

LOUDONVILLE VILLAGE COUNCIL

August 17, 2020

Loudonville Village Council met for a regular meeting on Monday, August 17, 2020 at 6 p.m. via teleconference. (Zoom Meeting ID: 86068029016) Mayor Stricklen called the meeting to order. Answering roll call were Mr. Bill Welsh, Mr. Tom Young, Mr. Jason Van Sickle, Mr. Tom Gallagher, Mrs. Cathy Lance, and Mr. Matt Young. Also in attendance at the meeting were Village Administrator Curt Young, Fiscal Officer Elaine Van Horn, Fire Chief Mike Carey, and Village Solicitor Thom Gilman. The following guests joined the meeting: Loudonville Times Reporter Jim Brewer, Brandon Biddinger, Dennis & Lisa Newcomer, Josh Book, Kenny Libben, Dennis Schaefer, and one unidentified listener.

CONSENT ITEMS:

Council Minutes – August 3, 2020 Regular Meeting: Councilman Gallagher moved the minutes be approved as presented. Second by Councilwoman Lance. A roll call upon said motion resulted as follows:

Tom Gallagher, yes; Cathy Lance, yes; Bill Welsh, yes;
Tom Young, yes; Jason Van Sickle, yes; Matt Young, yes. Motion carried.

Monthly Financial Report – July 2020: Councilman Welsh moved to approve the July monthly financial report. Second by Councilman Matt Young. A roll call upon said motion resulted as follows:

Bill Welsh, yes; Matt Young, yes; Tom Young, yes;
Jason Van Sickle, yes; Tom Gallagher, yes; Cathy Lance, yes. Motion carried.

Monthly Mayor’s Court Report – July 2020: Councilman Matt Young moved to accept the July Mayor’s Court Report. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

Matt Young, yes; Bill Welsh, yes; Tom Young, yes;
Jason Van Sickle, yes; Tom Gallagher, yes; Cathy Lance, yes. Motion carried.

DEPARTMENTAL REPORTS:

Ohio Edison Annual Vegetation Management Aerial Patrols: Administrator Young reported that Ohio Edison has communicated with area municipalities that they will be performing their annual aerial inspection of their high voltage transmission lines on Friday, August 21, weather permitting, in the Village of Loudonville. He noted that the helicopter company, HeloAir, will be performing the inspections in a blue and white helicopter marked N894HA.

Youth Building Attic Insulation: Administrator Young reported that he had obtained a price of \$1,000-\$1,200 for fiberglass insulation to be installed in the attic of the Youth Building, noting approximately 64 rolls are needed to cover the approximate 2,000 square feet. Councilman Tom Young moved to approve the purchase of the insulation for the Youth Building at a cost not to exceed \$1,200. Second by Councilman Van Sickle. A roll call upon said motion resulted as follows:

Tom Young, yes; Jason Van Sickle, yes; Bill Welsh, yes;
Tom Gallagher, yes; Cathy Lance, yes; Matt Young, yes. Motion carried.

Norfolk Southern Railroad Crossing Repairs: Administrator Young reported that Norfolk Southern has advised him that they are waiting on materials for the repairs to the crossings, with an anticipated completion date of three to four weeks.

Street Improvements: Administrator Young stated that he felt some councilmembers wanted to take a more aggressive approach regarding street paving rather than follow the draft paving schedule he had prepared. He noted that Council could consider using some carryover balances if they wanted to improve additional streets in addition to the planned North Market Street Improvement Project budgeted for 2020. He reported that the N. Market Street project was currently in the design phase with completion in the fall or spring. Administrator Young further remarked that if Council wishes, he would work with the Village Solicitor to begin the advertisement for bid process to repave North Jefferson from Washington to East Campbell and East Campbell from North Union to Snyder Drive. He proposed that North Adams from Washington to East Campbell be considered as an alternate with 1.25”-1.5” of overlayment. Administrator Young stated he estimates the proposed East Campbell project to be about \$70,000 and the North Jefferson project at about \$70,000 as well. He noted his estimate for an overlayment on North Adams from Washington to East Campbell to be approximately \$40,000, which includes replacing the curb ramps where needed to comply with ADA standards. He reminded Council that moving these planned improvements ahead to 2020 would affect the carryover balances heading into 2021. Councilman

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Gallagher asked Administrator Young if he anticipated any unexpected additional expenses similar to the extra \$20,000 required during the Butler Street project due to the inadequate base, with Administrator Young answering that he was concerned with Adams Street not having an adequate base and therefore was suggesting the overlayment. Upon question by Councilman Matt Young regarding estimated carryover funds, Administrator Young stated that unappropriated funds are beneficial to maintain in the event of an emergency, further stating that \$250,000 of carryover funds can be unpredictably expended. Upon question by Councilman Tom Young as to how carryover dollars are estimated, Fiscal Officer Van Horn explained that the year-end unappropriated amounts as shown on the most recent 2020 Estimated Resources, Amended Certificates & Appropriations Report are calculated by reducing the estimated revenue by the approved appropriations for estimated expenditures. She explained that those estimated unappropriated balances as shown on the report are included as part of the revenue when preparing the 2021 Tax Budget. She also noted that year-end balances are affected by unexpected changes in revenue estimates. Administrator Young noted that moving the improvements to 2020 will affect next year's budget and he would anticipate that the Village would have to appropriate less dollars for street improvement projects in 2021. Mayor Stricklen asked Council as a whole to consider how important they feel it is to be more aggressive this year with street improvements. Administrator Young stated that he was disappointed that the Village was not awarded grant funding in 2020 as he expected. Councilman Gallagher stated that he was hesitant to be too aggressive this year not knowing how the Covid-19 situation might unexpectedly impact the Village through year-end. Upon question by Mayor Stricklen regarding revenue estimates for 2020, Fiscal Officer Van Horn noted that the Village has not yet been as negatively affected as some other communities have, noting that income tax revenue continues to remain steady and even slightly ahead of estimates. She cautioned that it would be difficult to guess how the year might end, and further noted that while withholding tax revenue remains fairly consistent this year, net profit tax revenue in 2021 could likely be negatively affected by this year's pandemic. Mayor Stricklen suggested Council consider advertising for bids for the projects as suggested by Administrator Young, with the Adams Street resurfacing included as an alternate bid. Councilwoman Lance concurred, noting that Adams Street could be added or pushed into 2021. Councilman Van Sickle stated that if the Village completes these additional paving projects this year, Council can re-evaluate 2021 scheduled paving projects. Councilman Tom Young said the Village "has been blessed" with a new reservoir, a new backhoe, and a new maintenance building, recognizing the continued monetary support from the Legion. Mayor Stricklen reminded Council that Village Administrator Young and Maintenance Superintendent Burkhart have been diligent in budgeting for the resurfacing of streets every year. Administrator Young stated that there has been over \$800,000 spent since 2015 in street repairs, further affirming that the Village has been taking care of their streets. Mayor Stricklen reiterated that resurfacing of the streets has always been a priority, particularly the last five to ten years, and expressed his satisfaction for what has been accomplished to date with regard to street improvements. Administrator Young reported that the street maintenance crew has been doing repair work around the Village to prepare for chip and seal projects. Councilman Tom Young asked Administrator Young if he could obtain a price per foot on chip and seal. Administrator Young answered that Maintenance Superintendent Burkhart stays abreast of those prices, with Councilman Tom Young stating he would like to see what they are. Councilman Van Sickle moved to authorize the Village Administrator to move forward with the process to advertise for bids for the repaving of North Jefferson from Washington to East Campbell, for the repaving of East Campbell from North Union to Snyder Drive, and as an alternate on the bid, the overlayment of North Adams from Washington to East Campbell. Second by Councilman Tom Young. A roll call upon said vote resulted as follows:

Jason Van Sickle, yes; Tom Young, yes; Bill Welsh, yes;

Tom Gallagher, yes; Cathy Lance, yes; Matt Young, yes. Motion carried.

Playground Project Update: Administrator Young reported that he and the Mayor had met on two recent occasions with the representatives from Growing Mohican Families, the construction crew, and the designers at the Riverside Park Playground Project undertaken by Growing Mohican Families. He said there were a couple issues that have been ironed out by the contractor and designer, and reported that Growing Mohican Families is anticipating a completion date of around the first of October.

Fire Department AeroClave Purchase – Covid Funds: Fire Chief Carey asked Council to consider approving the purchase of a portable disinfecting unit to be used in the squads that allows for a complete and thorough disinfecting of an ambulance without exposing the employee to further harmful chemicals. He noted the cost of the portable unit is \$15,109.01 and is eligible to be purchased using the Cares Act funds. He stated that the unit can be used to disinfect and areas, including but not limited to the Village Offices and police cruisers. He explained that it is programmable to room size and sanitizes in about 20 minutes

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without leaving a residue. With no adverse comments by Council, Councilman Gallagher moved to approve the purchase of the AeroClave RDS 3110 portable disinfection unit at a cost of \$15,109.01. Second by Councilman Tom Young. A roll call upon said vote resulted as follows:

Tom Gallagher, yes; Tom Young, yes; Bill Welsh, yes;
Jason Van Sickle, yes; Cathy Lance, yes; Matt Young, yes. Motion carried.

LEGISLATION:

ORDINANCE 33-2020

**AN ORDINANCE TO MAKE ADDITIONAL APPROPRIATIONS FOR THE CURRENT YEAR
AND DECLARING AN EMERGENCY**

VOTE TO SUSPEND THE RULES

Councilman Welsh moved to suspend the rules of the law, which require an ordinance to be read on three different days, for Ordinance 33-2020. Councilman Gallagher seconded the motion. A roll call upon said motion resulted as follows:

Bill Welsh, yes; Tom Gallagher, yes; Tom Young, yes;
Jason Van Sickle, yes; Cathy Lance, yes; Matt Young, yes. Motion carried.

ADOPTION VOTE

Councilman Welsh moved that Ordinance 33-2020 be passed as read. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

Bill Welsh, yes; Tom Gallagher, yes; Tom Young, yes;
Jason Van Sickle, yes; Cathy Lance, yes; Matt Young, yes. Motion carried.

Mayor Stricklen reported that Police Chief Taylor will be purchasing two computers for his detective department from the Drug Law Enforcement Fund (*with Municipal Court fines received from drug enforcement cases*) as well as additional computers and the rebranding of the Village police cruisers with the unexpected revenue he received from the sale of vehicles from the impound lot from the Police Fund.

OLD BUSINESS:

Unimproved Alley – South of East Burwell: Council discussed the following memorandum, copied below in its entirety, drafted by Village Solicitor Gilman:

TO: Mayor Stricklen; Council; Curt Young

FROM: Thom Gilman

DATE: 8/14/2020

RE: Unimproved Alley

As you know, the Village has been considering the condition and future use of an unnamed and unimproved alley running East and West between North Market Street and North Water Street and located South of East Burwell Avenue.

While we are not absolutely certain, it appears that this portion of the Village was subdivided and platted for a development that would include the alley, but the alley was likely never properly improved. It appears that the Village accepted dedication of the platted area to public use, though failure by the developer to fulfill the requirements for improvement of the alley may have voided that acceptance, as concerns the alley. This all happened over 100 years ago, so reaching certainty in our conclusions is difficult or impossible.

What we do know is that the alley is not currently improved, its topography makes it impossible to safely traverse, and at least one section appears to be used as a private driveway (at the West end). The alley has been surveyed and marked.

Adjoining property owner, Lisa A. Miller Newcomer (as Trustee), has requested clarification to adjoining property owners and tenants regarding use of the alley. Specifically, she has requested the ability to place a sanitary sewer line beneath the alley and the ability to use the alley for unimpeded ingress and egress to reach the rear area of her yard. Her property also has access for ingress and egress to the North, from East Burwell Avenue.

Given the unique nature of the issue and the properties involved, the Village Administrator and I have efforted to look at all possible options for dealing with this situation. We believe the Village has a few options. I do not believe that continuing the status quo is one of those options. If the property in question is an alley and available to adjoining property owners, then it is also available to everyone else. People would have the right to walk, bike, drive, etc. across it. It is not possible to consider it an alley and then restrict which people can use it. Further, its uneven terrain and unmanaged condition creates the potential for injuries to those attempting to use it.

Option 1. Vacate the entire alley. *Upon vacating the alley, it will no longer be open to the public. The area that makes up the alley will become owned by the adjoining property owners in equal shares. Adjoining property owners MAY retain a legal easement for access IF such access is “reasonably necessary.” Adjoining property owners could proceed with using it for access, but the standard of whether such access is “reasonably necessary” can only have ultimate determination in a court of law. This would likely happen if one of the property owners sought to challenge another’s access.*

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Option 2. Grant Ms. Newcomer a utility easement for installation of a new sanitary sewer line, and then vacate the entire alley. This option would have the same result as set forth above, but the Village would first grant Ms. Newcomer the legal right to install and maintain her sanitary sewer line beneath the property that makes up the alley.

Option 3. Vacate part of the alley and narrow part of the alley. The sections of the Ohio Revised Code dealing with vacating streets or alleys allow for the vacating of portions of streets or alleys, as well as their narrowing. The portion of the alley from North Market Street to a place behind Ms. Newcomer's property is largely flat and passable. If the alley were shortened to that length and narrowed (to avoid an encroaching hillside), it might result in a safe and passable dead end alley. This would allow those whose properties adjoin this portion to continue to use it for ingress and egress, but the uneven portions to the West and North of this section would be vacated. I continue to have reservations about the idea of a completely unimproved alley in the Village. It would also continue to be open to anyone to access (though that seems less likely if it dead ends after a short distance). I would think that the Village should still consider some kind of surfacing if this option is selected.

I believe these are the only reasonable solutions for dealing with the alley, but I am open to other suggestions. Please let me know if you have any questions or other thoughts.

Councilman Gallagher began the discussion by stating he was in favor of Option 2, with Councilman Matt Young concurring. Dennis and Lisa Newcomer joined the discussion, with Mr. Newcomer stating they were in favor of Option 3 and further that if Council chose Option 2, they would be disappointed. Mrs. Newcomer asked Council if they would have to have the easement in place before the alley is vacated, with Solicitor Gilman stating yes. Mrs. Newcomer asked if there was a timeline attached or if the easement could be granted without imminent sewer replacement. Solicitor Gilman stated it would be best to wait until they had a timeline established for the construction of the sewer line. Mr. Newcomer stated that they would have to review their options as they hoped to have access to the back of their property as they planned to utilize the rear of the property. Councilman Gallagher stated that Option 3 would require the Village to do surfacing, and if gravel were placed on the alley, it would have to be put back on time and again. Mr. Newcomer said they preferred Option 3 and would like a gravel surface. Mrs. Newcomer reiterated that if the Council voted for Option 2, the Newcomers would have to reevaluate their plans and get back to Council. Councilman Gallagher assured the Newcomers that the Village was not in a hurry to vacate the alley. Mr. Newcomer stated that they own other properties and may decide to improve those instead. Mayor Stricklen stated that he heard at least two or three councilmembers speak in favor of Option 2 and asked for further discussion. Councilman Van Sickle asked fellow councilmembers if any of them were not in favor of Option 2. Councilman Tom Young suggested the Newcomers be given more time to evaluate their options, with Administrator Young interjecting that Council could consider tabling the matter until the Newcomers decide if they want to proceed with a sewer tap. Councilwoman Lance also suggested the discussion be tabled and asked if a timeline such as three months could be established by the Newcomers for their proposed sewer line. Mrs. Newcomer stated that if Council chooses Option 2, she felt it puts them in a position that reduces the Newcomer's options and further stated that whether they come back in three months or not, if Council picks Option 2, she noted they could not put a garage in the back and access it from the rear. She reiterated that they would prefer Option 3. Councilman Gallagher again stated that Option 3 creates a situation where the Village would have to maintain an alley, further commenting that if Council vacates it, then it would be divided equally between the adjoining property owners. Mr. Newcomer expressed concern that the Council, earlier in the meeting, had voted to spend what he felt was a sizable amount of Village funds on street maintenance, which he suggested could be held in reserve during the Covid-19 pandemic due to the uncertain future. He further stated he did not understand why the Village could not put gravel down on the alley. Mayor Stricklen stated he felt it was best for the Village to vacate the alley. Councilman Gallagher stated that Option 2 would allow the Newcomers to install their sewer line. Councilman Tom Young stated that the Newcomers could report back to Council with their plans. Councilman Gallagher stated that he was in favor of Option 1 unless the Newcomers wanted to first install a new sewer line, in which case he was in favor of Option 2. Councilman Van Sickle commented that he felt it would be most fair to the Newcomers in their efforts to review the options for their property that Council should vote on the matter. Mrs. Newcomer stated she would rather know Council's decision now unless there was a possibility that Council would choose Option 3 in the future. Councilman Van Sickle moved to grant the Newcomers a utility easement for the installation of a new sanitary sewer line, and then vacate the entire alley (*Option 2*). Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

Jason Van Sickle, yes; Tom Gallagher, yes; Bill Welsh, yes;
Tom Young, yes; Cathy Lance, yes; Matt Young, yes. Motion carried.

NEW BUSINESS:

Trees: Councilman Tom Young asked Village Administrator Young to look at the trees that overhang the Youth Building roof to determine whose trees they are and who can trim them.

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Additional Porta-pots at Public Restrooms: Councilwoman Lance thanked the Village Administrator for his efforts in ordering additional porta-pots that were placed at the Public Restroom facility downtown.

Ashland County Community Fund Grant: Councilwoman Lance asked if the Village had decided what projects would be undertaken with the \$25,000 grant from ACCF. Mayor Stricklen stated that the projects to be funded by the grant include the improvements at the Youth Building, the projector at the Theatre, and new trash cans for the downtown area. Administrator Young stated that once the quotes for the heating and cooling system for the Youth Building are received, the balance will be applied to the purchase of the trash cans.

Parking Lot Improvements: Councilwoman Lance asked Council to look at the parking lots adjacent to the theatre and behind Rashelle's Reflections, stating she felt both could be improved with perhaps a chip and sealed surface.

Village Facebook Page: Councilman Matt Young stated that the Village Facebook Page has approximately 950 followers and encouraged councilmembers to forward any information they may want posted to him and properly retain the information.

Downtown Revitalization: Councilman Matt Young stated that he "ran for Village Council on the premise of downtown revitalization." He asked the Parks & Buildings Committee Chairman Tom Young to call a committee meeting to begin discussions on several options and plans that he has researched. He explained that he has several ideas, further noting that he understands "revitalization isn't going to happen overnight." He stated he has several projects he feels will jumpstart the downtown revitalization project and would like to discuss those ideas with the Parks & Buildings Committee.

Park Usage Request – Fair Food Truck Rally: Council considered a request from Kenny Libben and the Loudonville FFA Alumni & Supporters to hold a food truck rally in the NE quadrant of Central Park on October 9 and 10, 2020. The request included the placement of the food trucks in parking spots on North Market, East North Park and North Pleasant facing inward toward the park. Mr. Libben joined the discussion and explained that they were working closely with the Fair Board to plan the event. He also noted that he has received a recent request to include a farmers market during the event. He noted social distancing regulations would be followed. Councilman Gallagher asked Solicitor Gilman to clarify if or how the recently-passed food truck regulations would govern this type of event. Solicitor Gilman explained that the food truck regulations allow for exemption for special events such as this one. Upon question by Mayor Stricklen regarding the proceeds from the event, Mr. Libben noted that some of the proceeds would be retained by the food truck operator and the rest would go to the FFA. Councilman Gallagher moved to approve the Fair Food Truck Rally for October 9 and 10. Second by Councilman Tom Young. A roll call upon said motion resulted as follows:

Tom Gallagher, yes; Tom Young, yes; Bill Welsh, yes;

Jason Van Sickle, yes; Cathy Lance, yes; Matt Young, yes. Motion carried.

Park Usage Request – Fair Food Drive Thru: Council considered a request from Linville Food Service LLC to use the baseball field parking lot on Wally Road to host a "Fair Food Drive Thru" October 8 through October 11, 2020. Mr. Libben noted that this request was not affiliated with the FFA event, and further commented that he did not know the details of their proposed event and was hesitant to answer any questions regarding the same. Mr. Libben shared that he had spoken with the group to invite them to participate in the FFA event, but noted they did not seem interested as it was their intention to have a drive thru only at the ballfield parking lot. Mr. Libben further noted that he was told that the drive-thru event had 10 to 12 units interested in attending. Solicitor Gilman explained that within the food truck regulations, Council could approve the Wally Road parking lot location as a permitted location and the permit requirements in place would apply for each of the food trucks who participate in the event. He further noted that this request could be treated as a special event within the regulations that would make it exempt from the food truck permit process. Councilwoman Lance expressed concern that the for-profit event would compete with the local FFA chapter's event, and suggested they could perhaps pick another weekend. Councilman Tom Young stated he felt there was plenty of time before the event for a representative to attend the next Council meeting. Mayor Stricklen stated he will ask a representative to attend the next Council meeting on September 8 to discuss their request.

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CLAIMS ORDINANCE 2020-16:

Claims Ordinance 2020-16 was presented for approval. Councilman Matt Young moved to approve Claims Ordinance 2020-16. Second by Councilwoman Lance. A roll call upon said motion resulted as follows:

Matt Young, yes; Cathy Lance, yes; Bill Welsh, yes;

Tom Young, yes; Jason Van Sickle, yes; Tom Gallagher, yes. Motion carried.

ADJOURN: With no further business to be brought before Council, Councilman Tom Young moved the meeting be adjourned at 7:08 PM. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

Tom Young, yes; Tom Gallagher, yes; Bill Welsh, yes;

Jason Van Sickle, yes; Cathy Lance, yes; Matt Young, yes. Motion carried.

Fiscal Officer

Mayor