

LOUDONVILLE VILLAGE COUNCIL

June 1, 2020

Loudonville Village Council met for a regular meeting on Monday, June 1, 2020 at 6 p.m. via teleconference. (Zoom Meeting ID: 88691025828) 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, Dennis & Lisa Newcomer, Brandon Biddinger, Dennis Schaefer, and one unidentified listener.

CONSENT ITEMS:

Council Minutes – May 18, 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.

DEPARTMENTAL REPORTS:

Fire Department Grants: Fire Chief Carey reported that the Village has received two grants for fire equipment. He stated that a \$10,000 grant was received from the Ohio State Fire Marshal to be used toward the purchase of helmets, fire hoses, nozzles and flashlights. He reported that a \$25,000 grant was received from the Hugo & Mabel Young Foundation toward the purchase of a breathing air system and compressor. Mayor Stricklen expressed appreciation to the grantors.

Spring Clean-Up: Administrator Young reported that Rumpke would like to re-schedule the spring clean-up for June 24 & 25. Councilman Tom Young moved to approve the spring clean-up dates for June 24 & 25. 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.

Youth Building Usage Request: Administrator Young reported that the Youth Building was previously scheduled for June 7 for a graduation party. He explained that, under the current State mandates, the Youth Building has not been rented out, noting Helping Hands continues to operate in the lower level. He stated that he would like Council to address the request and consider whether they would like to grant permission for the use of the Youth Building for the graduation party. Solicitor Gilman stated that there are still standards in place by the state and if Council wishes to allow its use, the State's guidelines concerning the number of people permitted would have to be enforced, which he noted continues to be a limit of ten. He commented that it would be problematic if the Village Council permits its usage with more than ten persons against the State Health Director's orders. Administrator Young noted that in addition to the number of permitted persons that can gather, there are also cleaning guidelines that would have to be followed every two hours. He noted that since the Village owns the facility, it would be up to the Village to enforce the state requirements. Councilman Gallagher commented that he felt it was risky to permit its usage unless there is a Village employee available to police it, which he noted the Village was trying to avoid. Councilwoman Lance expressed concern with permitting the usage of the Youth Building when the parks are closed to residents. Administrator Young concurred and noted that the public restrooms are not yet open, and porta-pots have been placed in several locations until the restrooms are eventually opened. Councilwoman Lance stated she was undecided, as she does not want to continue to disappoint residents. Councilman Gallagher reminded Council that the guidelines are set by the State of Ohio, and felt the Village should not go against those guidelines. Mayor Stricklen expressed his frustration with what he feels is an inconsistency by the state in setting forth the rules. Councilman Matt Young asked Solicitor Gilman if the Village could provide the list of state regulations to the user and place the liability on them. Solicitor Gilman cautioned against setting a precedent, and further commented that even if the rules are explained but are not followed, the Village is essentially allowing the violations unless enforced. He noted he would like to avoid having the Police Department being required to enforce the rules. Councilman Matt Young stated he felt like the Council was moving in the same direction and moved to deny the request to rent the Youth Building for a graduation party on June 7. Second by Councilman Gallagher. A roll call on said motion resulted as follows:

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

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Norfolk Southern Railroad Crossing Repairs: Administrator Young reported that Norfolk Southern Railroad indicated to him that they would be making repairs to the Spring and Market Street crossings in June.

Right-of-Way Property Request: Council discussed a request from Dennis and Lisa Newcomer of 108 W. Burwell to mark the right-of-way behind their property so that all residents adjacent to the right-of-way have equal access to it. Councilman Gallagher noted that the Newcomers' written request at times describes the right-of-way as an alley, further noting that there is a definitive difference between an alley and a right-of-way. Mr. Newcomer stated that regardless whether it is labeled as a right-of-way or an alley, an issue remains that the use of it is not being equally appropriated among the neighbors. Mrs. Newcomer stated they would like to have the ability to access the back of their property to make improvements to their sewer line, as well as the opportunity to build a garage with possible access from the right-of-way. She went on to say that when her father, former Mayor Tom Miller, was in office, she recalled that the Village cleaned the hillside and it was acknowledged as a Village right-of-way. She noted that the neighbors have progressively moved into the right-of-way with the construction of raised garden beds, and stated it has become a point of contention, as they can no longer access it for their own renovations. Mrs. Newcomer asked the Village to consider marking the right-of-way so that all the neighbors can have equal access to the property. She stated that last week a neighbor had a backhoe on the right-of-way and was excavating for a pool. She noted it has never been an issue since she moved there in 2007 until now, and stated that one person has large bonfires in the right-of-way. Councilwoman Lance questioned whether the Village needs to keep and maintain the right-of-way, noting she drove by and felt it just looked like normal backyards. Councilman Gallagher responded that there has never been a need to develop or vacate it to date. Solicitor Gilman noted that if the right-of-way were vacated, it would be split between the property owners and everyone would gain 10' in the back of their lots. Councilman Tom Young suggested keeping the right-of-way but just marking it off and allowing the property owners to use half. Solicitor Gilman expressed hesitation in allowing vehicle traffic in the right-of-way. He further stated that there are several existing right-of-ways in the Village that pass through residential properties. He noted that the Village has permitted use of the right-of-ways, except for permanent structures. Mrs. Newcomer stated they were not opposed to vacating the right-of-way. Mr. Newcomer reiterated that they would like to have equal access to the right-of-way that his neighbors are fully utilizing, and shared that the relationship with the neighbor has become strained due to the situation with the right-of-way. Solicitor Gilman explained that if the Village maintains the right-of-way, it would provide for future access by the Village, and permanent structures would be prohibited in the right-of-way. Administrator Young noted it would be unlikely that the right-of-way would ever be turned into an alley given the topography. Councilman Gallagher stated he felt it was unfair that the property owners do not have equal access to the right-of-way and suggested marking the right-of-way and allowing each to use half with no permanent structures. Councilman Matt Young stated he had an old photo from 1952 that shows the same small gravel strip on the west end of the right-of-way. Solicitor Gilman reminded the Newcomers that any extension of their sewer line to the east would require easements from the neighboring property through which it would pass, with Mrs. Newcomer responding she was aware of the easement requirement. Mayor Stricklen asked the Council Planning and Zoning Committee to meet to discuss the situation and report back to Council on June 15. Committee Chairman Gallagher stated he would schedule a meeting next week. Administrator Young suggested the neighbors be notified for input. Councilman Matt Young stated that his name was referenced in the letter from the Newcomers, and noted that the comments allegedly made by the neighbor as written by the Newcomers were untrue.

2021 Tax Budget: Fiscal Officer Van Horn reported that the Finance Committee met to review the 2021 Tax Budget, noting all of Council has received a copy of the draft. She noted that the final copy will not include a proposed utility and roadway project that was in draft, which was removed with the advice of the County Auditor given the current uncertainty of the availability of state grants for the project. She noted the Public Hearing is set for 6:00 prior to the Council meeting on June 15, 2020. She invited councilmembers to call or stop by the office should they have any questions.

Monthly Reports - May: Fiscal Officer Van Horn advised the councilmembers that they could pick up their monthly reports in the Village Office, noting she will otherwise include them in their June 15 packets.

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LEGISLATION:

ORDINANCE 18-2020

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

VOTE TO SUSPEND THE RULES

Councilman Van Sickle moved to suspend the rules of the law, which require an ordinance to be read on three different days, for Ordinance 18-2020. Councilman Gallagher seconded the motion. 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.

ADOPTION VOTE

Councilman Van Sickle moved that Ordinance No. 18-2020 be passed as read. 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.

RESOLUTION 19-2020

A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ANNOUNCE AND ADVERTISE THE AVAILABILITY OF A CONTRACT FOR ENGINEERING SERVICES AND REQUESTING STATEMENTS OF QUALIFICATIONS.

VOTE TO SUSPEND THE RULES

Councilwoman Lance moved to suspend the rules of the law, which require an ordinance to be read on three different days, for Resolution 19-2020. Councilman Gallagher seconded the motion. A roll call upon said motion resulted as follows:

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

ADOPTION VOTE

Councilwoman Lance moved that Resolution No. 19-2020 be passed as read. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

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

OLD BUSINESS:

River Entry Signs: Councilman Tom Young questioned whether the signs prohibiting entry into the river at Riverside Park were received. Administrator Young stated he believed they were received, but have not yet been installed.

Council Meetings: Councilman Tom Young asked Solicitor Gilman if it would be possible for Council to meet in the theatre without guests, and have it broadcast on Zoom. Solicitor Gilman noted that the meeting would be limited to ten persons and he would not be comfortable with some persons able to enter and others not. Councilman Gallagher pointed out that there were already ten participants on the present meeting, without other department heads. Solicitor Gilman reiterated that residents and guests must be able to hear everyone. Mayor Stricklen said he remains upbeat that the rules will be relaxed soon, and that Council will continue to meet on the Zoom platform until the restrictions are lifted.

Playgrounds: Councilman Tom Young questioned when the playgrounds can be reopened. Solicitor Gilman stated he would review the State Director of Health's guidelines for playgrounds.

Rezoning of Byers Property: Solicitor Gilman reported that he was contacted by the attorney representing the Byers, asking Council to begin the process of rezoning the property west of Premier Metals to an industrial zoning classification. Solicitor Gilman further explained that the process can be initiated in one of three ways: 1) by the property owner, 2) by Village Council, or 3) by the Planning Commission. Solicitor Gilman asked Council if they would like to proceed with the process which will involve a public hearing that would be scheduled for July 6, with neighboring property owners and the Planning Commission

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notified. Councilman Tom Young moved to proceed with the rezoning process. 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.

Food Truck Permitted Locations: Council discussed the permitted locations for food trucks. Councilman Gallagher stated he spoke with Chief Taylor, who felt that the NE quadrant of Central Park would be the best location. Council agreed to keep the food trucks on the pavement in a parking spot, not in the park lawn. Councilman Gallagher moved to approve the east, west and north sides of the northeast quadrant of Central Park as the permitted location for food trucks. 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.

NEW BUSINESS:

Fire Department Response Calls: Councilman Tom Young expressed concerns with the number of rescue calls that the fire department goes on that are unbillable under the current operating and billing structure. He stated he spoke with Chief Carey, who explained to him that there is a \$50 charge assessed for non-transport of the EMS division, but there is no policy in place to provide for the billing of non-transport rescues. Solicitor Gilman stated there is a mechanism for restitution in the event someone breaks the law. Councilman Matt Young said he spoke with a fire department member, and noted that some feel it is a service that is paid for by the taxpayers. It was noted that the rescues over the weekend were for persons who had rented tubes from a private individual and launched from a private access point on the river. Councilman Matt Young noted that a private person can launch a private boat from private property, and expressed frustration that the rescues are a drain on resources. Solicitor Gilman stated he would look into the matter further.

Trash Can Replacement Project: Councilman Matt Young suggested Council consider replacing the old trashcans around the Village with new ones using some of the grant from the Ashland County Community Foundation. He noted that there are approximately 25 cans, and he received pricing between about \$3,000 to \$9,300 depending on the style of the trashcan. Mayor Stricklen agreed that the cans need replaced and felt that would be a good use of part of the grant. Mayor Stricklen stated that the use of the grant would be decided in the next few months.

CLAIMS ORDINANCE 2020-11:

Claims Ordinance 2020-11 was presented for approval. Councilman Matt Young moved to approve Claims Ordinance 2020-11. 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 7:20 PM. 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.

Fiscal Officer

Mayor