

CLYDE CITY COUNCIL
Regular Session – June 21, 2016

Clyde City Council met at 7:00 p.m. on Tuesday, June 21, 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)
Clerk of Council Janet R. Dickman (Not voting)
Deputy Clerk of Council Jackie Hoppe (Not voting)

Absent/

Excused: Solicitor Zachary J. 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 June 7, 2016 regular session of council were distributed for review prior to this meeting. There was one correction.

Page 7, 3rd paragraph, 3rd line: "They also ~~read~~ rode by Hurd Park..."

Motion: to approve the minutes of the June 7, 2016 regular session of council as corrected,

Action: Approve,

Moved by Council Member Steve Keegan, **Seconded by** Council Member Jean Jackson.

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

Mr. Fiser gave an update on the grassy area of land that the First Federal Bank has offered to donate to the City. The bank is now proposing that the City pay the cost of a survey and a legal description. The bank would like to maintain some of the land for parking spaces and an easement for a dumpster. Mr. Fiser requests direction from Council if they would like to revoke Resolution 2015-51 (which accepted the donation) or to proceed with scheduling the survey and legal description, which could possibly cost the City in the area of \$2,500-\$3,000.

CORRESPONDENCE

A letter from John Brewer referencing emergency exit from the second floor of the City Building presenting a barrier for persons with wheelchairs, walkers, crutches, cardiac issues or other challenges involving use of stairs. A full copy of the letter can be referenced in the Record Book Supplement.

Mr. Dick has cardiac issues and he does not have an issue with using the stairs, although he uses the elevator when he comes into the meeting. Mr. Dick does not see any problems.

Mr. Keegan had no comment.

Ms. Jackson feels that this correspondence implies that all buildings would need to be only one level. She noted that other buildings in larger cities hold meetings on higher floors.

Mr. Smith had no comment.

Mayor Black will reserve his comments due to the potential of lawsuits being filed by Mr. Brewer.

Visitors:

Visitors did not request to speak at this time.

FIRST READING ORDINANCES

2016-35 AN ORDINANCE RENEWING SECTION 191 OF THE CODIFIED ORDINANCES OF THE CITY OF CLYDE WHICH LEVIES AS EXCISE TAX OF THREE PERCENT (3%) OF TRANSACTIONS BY WHICH LODGING BY A HOTEL/MOTEL IS OR IS TO BE FURNISHED TO TRANSIENT GUESTS PURSUANT TO OHIO REVISED CODE SECTION 5739.02 (C)(1).

Ordinance No. **2016-35** was read in its entirety.

Mr. Davis reviewed the history of this tax since 2001. This tax has done well for tourism promotion. Mr. Davis recommends renewal of this tax.

Mr. Dick feels Clyde has the cheapest bed tax in this area, if not in the whole state. The organizations that have been used to promote the City have done well.

Mr. Keegan questioned the amount of money this tax generated in 2015 (\$29,600 was budgeted and \$24,500 was expended)

Ms. Jackson feels it is good to keep this funding available for organizations that use it.

Mayor Black feels this is a good idea.

Mayor Black announced that Ordinance No. **2016-35** had its first reading.

2016-36 AN ORDINANCE ACCEPTING THE PROPOSAL OF THE OHIO RAIL DEVELOPMENT COMMISSION (ORDC) AND NORFOLK SOUTHERN RAILWAY COMPANY (NS) FOR THE CLOSURE OF THE AMANDA STREET GRADE CROSSING IN THE CITY OF CLYDE (CITY), OHIO.

Ordinance No. **2016-36** was read in its entirety.

Mr. Fiser referenced the visitors present tonight to offer comments for this discussion. There is nothing new in this Ordinance that has not been discussed in the past. Administration has been dealing with these complex issues since at least August 2010. The ORDC and NS do not want more than three to four railroad crossings in a mile, but Clyde has ten to eleven. Originally East Street and Amanda Street crossings were to be closed. Money was earmarked for the rail spur for the grain trains but there was a funding gap that could not be filled. Since that time, Country Springs has increased their parking area to get the grain trucks off of Route 101. That parking area is now in the way of the proposed rail spur. The temporary closing of the two crossings has lasted four years. Amanda Street has no gates or lights. Church Street has just lights and there has been a couple accidents at that crossing. This proposal would provide incentive money for Nelson Street and Church Street upgrades. It is a fact that if we do not accept this proposal to close the Amanda Street crossing then NS could take the matter to PUCO to request the crossing to be closed, and in that scenario there would be no incentives.

Casey Talbot and Bryant Thomas attended a recent Council meeting to discuss the crossing closures. When the proposal was shared with Clyde Administration, Mr. Fiser reviewed it and requested that the wording be tweaked. The proposal was revised to include a confirmation that gates would be installed at the Church Street crossing.

Mr. Dick questioned a statement which states that costs would be reimbursed to the City *up to* \$10,000 which is different compared to a statement which states that all costs would be covered (Matt Dietrich explained that reimbursement would be made at actual costs).

Will the crossing at Amanda Street be converted to a grassy area (yes).

What will happen if a pedestrian still crosses at the Amanda Street crossing area after it is closed (technically that will be a violation; they prefer to only have crossings where there are safety devices such as gates and/or lights; Operation Lifesaver Council can give railroad/rail crossing safety presentations to schools).

Can we get a verbal commitment that Operation Lifesaver Council (OLC) will come to the Clyde Elementary School (yes). Mr. Davis noted that an OLC representative was in Clyde for their Safety Village this year and the representative is very passionate with their mission to educate regarding rail safety.

Mr. Dietrich explained that earthen/landscape barriers are always encouraged when a crossing is closed to discourage anyone crossing at the closed crossing.

Mr. Keegan is not happy. When the Clyde Enterprise ran a nice article explaining this issue

many residents agreed with Mr. Keegan that they do not want crossings closed. He cannot go along with this proposal.

Mayor Black likes the idea to attempt having barriers at closed crossings. He is aware that adults and children sometimes walk down train tracks as a short cut to get wherever they are going. He has seen this as well at the Oak Harbor Apple Festival. At least if there is a deterrent it would require some effort for anyone to cross. Mayor Black feels the crossing should remain closed and the Ordinance should be accepted.

Mr. Keegan noted that the East Street crossing closure has not stopped vehicles from crossing. A local resident now drives through a neighbor's yard to get around the closing. The resident does not drive across where the track crossing was at, but instead drives across just the property with the permission of his neighbor.

Mr. Talbott noted he appreciates Mr. Keegan's forthrightness. He stated the traffic patterns have adjusted with the temporary crossing closings. He reiterated that the goal is to have no more than four crossings per linear mile, and Clyde has ten. Mr. Talbott personally does not like the skew at the Amanda Street crossing. He feels it would be good to close the crossing and accept the incentive.

Mr. Keegan noted that some residents thought the temporary closures meant that the crossings were just being worked on.

Mayor Black announced that Ordinance No. **2016-36** had its first reading.

SECOND READING ORDINANCES

There were none.

RESOLUTIONS

There were none.

ADMINISTRATIVE REPORT

Mr. Fiser gave the following report:

Mr. Fiser thanked each and every one of the city employees. It has been an extremely busy and productive Spring/Summer. No department was exempt from this as they all had projects above the "norm". A lot of our man hours are typically spent "maintaining" but for the last four months we have been in an all-out "building mode" that has not let up yet. A couple who is looking to relocate their business to Clyde was in today and spent some time talking to Mr. Winke and I about city operations. They told us that they have been watching and want to be in Clyde because we "have it going on" and they want to invest here. It just doesn't get any better than hearing that.

The 2016 Paving Program is just about complete. 7L Construction still has the path through Hurd Park to complete but that it tentatively scheduled for the end of this week or early next week. The roads look and ride very nice and we have been very pleased with the finished

product.

The Clyde Solar Energy Center (CSEC) started producing energy on June 1st. Although the field is still undergoing commissioning, it has produced approximately 80,000 kWh of energy to date. Another milestone on the project was also reached today as the entire field started tracking with the sun.

This Thursday morning, we will be conducting a pre-construction meeting with Classical Construction. At our last meeting, we passed Resolutions 2016-33 and 2016-34 awarding the contracts for construction of the CL&P and Parks Building to Classical Construction.

Miscellaneous City Updates:

- Tomorrow morning is the substantial completion walk thru inspection for the EQ Basin
- Attendance at the Aquatic Center has been very good to date
- The reservoirs are 92% full. When both reservoirs are full we have over 852 MG of raw water in storage.

FINANCE DIRECTOR'S REPORT

May financial highlights:

- 43% of estimated revenue has been received
- General Fund cash balance is at \$1.8 million, \$390,000 higher than May 2015
- Water Fund cash balance is \$270,000 higher than May 2015, which includes \$220,000 in transfers for other appropriations
- Sewer Fund cash balance is \$661,000, \$122,000 higher than May 2015
- Electric Fund cash balance is \$5.4 million, \$118,000 higher than May 2015; fund will be maintained to allow for repair work and for repayment of debt in 2017
- Income Tax Collections are \$360,000, \$3,500 lower than May 2015; YTD collections are at \$2.085 million, an increase of \$86,000.
- Interest income is \$21,403 compared to \$4,305 last year; this increase is due to longer investments having paid off and being re-invested this year.

Fire Dept – there have only been small fires to report, such as a grass fire, etc. Clyde Fire Department (CFD) participated in the Fireman's Convention in Green Springs this past weekend. CFD had the largest number of firemen to participate in the parade. They also had a 1920 and a Model T Fire Truck in the parade. We won an award for having the oldest fire truck. Chief Davis was asked when Clyde would host the convention again and his only comment was that 2023 would be the CFD 150th year anniversary.

COUNCIL REMARKS

Mr. Dick requested an update on the leak at the Aquatic Center (we are looking at specs to help narrow down where the leak is).

Mr. Keegan observed the new leaf equipment for the General Services department and it does a nice job.

Ms. Jackson questioned if the slides at the Aquatic Center do not have any water running on them (staff have been dealing with the equipment, double checking and troubleshooting as needed).

She questioned the status of the EQ Basin that was not working (adjustments were made and the equipment has passed all tests; there was one problem related to the construction of the basin and the contractor will take care of this).

Ms. Jackson noted it is nice to see the paving and crosswalks that have been painted.

Mayor Black stated a discussion about the parks will be moved to the July work session; the work session scheduled for June 28, 2016 is cancelled. Mr. Fiser will invite the women who have a plan for the parks to attend the July work session.

MOTIONS

Motion: motion to rescind Resolution **2015-51**, **Action:** Rescind,
Moved by Vice Mayor Kenneth Dick, **Seconded by** Council Member Steve Keegan.

Mr. Dick is making this motion due to the new information that Mr. Fiser presented tonight. He was okay with accepting this donation when it was free, but he is not okay with buying it.

Mr. Keegan discussed this donated grassy area being added to the existing City park. However, there is fast traveling traffic nearby, and a path or sidewalk would probably need to be added through the park. He feels this donation could become a money pit and therefore is no longer free.

Ms. Jackson understands the reasoning for rescinding this Resolution. She questions if the bank could use the expenses as a tax write off. However, if the City must pay the expenses then this donation is not worth it.

Mr. Smith feels this is not a good idea if the City has to pay for it.

Mayor Black is okay with rescinding this Resolution. He questioned if a new Resolution could be prepared if the attorneys can work something out. It was questioned if these expenses could be funded through a grant or through park funds. This donation could be re-visited if funding is found.

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

Yes: Council Member Jean Jackson, Council Member Gary Smith, Vice Mayor Kenneth Dick, Council Member Steve Keegan, Mayor G. Scott Black.

Mr. Fiser will check with Mr. Selvey, legal counsel, regarding this situation and preparation of a Resolution to rescind.

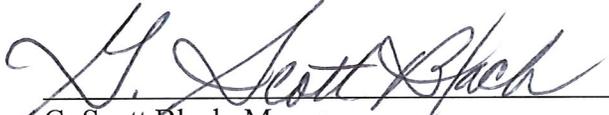
ADJOURNMENT

Motion: to adjourn the Regular Council Meeting at 7:55 p.m., **Action:**

Adjourn, **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 Smith, Vice Mayor Kenneth Dick, Council Member Steve Keegan, Mayor G. Scott Black, Council Member Jean Jackson.



G. Scott Black, Mayor



Janet R. Dickman, Clerk of Council

CLYDE CITY COUNCIL
VISITOR SIGN-IN

DATE: 6-21-16

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2. Bryant Thomas
3. CASSET FALBERT
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