

CLYDE CITY COUNCIL
Regular Session – November 3, 2015

Clyde City Council met at 7:00 p.m. on Tuesday, November 3, 2015 in Council Chambers of the Municipal Building, 222 N. Main Street, Clyde, Ohio. Mayor G. Scott Black called the meeting to order.

Roll Call.

Present: Administrative Secretary - Sharon Smith (Not voting)
City Manager - Paul Fiser (Not voting)
Clerk of Council - Janet Dickman (Not voting)
Council Member - Gary Beamer
Council Member - Kenneth Dick
Council Member - Steve Keegan
Finance Director - Craig Davis (Not voting)
Mayor - G. Scott Black
Vice Mayor - Carolyn Farrar

Absent/

Excused: Solicitor - Zachary Selvey

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 October 20, 2015 regular session of council were distributed for review prior to this meeting. There were no corrections.

Motion: to approve the minutes of the October 20, 2015 regular session of council as written,

Action: Approve,

Moved by Council Member - Kenneth Dick, **Seconded by** Council Member - Steve Keegan.

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

Yes: Mayor - G. Scott Black, Vice Mayor - Carolyn Farrar, Council Member - Kenneth Dick, Council Member - Steve Keegan, Council Member - Gary Beamer.

The minutes of the October 27, 2015 council budget hearings were distributed for review prior to this meeting. There were no corrections.

Motion: to approve the minutes of the October 27, 2015 council budget hearings as written,

Action: Approve,

Moved by Vice Mayor - Carolyn Farrar, **Seconded by** Mayor - G. Scott Black.

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

Yes: Vice Mayor - Carolyn Farrar, Council Member - Kenneth Dick, Council Member - Steve Keegan, Council Member - Gary Beamer, Mayor - G. Scott Black.

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

2015-55 AN ORDINANCE MAKING CERTAIN SUPPLEMENTAL APPROPRIATIONS, INTER-FUND TRANSFERS AND INTRA-FUND TRANSFERS TO APPROPRIATIONS DURING THE FISCAL YEAR OF 2015 AND DECLARING AN EMERGENCY.

Ordinance No. **2015-55** was read in its entirety.

Mr. Davis explained that this is a normal “housekeeping” Ordinance that is needed at the end of the year. An out of the ordinary appropriation was one for \$16,000 from the water fund. A large usage customer paid the same bill a couple times. This customer is no longer in business and the City needed to issue a refund.

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 - Kenneth Dick, **Seconded by** Member – Steve Keegan

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

Yes: Council Member - Kenneth Dick, Council Member - Steve Keegan, Council Member - Gary Beamer, Mayor - G. Scott Black, Vice Mayor - Carolyn Farrar.

By poll of Council, Ordinance No. **2015-55** was read by title only for its second reading.

Motion: to adopt Ordinance No. **2015-55**, **Action:** Adopt,

Moved by Council Member - Steve Keegan, **Seconded by** Council Member - Kenneth Dick.

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

Yes: Council Member - Kenneth Dick, Council Member - Steve Keegan, Council Member - Gary Beamer, Mayor - G. Scott Black, Vice Mayor - Carolyn Farrar.

Mayor Black announced that Ordinance No. **2015-55** has been adopted.

2015-56 AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES PURSUANT TO OHIO REVISED CODE SECTION 5705.38 FOR THE CITY OF CLYDE, STATE OF OHIO, DURING THE FISCAL YEAR 2016.

Ordinance No. **2015-56** was read by title only.

Mr. Davis reported that this Ordinance consists of the final budget after the work session discussions. The budget includes a good balance of wants and needs; this information has been shared with the department heads. The general fund ending balance in the budget is \$282,000.

Mayor Black announced that Ordinance No. **2015-56** had its first reading.

2015-57 AN ORDINANCE TO AMEND CHAPTER 181 OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE REGARDING MUNICIPAL INCOME TAX.

Ordinance No. **2015-57** was read in its entirety.

Mr. Davis introduced Sandy Crum, who is the income tax clerk. She has been the main contact for this project. Sandy's last day of employment will be 12/18, then she will retire after 21 years with the City of Clyde. He offered his thanks to her.

A couple years ago the State of Ohio talked about trying to have a centralized collection, along with streamlining the municipal tax code due to various accountants, clerks, etc. having to remember multiple tax codes. At this point, there is no centralized collection happening. However, they are making changes to the Code 718, municipal tax codes and therefore Clyde is mandated to also make these changes. Our collection practices will still be the same, and the tax rate will stay the same. The Ordinance presented tonight is a boiler plate that is being used by many, including many local municipalities.

The new tax codes that will have an impact on us:

- Currently if a person works for the City for 12 calendar days in a fiscal year we can tax them and take the full 12 days worth of taxes; the new rule states the person can work up to 20 days until they get taxed; only day 21 can be taxed because we cannot go back and get taxes for those initial 20 days; this may have a big impact on us to lose some revenue
- Lottery games of chance currently are taxed currently the limit is \$100,000 before we start taxing; now we can tax at \$600
- Withholding payments generally had to be in by the end of the month following a quarter, now it is 15 days after the quarter
- Minimum liability of \$5 is being changed to \$10

We must keep section 181 in place and also add section 183. Section 181 will be in effect at least through 2017.

Starting 1/1/16 and moving forward we will use the new tax code.

Another possible big change that is going through committee is a change to not require employees to pay City taxes to a city where they only work, but do not live. They would only pay taxes to their home city.

Mr. Beamer is glad that they got rid of the centralized tax collection (this was originally their main focus); he offered his thanks to Mr. Davis and Sandy Crum for their work related to this process.

Mayor Black questioned why the 12 day rule is being changed to 20 (that is the new law).

Mayor Black questioned if a person won money in Las Vegas, would that person have to pay

taxes to Las Vegas and to Clyde (yes, for any winnings when a 1099 form is filed). This will apply to many fundraisers, such as the Clyde/Bellevue football game 50/50 raffle.

Mayor Black announced that Ordinance No. **2015-57** had its first reading.

2015-58 AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO ENERGY PURCHASE POWER SUPPLY SCHEDULE WITH AMP AND DECLARING AN EMERGENCY.

Ordinance No. **2015-58** was read in its entirety.

Mr. Fiser reminded Council that a similar Ordinance was passed on 11/5/13, 2013-39. The City takes the power it needs and then we take off the power we get from generated assets we have ownership in. Then we fill in the balance of our energy needs with the remaining requirements agreement. Quotes for the remaining requirements during the years 2014-2018 was bid at 3.8 cents per kilowatt hour for this bulk power purchase. Our rates coordinator calculated that agreement saved the City over a million dollars in just January and February during 2014. The arrangement was new for big generators like AMP. This Ordinance will allow the City Manager to negotiate new quotes for additional years, with the quotes currently at 3.5 cents. This bulk power purchase will account for about 75% of our energy needs. A meeting will be held this Thursday, which comes with a recommendation from Courtney & Associates, to discuss this arrangement with the three main suppliers.

Mr. Beamer offered best wishes for Thursday's meeting.

Mrs. Farrar questioned if the new rate is 3.5 cents, and the previous amount was 3.8 cents; the million dollar savings was huge; it has been safe to take the advice of Courtney & Associates.

Mr. Dick feels Clyde has always led the pack with these issues.

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,

Moved by Council Member – Kenneth Dick, **Seconded by** Mayor G. Scott Black.

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

Yes: Council Member - Gary Beamer, Mayor - G. Scott Black, Vice Mayor - Carolyn Farrar, Council Member - Kenneth Dick, Council Member - Steve Keegan.

By poll of Council, Ordinance No. **2015-58** was read by title only for its second reading.

Motion: to adopt Ordinance No. **2015-58**, **Action:** Adopt,

Moved by Council Member – Steve Keegan, **Seconded by** Vice Mayor – Carolyn Farrar.

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

Yes: Mayor - G. Scott Black, Vice Mayor - Carolyn Farrar, Council Member - Kenneth Dick, Council Member - Steve Keegan, Council Member - Gary Beamer.

Mayor Black announced that Ordinance No. **2015-58** has been adopted.

SECOND READING ORDINANCES

2015-48 AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED IN PART OF OUTLOT 42 WITHIN THE CITY OF CLYDE, OHIO.

By poll of Council, Ordinance No. **2015-48** was read by title only for its second reading.

Mr. Fiser had no additional information.

Council had no comments or questions.

Motion: to adopt Ordinance No. **2015-48**, **Action:** Adopt,

Moved by Mayor - G. Scott Black, **Seconded by** Council Member - Kenneth Dick.

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

Yes: Vice Mayor - Carolyn Farrar, Council Member - Kenneth Dick, Council Member - Steve Keegan, Council Member - Gary Beamer, Mayor - G. Scott Black.

Mayor Black announced that Ordinance No. **2015-48** has been adopted.

RESOLUTIONS

2015-59 A RESOLUTION ACCEPTING A DONATION OF A ONE (1)-ACRE PARCEL, MORE OR LESS, OF LAND LOCATED IN PART OF OUTLOT 23 IN THE CITY OF CLYDE, OHIO FROM L & B ENTERPRISES.

Resolution No. **2015-59** was read in its entirety.

Mr. Fiser explained that this is the paint factory property, which is in a residential area. Issues with this property have been worked on by past Administrations. The business closed, there was the death of an owner and the estate was being dealt with. This property is zoned open space; since the business had closed, it could not re-open without applying for it to be re-zoned. Effective in 2011, half of the property is now in the flood plain. There is no viable option for the property, no financial opportunity for the current owners to do anything with it. They could take it to the county to get an abatement but this would probably not get the back taxes. The owner has chosen to donate it and walk away. The property has posed a long-standing problem and fixing this problem will not get done unless we do it. It is evident that kids are going in there, the structure is falling down and there is a hole in the roof. It is a community risk. The City has money to demolish the building and clean up the property. The land is not buildable or sellable, but it has value to the City because there is an 18 inch sewer line and two man hole covers there that the City uses. The intention is to demolish the building and leave the green space. Owning this property will now give the City access to Raccoon Creek, which we did not have before.

In 2012 the US EPA came in. When they took some samples, they found some contaminants. The site was cleaned, but only up to the building. The City worked with the US EPA by cutting holes in the concrete floor and sending the samples for testing. When the results came back, any detections were under the EPA removable limit. There is a low liability of whatever is on the property. Once the site is cleaned the EPA will come back to re-sample. The EPA will work with the City for whatever needs to be done.

Mr. Keegan questioned the cost of the demolition (\$22,000 to grade; \$8,000 floor removable). Is there any issue with the back taxes (that has been cleaned up). When will the property belong to the City (a title search is being done, but the signed deed is already in Mr. Fiser's possession).

Mr. Keegan feels the abandoned building is a "magnet" for kids and raccoons. It is also a liability and an eye sore.

Mr. Beamer stated that the neighbors to this property are excited to hear that the building will be coming down. This abandoned building makes the other properties in that area look bad.

Mrs. Farrar noted that all Council members felt the concern of the liability of this building. It is an ugly building and it cannot come down fast enough.

Mr. Dick agrees that the neighbors will be happy. The City should "cross the t's and dot the i's" to process this donation, get rid of the eye sore and move on.

Mayor Black also agrees it is an eye sore. The City will take the EPA's acceptance that the levels are satisfactory. It is an excellent idea to make the property a green space. Mayor Black's concern is that the building be torn down as soon as possible after ownership is put in the City's name (we already have quotes from the demo company and they are ready to go; a Resolution will be presented to Council at their next meeting to enter into an agreement with this company; the City will get rid of the building and will take care of anything that is underneath of it). Mayor Black questioned if this is the same demo company that the City has used in the past (yes).

Motion: to pass Resolution No. **2015-59**, **Action:** Pass,

Moved by Council Member - Steve Keegan, **Seconded by** Council Member - Kenneth Dick.

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

Yes: Council Member - Kenneth Dick, Council Member - Steve Keegan, Council Member - Gary Beamer, Mayor - G. Scott Black, Vice Mayor - Carolyn Farrar.

Mayor Black announced that Resolution No. **2015-59** passed.

2015-60 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COOPER POWER SYSTEMS, LLC OF WAUKESHA, WISCONSIN FOR THE PURCHASE OF A 15kV 3-PHASE VACUUM SWITCH (RVAC) PAD-MOUNTED SWITCHGEAR FOR CLYDE LIGHT & POWER IN THE CITY OF CLYDE; APPROPRIATING FUNDS AND AUTHORIZING THE EXPENDITURE OF MONEYS THEREFORE.

Resolution No. **2015-60** was read in its entirety.

Mr. Fiser stated this Resolution will authorize the City to purchase this switch that will be used at our end of the solar field. The City will have the ability to transfer power from the solar field, and to also isolate the solar power if needed. Two quotes were received with this quote be lower by \$5,000. The City is familiar with this company.

Mr. Keegan asked if this switch will be sitting outside (outside, but in a cabinet).

Mr. Beamer asked if there is enough lead time for this purchase (yes).

Mrs. Farrar asked if this expense was anticipated (yes).

Mr. Dick commented that this must be a big switch (yes).

Motion: to pass Resolution No. **2015-60**, **Action:** Pass,

Moved by Mayor - G. Scott Black, **Seconded by** Council Member - Steve Keegan.

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

Yes: Council Member - Steve Keegan, Council Member - Gary Beamer, Mayor - G. Scott Black, Vice Mayor - Carolyn Farrar, Council Member - Kenneth Dick.

Mayor Black announced that Resolution No. **2015-60** passed.

ADMINISTRATIVE REPORT

Mr. Fiser gave the following report:

Work on the Waste Water Treatment Plant's (WWTP) Flow Equalization (EQ) Basin began on October 19 and excavation of the hole has been completed. The Adena Corporation has begun placing reinforcement steel for the floor pour that is tentatively scheduled for next week.

Phase I of the Midvale/Elmdale Storm Sewer has been completed. The General Service Department has some final grading to complete yet this week. Seeding and mulching will have to wait for the Spring. This drainage improvement will provide immediate storm water relief to the neighborhood but also allows for storm sewer expansions in the future.

The Environmental Service Department has been extremely busy with hydrant flushings and winterization operations over the past two (2) weeks. As weather allows, they have also been completing sidewalk and driveway approach replacements following the watermain installation on George Street.

Following months of major component replacements including new circuit switchers, relays, bus work, and a foundation replacement for one of our main transformers, the East Substation is back on-line. Similar work is scheduled for the West Sub in Spring 2016.

The Clyde Solar Energy Center (CSEC) has been quiet for about a week. Advanced Distributed Generation (ADG) is in a holding pattern as they await the delivery of the racking materials. The 12,800 solar panels are built and waiting delivery at the manufacturer. The racking equipment is expected to arrive by the end of the month.

As mentioned early, we have a Power Supply Meeting scheduled for this Thursday at 10AM with our Industrial Power Customers. We will be discussing power supply and rates in general but the main topic of the meeting will be the extension of our Remaining Requirements Agreement thru American Municipal Power (AMP).

Tomorrow morning we have a planning meeting scheduled with the Winesburg Weekend

Committee and department heads. The festivities are officially scheduled for November 20th and 21st. We are hoping for great weather and a conflict with the high school football playoffs.

FINANCE DIRECTOR'S REPORT

Mr. Davis reported that the income tax collections were at \$352,000, which is 4% above the YTD amount for the same period in 2014.

The audit is still ongoing. The auditors have not been on site for a couple weeks, but it is anticipated that the audit may be completed in a couple weeks.

Sandy Crum, finance department employee, will be retiring on 12/18/15. Mr. Davis is interviewing candidates to fill this position.

COUNCIL REMARKS

Mr. Keegan is aware that there used to be a truck parked in the back of the paint building and he questioned if it is still there (no).

Mrs. Farrar feels that Sandy has served the City well, prior to her retirement. She has had a lot of contact with the public and she always conducts herself the proper way. Mrs. Farrar is grateful for Sandy's service, and acknowledges that Sandy did not have an easy job. Mrs. Farrar stated that Sandy will be missed.

Mr. Dick commented on the cement on Terry Drive. The workers are working hard to get the concrete out to replace the curb but the progress is moving slowly.

Mr. Dick reported that there is one or two openings on the Rec Board. Possibly we can get the word out in the local newspaper for the need for volunteers.

Mayor Black offered his thanks for the explanations as to why the power outages occurred recently.

Mayor Black spoke of an e-mail that was sent to Council members, inviting them to be a part of the Winesburg Christmas Parade.

Mayor Black wished good luck to the Clyde Fliers football team versus the Perkins Pirates.

Mayor Black wished Sandy Crum good luck in her retirement.

MOTIONS

Motion: to go into executive session at 8:06 p.m. for the sole purpose to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee, **Action:** Enter Closed Session,

Moved by Mayor - G. Scott Black, **Seconded by** Council Member - Steve Keegan.

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

Yes: Council Member - Gary Beamer, Mayor - G. Scott Black, Vice Mayor - Carolyn Farrar, Council Member - Kenneth Dick, Council Member - Steve Keegan.

ADJOURNMENT

Motion: to adjourn the executive session at 8:30 p.m., **Action:** Adjourn,
Moved by Council Member - Kenneth Dick, **Seconded by** Mayor - G. Scott Black.

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

Yes: Mayor - G. Scott Black, Vice Mayor - Carolyn Farrar, Council Member - Kenneth Dick,
Council Member - Steve Keegan, Council Member - Gary Beamer.

Motion: to adjourn the regular session at 8:31p.m., **Action:** Adjourn,
Moved by Council Member - Kenneth Dick, **Seconded by** Mayor - G. Scott Black.

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

Yes: Vice Mayor - Carolyn Farrar, Council Member - Kenneth Dick, Council Member - Steve
Keegan, Council Member - Gary Beamer, Mayor - G. Scott Black.



G. Scott Black, Mayor



Janet R. Dickman, Clerk of Council

CLYDE CITY COUNCIL
VISITOR SIGN-IN

DATE: Regular Session 11-3-15

1. Gary Smith

2. Sandy Cross

3. Jim Jeker

4. Scott Mahony

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