CLYDE CITY COUNCIL
Regular Session – August 16, 2016

Clyde City Council met at 7:00 p.m. on Tuesday, August 16, 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 Fiser (Not voting)
Finance Director - Craig Davis (Not voting)
Solicitor - Zachary Selvey (Not voting)
Clerk of Council - Janet Dickman (Not voting)
Deputy Clerk - 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 August 2, 2016 regular session of council were distributed for review prior to this meeting. There was one correction.

Page 4, Resolution 2016-43: "… Hamer Street ~~to~~ *from* U.S. Route 20 to Mason."

Motion: to approve the minutes of the August 2, 2016 regular session of council as corrected,
Action: Approve,
Moved by Vice Mayor - Kenneth Dick, **Seconded by** Council Member - Steve Keegan.
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

- Three library thank you notes.
- Division of Liquor Control letter, Ski Lodge Winery request for permit; Council does not request a hearing

Visitors:

Gene Paul, Pastor of Church of God, issued a complaint against the Zoning Inspector, Ken Winke. The Church of God purchased a building previously used by Clyde Baptist Church. The Baptist Church had a sign there since possibly 1980. The Church of God took down the panels from the Baptist Church sign and put up new panels on the same sign. Mr. Winke informed Mr. Paul that the sign is "too close to the road" and marked where the sign would need to be moved to. Mr. Paul moved the sign, using concrete to mount the pole for the new location of the sign. Then, Mr. Winke informed Mr. Paul that the sign was too high, and must be no higher than six feet. The height of the sign was not previously mentioned. Now Mr. Paul feels harassed by Mr. Winke, who repeatedly questions Mr. Paul about lowering the sign, even in public places. Mr. Paul wished to voice his opinion regarding this perceived harassment.

Mr. Dick feels there are too many issues involved here for him to comment. He feels this should be addressed by the Board of Zoning Appeals.

Mr. Keegan stated this is the first time he has heard about this. He also has no comment.

Ms. Jackson agrees this issue should go before the Board of Zoning.

Mr. Smith had no comment.

Mayor Black understands that the sign had been in place for about 35 years, and the Church of God only changed the panels of the sign. He acknowledged Mr. Paul's cooperation of moving the sign when he was asked to, and trying to make it look nice. Mayor Black feels that what he has heard tonight does not seem right, but acknowledged that he is not up to date with knowing those zoning laws. He agrees that Mr. Paul should attend a BZA meeting to discuss this. He stated that the BZA does sometimes make exceptions to zoning guidelines for residents.

Mr. Paul noted that Mr. Winke stated he would have to pay $50 for a waiver, and he questioned why that $50 would make it right (the $50 is the fee to apply for a variance; Mr. Fiser will look into this tomorrow).

FIRST READING ORDINANCES

2016-43 AN ORDINANCE REQUIRING THAT VENDORS (PEDDLERS) SELLING FOOD, BEVERAGES, GOODS, MERCHANDISE, OR PRODUCT WARES WITHIN A DESIGNATED AREA DURING THE DATES OF THE CLYDE FAIR BE APPROVED BY THE FAIR BOARD AND DECLARING AN EMERGENCY.

Ordinance No. **2016-43** was read in its entirety.

Mr. Selvey stated the Fair Board has dealt with this issue in the past, of vendors setting up in close proximity to the Fair, but without paying the fee to set up at the Fair. The Fair Board has strict regulations regarding which vendors can participate, so that there is not duplication of products offered. This Ordinance will ensure that all vendors are paying the set fee, which helps to fund the fair.

Mr. Dick feels this will finally make it fair for all vendors participating in the Fair. He cannot see why this Ordinance would not pass.

Mr. Keegan understands the need, but feels it is a shame that this type of Ordinance is needed. He noted that during the Go-Kart race he has seen Boy Scout troops selling pop out of a cooler. He questioned if they would be able to continue doing that, or would they too have to pay the vendor fee (this Ordinance purposely gives a wide berth to allow the Fair Board to decide if they want to allow certain sales, including vendors who sell go-kart parts).

Mayor Black has been a Fair Board member for many years. This problem has plagued Clyde and many other fairs all over Ohio. It is not fair if one vendor pays the fee, and finds out about another vendor who did not pay the fee. Past violators have been asked to participate in the Fair, but they say they do not want to because they do not want to pay the fee. Mayor Black hopes this will bring order to the process. If this works, he feels this Ordinance may be copied through out the state.

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 - Jean Jackson, **Seconded by** Vice Mayor - Kenneth Dick.
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. Keegan noted that the Ordinance does not say that it is an emergency in its title statement (it states the emergency status in the last paragraph on page 2).

By poll of Council, Ordinance No. **2016-43** was read by title only for its second reading.

Mr. Dick questioned if the missing emergency clause wording in the title statement could negate the passing of the Ordinance (no, it is okay).

Motion: to adopt Ordinance No. **2016-43**, **Action:** Adopt,
Moved by Vice Mayor - Kenneth Dick, **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.

Mayor Black announced that Ordinance No. **2016-43** has been adopted.

SECOND READING ORDINANCES
There was none.

RESOLUTIONS

There was none.

ADMINISTRATIVE REPORT

Mr. Fiser gave the following report:

Work continues on the US RT 20 Culvert Replacement by Hall's Market. Mosser Construction has installed 86' of the 118' of the 63"X89" Elliptical Reinforced Concrete Pipe (ERCP). The final traffic control pattern was set up this morning with one lane open Eastbound and two lanes open Westbound. With only four sections of ERCP remaining to be set, this project should be wrapped up quickly. Please use caution while traveling in this construction zone.

Classical Construction (CC) is still moving quickly on both the Parks and CL&P construction projects. Both buildings are under roof and completely sided. The concrete floors have been completed in both buildings and the offices have been "roughed-in" in the Parks building. Electrical work is scheduled next for both buildings and then the interior finish work will be started in the park building.

Clyde Light and Power's City-Wide LED conversion is proceeding on schedule. To date, the fiberglass decorative lights on Vine, Spring Street, West Grant, Meadow Lane, Woodhaven Cresent, Birdseye, and Merlin have been converted.

The Environmental Services Department (EVS) has completed the 24" sewer replacement at the Waste Water Treatment Plant. They installed 450 lineal feet of conduit and completed the seeding and mulching within a two-week window.

The Fair Board conducted their annual "pre-fair" meeting with department heads on Thursday, August 11th. We are definitely ready for the 30th Annual Clyde Fair, which will run from September 16th thru 18th.

The Ohio Department of Transportation (ODOT) informed us this week that our Small City Grant application was not selected for funding. This application was for the Reconstruction of SR 101 near Billings Garage and the US RT 20 Sewer Separation from East Street to Main Street. We will continue to design this project and apply again in January 2017.

As mentioned previously, The Clyde Business & Professional Association has another Farm Market scheduled for Thursday, September 8th from 4pm - 7pm.

Miscellaneous Citywide Updates:

- The Clyde Solar Energy Center produced 653,063 KWh of energy in June
- CL&P has started to install the Decorative Trail Lighting in Hurd Park
- The reservoirs are at 83% capacity, which is outstanding for August

FINANCE DIRECTOR'S REPORT

Mr. Davis reviewed highlights of the Financial Report for July 2016:

- Revenue received at 59% is at target
- Expenditures at 36% is trending as typical
- General Fund is at $1.852 million, which is higher that July 2015; we started 2016 at $1.39 million
- Water Fund is at $2.6 million, which is $228,000 higher than July 2015
- Sewer and Electric funds are higher than their July 2015 balances
- Income Tax collections are about $20,000 higher than July 2015; YTD is at $2,789,892 which is $117,122 higher than last year.
- Interest income is at $26,555 compared to $11,000 last year; we are starting to bid out a CD

2017 budgets are being put together.

A member of the finance staff will be retiring on 9/1/16 after 25 years of service. She will be replaced.

Fire Chief updates:

- Building of the new truck is progressing; delivery is scheduled for November
- 91 calls to date
- 3 calls in past day; 1 serious accident today, with extended time needed to extricate the victim, who was then Life Flighted

COUNCIL REMARKS

Mr. Keegan is the Council liaison for the Civil Service Commission. He explained that civil service tests must be taken by applicants who want to work for the City. Clyde has used an outside contractor from Cleveland to administer these tests. The person who has been doing the tests for Clyde has retired from Clancy and Associates. Mr. Waugh, Chairperson of the Civil Service Commission, informed members that other communities make up their own tests and administer them. He suggests getting a sample test off the internet and then reviewing it with Clyde department supervisors. This change could save the City thousands of dollars.

Mr. Dick feels that if we can save money, he has no problem with this change.

Mr. Selvey asks that he be involved, at some point, with the initial implementation. With the possibility for litigation and/or accusations of discrimination, he would like to verify the new test.

Ms. Jackson agrees that if it will save money it is a good idea.

Mr. Smith has no problem with this change.

Mayor Black feels that one reason to have an outside company is due to the fear of litigation and another reason is to not be biased. However, he is in favor of saving money. Mayor Black is on

board for this change to occur, as long as Mr. Selvey reviews it from a legal perspective.

Mr. Keegan noted that they investigated costs for a different outside company and it would include 60 cents per mile (coming from Akron) and charging per person who is taking the test. This is even more that the Clancy Company charged.

Ms. Jackson questioned if the railroad has been notified of the dates of the Clyde Fair, and asked to try to limit the number of grain trains during the Fair hours (a meeting is scheduled for next week).

Mr. Smith questioned the orange cones that are near the railroad tracks (the cones are over the grates, which the City will fix).

Mayor Black noted that the Fair is held the same third weekend in September every year. The railroad should keep this in mind when scheduling train runs. Mr. Keegan feels the trains should be scheduled to run at night during the Fair dates. Mayor Black recalled seeing young kids crossing over a stopped train, and the train unexpectedly jerked and bucked the kids off.

The work session scheduled for August 23, 2016 is cancelled.

MOTIONS
There was none.

ADJOURNMENT
Motion: to adjourn the meeting at 7:36 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: Vice Mayor - Kenneth Dick, Council Member - Steve Keegan, Mayor - G. Scott Black, Council Member - Jean Jackson, Council Member - Gary Smith.

G. Scott Black, Mayor

Janet R. Dickman, Clerk of Council

CLYDE CITY COUNCIL
VISITOR SIGN-IN

DATE: 8-17-16 Regular Session

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2. Gene & Paul
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