CLYDE CITY COUNCIL
Regular Session – March 15, 2016

Clyde City Council met at 7:00 p.m. on Tuesday, March 15, 2016 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: Mayor G. Scott Black
Vice Mayor Kenneth Dick
Council Member Jean Jackson
Council Member Steve Keegan
Council Member Gary Smith
City Manager Paul H. Fiser (Not voting)
Finance Director Craig Davis (Not voting)
Solicitor Zachary J. Selvey (Not voting)
Clerk of Council Janet R. Dickman (Not voting)
Deputy Clerk of Council Jackie Hoppe (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 March 1, 2016 regular session of council were distributed for review prior to this meeting. There were two corrections.

Page 3, second paragraph of Administrative Report, last line: "… the ~~plan~~ *plant* is at about …"
Page 2, Visitors: change ~~Leibold~~ to *Liebold*

Motion: to approve the minutes of the March 1, 2016 regular session of council as corrected,
Action: Approve,
Moved by Council Member Jean Jackson, **Seconded by** Council Member Gary Smith.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Mayor G. Scott Black, Council Member Jean Jackson, Council Member Gary Smith, Vice Mayor Kenneth Dick, Council Member Steve Keegan.

DISCUSSION OF PENDING OLD BUSINESS

There was none.

CORRESPONDENCE

There was none.

Visitors:

CHS Science Teacher/Prom Committee Advisor – Kayla Gerber, Student/Addie Martin,

Parents/Gary Davenport, Deb Davenport, Karen McBroom
The CHS Prom will be May 7th at Kalahari, as in previous years. A dinner will be included. After Prom will still be at Kalahari, so the students will arrive at 6:30 p.m. and not leave until 3:00a.m. Parents and school administration will serve as chaperones. Kalahari did raise their prices this year; last year the Prom ticket price was $15.00 less than what Kalahari charged and this was made possible through donations, fundraisers (clothing drive, etc.) and parent and community support. A letter was sent out to explain about prom and what the money is used for. The goal is to have a safe, alcohol-free, fun evening in a safe environment.

Mr. Dick appreciates requests for donations being made in person. He questioned Mr. Davis what the previous donation amount was ($1,000 in 2015 and $750 in 2014, per Ms. Gerber).

Mr. Keegan noted a donation has been made every year for as long as he can remember. He hears positive feedback from this event, and he is glad the city is in the financial situation where a donation of some amount can be made.

Ms. Jackson feels this is a great cause, and she has a son who will be going to Prom; because of this reason, she will abstain from a donation vote.

Mayor Black previously opposed a donation, along with several Council members, because Prom was not held at the high school. However, he realizes that times do change and it appears Kalahari keeps everyone safer and together as a group. Those objections have fallen by the way-side in the past few years. This donation request may be addressed later in the meeting during the motions segment of this meeting.

Mr. Keegan questioned the amount recently donated to the Clyde Public Library ($1,000, per other Council members; Mr. Davis noted a recent donation to Friends of Rachel ($500), which is an exception to the donation budget).

John Brewer –
Mr. Brewer had in his possession a copy of the 56 page arbitration decision in the first case against Troy Keegan and also all the documents provided to him by the Clyde Finance Department on the costs so far in dealing with Mr. Keegan's first case (there are three issues; one case deals with him not reporting information in a timely fashion on an officer who may have been providing alcohol; another one dealing with utilizing a finger print machine/theft and then there will be a lawsuit for that being dismissed). As of today, the City has expended $35,000 to arbitrate with the union a 60-day suspension and a five-year denial of promotion and other things to Troy Keegan. The City had to pay half the cost of the arbitration because the five year discipline was illegal and in violation of the union contract. Another arbitration is pending regarding Mr. Keegan's termination and the fingerprint-gate arrest and dismissed prosecution. In the December 29th incident which this arbitration is directed to, is when the Chief was on holiday and vacation and a police officer was determined to have provided alcohol to one or more minors. That officer eventually resigned. He was arrested and charged in Sandusky Municipal Court and that was ultimately dismissed because it was filed in the wrong court (Mr. Brewer cannot find a record that it was re-filed). The City was aware from the night of the incident of the

dispatcher's involvement, even attempting to have the dispatcher convince the victims, his friends, to come to the police to provide evidence against Officer Robins, who eventually resigned. The dispatcher said he had consumed alcohol with the minors and other minors. His final admission was after being given guaranteed rights against self-incrimination and thus according to the officials before the arbitrator he can only be given a ten-day suspension, despite the fact that the police had determined earlier, before those rights, that the dispatcher had provided alcohol and should have possibly been arrested and charged with corruption of a minor, a first degree misdemeanor carrying a $500-$1,000 fine and up to six months in jail. He was not arrested. Thus a protected criminal continues employment in our police department. The money for the high price consultant continues to bleed. In these documents are some bills already for the next arbitration. The arbitration in this case, just the arbitration itself, was $4,600 with the union paying half and the city paying half. Mr. Brewer would like to imagine what $50,000 would now do toward funding drug education, parks and equipment to protect our community and children from the drugs he has been reporting to the police for twenty years. He saw a drug deal occurring tonight right in front of his house. Mr. Brewer stated he was advised by Council to not answer questions.

Addie Martin – Junior student at CHS – has been nominated to attend a summer program at Stanford and was inquiring for a donation.

Mr. Dick feels this would "open a can of worms" if Council would consider this request. While he feels attending this program would be a good thing to do, he feels other organizations might be more suited to make this type of donation. He feels Council cannot help with each donation request.

Mr. Keegan agrees this is a noble cause. Over the years Council has heard other individual requests; however, they have limited their donations to parades, library reading programs, etc. which can have many people benefitting from the donation and Council can "get the most out of the money." Mr. Keegan agrees with Mr. Dick that a different organization may be better suited for a donation.

Ms. Jackson agrees with the previous comments.

Solicitor Selvey offered to share Ms. Martin's information with the Sandusky County Bar Association for possible assistance (Ms. Martin consented to the sharing of her information).

Mayor Black offered his congratulation to Ms. Martin for her ambition and drive. She has done an excellent job and she shows courage to come before Council to present her request. If a donation would be made, it would be addressed in the motions segment of this meeting.

FIRST READING ORDINANCES

There was none.

SECOND READING ORDINANCES

2016-21 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR

BIDS FOR THE CONSTRUCTION OF A COLD STORAGE BUILDING FOR CLYDE LIGHT & POWER AND A PARKS OFFICE/MAINTENANCE GARAGE FOR THE PARKS DEPARTMENT IN THE CITY OF CLYDE, OHIO; APPROPRIATING FUNDS THEREFOR; AUTHORIZING THE EXPENDITURE OF FUNDS; AND AUTHORIZING A CONTRACT THEREFOR.

Ordinance No. **2016-21** was read in its entirety for the second reading.

Mr. Fiser had no additional information.
Council had no comments or questions.

Motion: to adopt Ordinance No. **2016-21**, **Action:** Adopt,
Moved by Vice Mayor Kenneth Dick, **Seconded by** Council Member Steve Keegan.
Vote: Motion passed (**summary:** Yes = 3, No = 1, Abstain = 1).
Yes: Council Member Steve Keegan, Mayor G. Scott Black, Vice Mayor Kenneth Dick.
No: Council Member Gary Smith.
Abstain: Council Member Jean Jackson.

Mayor Black announced that Ordinance No. **2016-21** was adopted.

RESOLUTIONS

There was none.

ADMINISTRATIVE REPORT

Mr. Fiser gave the following report:
Work on the Waste Water Treatment Plant's (WWTP) Flow Equalization Basin is continuing strong and much of the work has moved into the Preliminary Treatment (PT) Building. One of the two concrete channels in the PT building has now been widened in order to accept the new rotating drum screen that will be installed over the next two weeks. That screen is tentatively set for a March 28th start-up. Once this screen is in commercial operation, the remaining channel will be taken out-of-service and widened in the same fashion. As far as outside work, the EQ Basin has been back-filled around the perimeter and electrical work is well under way. Substantial completion is currently scheduled for April 8th.

The Clyde Solar Energy Center (CSEC) is still a very busy construction site. A large amount of precipitation has come along with the unseasonably warm weather, making the site extremely muddy and challenging to work on. The crew of approximately ten (10) Technicians seem to be getting by and hitting deadlines each month. The racking is still being constructed but as of this week, solar panels are being moved from warehousing to the site. Installation of the panels may still begin yet this week.

Early this week, we received the preliminary construction plans for both the Clyde Light and Power Building and the maintenance/Office Building for the Parks Department. These plans are currently being reviewed and our comments will be submitted back to the architect on Friday.

Miscellaneous City Updates:

- Most departments are getting a jump on their Spring work with the weather we have been experiencing. The General Services department is working on drainage issues, in advance of the paving plans.
- This coming Friday, we will be opening bids for the 2016 Street Resurfacing Program and De-watering polymer for the Waste Water Treatment Plant.
- We have been sending out numerous "hire" letters for our seasonal help.
- The Water Treatment Plant reports the reservoirs are at about 95% capacity and should be full going into Summer again this year.
- We are still waiting on the USEPA Report on the old paint factory. In a conversation with them yesterday, they stated nothing has changed and no action on our part will be needed.
- The bid date for our US RT 20 Culvert, near Halls Market, is March 24th.
- Nothing to report on the arrival of the new Clyde Light & Power bucket truck.

FINANCE DIRECTOR'S REPORT

Mr. Davis noted the following highlights from the February 2016 Financial Reports:

- Revenue is on target at 17% received
- Expenditures are on trend with last year, at 68% unspent and unencumbered
- General Fund cash balance is $215,000 higher than last year at this time
- Water, Sewer and Electric Funds are higher than they were at this same time last year
- Income tax collections for February are decreased by $48,809; but YTD are higher by $41,000; the new income tax code is partially responsible for this monthly difference
- Interest Income is $2,733 compared to $1,950 last year

The Income Tax deadline is on 4/15; new staff member Lucy Ritter is doing a good job and Mr. Davis offered his thanks to her.

Fire Department:
A preliminary date of 8/26/16 is set for the arrival of the new fire truck, however, this is subject to change.

Two fire calls:

- 2/20, detached garage, high wind was a factor, State Fire Marshall office was contacted
- 3/5, Goodwill storage bins by Millers; also storage unit by Millers, State Fire Marshall office was contacted and Clyde Police detectives are investigating

COUNCIL REMARKS

Mr. Dick noted that a voting area was moved, possibly due to the old location not being handicap accessible, but Mr. Dick has gotten a wheelchair into that location and he is not happy with the reason for the move or the move itself.

MOTIONS

Motion: to donate $1,250 to CHS prom committee, **Action:** Donate,
Moved by Vice Mayor Kenneth Dick, **Seconded by** Council Member Steve Keegan.

Mr. Dick noted that prices have gone up, and he does not want the students to have to pay more to attend the Prom, or to possibly not be able to attend due to a higher cost.

Mr. Keegan wishes the students to have fun and be safe.

Ms. Jackson feels the students will have a good time.

Vote: Motion passed (**summary:** Yes = 3, No = 1, Abstain = 1).
Yes: Council Member Steve Keegan, Mayor G. Scott Black, Vice Mayor Kenneth Dick.
No: Council Member Gary Smith.
Abstain: Council Member Jean Jackson.

Motion: to enter into executive session at 7:33 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: Vice Mayor Kenneth Dick, Council Member Steve Keegan, Mayor G. Scott Black, Council Member Jean Jackson, Council Member Gary Smith.

ADJOURNMENT
Motion: to adjourn the Executive Session at 8:20 p.m.**, Action:** Adjourn,
Moved by Vice Mayor Ken Dick**, Seconded by** Council Member Gary Smith**.**
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Council Member Steve Keegan, Mayor G. Scott Black, Council Member Jean Jackson, Council Member Gary Smith, Vice Mayor Kenneth Dick.

Motion: to adjourn the Regular Session at 8:21 p.m.**, Action:** Adjourn,
Moved by Vice Mayor Ken Dick**, Seconded by** Council Member Gary Smith**.**
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Mayor G. Scott Black, Council Member Jean Jackson, Council Member Gary Smith, Vice Mayor Kenneth Dick, Council Member Steve Keegan.

G. Scott Black, Mayor

Janet R. Dickman, Clerk of Council