 N. Church Street. He is glad the property to be discussed tonight has been condemned. He feels that nothing is being done by the property owner to improve the situation, and it is only getting worse. He noted he continues to see more rats in the neighborhood, and he feels they are coming from HLS property. He feels she has had plenty of time to make improvements; he hopes the City will also move forward with demolition.

Questions and Answers:

HLS – the first abatement notice in 2024 was given to her minor son; is this illegal as it should have been given to her or another adult

SZS – the abatement paperwork is not court paperwork, it is City of Clyde paperwork; this would not follow the same guidelines of a civil matter; he feels HLS was aware of the notices, regardless of who the paperwork was given to.

HLS – there are two actions taken by the City that she is very upset about:

1. Mr. LaBenne and the City crew did not give her advance notice that they would be going to her property to do some cleanup work
2. The City did not notify her of removing debris from her property and she feels some of the items should not have been trashed; the City took/destroyed items she needed

She noted she tried repeatedly to contact Mr. LaBenne but was unable to reach him or receive a return call

SZS – HLS could have brought her concerns to a Council meeting to voice her complaints prior to tonight; Council meets the 1st and 3rd Tuesday of every month.

HLS – The judge who signed the condemnation search served as her lawyer during a past legal matter and HLS had contacted the judge to request representation for this matter; HLS questions if it is a conflict of interest for this judge to approve the condemnation search. HLS also noted she has been trying to get Legal Aid, but has been unable to secure legal assistance for this matter

SZS – the judge/lawyer decides her own conflicts; HLS acknowledged she never actually spoke directly to the judge/lawyer regarding representation for this current matter, she only spoke to her office staff regarding her intent to ask for representation.

HLS – referenced the “See, Click, Fix” on the City website; she stated Mr. LaBenne has been posting about her property and her business in a negative manner; she questioned if this is legal for a City Manager to do this without her consent

SZS – reminded HLS that tonight’s hearing is only related to the decision if the property meets criteria for condemnation. SZS reviewed all the criteria for condemnation. He also reiterated that he is serving

only Council's legal interest; he can try to answer HLS legal questions, but he is not offering her legal advice.

HLS – stated the pictures of rats on properties that were shared with Council do not show any rats on her property; she is upset that she feels Mr. LaBenne informed her neighbors that the rats are coming from her property; she referenced a past neighbor who had problems with garbage accumulating in the garage

Mayor McCauley offered another reminder that the only purpose of this meeting is to hear why the property should not be condemned. He noted HLS received the first notice in 2012; he referenced the comprehensive packet about her property prepared by Mr. Young that led to the condemnation.

Mr. LaBenne noted that he needed to contact the neighbors to notify them that the City had contracted with a Pest Exterminator who would be attempting to remedy the rat situation in the neighborhood.

SZS – reviewed the categories listed on the condemnation; he questioned HLS if she would acknowledge these categories as valid:

1. Deteriorated structure, unsightly, state of disrepair – HLS disagrees
2. Overgrown grass, possible to harbor vermin, danger to public health/safety, detriment to neighborhood – HLS feels this has been addressed/remedied and her son has been keeping up on it
3. Swimming pool not maintained, water with bacteria, algae, unsafe/unsightly – HLS feels the pool was in good shape, but she cannot take it down now because the City crew ruined it when they threw a basketball hoop, chairs, a slide and other debris items into the pool
4. Property a nuisance – HLS feels she had the yard cleaned up before the City crew got there and stole everything without telling her they were coming
5. Structure a menace to public health, welfare, safety, unsafe, unsanitary, no safe egress, fire hazard, not inhabitable – SZS asked if the property is insured – HLS stated the insurance lapsed and now she is unable to get insurance until she gets the roof fixed
6. How long has the property been vacant – HLS stated someone had been living there until they received the condemnation notice
7. Does the property have water – HLS feels someone cut a water pipe which caused an extremely large water bill for one month; there was no water found in the crawl space; SZS feels it is difficult to understand how the amount of 192,000 gallons of water that was associated with the extremely large water bill could all be in the ground without being noticeable
8. Depreciation of properties in the neighborhood – SZS noted there are neighbors in attendance at tonight's meeting, with one expressing concerns; the City receives many complaints from residents related to the poor condition of this property.

SZS noted that the City needs to contact the neighbors to notify them that the City had contracted with a Pest Exterminator who would be attempting to remedy the rat situation in the neighborhood by placing traps on their property, and the City cannot have the traps placed without the property owner's permission.

HLS does not feel the rat problem is related to her property because she states there are no rats in her shed or garage; she acknowledged that the neighbor she had referenced that she feels caused the rat problem has been gone from the neighborhood for two to three years. It was noted there is still a rat problem in the neighborhood. HLS acknowledged that she tries to clean up after her son who lives

there, but due to recent physical limitations she has been unable to keep up.

SZS stated HLS is offering points related to mitigation (justification/reasoning); he recommends her time to speak at this hearing should be solely related to the condemnation appeal.

SZS questioned if HLS has specific objections to the reasons for the condemnation. HLS stated the City caused a lot of the issues, such as ruining her swimming pool and she cannot take it down now due to items being thrown inside the pool.

Mr. LaBenne stated the pool was already coming down, filled with putrid water, a health hazard; he stated HLS pulled up and blocked access to the gate to obstruct the City crew from removing items from the yard, including the pool and the contents that had been thrown into it, thereby using the pool as a type of container to assist with removing multiple items. HLS asked Mr. LaBenne if he informed her that they would be coming to her property either of the two times they were there and he stated no he did not. SZS clarified once the City sends a nuisance abatement letter, which had been sent to HLS, the City has broad discretion to go abate the nuisance. SZS reminded HLS that there are eight reasons included in the condemnation notice, one reason being the pool. Even without the pool, there would still be seven reasons to condemn. HLS repeated that she does not think her home is in a state of disrepair.

SZS again repeated all the criteria that was used to arrive at the condemnation status; HLS again repeated she does not agree with the condemnation. Mr. LaBenne and Mr. Young agreed a large majority of the complaint calls they receive are currently related to HLS property.

SZS clarified that he will advise Council on what they can do, related to this appeal, not what they should do. That decision is solely made by Council.

SZS asked HLS how long, hypothetically, she would need to get this house back to presentable, with utilities, having the yard cleaned up from trash and debris, having the weed situation under control, having no nuisance pets, being structurally sound (as evidenced by the home being insured). HLS stated her eventual intentions would be to demo and rebuild, but she cannot afford that at this time. SZS questioned if HLS has any plans on the horizon to be able to fulfill this intention. HLS stated she does not know, but that is why she created a GoFund me account, to try to get help. HLS stated Mr. LaBenne had suggested a couple times for her to sell her property to the City, but she has never tried to sell her property. SZS questioned how many nights HLS has stayed in the home in the past year and she estimated six nights because she has been staying with her mother due to HLS health problems and she has been helping her mother who also has health problems.

SZS noted HLS has had conversations related to her property with two city managers, a city zoning inspector and the current code enforcement officer. Warnings have been issued for many years about this happening.

HLS referenced a day years ago when SZS came with City labor forces to her property, and it was acknowledged she had already done what she was supposed to do. She uses this as an example of when they let her know they were coming, compared to the recent two other times when they came onto her property without prior notification. SZS stated if HLS feels her civil rights have been violated, which she does, she should contact an attorney.

HLS gave three items she would like to achieve as a result of this hearing:

1. She wants her property back, so she can put things back the way it needs to be
2. She wants the City crew to remove the items from her pool that they threw in there
3. She wants time to remedy problems; she wants Council to direct the City to come to her house and fix the things they broke

HLS reiterated that she feels no one would appreciate someone just showing up and taking everything out of your yard, not asking you, and when you are not able to be there. She feels many things that were taken did have value, that could have fetched a decent price if sold online. SZS questioned if photos are taken of items that are removed; Mr. LaBenne agrees with this statement.

HLS reiterated that she feels she should have had the right to be there. SZS questioned if anyone purposefully denied her ability to be there, such as a policeman. HLS stated originally, they would not let her in when they were mowing.

Final remarks from HLS stated she wants to fix what she needs to, but she wants the City to fix what they did, including a gate for her fence as she can no longer close-up her yard.

Mayor McCauley asked HLS if she bears any responsibility for her property being in its current state; she stated she does because her son who has been living there has not been helping her while she has been injured.

COUNCIL REMARKS:

Ms. Meek was hoping HLS would provide tonight a means to fix this situation but HLS did not bring any. Ms. Meek referenced a previous condemnation appeal where the property owner came to the meeting with a plan outlined to address the issues cited in the condemnation notice, and Council worked with this property owner to allow them time to implement their plan of correction.

Mr. McMaster understands that people are sometimes faced with difficult situations. He also noted that sometimes a government entity is forced to make this difficult decision. HLS would need a strong plan to remedy fourteen years of not doing anything.

Mr. Shay does not believe HLS comments. He feels she does not take responsibility and shows no remorse. In fourteen years, the property has just gotten worse.

Mayor McCauley explained it is the City and the Council duty to do research and to make a decision. The decision should be what is best in the interest of the community, not a decision that is best for only a specific individual. Council must also support the guidelines as provided in the Codified Ordinances.

Mr. Selvey explained that City Council has to take action tonight with a vote.

MOTIONS:

Motion: to affirm the condemnation of 246 N. Church Street, **Action:** Affirm,
Moved by Vice Mayor Chris Shay, **Seconded by** Council Member Terri Meek.

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

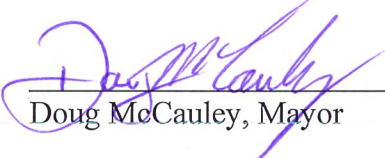
Yes: Mayor Doug McCauley, Council Member Greg McMaster, Vice Mayor Chris Shay, Council Member Terri Meek, Council Member Cody Browning.

ADJOURNMENT

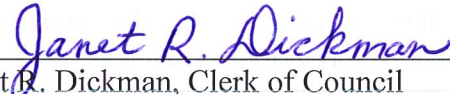
Motion: to adjourn the public hearing at 6:56 p.m., **Action:** Adjourn,
Moved by Mayor Doug McCauley, **Seconded by** Vice Mayor Chris Shay.

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

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



Doug McCauley, Mayor



Janet R. Dickman, Clerk of Council

CITY OF CLYDE
COUNCIL MEETING

Date: Tuesday, February 17, 2026 Regular Session

Visitors – PLEASE SIGN IN:

1. FRED RUDKOPF
2. Butch Guhn
3. Ben Brown
4. Cody Andrews
5. Hannah Hammons
6. Tom Bunting
7. Gene Paul
8. Mr T Paul
9. Gary Smith
10. Paul
11. _____
12. _____
13. _____
14. _____
15. _____