

LOUDONVILLE VILLAGE COUNCIL

July 16, 2018

The Loudonville Village Council met for a regular meeting on Monday, July 16, 2018 at 6 p.m. at the Loudonville Fire Station. Answering roll call were Mr. Bill Welsh, Mrs. Traci Cooper, Mr. Tom Young, Mr. Michael Robinson, Mr. Jason Van Sickle and Mr. Tom Gallagher. Mayor Steve Stricklen presided. Also in attendance were Village Administrator Curt Young, Fiscal Officer Elaine Van Horn, Police Chief Kevin Taylor, Utilities Superintendent Garret DeWitt, Legion representatives Don Riffel and Jim Danner, Times Reporter Jim Brewer, Loudonville Village residents Shelley Hootman, Sharon Rebmann, Jennifer Hawk, and Tim Cowan, Perrysville area residents Eric Drouhard and Chris Gorrell, Ashland County residents Jessica Bush, Deb Drouhard, and Dusty Bright, Jeromesville area resident Jeremy Gerhart, along with other area residents Melissa Martinez, Theresa Clark, Kevin Clark and Dee Hinkle.

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

CONSENT ITEMS:

Council Minutes – July 2, 2018: The minutes of this regular meeting were presented for approval. Councilman Van Sickle moved to accept the minutes as presented. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

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

Monthly Financial Report – June 2018: Councilwoman Cooper moved to approve the June Financial Report. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

Mayor's Court Report – June 2018: Councilwoman Cooper moved to accept the June Mayor's Court Report. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

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

GUESTS:

American Legion Donation: Legion members Jim Danner and Don Riffel presented the Village with a check in the amount of \$19,048.48 to be used for the Maintenance Building Project. Councilwoman Cooper joined Mayor Stricklen in expressing sincere gratitude to the Legion for their commitment to the support of the proposed new facility. Mayor Stricklen shared that since the time he was first on Council in 1991, the need for a new maintenance facility has been discussed by previous Councils many times over the years. He stated he felt that the building would never have been possible without the financial assistance of the American Legion Post 257. Mayor Stricklen further reported that the bids were opened and are being reviewed by the Engineer and Council.

Block Party: Parsons Court resident Jen Hawk asked Council for permission to close Parsons Court for a neighborhood block party on August 4 from 4 PM to 9 PM. She noted that the neighbors were in favor and that no driveways would be blocked to any of the homes. Councilwoman Cooper moved to approve the request. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

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

Objections to sale of water to Cabot Oil & Gas Corporation: Several Village residents, along with residents from neighboring jurisdictions, were present to express their objection to the Village selling water to Cabot Oil & Gas Corporation for use in their exploratory drilling process that is taking place at several sites outside the Village in neighboring townships. Solicitor Gilman stated that the Village was not formally contacted by Cabot for the purchase of water, but rather the Village offers bulk water for sale to anyone, available for purchase without a contract. Mayor Stricklen explained that the Village is required to treat all purchasers of bulk water the same, explaining that if there are several trucks in line to purchase bulk water, the Village cannot deny water at will. Ms. Hinkle expressed concerns with increased truck traffic. The group encouraged Council to research the effects of fracking on the environment, citing various examples of reports they had read of contaminated water used in the fracking process being disposed of into rivers. Councilman Gallagher stated that he understood the process to be heavily regulated by the EPA and the State of Ohio Department of Natural Resources, noting that the Village has no authority to either regulate or police what is taking place, especially outside the Village. Councilwoman Cooper commented further that while she appreciated the group's heartfelt concerns, she felt Council's involvement in their concerns was limited because there is no fracking taking place within the Village of Loudonville. Area resident Theresa Clark asked Council to educate themselves

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on the process of fracking, and encouraged them to contact other community leaders in areas around the state where fracking has already occurred to discuss the potential negative impact fracking can have on the environment. The group repeatedly asked Council to consider stop selling bulk water to Cabot Oil & Gas Corporation, expressing concerns that the Village may not have sufficient water to handle the demands of the drilling and fracking. Councilwoman Cooper stated that the Village has outstanding, highly-qualified licensed employees that oversee and monitor the Village water supply, with Administrator Young stating that the Village has an ample supply of water. Ms. Hinkle remarked that homes in the Maple Heights area have a problem with low water pressure, with Administrator Young countering that the low pressure in that area is not caused by a shortage of water but rather elevation. Ms. Bush expressed her concern with the amount of water Cabot may need for both the drilling and fracking process, with Administrator Young stating the he had personally spoken with Mr. Stark of Cabot who stated that they would only use Village water to drill the well, as the water for fracking comes from another source. Solicitor Gilman informed the group that the Village of Loudonville has never discussed selling water to Cabot nor has a contract ever been considered or discussed. He stated that once a municipality provides a service within the public utility realm, it cannot discriminate who the service is offered to. He cited an example that when a customer purchases bulk water, the Village does not know where the water is hauled or for whom it was purchased. He noted that the group could advocate for the Village to stop selling bulk water to all customers, but the Village could not discriminate against just one customer. Answering the group's concerns that they didn't know Cabot would be in attendance at two Council meetings, Solicitor Gilman advised the group that all Council meetings are open to the public and that the agenda is presented to the media and posted in the Village Office on the Friday before every regular Council meeting held on the first and third Mondays of every month. He further apprised the group that all formal actions of the Village Council take place within the Council meeting by a majority of the members as governed by the Sunshine Laws of the State of Ohio. Ms. Hinkle countered that an ordinance regarding golf carts was recently passed without all of Council knowledge, with Solicitor Gilman correcting her, stating that the golf cart legislation was presented to Council on three separate occasions at three different open regular Council meetings for Council consideration and discussion. Mayor Stricklen reiterated that all meetings are open to the public, and asserted that the Mayor, Council, and Village employees are entirely committed to providing the best services to all residents of the Village with nothing to hide. Further, the Mayor stated that the Council Utilities Committee could schedule a meeting to discuss the group's concerns with selling bulk water. One attendee suggested the Village limit the amount of bulk water it sells to all customers. Another attendee expressed concerns with the water used in fracking that goes back into the earth, stating it has poisons in it. Mayor Stricklen again reiterated that the Village cannot regulate that industry or what happens to the water, and further commented that he had attempted to have a Cabot representative at this meeting, but they were unable to attend. Upon question by one attendee concerning how much the Village charges for bulk water, Administrator Young stated that the charge for bulk water is .0065 cents per gallon. When Ms. Hinkle questioned how much Cabot pays for bulk water, Solicitor Gilman stated that the Village charges the same rate for all customers. Ms. Hinkle then questioned if Village residents are charged more for their household water, and Administrator Young explained that the calculation can be confusing given that local residents and businesses are charged within a declining block rate structure. He stated as an easy example that if a resident were to run water through their meter, the calculated bill would be less for larger volumes of water equivalent to a tanker truck filling at the bulk water rate. Another attendee questioned who fixes the Village streets that could deteriorate if there is increased truck traffic, and Solicitor Gilman remarked that the Village streets are maintained by the Village and state routes are maintained by the State of Ohio. He further commented that the Village cannot regulate trucks. Councilman Welsh suggested the group spearhead a community meeting where they could voice their opinions and concerns to Cabot Oil & Gas Corporation directly, with one of the attendees responding that they had previously attempted a similar, advertised public forum at the Library that was not well-attended by the community or Cabot. Councilwoman Cooper and Mayor Stricklen encouraged them to perhaps try another public forum with input from both sides.

DEPARTMENTAL REPORTS:

Storm Drain Project: Administrator Young reviewed a proposal from Shrock Premier Custom Construction LLC for the replacement of the storm sewer on Wally Road that runs under ballfield #4. He noted the storm drain had collapsed this spring and temporary repairs were made by the Maintenance Department. He stated the cost of \$25,770 would be paid from the Storm Drainage Fund. Councilman Welsh moved to approve the proposal from Shrock Premier Custom Construction in the amount of \$25,770. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

Mr. Welsh, yes; Mr. Gallagher, yes; Mrs. Cooper, yes;

Mr. Young, yes; Mr. Robinson, yes; Mr. Van Sickle, yes. Motion carried.

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Reservoir Project: Administrator Young reported that the concrete shell which provides the framework has been constructed and the project is progressing as planned. Upon question by Councilman Gallagher, Administrator Young reported that the old with the replacement of reservoir #1, total water storage capacity will be increased by 250,000 gallons. He further stated that with the new reservoir the Village will have 1.25 million gallons of storage, which is equivalent to 2-3 days of storage capacity.

Bulk Water Sales: Administrator Young reported that the sale of bulk water represents approximately 4% of the total water revenue, noting it would likely be more with the recent increase in bulk water sales. Councilwoman Cooper praised the Water Department for their good stewardship of the Village water. Councilman Young asked whether a daily limit could be placed on the sale of bulk water, with Solicitor Gilman stating that regulations cannot be adopted that single out any purchaser. Councilman Van Sickle commented that the Council Utilities Committee would review the bulk water sales policy and procedures.

LEGISLATION:

ORDINANCE 40-2018

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

EMERGENCY MEASURE VOTE

Councilwoman Cooper moved to suspend the rules and Councilman Welsh seconded that Ordinance No. 40-2018 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. 40-2018. A roll call upon said motion resulted as follows:

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

ADOPTION VOTE

Councilwoman Cooper moved that Ordinance No. 40-2018 be passed as read. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

OLD BUSINESS:

Main & Market Intersection: Councilman Young expressed concerns with the intersection, specifically the trucks driving up over the curb and onto the sidewalk. He stated he feels the stop line is too close and that moving them back would give trucks more room to make the turn. Administrator Young agreed to contact the State to determine if the stop line could be moved back.

Property Update: Councilman Gallagher reported he had talked with Ms. Hinkle about the neighboring property that she had complained about previously. He stated that Ms. Hinkle was happy with the way the property was cleaned up. Councilman Young commented that he had submitted a list of three additional properties that needed attention to the Police Department, with Chief Taylor answering that they were looking into those properties.

Maintenance Building Project: Mayor Stricklen reported that Village received three bids for the project. He said there was only one qualifying bid, from Classical Construction Company of Sugarcreek, which did not exceed the 10% limitation over and above the construction estimate as required by law. Mayor Stricklen stated that the architect, Brad Maurer of Reel Engineering, had completed a review of the bid as well as references. The Mayor noted that the Fiscal Officer and Finance Committee would be reviewing the financing options, and the Village Solicitor would be preparing an ordinance for Council consideration at the August 6 meeting.

New Curb at Main and Union: Council acknowledged the thank-you note they had received from Paula Bush for the installation of the new curbing in front of her home on Main Street at Union.

EMS Soft Billing vs. Hard Billing: Mayor Stricklen asked the Safety Committee if they had anything to report from their meeting on July 2. Safety Committee Member/Councilman Young stated that he wanted to see a written report of the numbers that Chief Carey had discussed at the committee meeting as nothing was distributed by the Fire Chief for the committee members to review.

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NEW BUSINESS:

Acceptance of Septage at Wastewater Plant: Utilities Committee Chairman Van Sickle stated that the committee had met with Utilities Superintendent DeWitt to consider accepting outside septage at the wastewater plant. Utilities Superintendent DeWitt explained that the Village previously had accepted outside septage and that he was contacted by a company who would like to dump there. He noted he would like to again accept it for a fee of .04 cents per gallon. Superintendent DeWitt further explained that the plant has sufficient capacity to treat the additional estimated 32,000 gallons per month, noting that it would generate additional revenue of approximately \$1,200 per month. Councilman Van Sickle noted that the acceptance would be closely monitored, with a 24-hour notice requirement as well as the requirement that a plant employee be there to accept it. Solicitor Gilman clarified that only human waste products will be accepted and no industrial wastes. Councilman Van Sickle moved to approve the acceptance of outside septage at the wastewater plant at a fee of .04 cents per gallon. Second by Councilwoman Cooper. A roll call upon said motion resulted as follows:

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

LED Stop Signs at Mt. Vernon & Main: Councilman Gallagher asked Council to consider purchasing LED solar-powered stop signs for the intersection of Main & Mt. Vernon, presenting a cost estimate of \$1,764 each. Chief Taylor commented that he was approached by Jamie Black, who was willing to donate toward the purchase if the Council would agree to purchase them. Council discussed the intersection and the previous contacts with ODOT and their unwillingness to make it a 4-way stop. Councilman Young suggested contacting ODOT again to complete another study of the intersection during the busy time of year, such as when school is in session. Administrator Young agreed to contact ODOT again regarding the intersection.

Park Usage Request – Trinity Church: Councilwoman Cooper moved to approve the park usage request from the Trinity Community Church for their annual Ice Cream Social on September 2. Second by Councilman Robinson. A roll call vote upon said motion resulted as follows:

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

Park Usage Request – Girl Scouts: Councilman Gallagher moved to approve the park usage request from the Girl Scouts L-P Troops for their bake-off in the NE quadrant on September 1. Second by Councilwoman Cooper. A roll call vote upon said motion resulted as follows:

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

Pool Rental Fee Waiver: Council considered a request from the Loudonville marching band to waive the pool rental fee for their rental on July 25 from 8 to 10 PM. Councilperson Cooper moved to approve the waiver of the fee. Councilman Robinson suggested the Parks & Buildings Committee meet to discuss a policy for waiving the pool rental fees. Councilperson Cooper stated that as she recalls, this was only the 2nd request to waive the fee this year, with Councilman Robinson cautioning that there could be other requests that are presented. Mayor Stricklen noted that when the Historical Society wanted to use the theatre and requested the rental fee be waived, he instead found a donor to pay the fee rather than have it waived to avoid this situation. With no additional discussion by Council, Councilman Van Sickle seconded the motion. A roll call vote upon said motion resulted as follows:

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

Ohio Division of Liquor Control – Loudonville Drive Thru, LLC Member Interest Change: Councilman Welsh moved to refuse an opportunity for a hearing regarding the member interest change. Second by Councilman Van Sickle. A roll call upon said motion resulted as follows:

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

CLAIMS ORDINANCE 2018-14:

Claims Ordinance 2018-14 was presented for review. Councilman Young moved to approve Claims Ordinance 2018-14. Second by Councilwoman Cooper. A roll call upon said motion resulted as follows:

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

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ADJOURN: With no further business to be brought before Council, Councilman Welsh moved the meeting be adjourned at 7:43 PM. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

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

Fiscal Officer

Mayor