

## LOUDONVILLE VILLAGE COUNCIL

SEPTEMBER 3, 2019

Loudonville Village Council met for a regular meeting on Tuesday, September 3, 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, Pool Manager Cherryl Young, Loudonville Times Reporter Jim Brewer, and Village resident Brandon Biddinger.

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

### **CONSENT ITEMS:**

**Council Minutes – August 19, 2019 Regular Meeting:** Councilman Gallagher moved the minutes be approved as presented. Second by Councilwoman Lance. A roll call upon said motion resulted as follows:

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

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

### **GUESTS:**

**Pool Manager Cherryl Young:** Mrs. Young addressed Council regarding the ongoing issues with the swim team at the pool over the summer. Mrs. Young thanked Council for giving her the opportunity to manage the pool for the past five years, but expressed frustration with the lack of communication with the swim team. She advised Council that she would not be returning to the position next year unless changes were made as it has negatively affected her both mentally and physically. Mrs. Young stated that she felt the swim team was not willing to work with her in any way, noting she had asked the swim team boosters to assign a different liaison between the pool and the team in an effort to improve communication. Mrs. Young commented that the pool safety rules that she was trying to enforce were those set in place, not by her, but by the Village, including running, jumping on the new deck chairs, hanging on the diving boards and swimming under the boards and around the diving bay. She noted she felt there was a complete disregard of the rules, noting she felt she was never given support from parents or coaches. Mrs. Young clarified that she did not call the Police Department nor any other Village official on the day of the championship meet. She noted that when she was approached about the snow cone machine that morning and was accused of being petty that she mentally gave up and decided to just try to get to the pool closing at 8:00 PM with no additional confrontation. She shared that the verbal abuse continued as at 8:00 PM, when she locked the west gate, a parent verbally attacked an employee because she had locked the gate, rather than just entering the pool through another open gate. Mrs. Young stated that she knows she is not perfect and could have handled some situations differently, and stated she hopes Council can understand the situation she was in with the swim team. Councilwoman Lance asked Mrs. Young if she felt communications with the swim team had deteriorated over the past few years, with Mrs. Young stating that this year she was not given a schedule for their practices or meets until the end of the first week of practice. Upon question by Councilwoman Lance as to whether there were any scheduling conflicts with the swim team, Mrs. Young stated that there was one instance when a meet was rained out and the swim team rescheduled the event for the next Monday, with Mrs. Young further explaining that she has swimming lessons scheduled and could not accommodate the swim team. She noted they held the meet at another pool. Councilwoman Lance asked Mrs. Young what conflicts existed with groups using the pool who wanted to sell concessions. Mrs. Young explained that the swim team is the only group that uses the pool that sells concessions. Mrs. Young noted that the Health Department does not permit the sale of concessions without a temporary permit, which the swim team never acquired. She noted they are required to indicate that the sale of items are by donation only rather than have a price indicated on any items sold. She further explained that she was unsuccessful in her attempts to communicate those regulations to the swim team as they continued to operate their concession stands with prices noted. Mrs. Young went on to explain her concerns with the swim team's use of extension cords around the pool, noting that she had conveyed to them that the Fire Department prohibited their use. She commented that they told her that Administrator Young had authorized the use of the extension cords and that they had told Administrator Young that she had permitted their use. Councilman Van Sickle commented that he recalls dealing with some of the same issues several years ago and thought that they were bridged. He asked Mrs. Young if there was any one incident or concern that caused the problems to escalate again. Mrs. Young explained that she felt that the last meet of June, the meet was completely out of control. She stated that she went to Mr. Luke Sage, who she said agreed that it was out of control, and asked him to help her control the chaos that was happening with the participants. She stated that Mr. Sage said he would take care of the situation. She noted the disorder continued to a point of complete unruliness, and

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she again asked Mr. Sage for his assistance. She stated that the communication went downhill from that point forward, and she felt she was unfairly accused of overreacting while trying to maintain a safe atmosphere. Councilwoman Lance asked Mrs. Young if she had an opinion on allowing the swim team to take over the pool deck, including lifeguards, concessions, and the supervision of safety rules during swim meets, with the Village providing just an employee to maintain the pool water. Mrs. Young responded that she thought it could work but felt it would require considerable thought on the part of the Village. Councilman Van Sickle commented that while he has never been to a swim meet, he has been to many athletic events. He noted that he speculates that the swim team board members, parents and coaches are intent on keeping swimmers and spectators safe, but perhaps get involved in the races, the timers, and the individual swimmers and lose sight of what the kids are doing who aren't in the pool. Councilman Robinson stated he thought turning the pool over to the swim team may help alleviate the problem. Mayor Stricklen noted that the Village would have a certified pool operator present to monitor the pool equipment. Councilman Robinson questioned whether the current problem with disorder at swim meets is due to lack of staffing. Administrator Young responded that every pool employee works during the meets as well as volunteers. The Council discussed the number of people who were at the championship meet, with an estimate of more than 1000 people present. Mrs. Young reported she worked from 5:15 AM to 11:30 PM the day of the championship meet. Solicitor Gilman stated that the pool should have an occupancy limitation. Councilman Van Sickle asked Solicitor Gilman if the Village would be liable if the swim team took over the pool during meets with Solicitor Gilman noting that the Village cannot completely abdicate responsibility to another party. He commented that the pool presents potential additional concerns that perhaps the ballfields do not have. Solicitor Gilman also remarked that the Village would govern the requirements in the agreement. Councilman Gallagher questioned whether the agreement would be similar to that of the Fair Board for use of the streets. Solicitor Gilman explained that a similar agreement could be drafted annually whereby the Village does an annual review. Councilman Welsh expressed appreciation to Mrs. Young for her years of service as Pool Manager, commending her on her work. He assured Mrs. Young that the Parks & Buildings Committee would review the situation further and work toward a resolution to benefit everyone. Councilman Robinson thanked Mrs. Young for coming to the Council meeting to express her concerns directly. Mayor Stricklen thanked Mrs. Young for continuing to work through a difficult situation.

**DEPARTMENTAL REPORTS:**

**Mosquito Control – Ashland County Health Department:** Administrator Young reported that over the last two years, the Ashland County Health Department has donated several barrels of adulticide as well as larvacide briquets as part of a grant program. He expressed appreciation for the contribution to the Village that helps reduce the annual cost of mosquito control in the Village.

**Pool Project:** Administrator Young reported that the Swimming Pool Improvements Project is underway with the initial demolition of the existing concrete around the pool deck. He noted that the windows and doors were currently being replaced.

**FEMA Fire Department Exhaust System Project:** Fiscal Officer Van Horn reported that the FEMA Grant Administrator had submitted the required paperwork upon completion of the project, and the Village could expect the FEMA grant dollars via electronic deposit this week. She asked Council to approve payment to the contractor, Clean Air Concepts, upon receipt of the FEMA grant. Councilman Welsh moved to approve the payment to Clean Air Concepts upon receipt of the FEMA grant. 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.

**LEGISLATION:**

**RESOLUTION 29-2019**

**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**

Councilman Van Sickle moved to suspend the rules and Councilman Welsh seconded that Resolution No. 29-2019 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 Resolution No. 29-2019. 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.

**ADOPTION VOTE**

Councilman Van Sickle moved that Resolution No. 29-2019 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.

**RESOLUTION 30-2019**

**A RESOLUTION AUTHORIZING THE RESURFACING OF THE PORTIONS OF CERTAIN STATE ROUTES LOCATED IN THE VILLAGE OF LOUDONVILLE AND DECLARING AN EMERGENCY.**

**EMERGENCY MEASURE VOTE**

Councilman Welsh moved to suspend the rules and Councilman Van Sickle seconded that Resolution No. 30-2019 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 Resolution No. 30-2019. A roll call upon said motion resulted as follows:

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

**ADOPTION VOTE**

Councilman Welsh moved that Resolution No. 30-2019 be passed as read. Second by Councilman Van Sickle. A roll call upon said motion resulted as follows:

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

**OLD BUSINESS:**

**Proposed Utilities Relocation – Premier Metal:** Councilman Robinson questioned Solicitor Gilman regarding the status of the negotiations with Premier Metals. Solicitor Gilman answered that he has been unsuccessful in his attempts to talk with representatives from Premier, and noted they have not yet responded. He mentioned at least one of their attorneys may have been on vacation.

**Mohican Greenway Corridor Plan:** Mayor Stricklen reported he had attended the public meeting on August 29 at the Library, noting Councilman Young also attended. Mayor Stricklen noted that there were about thirty in attendance and about one-third of those attendees passionately spoke in opposition of the proposed plan. He stated that they were mostly property owners along the Wally Road who complained of damage to their properties by visitors using the river who trespass on and around their property. Mayor Stricklen noted that the group spearheading the project, including County Commissioners and County Engineers from Ashland, Knox and Holmes Counties, are planning additional meetings.

**NEW BUSINESS:**

**River Entry in Riverside Park:** Councilman Young expressed his concern with the number of people who are accessing the river near the walkway bridge in Riverside Park, noting the bank is muddy and perhaps slippery. He stated he saw 15-20 cars in the parking lot and thought people were using that area as an access point to the river, questioning the Village's liability. Solicitor Gilman stated he looked at the area in question over the weekend and suggested the Village consider either developing it into a better landing or place a sign to prohibit access. Mayor Stricklen commented that there are more individuals who are purchasing kayaks, tubes and canoes rather than renting from canoe liveries. Councilman Young stated that the canoe liveries pay taxes to the Village, with Councilman Gallagher responding that you cannot govern commerce. Councilman Gallagher further commented that in the past he has exited the river in that area with his personal watercraft, reminding Council that it is not illegal to freely use and enjoy the river and suggested a sign to indicate if the water is high. Solicitor Gilman noted that some public beaches utilize a marker system such as colored flags to identify potential water hazards. Councilman Van Sickle suggested posting a sign prohibiting access and then study the concern further before the canoeing season

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next year. Mayor Stricklen noted they would most likely access the river at another point, with Councilman Gallagher concurring. Mayor Stricklen remarked that single inner tubes do not have to be licensed by the Division of Watercraft, but all other watercraft do. Councilman Gallagher commented that the ODNR Division of Watercraft has not enforced the rules governing use of the river for quite some time, with Solicitor Gilman concurring. It was the consensus, without vote, that the Village Administrator have a sign placed for the short term prohibiting access to the river at the footbridge in Riverside Park.

**Street Closure Request – Mohican 5K:** Councilman Young moved to approve the request from the Mohican 5K Race Directors on behalf of the Chamber of Commerce to close Wally Road for the 2019 Mohican 5K on November 2, 2019 from 7 AM to 11 AM. Second by Councilman Welsh. A roll call upon said motion resulted as follows:

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

**Banner Permit – Mohican 5K:** Councilman Welsh moved to approve the Mohican 5K banner. 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

**Senator Larry Obhof/Representative Darrel Kick Visit:** Mayor Stricklen reported that he and Administrator Young met with Senator Obhof and Representative Kick at the Ohio Theatre for a tour of the improvements made possible by a grant from the State of Ohio. Mayor Stricklen further commented that they discussed the possibility of additional grant funding for the theatre to continue the capital improvements. Administrator Young noted that he would prepare another grant request for Council approval once he receives the invitation from Senator Obhof's office.

**CLAIMS ORDINANCE 2019-17:**

Claims Ordinance 2019-17 was presented for approval. Councilman Gallagher moved to approve Claims Ordinance 2019-17. Second by Councilwoman Lance. A roll call upon said motion resulted as follows:

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

**ADJOURN:** With no further business to be brought before Council, Councilman Welsh moved the meeting be adjourned at 6:44 PM. 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.

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Fiscal Officer

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Mayor