

LOUDONVILLE VILLAGE COUNCIL

DECEMBER 16, 2019

Loudonville Village Council met for a regular meeting on Monday, December 16, 2019 at 6 p.m. at the Loudonville Village Hall council chambers. Mayor Stricklen called the meeting to order and answering roll call were Mr. Bill Welsh, Mr. Tom Young, Mr. Michael Robinson, Mr. Jason Van Sickle, Mr. Tom Gallagher, and Mrs. Cathy Lance. Also in attendance at the meeting were Village Administrator Curt Young, Fiscal Officer Elaine Van Horn, Village Solicitor Thom Gilman, Police Captain Brian McCauley, Councilman-elect Matt Young, Village resident Brandon Biddinger, Loudonville Swim Team representatives Lisa & Luke Sage and Jill & Josh Book, and Times-Gazette Reporter Jim Brewer.

THE PLEDGE OF ALLEGIANCE: Mayor Stricklen led the Pledge of Allegiance.

CONSENT ITEMS:

Council Minutes – December 16, 2019 Regular Meeting: Councilwoman Lance moved the minutes be approved as presented. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:
Mrs. Lance, yes; Mr. Gallagher, yes; Mr. Welsh, yes;
Mr. Young, yes; Mr. Robinson, yes; Mr. Van Sickle, yes. Motion carried.

Monthly Financial Report – November 2019: Councilman Welsh moved to approve the November Financial Report. Second by Councilman Robinson. A roll call upon said motion resulted as follows:
Mr. Welsh, yes; Mr. Robinson, yes; Mr. Young, yes;
Mr. Van Sickle; yes; Mr. Gallagher, yes; Mrs. Lance, yes. Motion carried.

Mayor's Court Report – November 2019: Councilman Welsh moved to accept the November Mayor's Court Report. Second by Councilman Robinson. A roll call upon said motion resulted as follows:
Mr. Welsh, yes; Mr. Robinson, yes; Mr. Young, yes;
Mr. Van Sickle; yes; Mr. Gallagher, yes; Mrs. Lance, yes. Motion carried.

GUESTS:

Loudonville Swim Team: Swim Team representatives Luke and Lisa Sage were present to question the recently adopted pool use agreement. Mr. Sage expressed concern that he felt the swim team should have been more involved in negotiating the terms of the agreement. Mayor Stricklen answered that the agreement was drafted by Village Solicitor Gilman under the direction and input of the Council Parks & Buildings Committee. Mr. Sage again stated he thought the swim team would have an opportunity to negotiate the terms. Mayor Stricklen reminded Mr. Sage that the committee had met several times with the swim team for input and had then provided recommendations to the Solicitor for full Council consideration and approval. Solicitor Gilman concurred, noting that it was his understanding that the committee and swim team had met on two occasions to discuss the pool use agreement, noting he had received the notes and suggestions from the committee. Mr. Sage questioned why the ordinance adopting the agreement was passed as an emergency vote and questioned why the ordinance did not have three readings. Solicitor Gilman stated that Mr. Sage was confusing the declaration of an emergency ordinance with the suspension of the rules for ordinance passage. Solicitor Gilman went on to clarify that if an ordinance is declared an emergency measure within the ordinance that relates to when it goes into effect noting the ordinance adopting the pool use agreement was not an emergency ordinance. He further explained that a suspension of the rules that govern the number of readings is a different matter. Councilman Van Sickle noted he moved to suspend the rules that govern three readings in order to pass the ordinance on the first reading as he believed the committee members were in agreement in their presentation of the ordinance adopting the pool use agreement. Mrs. Sage questioned why the swim team was not given a draft and questioned why the swim team did not get to have further input. Councilman Van Sickle stated it was his understanding that the Parks & Buildings Committee and the swim team representatives had met several times and that the proposed agreement was then prepared in final draft by Solicitor Gilman for Council consideration. Solicitor Gilman commented that it is not generally customary for the other party to be involved in the drafting of a Village contract or agreement to which they may be a part of. He further stated that the Village had met with and accepted input on at least two occasions with the swim team, which he noted was significantly more input than he was accustomed to in his years as a Solicitor. Mrs. Sage stated that they misunderstood how the agreement would be developed and thought they would have more input into the agreement. Mayor Stricklen reminded the Sages that the swimming pool is owned and operated by the Village of Loudonville and its taxpayers and that the agreement was developed to protect the Village and its residents. Mayor Stricklen went on to explain that the Village was trying to make an attempt to resolve issues with the swim team's use of the

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pool and stated he felt that the Village was successful in taking their suggestions and concerns and drafting the agreement to the benefit of both parties. The Sages expressed concern with the language included in the agreement giving the Village the option to charge an admission fee. Councilwoman Lance answered that the issue of charging a fee was discussed as an option to offset some of the costs of hosting the championship meet every year. She noted that the Council agreed not to charge an entry fee in 2020, but wanted to retain that option. She explained that the Village incurs staffing, operating and pool maintenance expenses during the championship meet while being closed to the public for the entire day. Mr. Sage questioned how much notice would be given if an entry fee would be charged, noting that there could be a different Council down the road. Councilwoman Lance responded that there could also be different swim team representatives down the road, and further stated that Council voted to include the option to charge a fee in the agreement to benefit the Village. Councilman Gallagher encouraged the swim team representatives to accept the agreement for the first year to see how it is executed, with a review and discussion anticipated after the season is over. Solicitor Gilman clarified to the group that the Village's current policy is to charge admission to the pool, and the mention of it in the contract is just stating what is already in place. Mr. Sage then questioned why the agreement includes mention of limitations for the number of people in the complex. Solicitor Gilman responded that the Fire Chief is ultimately responsible to determine when the number of people inside the pool fence is unsafe and has the right by law to remedy an unsafe situation. He noted that including that in the agreement is just defining what is already in place. Mr. Sage stated he understood that the Village was trying to protect itself, but he just wanted some clarification. Councilman Van Sickle assured Mr. Sage that the Village wants to work with the swim team, and further stated that the Council does support the youth in the community. Upon question by Mrs. Sage on who the swim team should contact in the event of a concern, Councilwoman Lance replied that the Parks and Buildings Committee will be changing after the first of the year, but noted if she and Councilman Young remain on the committee that they could contact them. She further commented that while they can listen to their concerns, they cannot take any action without Council approval. She also stated that she was confident that Solicitor Gilman had drafted and Council then approved a pool use agreement that will protect both the Village and the swim team. Councilman Van Sickle concurred, reassuring the Sages that the Village Council will work with them to work out any problems. Solicitor Gilman noted that the Fair Board agreement is reviewed and revised each year, and noted the pool use agreement would be reviewed annually as well. Councilwoman Lance advised the Sages that the Village currently utilizes Park Usage Agreements for all the other parks, and noted she thought the pool use agreement was a good start and, further, that she is committed to maintaining communication between the Committee and the swim team. Councilman Young stated that the Parks & Buildings Committee members have committed to attending swim meets next season. Mr. Sage thanked Mayor Stricklen for his work.

MAGF Donation Request: Mr. Matt Young, representing the Mohican Area Community Fund, asked Council if they would again consider a donation to the MAGF drive. Councilman Welsh moved to approve a \$500 donation to the Mohican Area Community Fund. Second by Councilman Young. A roll call upon said motion resulted as follows:

Mr. Welsh, yes; Mr. Young, yes; Mr. Robinson, yes;
Mr. Van Sickle, yes; Mr. Gallagher, yes; Mrs. Lance, yes. Motion carried.

DEPARTMENTAL REPORTS:

Norfolk Southern Railroad Crossings: Administrator Young reported that the Village Solicitor has initiated contact with Norfolk Southern Railroad regarding the bad condition of the pavement at the crossings on Market and Spring Streets. Solicitor Gilman noted that action is in progress. Councilman Gallagher noted that the Jefferson Street crossing is in need of repair as well.

OPWC Grant: Administrator Young reported that the Village appears to have qualified for an approximate \$300,000 grant for the repaving of North Market Street in 2020.

LEGISLATION:

**ORDINANCE 45-2019
AN ORDINANCE CLOSING THE FEMA ASSISTANCE TO FIREFIGHTERS GRANT FUND.**

EMERGENCY MEASURE VOTE

Councilman Welsh moved to suspend the rules and Councilman Gallagher seconded that Ordinance No. 45-2019 be declared an emergency measure and that the rules of the law, which require an ordinance to

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be read on three different days, be suspended with respect to Ordinance No. 45-2019. A roll call upon said motion resulted as follows:

Mr. Welsh, yes; Mr. Gallagher, yes; Mr. Young, yes;
Mr. Robinson, yes; Mr. Van Sickle, yes; Mrs. Lance, yes. Motion carried.

ADOPTION VOTE

Councilman Welsh moved that Ordinance No. 45-2019 be passed as read. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

Mr. Welsh, yes; Mr. Gallagher, yes; Mr. Young, yes;
Mr. Robinson, yes; Mr. Van Sickle, yes; Mrs. Lance, yes. Motion carried.

**ORDINANCE 46-2019
AN ORDINANCE CLOSING THE PERRYVILLE INCOME TAX FUND.**

EMERGENCY MEASURE VOTE

Councilman Welsh moved to suspend the rules and Councilwoman Lance seconded that Ordinance No. 46-2019 be declared an emergency measure and that the rules of the law, which require an ordinance to be read on three different days, be suspended with respect to Ordinance No. 46-2019. A roll call upon said motion resulted as follows:

Mr. Welsh, yes; Mrs. Lance, yes; Mr. Young, yes;
Mr. Robinson, yes; Mr. Van Sickle, yes; Mr. Gallagher, yes. Motion carried.

ADOPTION VOTE

Councilman Welsh moved that Ordinance No. 46-2019 be passed as read. Second by Councilwoman Lance. A roll call upon said motion resulted as follows:

Mr. Welsh, yes; Mrs. Lance, yes; Mr. Young, yes;
Mr. Robinson, yes; Mr. Van Sickle, yes; Mr. Gallagher, yes. Motion carried.

**ORDINANCE 47-2019
AN ORDINANCE CLOSING THE MAINTENANCE BUILDING PROJECT FUND.**

EMERGENCY MEASURE VOTE

Councilwoman Lance moved to suspend the rules and Councilman Van Sickle seconded that Ordinance No. 47-2019 be declared an emergency measure and that the rules of the law, which require an ordinance to be read on three different days, be suspended with respect to Ordinance No. 47-2019. A roll call upon said motion resulted as follows:

Mrs. Lance, yes; Mr. Van Sickle, yes; Mr. Welsh, yes;
Mr. Young, yes; Mr. Robinson, yes; Mr. Gallagher, yes. Motion carried.

ADOPTION VOTE

Councilman Van Sickle moved that Ordinance No. 47-2019 be passed as read. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

Mr. Van Sickle, yes; Mr. Welsh, yes; Mr. Young, yes;
Mr. Robinson, yes; Mr. Gallagher, yes; Mrs. Lance, yes. Motion carried.

OLD BUSINESS: None.

NEW BUSINESS:

Payment of Obligations through 12/31/19: Solicitor Gilman reminded Council that the ORC provides for the approval of the payment of obligations by the Fiscal Officer that are due before year-end. Councilman Van Sickle moved to authorize the Fiscal Officer to pay any invoices that are due before December 31, 2019. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

Mr. Van Sickle, yes; Mr. Gallagher, yes; Mr. Welsh, yes;
Mr. Young, yes; Mr. Robinson, yes; Mrs. Lance, yes. Motion carried.

2020 Volunteer Firefighters' Dependents Fund Election: Councilman Gallagher moved to appoint Councilmen Welsh and Van Sickle to the 2020 Volunteer Firefighters' Dependents Fund. Second by Councilwoman Lance. A roll call upon said motion resulted as follows:

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Mr. Gallagher, yes. Mrs. Lance, yes; Mr. Welsh, yes;
Mr. Young, yes; Mr. Robinson, yes; Mr. Van Sickle, yes; Motion carried.

Special Council Meeting January 2, 2020: Mayor Stricklen advised Council that he has scheduled a special meeting of Council for Thursday, January 2, 2020, at 6:00 PM, which will include the swearing in of the Mayor and Councilmembers, election of the President Pro Tempore, and any other items required.

Certificate of Recognition: Mayor Stricklen presented a Certificate of Recognition to out-going Councilman Robinson, which was signed by the Mayor and Council. The certificate read:

Whereas, Michael Robinson has served this community well during his years of service as a Loudonville Village Councilman, and is leaving behind a testament of good citizenship; and

Whereas, his years of service began in March, 2015 when he was appointed to fill a vacant seat on the Village Council; and

Whereas, in January 2016, he began a four-year term on the Village Council, and has worked diligently to develop a comprehensive knowledge and understanding of all facets of municipal government for the betterment of the Village and all our residents; and

Whereas, his years of service on Council have always been marked by an exemplary allegiance to the best interests of the citizens of the community, and he has, without fail, faithfully and impartially performed the duties of the office.

Now, therefore, we do hereby tender this Certificate of Recognition to Michael Robinson, extending best wishes in all his endeavors.

In Witness Whereof, and on behalf of all of our residents, the Mayor and Council of the Village of Loudonville, Ohio do hereby set our hands and cause the Seal of the Village to be affixed on this 16th day of December, 2019.

Councilman Robinson thanked the Mayor and fellow Councilmembers and noted it has been an honor to serve the Village of Loudonville over the years.

CLAIMS ORDINANCE 2019-24:

Claims Ordinance 2019-24 was presented for approval. Councilman Robinson moved to approve Claims Ordinance 2019-24. Second by Councilwoman Lance. A roll call upon said motion resulted as follows:

Mr. Robinson, yes; Mrs. Lance, yes; Mr. Welsh, yes;
Mr. Gallagher, yes; Mr. Young, yes; Mr. Van Sickle, yes. Motion carried.

ADJOURN: With no further business to be brought before Council, Councilman Robinson moved the meeting be adjourned at 6:39 PM. Second by Councilwoman Lance. A roll call upon said motion resulted as follows:

Mr. Robinson, yes; Mrs. Lance, yes; Mr. Welsh, yes;
Mr. Young, yes; Mr. Van Sickle, yes; Mr. Gallagher, yes. Motion carried.

Fiscal Officer

Mayor