

## LOUDONVILLE VILLAGE COUNCIL

September 18, 2017

The Loudonville Village Council met for a regular meeting on Monday, September 18, 2017 at 6 p.m. at the Loudonville Fire Station. Answering roll call were Mr. Bill Welsh, Mrs. Traci Cooper, Mr. Roy Wilson, Mr. Tom Young, Mr. Michael Robinson and Mr. Jason Van Sickle. Mayor Steve Stricklen presided. Also in attendance were Village Administrator Curt Young, Fiscal Officer Elaine Van Horn, Village Solicitor Thom Gilman, residents Kenneth & Joann Utterback, Karee Utterback, resident Ted Fraser, Fire Chief Mike Carey, Damon Fulk of ADR & Associates, and Ronny Portz of Engineering Associates.

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

### **CONSENT ITEMS:**

**Council Minutes – September 5, 2017:** The minutes of this regular meeting were presented for approval. Councilwoman Cooper moved to accept the minutes as presented. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

### **GUESTS:**

**East Main Sidewalk Project – Utterback Property:** Residents Kenneth & Joann Utterback were present to express their concerns with the slope of their driveway. Mr. Utterback introduced his granddaughter, Karee Utterback, noting she would be speaking on his behalf regarding their concerns. Councilwoman Cooper expressed concern that there would be discussion forthcoming regarding the driveway when the neighbor, Mr. Cronebach, who shares the drive in question was not present. Ms. Utterback introduced herself as a Civil Engineer with a firm in Cincinnati, remarking that she has four years of experience in preliminary design work. Ms. Utterback stated that there were several discrepancies between the initial plans and the completed project, further stating that the Village has neglected to accept her suggestions as to how to resolve the issue. Mayor Stricklen reminded the Utterbacks that he and Administrator Young, along with the construction administration engineer and contractor, back in July and that they all agreed that the slope could be reduced to a 9° grade. He noted it was agreed the Village would pay the \$2,000 to have the drive slope reduced but Mr. Utterback had failed to return the agreement. Mr. Utterback noted that the 9° slope off the road is acceptable but not off the driveway. Mr. Fulk commented that Ms. Utterback's proposal would require the removal of 30' of concrete sidewalk. Mr. Portz noted that ADA ramp domes, which were included in Ms. Utterback's plans, are only required at street intersections. Administrator Young stated that Ms. Utterback's plans would require adjustments to additional sections of the driveway. Ms. Utterback stated that the original plans included replacement of 8' of the driveway. Administrator Young stated that according to the contractor, Mr. Cronebach had directed the contractor during the project to not replace that section of his driveway. Ms. Utterback answered that that was hearsay. Administrator Young stated that the Village's plan would have corrected the grade to an ODOT-acceptable slope similar to the slopes of the other properties, with Ms. Utterback answering that it would still be a slope greater than 9°. Administrator Young expressed concern that the proposal from Ms. Utterback would create a steeper bank than what exists. Upon question by Councilwoman Cooper regarding ODOT's involvement in the conflict, Administrator Young and Mr. Fulk concurred that ODOT is no longer involved as the project was completed to the satisfaction of the LPA coordinator. Mr. Fulk noted that the Utterback driveway entrance was discussed at the final walk-through, noting that all those present agreed on a suitable resolution, with the Village agreeing to replace the entrance at a cost of \$2,000. Mr. Utterback stated that he was not willing to accept that resolution. Mr. Fulk commented that there is no way to achieve a perfect approach to the drive as there is a cross slope. Councilman Welsh suggested the Village give Mr. Utterback \$2,000 and allow him to revise the driveway as he wishes. Mayor Stricklen suggested the Village complete the revisions per the Village's ODOT-compliant proposed plans and if Mr. Utterback chooses, he can seek other options. Solicitor Gilman noted that this situation is not a litigation matter as the sidewalk and drive entrance are in the street right-of-way and the existing entrance and proposed revisions are to ODOT standards. Administrator Young suggested the Village determine the costs to complete Ms. Utterback's proposal, noting the slope of the banks and asphalt driveway will be steeper. Mr. Fulk expressed concern with how the design basis would be determined. Mr. Fraser questioned whether the original plans were adequate had they been followed, noting that the Village should not incur the costs to repair a problem caused by the contractor not following the original plans. Mr. Fulk stated that it would be important to obtain spot elevations to determine to what degree it is off. Upon question by Council, he noted it would cost approximately \$1,500 for a design engineer to obtain spot elevations, which were not included on the original plans. He commented that he felt the contractor did the best he could with the original plans, noting they lacked detail and did not include spot grades. Councilwoman Cooper again expressed concern that the other owner of the shared driveway, Mr. Cronebach, was not present and that the Village has not heard from him regarding the matter. She noted she felt it was important to consider a solution that was agreeable to all parties involved. Mayor Stricklen asked Administrator Young to

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contact Mr. Cronebach to invite him to the next meeting. Administrator Young noted he would contact him for a written statement in the event he cannot attend the next meeting.

**DEPARTMENTAL REPORTS:**

**Proposed Butler Street Improvements Project:** Administrator Young asked Council to authorize him to apply for a 50% matching grant from the OPWC State Capital Improvement Program. He noted the improvements on Butler Street would include water line, storm sewer, sanitary sewer, and pavement improvements. (*Resolution 35-2017*)

**HVAC System -2<sup>nd</sup> Floor Village Hall:** Administrator Young presented Council with a quote from Ashland Comfort Control for a new HVAC system for the 2<sup>nd</sup> floor of the Village Hall in the amount of \$4,350. Upon question by Councilman Young, Administrator Young noted that Ashland Comfort Control is currently working under the theatre renovation project contract with AXIS Group, and was tasked with moving the old unit. Administrator Young noted the new HVAC was included in the budget for 2017. Councilwoman Cooper moved to approve the purchase. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

**Water Plant Chlorine Gas Conversion:** Administrator Young presented a quote Engineering Associates to furnish engineering and technical services to prepare drawings for the conversion of disinfection from chlorine gas to sodium hypochlorite at the water treatment plant. Councilman Van Sickle moved to enter into the contract with Engineering Associates for the engineering services. Second by Councilman Wilson. A roll call upon said motion resulted as follows:

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

**Reservoir Project – OPWC Disbursement Request #2:** Administrator Young presented the OPWC Disbursement Request #2 for the Reservoir Project. Councilman Welsh moved to approve the request. Second by Councilwoman Cooper. A roll call upon said motion resulted as follows:

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

**Fall Cleanup:** Administrator Young reported Rumpke would like to schedule the fall cleanup for October 18 & 19 in the Village. Councilwoman Cooper moved to approve the dates. Second by Councilman Wilson. A roll call upon said motion resulted as follows:

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

**Fire Department Grant Writer Proposal:** Chief Carey presented Council with a proposal from Ohio First Responder Grants, LLC to submit two separate grant applications to the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant Program. He noted that the first grant request would be for the purchase of hose and nozzles at an estimated cost for replacement of approximately \$39,000. He stated the second grant request would be for the purchase of a new diesel exhaust particulate removal system for the fire station at a cost of approximately \$86,000. He noted that the Village share of the purchase, if the grants were awarded, would be 5% of the purchase cost. Chief Carey stated that the fees payable to Ohio First Responder Grants would be for a cost not to exceed \$2,500 for the first application, \$1,500 for the second application, and 4% of the total amount of the grant awarded for an approximate total of \$8,750 to OFRG. He further noted that FEMA does offer a \$1,500 per grant reimbursement for the grant writer application fees, noting the total Village out-of-pocket would be approximately \$12,000 if both grants were awarded. Solicitor Gilman stated he would review the contract. Councilwoman Cooper moved to approve entering into an agreement with Ohio First Responder Grants, LLC for the submission of two grant applications to FEMA. Second by Councilman Van Sickle. A roll call upon said motion resulted as follows:

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

**Fire Department Squad Purchase:** Chief Carey distributed a proposal from Burgess Ambulance Sales for a remount of the Village's 2009 Road Rescue module onto a 2013 Ford E-450 gasoline chassis for the sum of \$84,398. Chief Carey reported that the 2009 diesel Road Rescue ambulance has had considerable repairs recently. He noted that the 2013 Ford has low mileage and is a clean unit. He stated that he had budgeted for the purchase in 2018, but would like to move forward with the remount this year, noting it would most likely not be completed until 2018. He noted that the remount price quote also includes new paint, new diamond

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plate, new LED interior lighting, new LED warning lights and a new mounted Ferno cot. Council agreed to review the proposal before the next meeting.

**LEGISLATION:**

**RESOLUTION 34-2017**

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

EMERGENCY MEASURE VOTE

Councilwoman Cooper moved to suspend the rules and Councilman Welsh seconded that Resolution No. 34-2017 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 Resolution No. 34-2017. A roll call upon said motion resulted as follows:

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

ADOPTION VOTE

Councilwoman Cooper moved that Resolution No. 34-2017 be passed as read. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

**RESOLUTION 35-2017**

**A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), AND FOR THE MAYOR TO EXECUTE CONTRACTS AS REQUIRED.**

EMERGENCY MEASURE VOTE

Councilwoman Cooper moved to suspend the rules and Councilman Welsh seconded that the amended Resolution No. 35-2017 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 Resolution No. 35-2017. A roll call upon said motion resulted as follows:

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

ADOPTION VOTE

Councilwoman Cooper moved that Resolution No. 35-2017 be passed as read. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

**ORDINANCE 36-2017**

**AN ORDINANCE AMENDING CHAPTER 240 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF LOUDONVILLE, OHIO**

Solicitor Gilman stated that he and Fire Chief Carey had met several times with the Safety Committee and Fiscal Officer Van Horn to review and revise many of the outdated sections.

EMERGENCY MEASURE VOTE

Councilman Welsh moved to suspend the rules and Councilman Wilson seconded that Ordinance No. 36-2017 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. 36-2017. A roll call upon said motion resulted as follows:

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

ADOPTION VOTE

Councilman Welsh moved that Ordinance No. 36-2017 be passed as read. Second by Councilman Wilson. A roll call upon said motion resulted as follows:

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

**OLD BUSINESS:**

**Thiemens Property Auction:** Solicitor Gilman reported that the property was not sold at the public auction held September 12 as the minimum bid was not met. He noted that it would be auctioned off again on September 26.

**825 W. Main Street Property Auction:** Solicitor Gilman reported that the dilapidated property at 825 West Main was also set for public auction by the Ashland County Sheriff on September 26.

**Maintenance Building Project:** Mayor Stricklen distributed a set of proposed building plans and asked the Street Committee to review the plans and make revisions so that a final set of engineered plans could be submitted for stamped approval and ready for the bidding process. He further noted that the preliminary financial work was completed with the bank and would be ready for Council consideration when the approved plans are complete. Administrator Young noted that the building could be built during the winter months. Solicitor Gilman suggested both the Village and FEMA flood plain regulations be reviewed for what is considered an occupied structure. Mayor Stricklen encouraged the Council to continue to move forward with the project.

**NEW BUSINESS:**

**Halloween Festivities:** Councilwoman Cooper moved to approve the Chamber of Commerce request to host the Halloween parade on Saturday October 28 at 4:00 PM and trick-or-treat from 5-6 PM in the business district and 6-7 PM in the residential areas. Second by Councilman Young. A roll call upon said motion resulted as follows:

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

**Mohican 5K Banner Permit:** Councilman Welsh moved to approve a banner request from Chamber for the Mohican 5K banner. Second by Councilwoman Cooper. A roll call upon said motion resulted as follows:

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

**Chamber Heat in the Street Chili Cook-Off:** Mayor Stricklen reported that the Chamber of Commerce is hosting a 1<sup>st</sup> Annual Heat in the Street Chili Cook-Off on October 21, 2017 from 4-7 PM. Council briefly discussed sidewalk regulations and setbacks in the downtown area. Administrator Young noted that the Village's Codified Ordinance Section 660.10 requires at least a 48" sidewalk clearance and obstacles placed no more than 3' from the front of the building.

**CLAIMS ORDINANCE 2017-18:**

Claims Ordinance 2017-18 was presented for review. Councilman Young moved to approve Claims Ordinance 2017-18. Second by Councilwoman Cooper. A roll call upon said motion resulted as follows:

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

**DONOR RECOGNITION – LTAC:** Mayor Stricklen and Council signed a Certificate of Appreciation to the Loudonville Theatre & Arts Committee for their donation of two new HVAC heating and cooling units installed in the Ohio Theatre.

**ADJOURN:** With no further business to be brought before Council, Councilwoman Cooper moved the meeting be adjourned at 7:25 PM. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

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Fiscal Officer

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Mayor