

LOUDONVILLE VILLAGE COUNCIL

June 15, 2020

Loudonville Village Council met for a regular meeting on Monday, June 15, 2020 at 6 p.m. via teleconference. (Zoom Meeting ID: 89262569696)

PUBLIC HEARING – 2021 TAX BUDGET:

Mayor Stricklen opened the Public Hearing. Answering roll call were councilmembers Mr. Bill Welsh, Mr. Tom Young, Mr. Jason Van Sickle, Mrs. Cathy Lance and Mr. Matt Young. Mayor Stricklen stated that the 2021 Tax Budget was prepared by the Mayor, Village Administrator, Fiscal Officer and Department Heads and was reviewed by the Finance Committee at their meeting on May 28. He noted that the tax budget is a financial plan for the operations of the next calendar year as prescribed by ORC 705.17. He explained that the tax budget identifies how much revenue is expected from local, state, and federal sources, the anticipated carryover fund balances, and how much is needed to carry out the governmental functions for the next year. He noted that the Tax Budget must be submitted to the County Budget Commission before July 20 and will be used by the Budget Commission to set property tax rates and determine the apportionment from the undivided local government fund distribution. He asked for public comment. Solicitor Gilman asked those attending the meeting via the Zoom platform if they had any comments or questions, and noted there were none. With no public comment, Councilman Welsh moved to close the public hearing. Second by Councilwoman Lance. A roll call upon said motion resulted as follows:

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

Motion carried.

COUNCIL MEETING CALL TO ORDER:

Mayor Stricklen called the Council meeting to order. Answering roll call were Mr. Bill Welsh, Mr. Tom Young, Mr. Jason Van Sickle, Mrs. Cathy Lance and Mr. Matt Young. Mr. Tom Gallagher was absent from the meeting. 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. Loudonville Times Reporter Jim Brewer and residents Brandon Biddinger, Dennis Schaefer, and Dennis & Lisa Newcomer joined the meeting via audio/video. There was one unidentified participant.

CONSENT ITEMS:

Council Minutes – June 1, 2020 Regular Meeting: Councilwoman Lance moved the minutes be approved as presented. Second by Councilman Van Sickle. A roll call upon said motion resulted as follows:

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

Motion carried.

Monthly Financial Report – May 2020: Councilman Welsh moved to approve the May 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; Cathy Lance, yes.

Motion carried.

Monthly Mayor's Court Report – May 2020: Councilwoman Lance moved to accept the May Mayor's Court Report. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

Motion carried.

DEPARTMENTAL REPORTS:

Reopening of playgrounds, pavilions, parks, theatre: Administrator Young reported that the Village office has received several telephone calls from residents asking when the playground, parks and youth building will be reopened. He noted that Theatre Director Hollenbach is currently following the state guidelines to begin the reopening of the theatre to the extent permitted, stating that she has an excellent, well-defined plan to allow for social distancing and disinfecting guidelines. He asked Council to consider a plan for the opening of the parks, as the guidelines are not as specific as for the theatre. Solicitor Gilman noted that the state implemented the shutdowns and as those are being lifted, the State is permitting the local jurisdictions to develop their own reopening plan under certain guidelines. He further stated that Council could choose to apply the state minimum state regulations, include additional regulations, or even choose to keep them closed. He noted that the Village is obligated to enforce the rules that are set forth. Village Councilman Matt Young voiced that he was in favor of opening with state minimum requirements, with the exception of the public restrooms. Administrator Young noted that portapots are in place in Riverside Park, with Councilman Tom Young questioning why they are permitted. Administrator Young

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answered that the portable units are not governed by the same regulations as the public restrooms, noting that the Village does not have the manpower to maintain the state-required cleaning schedule. Administrator Young further recommended that the Youth Building remain closed due to the restrictions until perhaps the fall, with Council agreeing. Councilman Van Sickle suggested the possibility of moving some of the picnic tables out of the pavilion to allow for proper spacing. Administrator Young noted that the tables are secured, as there have been problems in the past with vandals throwing them into the river. It was suggested that perhaps some of the tables could be marked off. Council discussed how the Village would enforce the rules with suggestions that included having the Police and Maintenance Departments watch for violations. Councilman Tom Young moved to reopen the playgrounds, park pavilions and ballfields and requested the Village Solicitor and Administrator develop the rules for visitors using state guidelines. Second by Councilman Matt Young. A roll call upon said motion resulted as follows:

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

Motion carried.

Solicitor Gilman clarified that the swimming pool would not be opened this year.

State Route 3 Resurfacing: Administrator Young reported that the State's resurfacing project is on schedule and noted he and Maintenance Superintendent Burkhardt have a telephone conference with ODOT scheduled for June 23 regarding the project.

Past Due Utility Accounts: Administrator Young reported that the EPA has lifted the order that prohibited the disconnection of delinquent utility accounts during the Covid-19 crisis, effective July 10. He advised that the July utility invoice would include a notice regarding the matter. He also noted that a letter would be mailed to delinquent accounts to encourage residents to contact the Village office should they anticipate difficulty getting their delinquent account up-to-date before the shut-off date.

ISO Fire Rating Audit: Chief Carey reported that the Insurance Services Office, which creates the ISO ratings of fire departments for use by insurance companies, would be conducting an audit of the Loudonville Fire Department on June 17. He noted that they may test a few hydrants that day as well.

LEGISLATION:

RESOLUTION 20-2020

A RESOLUTION APPROVING THE TAX BUDGET FOR THE VILLAGE OF LOUDONVILLE FOR THE YEAR COMMENCING JANUARY 1, 2021, AND SUBMISSION OF THE SAME TO THE ASHLAND COUNTY AUDITOR.

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 Resolution 20-2020. Councilman Van Sickle seconded the motion. A roll call upon said motion resulted as follows:

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

Motion carried.

ADOPTION VOTE

Councilman Welsh moved that Resolution 20-2020 be passed as read. Second by Councilman Van Sickle. A roll call upon said motion resulted as follows:

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

Motion carried.

ORDINANCE 21-2020

AN ORDINANCE AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A DELINQUENT DEBT COLLECTION AGREEMENT WITH THE OHIO ATTORNEY GENERAL FOR THE COLLECTION OF UNPAID AND DELINQUENT RECEIVABLE DEBTS OWED TO THE VILLAGE OF LOUDONVILLE.

Fiscal Officer Van Horn noted that the Village currently utilizes a debt collection agency for unpaid EMS fees and unpaid income tax for a fee. She stated that the Ohio Attorney General's office offers assistance with the collection of unpaid and delinquent receivable debts owed the Village. She further noted that delinquent utility bills are not included in the included OAG collection efforts.

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VOTE TO SUSPEND THE RULES

Councilman Matt Young moved to suspend the rules of the law, which require an ordinance to be read on three different days, for Ordinance 21-2020. Councilman Tom Young seconded the motion. A roll call upon said motion resulted as follows:

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

ADOPTION VOTE

Councilman Matt Young moved that Ordinance 21-2020 be passed as read. Second by Councilman Tom Young. A roll call upon said motion resulted as follows:

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

RESOLUTION 22-2020

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF LEVYING A RENEWAL TAX IN EXCESS OF THE TEN MILL LIMITATION (O. Const. Art. XII § 2; R.C. 5705.03, .19, .25)

Solicitor Gilman noted that this Resolution represents the second and final step in the process for the renewal of the 1.7 mill levy.

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 Resolution 22-2020. Councilman Welsh seconded the motion. A roll call upon said motion resulted as follows:

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

ADOPTION VOTE

Councilman Van Sickle moved that Resolution 22-2020 be passed as read. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

RESOLUTION 23-2020

A RESOLUTION INITIATING THE PROCESS FOR REZONING CERTAIN REAL PROPERTY IN THE VILLAGE OF LOUDONVILLE

Solicitor Gilman noted that this Resolution represents the first step in the process to rezone Parcel B08-038-0-0005-00 from C-2 to Industrial.

VOTE TO SUSPEND THE RULES

Councilman Matt Young moved to suspend the rules of the law, which require an ordinance to be read on three different days, for Resolution 23-2020. Councilwoman Lance seconded the motion. 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.
Motion carried.

ADOPTION VOTE

Councilman Matt Young moved that Resolution 23-2020 be passed as read. 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.
Motion carried.

RESOLUTION 24-2020

A RESOLUTION AUTHORIZING THE MAYOR TO REQUEST THAT THE OHIO DEPARTMENT OF TRANSPORTATION PERFORM A SPEED ZONE STUDY FOR STATE ROUTE 3 WITHIN THE VILLAGE OF LOUDONVILLE

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Solicitor Gilman noted that ODOT requested a formal request from Council for the speed study.

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 Resolution 24-2020. Councilman Welsh seconded the motion. A roll call upon said motion resulted as follows:

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

ADOPTION VOTE

Councilman Van Sickle moved that Resolution 24-2020 be passed as read. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

RESOLUTION 25-2020

A RESOLUTION PASSED BY THE VILLAGE OF LOUDONVILLE, OHIO AFFIRMING THAT FUNDS FROM THE COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND WILL BE EXPENDED ONLY TO COVER COSTS OF THE VILLAGE OF LOUDONVILLE, OHIO CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT AS DESCRIBED IN 42 U.S.C. 801(D), AND ANY APPLICABLE REGULATIONS AS IS NECESSARY PURSUANT TO H.B. 481 BEFORE RECEIVING SAID FUNDS, AND DECLARING AN EMERGENCY.

Solicitor Gilman noted that federal Cares Act law includes the provision for assistance to state and local governments. He reported that the State of Ohio recently established the guidelines for the distribution of the federal Covid-19 relief funds, including the adoption of a resolution by Council affirming that the funds will be used only to cover certain expenses related to the coronavirus pandemic. He noted that compliance with the regulations also include several requirements for the return and redistribution of the unexpended funds.

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 25-2020. Councilman Welsh seconded the motion. A roll call upon said motion resulted as follows:

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

ADOPTION VOTE

Councilwoman Lance moved that Resolution 25-2020 be passed as read. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

OLD BUSINESS:

Signage prohibiting river access at Riverside Park: Councilman Tom Young questioned the placement of the signs that prohibit access to the river in Riverside Park, stating he felt that were not placed in the best spot. Administrator Young stated that the Maintenance Department installed the signs at the locations as directed by Council, where a makeshift ramp had been created. Councilman Tom Young commented that rafters/canoers were entering the river in a different spot adjacent to the entrance to the bridge, noting they park at the soccer fields. Council discussed and decided to purchase four additional signs. Administrator Young suggested the Safety Committee meet to determine the locations where the additional signage should be placed.

Council Meeting Location: Councilwoman Lance asked Council to consider meeting in the theatre for future meetings. She offered to contact Theatre Director Hollenbach to discuss using the theatre and its sound system to accomplish maintaining the required social distancing as well as public access.

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Spring Clean-Up: Administrator Young reminded Council that the spring cleanup is scheduled in the Village for June 24 and 25.

ROW/Alley Usage Request: Planning & Zoning Committee member Cathy Lance reported that the committee met on June 11 to review the concerns expressed by Mr. and Mrs. Newcomer regarding the alley/ROW that runs behind their property. Councilwoman Lance stated that the committee asked Administrator Young to obtain a quote to survey the alley/ROW for the purpose of the consideration of the vacation of the alley/ROW. She further questioned what the outcome would be for the property owner who has an existing drive if the alley/ROW were vacated and split between the property owners, asking if they would need an easement or right-of-way. Solicitor Gilman noted that ORC Section 723.08 provides that when a vacation occurs, owners still maintain access rights as minimum as is required to maintain access to their property via an easement. Administrator Young noted that the existing driveway would have been grandfathered, as the zoning code was not established until the 1970's. Solicitor Gilman shared a case history from Green, Ohio where an alley or roadway frequently used by residents was vacated, denying access by one resident to their lot, noting an easement was provided. Mrs. Newcomer asked if the rerouting of a sewer line by a property owner would apply, to which Solicitor Gilman responded he did not feel that would apply in that example. Relocation options of the Newcomers sewer line were briefly discussed, with Mrs. Newcomer noting that she did not feel it was a possibility that a neighbor would provide them an easement and that they were searching for alternatives. She noted she met with an excavator who did not think it was feasible to place the new sewer line in front of the property as there are no suitable existing lines in that location on Burwell. She further commented that her father, former Mayor Tom Miller, had installed a lift station at his property on East Burwell. Solicitor Gilman asked the Newcomers if the sewer line issue is their only concern, to which Mrs. Newcomer responded that they would also like to access the back part of their lot with their garden tractor for landscaping projects. She noted that both the sewer line and access to the alley/ROW were issues of equal concern for them. Mr. Newcomer encouraged Council to consider just marking the alley/ROW. Solicitor Gilman commented that he did not want to complicate the issue but went on to explain that the Village has right-of-way areas where the Village maintains the right to establish a roadway, noting the State does as well. He cited the bike path being situated in the state right-of-way. He commented that it has been the general practice of the Village that public transportation can occur on dedicated roadways within the right-of-way, but the Village does not allow public transportation on unimproved sections of right-of-ways. He stated he did not think it is a permissible process to allow people to drive on unimproved roadways. He stated that a street can be dedicated and maintained and accept liabilities, or it can be a dormant right-of-way that sits on top of a resident's property, but not both. Mr. Newcomer stated that vehicles drive on the alley/ROW in question daily, with Solicitor Gilman responding that that does not make it right. Mr. Newcomer stated that one resident has created a driveway on their property in the alley/ROW. Solicitor Gilman clarified that there is a distinction between placing something on their portion that underlies the right-of-way vs. traversing across the right-of-way. He further explained that the public could not drive through yards to access the right-of-way unless it is dedicated to public use. Mrs. Newcomer noted that New Hope Church uses the alley/ROW for parking every week, with Solicitor Gilman responding that is permissible. Mrs. Newcomer questioned if the Village surveyed the property, placing markers, and left it as an unimproved alley, would they be able to access the back. Mr. Newcomer stated that he felt it was an alley that was intended to bisect properties, with Solicitor Gilman noting he has not taken a position yet that it is an alley and noted he is currently researching the matter further. Mayor Stricklen asked the Newcomers if they would like to have the alley/ROW vacated. Mrs. Newcomer noted they do not want to develop the roadway, they just want to be able to access the back of their property and again asked Council to consider marking off the alley/ROW for equal use by all residents abutting it. Mayor Stricklen asked Solicitor Gilman if it would be possible to draft a letter to the property owners advising them it is public property that should provide equal access, with Solicitor Gilman stating that would be possible. Councilwoman Lance suggested having the Village Administrator identify pins. Solicitor Gilman commented that if the Village takes a position that every right-of-way is accessible for driving, it cannot be restricted to adjoining property owners, which would create a rule that is not consistent with Ohio law. Councilman Lance suggested defining the 10' for each property owner and then advising the residents, with Mrs. Newcomer expressing satisfaction with the suggestion. Solicitor Gilman noted he would stop short of allowing vehicle access onto an unimproved roadway. Mr. Newcomer asked if you can access the alley from the street, would it be permissible to park there. Solicitor Gilman noted that it may not be relevant to the issue and that maps are drafted by surveyors as part of the process to create a public roadway in Ohio, and that there are other steps required with the County recorder for the

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proper dedication of a street. He noted he continues to research that matter in this case. Mayor Stricklen assured the Newcomers that the Village would continue to work on resolving their concerns in a manner that would be in the best interest of the residents and the Village.

NEW BUSINESS:

Recognition: Councilman Matt Young expressed appreciation to the Maintenance Department and Police Department for their efforts after the recent storm that passed through the Village, noting they worked quickly and efficiently to remove the trees from the roadways while keeping residents and motorists safe. Councilman Matt Young also expressed appreciation to Fiscal Officer Van Horn for her efforts in the preparation of the 2021 Tax Budget.

Lawn clippings: Councilman Van Sickle reminded residents that it is against Village ordinances to mow lawn clippings into the street.

Park Usage Request: Councilman Van Sickle moved to approve a request from the Loudonville Methodist Church to hold outdoor services in the NE quadrant of Central Park on June 28, July 5, July 12, July 19, July 26, August 2, August 9, August 16, August 23, and August 30, provided there are no other scheduled events. Second by Councilman Tom Young. A roll call upon said motion resulted as follows:

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

CLAIMS ORDINANCE 2020-12:

Claims Ordinance 2020-12 was presented for approval. Councilman Van Sickle moved to approve Claims Ordinance 2020-12. Second by Councilman Young. A roll call upon said motion resulted as follows:

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

ADJOURN: With no further business to be brought before Council, Councilman Welsh moved the meeting be adjourned at 7:26 PM. Second by Councilwoman Lance. A roll call upon said motion resulted as follows:

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

Fiscal Officer

Mayor