

City Council 2002 Minutes

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JANUARY 3, 2002

PRESENT: President Dale Reed, Councilmen Jack Jones, Lynn Downey, and Greg Kempton. Councilwoman Joyce Thompson and Councilmen Roger Kemper and Forest Blakeman were excused.

The meeting was opened at 7:00 with Lynn Downey leading Council and guests in the pledge of allegiance to the flag.

Councilman Downey made a motion, seconded by Councilman Kempton to elect Councilman Reed as President of Council. **Roll Call:** All Aye.

MINUTES: Councilman Downey made a motion, seconded by Councilman Jones to approve the minutes of the December 18, 2001 regular meeting. **Roll Call:** All Aye.

COMMUNICATIONS AND COMMITTEE REPORTS:

Finance Committee: Councilman Downey had no report.

Personnel Committee: Councilman Kemper was not in attendance.

Street Committee: Councilman Kempton said the only item he had to bring up was a complaint about standing water behind Barch's property on 104. He said Street Superintendent, Dean Knight, looked into the problem and said it is the property owner's responsibility.

Zoning Committee: Councilman Jones had no report.

Recreation Committee: Councilman Blakeman was not present.

Public Services Committee: Councilwoman Thompson was not present, but Mayor Kelly had two people that Police Chief, Larry Roe, asked to have hired at the Police Department. They are Terry Cooper for Auxiliary Police and Patrick Damron for part time officer. Councilman Kempton made a motion, seconded by Councilman Downey to hire Terry Cooper as a member of the Police Auxiliary.

Roll Call: All Aye. Councilman Kempton made a motion, seconded by Councilman Jones to hire Patrick Damron as a part time police officer. **Roll Call:** All Aye.

MAYOR'S REPORT:

Mayor Kelly also stated he had received a request from Police Chief Roe for some reorganization he would like within the police department. He would like to move Bob Long into the position of Assistant Police Chief, Ray Newman to the position of Lieutenant, Charles Reader to the position of Sergeant and Gary Crabtree to the position of Lieutenant. He added there is still a position of Captain and another Sergeant yet to be filled. He asked Council for a vote of confidence for these promotions. He added they are already in place on the wage ordinance, but would like Council to give their approval. Councilman Jones made a motion, seconded by Councilman Kempton to approve the promotions within the Police Department. **Roll Call:** All Aye.

Mayor Kelly congratulated Mr. Reed on being elected as the President of Council again. The mayor added that he feels the reason Council is able to get so much accomplished and they get along so well has a lot to do with President Reed's leadership. He also thanked President Reed for all of his help.

ORDINANCE #64-2001 - - TO ADOPT A STATEMENT INDICATING WHAT SERVICES THE CITY WILL PROVIDE TO THE TERRITORY ON KENT LANE PROPOSED FOR ANNEXATION UPON ANNEXATION. Mrs. Holden, the property owner on Kent Lane requesting annexation, was in attendance with her

husband and their lawyer, Jim Cutright, from Chillicothe. President Reed stated again to the audience that the action Council will be taking is only stating what services the City will provide if the area is annexed. He added this does not mean very much until after the County has their public hearing and he also stated that Law Director Bevens would like as many Council people as possible to attend the public hearing.

Mr. Cutright said he would like to address Council to make Mr. and Mrs. Holden's plans clear. He said they would like the support of Council for tonight's ordinance to state what services the city will provide if the area is annexed. He agreed with President Reed that any concerns should be addressed and the reason he is in attendance is to let people know they can contact him with any questions or concerns they may have. President Reed stated he feels he speaks for the entire Council when he says it is our desire to see the City grow. He added we are not trying to gobble up township land, but we do want the City to grow. He also stated the decision on this is not up to the City right now, it is up to the commissioners. He urged everyone to attend the public hearing. City Engineer, Bob Gausman, asked if there was any truth to the rumor that the area would not be developed right away. Mr. Cutright said there is not a specific developer involved at this point, however, the Holdens do wish to develop the area with a type of development that would be in everyone's interest. Mayor Kelly stated he would like this to be a win/win situation. The City would like to have this development, but the City needs to work and get along with the County. We don't want to step on any toes. We would like to have everyone on board. He stated he feels it would help for this property to be annexed because they would have to abide by the City's zoning laws. The County does have zoning laws, but they are not as strict as the City's. He also urged everyone to attend the public hearing. Council made a motion and a second and voted to dispense with the 2nd and 3rd readings of this Ordinance and then it was read in the Charter that this could not be done without 5 members of Council present. It was then decided that Council would have to hold a special meeting at sometime prior to the public hearing to vote on this Ordinance because it is necessary to have the Ordinance finalized prior to the public hearing. It was decided the clerk will send out notices when the special meeting date and time are decided upon.

OLD BUSINESS:

NEW BUSINESS:

Frank Swearingen from Channel 2 had presented Council with a list of charges for advertising on Channel 2. The charges had a reduction for paying 6 months or a year in advance. He asked for Council's approval on this. Councilman Downey asked who is in charge of Channel 2. He said he is concerned about legality concerning Channel 2. Mr. Swearingen told Councilman Downey that Adelphia is responsible for Channel 2 and there is also a board comprised of people that have programs on Channel 2 and they also oversee Channel 2, but Adelphia has primary responsibility. Mayor Kelly informed Councilman Downey that the City does not have any control over Channel 2, the only thing the City does is house the studio for the shows. The City does get a portion of the charges received for advertising, also. It was decided the City did not have to vote on the new charges, which are up to Mr. Swearingen, but they would make a note of the change in the charges.

ORDINANCE #1-2002(1ST READING) – AUTHORIZE THE MAYOR AND AUDITOR TO ENTER INTO A CONTRACT WITH THE OFFICE OF THE AUDITOR OF STATE AND LOCAL GOVERNMENT SERVICES DIVISION.

Councilman Downey read Ordinance #1-2002 in its entirety for the first reading.

STREETLIGHTS: City Engineer, Bob Gausman, asked Council about increasing Tom Bales salary to include work that needs to be done on the streetlights. He currently takes care of the traffic lights, but is willing to work on the streetlights also. He said Mr. Bales changed a light bulb the other day on one of the streetlights. Mayor Kelly said this was done with the help of the fire department using a fire truck. The mayor added this is a very dangerous way to do this and the discussion turned to the City purchasing or renting a bucket truck for these purposes. Mayor Kelly asked the committee to look into buying a bucket truck and also have the Auditor's office change the paperwork to increase Mr. Bale's pay if he is going to be doing extra work. There was further discussion about having a member of the street department do this work. Mayor Kelly said this decision is up to Council. He said he just wanted to let Council know that he will not be letting the fire truck be used for this purpose any longer; it is too dangerous.

AUDITOR'S REPORT:

Councilman Downey made a motion, seconded by Councilman Jones to pay the bills. **Roll Call:** All Aye.

Councilman Jones made a motion, seconded by Councilman Downey to adjourn. **Roll Call:** All Aye.

JANUARY 15, 2002

PRESENT: President Dale Reed, Councilwoman Joyce Thompson, Councilmen Jack Jones, Forest Blakeman, Lynn Downey, Roger Kemper and Greg Kempton. The meeting was opened at 7:00 with Mayor Kelly leading Council and guests in the pledge of allegiance to the flag.

MINUTES: Councilman Kemper made a motion, seconded by Councilwoman Thompson to approve the minutes of the January 3, 2002 regular meeting. **Roll Call:** All Aye.

COMMUNICATIONS AND COMMITTEE REPORTS:

Finance Committee: Councilman Downey had no report, but stated he had the income tax report for 2001 and taxes were down about \$200,000 for the year. He added he feels the City will have to toughen up for 2002.

Personnel Committee: Councilman Kemper had no report.

Street Committee: Councilman Kempton had no report.

Zoning Committee: Councilman Jones had no report.

Recreation Committee: Councilman Blakeman had no report.

Public Services Committee: Councilwoman Thompson had no report.

MAYOR'S REPORT:

Mayor Kelly reminded Council that the street by the YMCA still needs a name.

He added there have been several suggestions received for this.

Councilwoman Thompson made a motion, seconded by Councilman Blakeman to add John Schmitt on as a member of the fire department. **Roll Call:** All Aye.

NEW BUSINESS:

ORDINANCE # 2-2002 (EMERGENCY) AMEND THE WAGE ORDINANCE TO INCREASE THE STREET LIGHT TECHNICIAN LINE ITEM. Councilman Downey read this Ordinance in its entirety and made a motion, seconded by Councilwoman Thompson to approve it as an emergency. Councilman Downey stated he is opposed to this being done as an emergency. He stated Council discussed at the last Council meeting the possibility of not increasing the street light technician pay, but instead renting or buying a bucket truck and having the street department personnel change the bulbs. Bob Gausman, City Engineer, stated he feels it is best to have Tom Bales continue to do this work because it is not only replacing the light that needs to be done at times. There is an electronic eye and ballast that sometimes need changed. There was some further discussion as to whether one of the City employees would be familiar enough to know the reason the light was not working. There was some additional discussion about the liability to the City when having someone 35 feet in the air to change these bulbs. Councilman Downey stated he feels the City should look into purchasing a bucket truck. Mr. Gausman said he would like to wait until we find out how often it would be used. President Reed said this Ordinance was an issue of pay only and the decision on the bucket truck should be put into committee. He asked Councilman Kemper to check with all the City departments and find out how often there would be need for a bucket truck. President Reed said if a decision is made to purchase a bucket truck, he knows where the City can get a good used one for \$7000.00. Mayor Kelly said he thinks that is something the City could look into down the road, but for now he feels the street light technician pay should be increased to \$375.00 per month as stated in the Ordinance. He added that Tom Bales has always done everything the City asks

and he drops everything to come and help us out if we need any work done.

Roll Call: All Aye.

Mr. Gausman brought up Fifth Street. He reported he spoke with someone from Bristol Village and Street Superintendent, Dean Knight, and for now he feels Fifth Street from Beverly to Cherry should be blocked off. Vehicles are cutting through this area and causing a muddy mess. He also stated Council needs to decide if they want to develop this part of Fifth Street. Councilman Kempton thought he remembered an agreement not to develop this part of Fifth Street when Bristol Village realigned their part of Fifth Street. Mayor Kelly reminded Council that this area is being used as the parking lot for the swimming pool and this needs to be taken into consideration when making any decisions. President Reed asked the Street Committee to look into this. Mr. Gausman stated Bristol Village would be putting large stones at the entrance until the City decides what to do to prevent people from cutting through.

President Reed brought up a telephone call he received from Rita Gates on Grandview regarding some confusion about two parts of Grandview Road. She asked if one part could be named differently to cut down on confusion. Mr. Gausman stated he spoke with Mrs. Gates last year and the City needed some right-of-way in order to do this and Mrs. Gates was going to speak to the residents and get back with Mr. Gausman, but he had not heard anything from her. He added the road would need to be dedicated before it could be named.

AUDITOR'S REPORT:

Councilman Kemper made a motion, seconded by Councilman Downey to pay the bills. **Roll Call:** All Aye.

Councilman Kemper made a motion, seconded by Councilwoman Thompson to go into executive session to discuss a personnel matter. **Roll Call:** All Aye.

Councilman Blakeman made a motion, seconded by Councilwoman Thompson to return to regular session. **Roll Call:** All Aye.

Councilman Blakeman made a motion, seconded by Councilman Downey to adjourn. **Roll Call:** All Aye.

FEBRUARY 5, 2002

PRESENT: President Dale Reed, Councilmen Jack Jones, Forest Blakeman, Roger Kemper and Greg Kempton. Councilwoman Joyce Thompson and Councilman Lynn Downey were excused.

The meeting was opened at 7:00 P.M. with Randy Armbruster leading Council and guests in the pledge of allegiance to the flag.

MINUTES: Councilman Kemper made a motion, seconded by Councilman Blakeman to approve the minutes of the January 15, 2002 regular meeting. **Roll**

Call: All Aye.

Councilman Kemper made a motion, seconded by Councilman Blakeman to approve the minutes of the January 10, 2002 special meeting. **Roll Call:** All Aye.

COMMUNICATIONS AND COMMITTEE REPORTS:

Finance Committee: Councilman Downey was not in attendance, but Councilman Kemper reported that if Councilman Downey were in attendance, he would ask all department heads to be conservative on expenditures, based on the amount of revenue the City has coming in.

Personnel Committee: Councilman Kemper had no report.

Street Committee:

FIFTH STREET: Councilman Kempton reported on Fifth Street. He stated the City had closed off both ends of Fifth Street between Beverly and Cherry, but then found out one property owner in that area did not have access to their property with both ends closed off, so one end would be opened back up. He added there would be another street committee meeting on this when Councilwoman Thompson returns from her trip.

SIDEWALKS: Councilman Kempton also reported his committee met earlier this evening regarding sidewalk replacements. Community Development Director, Nathan Davis, will be running a legal ad in the newspaper to ask anyone interested in replacing his or her sidewalks to apply to his office prior to May 1. He will be taking care of all the applications and decisions on this.

YMCA ROAD: Councilman Kempton also informed Council that he has talked to John Pennington, YMCA Director, and Ralph Williamson, YMCA Board Member, regarding the road leading to the YMCA. They discussed names for the road and both were in agreement they would like the name to be "Pride Drive".

Councilman Kempton said he would like to bring a Resolution before Council at the next meeting to approve this. Councilman Blakeman expressed concern about this decision, because there had been a petition signed by several people that wished the road to be named after Police Officer, Don Minshall who recently passed away. Mayor Kelly and Councilman Kempton both agreed something should be done for Officer Minshall, along with other city employees who have passed away while they worked for the City, such as a scholarship fund. Mayor Kelly said he has received calls from family members of several employees that have passed away asking the road to be named after their loved ones. Mayor Kelly and Councilman Kempton felt, however, that it would be difficult to single out one of these employees for the name of the road and the City needs to consider the wishes of the YMCA board for the name.

Zoning Committee: Councilman Jones had no report.

Recreation Committee: Councilman Blakeman presented one of the "Welcome to Waverly" banners the City had recently purchased that will be placed on the light poles on Route 23. He said 12 were ordered and 13 were received and will hopefully be installed as soon as the brackets arrive.

Public Services Committee: Councilwoman Thompson was not present, but Mayor Kelly had two applications from Police Chief, Larry Roe, for new employees. The first was to hire Gary L. Damron as a member of the Police Auxiliary. Councilman Kempton made a motion, seconded by Councilman Jones to hire Gary L. Damron for the Police Auxiliary. **Roll Call:** All Aye. The second request was to hire Terry Cooper as a part time officer for the Police Department. Councilman Kemper made a motion, seconded by Councilman Jones to hire Terry Cooper as a part time police officer. **Roll Call:** All Aye.

MAYOR'S REPORT:

Mayor Kelly reported the City had received good news for the Depot Street project. The City will received \$279,200 for this project. \$66,000 is in the form of a zero percent loan and the City's matching money is \$91,000. Mr. Davis stated the money will be released July 1, 2002 and 70% of the design for the project is complete. He added this project could be done at the same time as the YMCA road project and he hopes to advertise for bids this spring. Mayor Kelly also mentioned several other projects being worked on in the City and asked everyone to stop in and take a look at them. They include work at the wastewater plant, water plant, City garage and the Police Department.

Mayor Kelly also mentioned some bad news concerning the Fire Department. The heavy rescue vehicle is not in good shape. Randy Armbruster, Fire Chief, will be meeting with his committee concerning this.

Mayor Kelly said there have been some problems with residents not having garbage pick up. They are using dumpsters around town instead of having their garbage picked up at their homes by Pike Sanitation. He added Mike Migyanko of Pike Sanitation is getting together a list of names and the City's Law Director, Buz Bevens, will send letters to these people asking them why they are not using the garbage pick up service and what other arrangements they have made for trash pick up.

OLD BUSINESS: There was no old business.

NEW BUSINESS:

Rick Amburgey was on the agenda concerning a loading zone at 129 East Second Street, but was not in attendance. President Reed asked the street committee to review this request.

ORDINANCE # 3-2002 – AMEND ORDINANCE #53-2001 (PROPOSED ANNUAL BUDGET (EMERGENCY) – Councilman Kemper read Ordinance # 3-2002 in its entirety and made a motion, seconded by Councilman Blakeman to pass it as an emergency measure. This ordinance approves the addition of a Renovation Line to the Police Fund budget for the note received from First National Bank for \$150,000 for the renovation of the Police Department. **Roll Call:** All Aye.

ORDINANCE #4-2002 (FIRST READING) – APPROVE CURRENT REPLACEMENT PAGES TO THE WAVERLY CODIFIED ORDINANCES.

Councilman Blakeman read the title of the Ordinance and made a motion to read it by title only, seconded by Councilman Kemper. **Roll Call:** All Aye.

President Reed stated the City had received a request for a liquor license transfer from Big Bear to the Super Quik store on the south end of Waverly. After some discussion, Council agreed to request a hearing on this transfer in our county seat. Councilman Jones made a motion to request the hearing, seconded by Councilman Kempton. **Roll Call:** All Aye.

Councilman Kemper reported he received a telephone call at home from a concerned resident regarding people walking their dogs and not cleaning up the messes left behind. President Reed stated he thinks there is an ordinance and it does state that owners are to clean up after their animals. President Reed also mentioned he received a call about a stray dog and this person had called the Mayor's office and was told the City does not have a dog catcher and the resident should call their councilman with any concerns they have about this. President Reed added that he does not think people should be told to call their councilperson for problems like this. He added that he thought the City residents could call the County dogcatcher to pick up animals. There was some further discussion about whether or not the County will pick up animals in the City and Mayor Kelly said he would try to find out from the Commissioners and President Reed also asked the Public Services Committee to review this.

AUDITOR'S REPORT:

Councilman Blakeman made a motion, seconded by Councilman Jones to pay the bills. **Roll Call:** All Aye. Councilman Blakeman asked Auditor, Harvey Whaley, about only having \$70,000 in the General Fund and Mr. Whaley stated some of the tax money due into his office from the County had not been received yet.

Councilman Blakeman made a motion to adjourn, seconded by Councilman Jones. Before the roll call was taken, Mayor Kelly remembered that Council needed to have an executive session concerning a contract. President Reed stated the motion was already on the table and needed to be voted on first. **Roll Call:** Jones-Aye, Blakeman-Aye, Kemper-No, Kempton-No, Reed-No.

Councilman Kemper made a motion, seconded by Councilman Kempton to go into Executive Session regarding a contract matter. **Roll Call:** All Aye.

Councilman Blakeman made a motion, seconded by Councilman Jones to return to Regular Session. **Roll Call:** Jones-Aye, Blakeman-Aye, Kemper-No, Kempton-No, Reed-Aye.

Councilman Blakeman made a motion, seconded by Councilman Jones to adjourn. **Roll Call:** All Aye.

FEBRUARY 19, 2002

PRESENT: President Dale Reed, Councilwoman Joyce Thompson, Councilmen Jack Jones, Forest Blakeman, Lynn Downey, Roger Kemper and Greg Kempton. The meeting was opened at 7:00 with Randy Armbruster leading Council and guests in the pledge of allegiance to the flag.

MINUTES: Councilman Kemper made a motion, seconded by Councilman Jones to approve the minutes of the February 5, 2002 regular meeting. **Roll Call:** All Aye.

COMMUNICATIONS AND COMMITTEE REPORTS:

Finance Committee: Councilman Downey reported that receipts from the income tax office were down for the month of January from last year. He added that one month does not tell much, but he feels this year will be very challenging. The school construction project will help, but that will be a one-time shot. Mayor Kelly mentioned that the revenue generated from the Mayor's office for Mayor's Court, permits, parking, etc. increased this January from last January by \$10,000. This is expected to increase each month.

Personnel Committee: Councilman Kemper had no report.

Street Committee: Councilman Kempton reported the street committee met earlier this evening and discussed several issues:

1. Loading Zone on 2nd Street – A request was received for two loading zone spaces at 129 East Second Street. The committee agreed that this would wipe out two very needed public parking spaces by the post office and the request could not be honored at this time.
2. Sign request from Bristol Village – The Millennium Agency submitted a request for Bristol Village to have signs located at each end of town listing Waverly as "Ohio's Retirement Capital". Councilman Kempton said there was some research done on this and it appears that the City is not allowed to have "advertising" signs on City property. He will double-check this with Law Director, Buz Bevens and have further information at the next meeting.
3. Handicapped parking renewals – Councilman Kempton mentioned that anyone that has a handicapped sign in front of their home needs to notify the City if they want to keep that sign. Some ordinances have been written that these signs will be removed if a new request is not received.
4. Fifth Street – It was determined after speaking to Janie Hwang, that she has vacant lots located on the portion of Fifth Street the City closed off. Councilman Kempton explained the City does not want to keep her from getting to her property. The committee has not decided what to do yet. They will meet with Dean Knight, Street Department Superintendent and the law director soon to discuss this.

Zoning Committee: Councilman Jones had no report.

Recreation Committee: Councilman Blakeman had no report.

Public Services Committee:

1. Rescue Vehicle for Fire Department - Councilwoman Thompson reported the heavy rescue vehicle for the City needs to be replaced and Fire Chief, Randy Armbruster, needs approval from Council to go out for bids. The specs are ready and if this is approved tonight, the bids could

be opened in March. Councilwoman Thompson made a motion, seconded by Councilman Blakeman to approve advertising for bids for a rescue vehicle for the Fire Department. **Roll Call:** All Aye. Mayor Kelly stated that he informed Chief Armbruster that the money for this would have to come out of his levy.

2. Generator for Water Plant - Councilwoman Thompson stated Jim McCourt, Water Plant Superintendent needs to advertise for bids for a new generator for the water plant. Councilwoman Thompson made a motion, seconded by Councilman Kempton to approve advertising for bids for a new generator at the water plant. **Roll Call:** All Aye.
3. Dog Warden – Councilwoman Thompson stated she understood there had been some confusion while she was away about whether or not the City has anyone to pick up stray dogs. She stated that in August, an agreement was reached with Jeremy Beekman that he will pick up strays and be paid by the City for each animal he picks up. He will take them to the County shelter. She also stated that individuals can also take animals to the shelter, if they want, between 10:00 and 6:00. President Reed suggested this be written in the newspaper so residents are aware of this.

MAYOR'S REPORT:

1. Letter from Mayor Planton - Mayor Kelly reported he received a letter from Chillicothe Mayor, Margaret Planton, commending one of Waverly's fire fighter's who helped with an injured child while the fire fighter was in Chillicothe, off duty. The Mayor stated that Wayne Walette was in Chillicothe when a child of one of Mayor Planton's employee's was hurt skate boarding and Mr. Walette came to their assistance. Mayor Planton said he was very professional and knew exactly what to do.
2. Adelphia Cable - Mayor Kelly stated a representative from Adelphia Cable was present this evening regarding the concerns the City residents have had with the changes recently made to the cable programming. It was stated that many residents are upset that Waverly no longer is receiving the Huntington, West Virginia stations. There was some further discussion about all the newly added channels the City is now receiving. There were residents in attendance to express concern about losing the Huntington channels and stated they provide better weather, sports and local events coverage than Columbus. He also said when people call the cable company about losing the West Virginia channels; they are told Council authorized the change. President Reed said he talked with people who said they have been treated rudely by the Adelphia employees when they have called Adelphia. Council all agreed they did not remember being told these channels would be lost when Adelphia contacted the City in 1998 about upgrading the service. Mayor Kelly stated he had a conversation with Steve Tripp from Adelphia and he was told the West Virginia channels are no longer available.

OLD BUSINESS:

ORDINANCE #04-2002 (EMERGENCY) – APPROVE CURRENT REPLACEMENT PAGES TO THE WAVERLY CODIFIED ORDINANCES.

Councilman Downey made a motion, seconded by Councilman Blakeman to pass this Ordinance as an emergency measure. **Roll Call:** All Aye. Councilman

Kemper read Ordinance #04-2002 in its entirety and made a motion, seconded by Councilwoman Thompson to accept the Ordinance. This Ordinance had a first reading at the February 5, 2002 meeting, but it was discussed that the Walter Drane Company that prepares the City's codified ordinances needed this to be done as an emergency measure. **Roll Call:** All Aye. Councilman

NEW BUSINESS:

Delmar Burkitt was in attendance to address Council about a local drama group planning to perform three plays in Waverly depicting three different eras in Pike County's history. He introduced some other people involved in the plays and gave the dates the three plays will be performed. He also asked for financial support from the City in the amount of \$3000. He explained that all the actors are volunteers. The only expenses they plan to have will be for materials and rentals of necessary equipment. They hope to have the basic expenses covered by donations and 100% of the proceeds from tickets will go to the Pike Heritage Museum General Fund. He passed out some information including a budget. President Reed asked the Recreation Committee to review the request and come back to Council with a decision.

RESOLUTION #05-2002 (FIRST READING) – NAME THE NEW STREET ACCESSING THE YMCA “PRIDE DRIVE”. Councilman Jones read Resolution #05-2002 in its entirety for the first reading.

ORDINANCE # 06-2002 (EMERGENCY) – ODOT RESURFACING PROJECT FOR STATE ROUTE 335. Councilman Kempton read Ordinance #06-2002 in its entirety and made a motion, seconded by Councilwoman Thompson to approve it as an emergency. **Roll Call:** All Aye. This Ordinance explains the area of State Route 335 within the City that is being resurfaced by ODOT and goes over the City's portion of costs.

ORDINANCE #07-2002 (EMERGENCY) – TRANSFER \$25,000 FROM THE GENERAL FUND TO THE BRIDGE AND STREET FUND. Councilman Downey read Resolution #07-2002 in its entirety and made a motion, seconded by Councilman Jones to approve it as an emergency. **Roll Call:** All Aye.

RESOLUTION # 08-2002 (EMERGENCY) – AUTHORIZE AN ADVANCE FROM THE GENERAL FUND TO THE NATURE WORKS GRANT / CANAL PARK FUND. Councilman Downey read Resolution #08-2002 in its entirety and made a motion, seconded by Councilman Kemper to approve it as an emergency. **Roll Call:** All Aye.

ORDINANCE #09-2002 (EMERGENCY) – ADOPT AMENDED BUDGET AND APPROPRIATIONS FOR THE YEAR 2002. Councilman Kemper read Ordinance #09-2002 in its entirety and made a motion, seconded by Councilman Blakeman to approve it as an emergency. **Roll Call:** All Aye.

AUDITOR'S REPORT:

Councilman Downey made a motion, seconded by Councilman Kempton to pay the bills. **Roll Call:** All Aye.

Councilwoman Thompson made a motion, seconded by Councilman Downey to go into Executive Session on a contract issue. **Roll Call:** All Aye. Councilman Blakeman made a motion, seconded by Councilwoman Thompson to return to Regular Session. **Roll Call:** All Aye.

Councilman Blakeman made a motion, seconded by Councilman Kempton. **Roll Call:** All Aye.

MARCH 5, 2002

PRESENT: President Dale Reed, Councilwoman Joyce Thompson, Councilmen Jack Jones, Forest Blakeman, Lynn Downey, Roger Kemper and Greg Kempton. The meeting was opened at 7:00 with Councilman Blakeman leading Council and guests in the pledge of allegiance to the flag.

MINUTES: Councilman Kemper made a motion, seconded by Councilwoman Thompson to approve the minutes of the February 19, 2002 regular meeting.

Roll Call: All Aye.

COMMUNICATIONS AND COMMITTEE REPORTS:

Finance Committee: Councilman Downey stated as grim as things look, City expenses look good. He added he hopes the economy has an upturn in the fall. If the City can get through until then, we may not have to borrow money.

Personnel Committee: Councilman Kemper had no report.

Street Committee:

Fifth Street: Councilman Kempton reported he spoke with Dean Knight, Street Superintendent and he would like to put black top chip down on the portion of Fifth Street between Cherry and Beverly. Councilman Kempton stated he feels this will help cut down on the dirt and mud in that area.

Street Sweeper: Councilman Kempton mentioned to everyone there would be a demonstration of a street sweeper at the City building on Thursday, if anyone would like to attend.

Handicapped Parking Spaces: Councilman Kempton mentioned that he only received one response to renew a handicapped parking sign. He did receive some notification about two signs that were no longer being used and could be removed.

Zoning Committee:

Planning Commission Meeting: Councilman Jones stated the Planning Commission had a meeting on February 21, 2002 and went over plans for the school complex. They also reviewed and approved plans for a new building at Vallery Ford. Along with that request was a request to vacate an alley beside Vallery Ford. This is being done as part of Vallery's renovation plans. One building has been torn down and the new building will go up in that vacant area. Then after the new building is up the remaining showroom building will be torn down. This item is number 3 on the agenda under new business.

Recreation Committee:

Waverly Trilogy: Councilman Blakeman said Council had received a request from Delmar Burkitt, at the last Council meeting, to make a donation to the Waverly Trilogy. This is a three-part drama about Waverly's history, which Mr. Burkitt and several other drama group members will be performing. Councilman Blakeman made a motion, seconded by Councilman Kemper to approve donating \$3000 for the Waverly Trilogy. **Roll Call:** All Aye.

Public Services Committee:

Generator bids for water plant: Councilwoman Thompson stated there were three bids which needed to be opened for a new generator at the water plant. The three bids submitted were as follows:

Heibel Electric	-	\$45,330.00
Q.O.B.	-	\$52,400.00
S & S Electric	-	\$52,500.00

Councilwoman Thompson made a motion, seconded by Councilman Kempton to approve the low bid for the generator based on Jim McCourt's (Water Plant Supervisor) approval of the bids and specs. **Roll Call:** All Aye.

Fire Department volunteer: Councilwoman Thompson stated she had received a request from Fire Chief, Randy Armbruster, to hire John Hall as a volunteer fire fighter. Councilwoman Thompson made a motion, seconded by Councilman Blakeman to hire John Hall for the Fire Department. **Roll Call:** All Aye.

MAYOR'S REPORT:

Waverly Pride: Mayor Kelly reported that he attended a Waverly Pride Committee meeting this evening. He stated he would like to introduce into the City's budget for next year, a new line for beautification of the City and put \$25,000 in that line. He added he is giving Council this information now for some advance notice. He has asked the Pride Committee to let Council know what they envision these funds being used for. He also hopes to incorporate this into Community Development Director Nathan Davis' master plan for the City. Mayor Kelly wanted to let everyone know that his secretary, Dokey Williams, is recovering well from knee replacement surgery.

Adelphia: Mayor Kelly informed Council that he has been working with Adelphia Cable ever since the new cable system was installed and the West Virginia channels were taken off. He added that Council was led to believe, when changes were originally discussed, that the only change for the City would be the additional of some new channels. There was no discussion about losing any channels. Upon the Mayor's request, Adelphia sent out a survey in regards to the West Virginia channels and the survey was not worded correctly by Adelphia. The survey made it sound like the City could lose their Columbus stations and the mayor said that would not happen. Mayor Kelly said he met again today with Steve Tripp from Adelphia and he was told that cable could be run to Portsmouth to get the Huntington channels back. To do this, the City would have to return a portion of the franchise fee that we receive back from Adelphia, each year. We receive 5% of their franchise fee and last year the amount for this was \$30,000. The City would need to pay them \$2500 per year for ten years and once this is agreed to, we could have the Huntington channels back within 8 – 10 weeks. Mayor Kelly stated if the Adelphia corporate office did not agree to this, that could be a problem, but Mr. Tripp is to let him know tomorrow. He added that he informed them if this can't be done, the City would be contacting some other cable companies about a franchise agreement. He is going to have Law Director, Buz Bevens, draw up an agreement with Adelphia on this and there is also a Resolution, which he would like to add to the agenda for tonight's meeting. Councilman Downey made a motion, seconded by Councilwoman Thompson to add Resolution #12-2002 to the agenda. **Roll Call:** All Aye.

OLD BUSINESS:

RESOLUTION #5-2002 (2ND READING) – NAME THE NEW STREET ACCESSING THE YMCA "PRIDE DRIVE". Councilman Kempton read Resolution #5-2002 in its entirety for the second reading.

NEW BUSINESS:

YMCA: Ralph Williamson, Claude Hebert and John Pennington were present to address Council about the YMCA. They handed out information on the YMCA and Mr. Williamson brought Council up to date on the project. The current plans

are to have the YMCA completed by August of this year. He also gave information on the capital campaign and the funds that have been raised. Mr. Williamson informed Council that the building fee the City requires was not planned for in the budget and they did not even know it existed. They are asking the City if they can waive this fee, which is approximately \$6000. Mayor Kelly stated he felt this would be a nice gesture on the City's part. He added the City is very pleased to be getting a YMCA and it has been a long process getting it here. He gave some details about the road the City is building for the YMCA. Councilman Kemper made a motion, seconded by Councilwoman Thompson to waive the building fee for the YMCA project. **Roll Call:** All Aye.

Jingle Bell Committee: Sharon Manson addressed Council on behalf of the Jingle Bell Committee. She asked Council to donate \$1800 for this year's Jingle Bell weekend and gave information on what the committee plans to use that money for. She mentioned turning Canal Park into a Winter Wonderland and making Thursday night "Light Canal Park" night. There are also some plans to light up the bridge and add some more lighted figures and cutouts with additional lights. She also mentioned having an electrical box on both sides of the park so extension cords do not have to be run. Community Development Director Davis stated the Canal Park renovation plans will hopefully take care of the electric, as long as the finances are available. The plan is to run electric to the other shelter house that does not currently have electricity.

ORDINANCE #10-2002 (EMERGENCY) – VACATE ALLEY BESIDE VALLERY FORD. Councilman Jones read Ordinance #10-2002 in its entirety and made a motion, seconded by Councilman Kemper to pass this as an emergency measure. **Roll Call:** All Aye.

RESOLUTION #11-2002 (EMERGENCY) – TRANSFER \$50,000 FROM THE GENERAL FUND TO THE BRIDGE AND STREET FUND. Councilman Downey read Resolution #11-2002 in its entirety and made a motion, seconded by Councilman Blakeman to pass this as an emergency. **Roll Call:** All Aye.

RESOLUTION #12-2002 (EMERGENCY) – AUTHORIZE THE MAYOR AND AUDITOR TO ENTER INTO AN AGREEMENT WITH ADELPHIA. Mayor Kelly read Resolution #12-2002 in its entirety. Councilman Downey made a motion, seconded by Councilwoman Thompson to approve Resolution #12-2002 as an emergency measure. **Roll Call:** All Aye.

AUDITOR'S REPORT:

Councilman Downey made a motion, seconded by Councilman Kempton to pay the bills. **Roll Call:** All Aye.

Councilman Blakeman made a motion, seconded by Councilwoman Thompson to adjourn. **Roll Call:** All Aye.

MARCH 19, 2002

PRESENT: President Dale Reed, Councilwoman Joyce Thompson, Councilmen Jack Jones, Forest Blakeman, Lynn Downey, Roger Kemper and Greg Kempton. The meeting was opened at 7:00 with Harvey Whaley leading Council and guests in the pledge of allegiance to the flag.

MINUTES: Councilman Kemper made a motion, seconded by Councilman Jones to approve the minutes of the March 5, 2002 regular meeting. **Roll Call:** All Aye.

COMMUNICATIONS AND COMMITTEE REPORTS:

Finance Committee: Councilman Downey reported he feels the City will make it through the year financially without too much to spare. The receipts are about the same and the spending is about the same as last year. He encouraged department heads to stay within their budgets and asked the Mayor and Auditor to stay in close communication regarding finances.

Personnel Committee: Councilman Kemper had no report.

Street Committee: Councilman Kempton reported his committee is still looking at the handicapped parking spaces in town to see if all are still needed. He also stated Councilman Blakeman informed him there have been complaints about semi trucks parking in the Heights. He said Street Superintendent, Dean Knight, has signs ordered that say "No Thru Trucks" and weight limit signs, which they hope will solve the problem.

HIRE STREET DEPARTMENT HELP: Councilman Kempton stated he has two applicants for the street department that Mr. Knight would like to hire. Both will be paid \$7.00 per hour and work up to 32 hours per week. Councilman Kempton made a motion, seconded by Councilwoman Thompson to hire Andy Henson as a part time street department employee. **Roll Call:** All Aye. Councilman Kempton made a motion, seconded by Councilman Kemper to hire Timothy Knight as a part time street department employee. **Roll Call:** All Aye.

Zoning Committee: Councilman Jones had no report.

Recreation Committee: Councilman Blakeman reported the Jingle Bell Committee was in attendance at the previous Council meeting and asked for a donation of \$1800. Councilman Blakeman made a motion, seconded by Councilwoman Thompson to donate \$1800 to the Jingle Bell Committee. **Roll Call:** All Aye.

Public Services Committee: Councilwoman Thompson thanked the Auditor's office for the reports Council has been receiving and she also stated that she has received complaints about semi trucks in the Heights.

MAYOR'S REPORT:

Mayor Kelly asked that Council go into Executive Session, at the end of the meeting, regarding a legal issue.

OLD BUSINESS:

RESOLUTION #5-2002 (3RD READING) – NAME THE NEW STREET THAT ACCESSES THE YMCA “PRIDE DRIVE”. Councilman Jones made a motion, seconded by Councilman Downey to read the title only of Resolution #5-2002.

Roll Call: All Aye. Councilman Jones read the title only of Resolution #5-2002 and made a motion, seconded by Councilman Kempton to approve it. **Roll Call:** All Aye.

President Reed informed Council that there would be a hearing for the liquor license transfer from Big Bear to Super Quik and it will be held April 8 at 10:30 at the Sheriff’s Administrative Building. He asked anyone that is available to please attend since Council did request the hearing. He added the High School had also requested a hearing. This hearing will give citizens the opportunity to voice their opinion.

AUDITOR’S REPORT:

President Reed asked Auditor, Harvey Whaley, to give the Auditor’s report at this time, because the fire department has a bid opening, which cannot be held for 3 to five more minutes. Mr. Whaley asked Council to pay the bills. Councilman Downey made a motion, seconded by Councilwoman Thompson to pay the bills.

Roll Call: All Aye.

Mayor Kelly also wanted to mention that Council had received a thank you note from Delmar Burkitt for the donation made for the Waverly historical drama.

NEW BUSINESS:

Emergency Rescue Vehicle: Only one bid had been received for the heavy rescue vehicle for the fire department. Fire Chief, Randy Armbruster, said he sent out six bid packets. The bid received was from All American Fire Equipment Company in the amount of \$159,837.00. President Reed asked Chief Armbruster if this price was close to what he had expected and he said it was. Mayor Kelly said he wanted to ease everyone’s mind on this expense and stated he had told Chief Armbruster that he needed to be able to come up with the money for this expense from his budget and he has done so. This purchase will not be a burden to the general fund. Some fire contracts have been increased to help with this expense and some will be increased in the future. A current loan will also be refinanced at a lower rate and increased from six to ten years to help with the expense. It was stated that a Resolution should be drawn up and passed by Council for this purchase. Mayor Kelly said the Chief has done what Council asked him to do and found the money within his budget for this. He asked Council for a vote to give the Chief the approval to have the law director draw up a Resolution. Councilman Blakeman asked Auditor Whaley if everything was all right with him concerning this. Mr. Whaley said the Chief says the money is within his budget, but he added that budget is backed by the general budget and if there is a problem down the road, this could affect the general fund, which is already low. Councilman Downey made a motion, seconded by Councilwoman Thompson to give Chief Armbruster the authority to have Law Director, Buz Bevens, prepare a Resolution for the purchase of the heavy rescue vehicle. **Roll Call:** All Aye.

Councilman Kemper made a motion, seconded by Councilman Downey to go into Executive Session regarding a contract and purchase of property issue. **Roll Call:** All Aye.

Councilman Kemper made a motion, seconded by Councilman Blakeman to return to Regular Session. **Roll Call:** All Aye.

Councilman Downey made a motion, seconded by Councilwoman Thompson to pay the bills that have been incurred so far concerning the possible acquisition of land for a city park and green space and to proceed with a grant for this project.

Roll Call: All Aye.

Councilman Blakeman made a motion, seconded by Councilman Jones to adjourn. **Roll Call:** All Aye.

APRIL 2, 2002

PRESENT: President Dale Reed, Councilwoman Joyce Thompson, Councilmen Jack Jones, Lynn Downey, Roger Kemper and Greg Kempton. Forest Blakeman was excused.

The meeting was opened at 7:00 P.M. with Nathan Davis leading Council and guests in the pledge of allegiance to the flag.

MINUTES: Councilman Kemper made a motion, seconded by Councilman Jones to approve the minutes of the March 19, 2002 regular meeting. **Roll Call:** All Aye.

President Reed extended a get-well message to Councilman Blakeman who is recovering from surgery. He also read a letter from Delmar Burkitt thanking Council for the donation made for the Waverly trilogy drama. The letter also thanked the Council members that attended the preview.

COMMUNICATIONS AND COMMITTEE REPORTS:

Finance Committee: Councilman Downey reported the City receipts are not coming in at what was expected. He added the tax department is not optimistic. He stated next year there might need to be some revenue enhancement. The City will make it through this year all right, but will use up all their surpluses. Councilman Downey also stated Adelphia Cable has recently been in the financial news. He said it sounds as though they may be forced to merge or have a buy out and felt this could affect the City and the recent agreement being made. He said Adelphia tried to pull a fast one with the agreement, but the Mayor caught it and put a stop to it.

Personnel Committee: Councilman Kemper reported he received a call from Betty Mulhair about some wires that come into her home being entangled in her neighbor's tree. President Reed suggested we contact the power company to trim the tree, because they usually maintain their own lines. Councilman Downey said he did not feel the City should get involved, as this is a private matter. It was suggested that Councilman Kemper could call AEP as a personal favor, but not on the City's behalf. Councilman Kemper agreed to do this.

Street Committee: Councilman Kempton had no report.

Zoning Committee: Councilman Jones reported the Planning Commission met and approved the plans for Dollar General with some minor changes.

Recreation Committee: Councilman Blakeman was not present and no one else had a report for his committee.

Public Services Committee: Councilwoman Thompson had no report.

MAYOR'S REPORT:

Mayor Kelly was excused from the meeting.

OLD BUSINESS:

President Reed brought up the sidewalk and curb at Gary Baker's house on Saint Mary's lane. He reminded Council that last year he had brought up the fact that this needed to be repaired by the City because the City was responsible for the damage done to it. At that time he said he was told it would be repaired. It has still not been done. He told Mr. Baker to get an estimate for the repairs and the estimate came back at \$1700 - \$1800. The bid was from Ron Phipps. President Reed said he felt if the City is not going to repair this, we should pay Mr. Phipps to do the work. Nathan Davis, Community Development Director, stated there is money in the budget to repair sidewalks and curbs. Councilman

Kempton made a motion, seconded by Councilwoman Thompson to pay Ron Phipps for sidewalk and curb repairs for Gary Baker's property on Saint Mary's and that the money come from the sidewalk fund. **Roll Call:** All Aye.

NEW BUSINESS:

RESOLUTION #13-2002 (EMERGENCY) – ODOT RESURFACING.

Councilman Kemper read Resolution # 13-2002 in its entirety and made a motion, seconded by Councilwoman Thompson to pass it as an emergency.

Roll Call: All Aye. This Resolution authorizes the resurfacing of State Route 335 and authorizes the City to pay their share in the amount of \$21,160.00.

RESOLUTION #14-2002 (EMERGENCY) – ENTER INTO AGREEMENT WITH

R.D. ZANDE. Councilman Downey read Resolution #14-2002 in its entirety and made a motion, seconded by Councilman Jones to approve it as an emergency.

Councilman Downey asked about the expense and Mr. Davis that this is the second phase. The first phase was \$25,000 and this phase is about \$16,000. He added the money is already there for all three phases. \$25,000 was received in the form of a grant and another \$25,000 was paid between the City, the schools and the County. Phase 2 is a feasibility study of an alternate access route. **Roll Call:** All Aye.

RESOLUTION #15-2002 (EMERGENCY) – ENTER INTO AN AGREEMENT WITH CUSTOM TREE SERVICE AND STUMP REMOVAL.

Councilman Jones read Resolution#15-2002 in its entirety and made a motion, seconded by Councilman Kempton to pass it as an emergency. Councilman Downey stated he spoke earlier in the day with Mr. Davis about these trees and agreed that the four Mr. Davis showed him did need to be removed. However, he added that the estimate he received was for the removal of six trees. He asked Mr. Davis about the other two. Mr. Davis said there are two evergreens that need weeded out; they are too close to some other evergreens. He added that he forgot to point this out earlier. All the trees are located in Canal Park. **Roll Call:** All Aye.

AUDITOR'S REPORT:

Auditor Whaley was excused from the meeting. Councilman Downey made a motion, seconded by Councilman Jones to pay the bills. **Roll Call:** All Aye.

Councilman Downey made a motion, seconded by Councilwoman Thompson to go into Executive Session on a personnel matter.

Councilman Kempton made a motion, seconded by Councilman Jones to return to Regular session. **Roll Call:** All Aye.

Councilman Downey made a motion, seconded by Councilman Jones to approve disciplinary action recommended by the Mayor in a letter sent to Council concerning a City employee described in the same letter. **Roll Call:** All Aye.

Councilman Downey made a motion, seconded by Councilman Kempton to adjourn. **Roll Call:** All Aye.

APRIL 16, 2002

PRESENT: President Dale Reed, Councilwoman Joyce Thompson, Councilmen Jack Jones, Forest Blakeman, Lynn Downey, Roger Kemper and Greg Kempton. The meeting was opened at 7:00 with Kay Hamilton leading Council and guests in the pledge of allegiance to the flag.

MINUTES: Councilman Kemper made a motion, seconded by Councilwoman Thompson to approve the minutes of the April 2, 2002 regular meeting. **Roll Call:** All Aye.

COMMUNICATIONS AND COMMITTEE REPORTS:

Finance Committee: Councilman Downey reported the receipts for the City are not coming in as expected, but the Federal and State governments are having the same problem.

Personnel Committee: Councilman Kemper commended the Auditor's staff for the mid-month report they submitted. He added this extra report is above and beyond what Council has requested.

Street Committee: Councilman Kempton made a motion, seconded by Councilwoman Thompson to add Resolution #17-2002 to the agenda. This is a Resolution to transfer money from the general fund to the sidewalk fund. **Roll Call:** All Aye.

Zoning Committee: Councilman Jones had no report.

Recreation Committee: Councilman Blakeman had no report.

Public Services Committee: Councilwoman Thompson stated that on the advice of the City Solicitor, she would like to make a motion to accept the bid from All-American Fire Equipment to furnish a medium duty rescue vehicle at the cost of \$159,837.00 and for the Mayor and Auditor to sign the agreement to purchase this vehicle. Councilman Kemper seconded the motion. **Roll Call:** All Aye.

MAYOR'S REPORT:

Mayor Kelly reported the Joint Vocational School has started a law enforcement class and he and Police Chief, Larry Roe, have discussed donating the old cruiser the City has that was the K-9 cruiser. He added this vehicle is not being used as much as it used to and he and Chief Roe felt it would help this class out if they had a vehicle to use for training. Councilwoman Thompson made a motion, seconded by Councilman Kempton to approve the donation of the K-9 vehicle to the Pike County JVS. **Roll Call:** All Aye.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

RESOLUTION #16-2002 (EMERGENCY) – AUTHORIZE PARTICIPATION IN ACQUIRING FUNDS THROUGH THE CLEAN OHIO FUND. Councilman Downey read Resolution #16-2002 in its entirety and made a motion, seconded by Councilman Kemper to pass Resolution #16-2002 as an emergency. **Roll Call:** All Aye. This Resolution authorizes the City to apply for a grant for the City of Waverly Park/Bristol Village Buffer Project. The Mayor stated this has to be done as an emergency because the grant application deadline is May 1.

RESOLUTION #17-2002 (EMERGENCY) – TRANSFER \$10,000 FROM THE GENERAL FUND TO THE SIDEWALK FUND. Councilman Kempton read Resolution #17-2002 in its entirety and made a motion, seconded by Councilman Downey. **Roll Call:** All Aye.

CANAL DAYS: Kay Hamilton was present to address Council regarding the Waverly Canal Days Festival. She submitted a proposed budget to Council and asked for a donation of \$2000. She added that last year was a bad year for Canal Days and they did not have any money left to carry over to this year. She added the festival would be held in Canal Park this year instead of the High School parking lot. She also stated since there is not room for the amusement rides at Canal Park, they will be held between the Eagles parking lot and the Sunshine Cleaners parking lot. There was much discussion about children having to cross Ford Avenue to get to the rides. It was finally agreed that a portion of Ford Avenue could be closed off during the festival so there would be no worry of traffic when children were crossing. There was also a lot of discussion about the Canal Days budget and if it should continue each year if it is not turning a profit. President Reed stated the City has always encouraged the people who work on Canal Days to continue it. He also said if the City does not want this festival to be held any longer, we need to let Kay know. If not, the City needs to support it. Mayor Kelly suggested meeting with Kay after Canal Days to see how it went. He also suggested Kay meet with Economic Development Director, Nathan Davis, and keep him informed about the event. Council also asked Kay to be in touch with Fire Chief, Randy Armbruster, who is also the City Safety Director, about closing Ford Avenue. Councilman Blakeman made a motion, seconded by Councilwoman Thompson to donate \$2000 to Canal Days and have Nathan Davis act as a representative with the City and meet with Kay Hamilton on this. **Roll Call:** All Aye.

AUDITOR'S REPORT:

Councilman Kempton made a motion, seconded by Councilman Kemper to pay the bills. **Roll Call:** All Aye. Councilman Downey said it was discussed at the previous Council meeting that the Mayor and Auditor should be in close communication regarding the finances of the City. He asked if this has been happening. Mayor Kelly said the reports he receives from the Auditor look good, but he added there should be more discussion between the two offices. Councilman Downey also brought up a problem with the City's long distance service and the fact that there was no long distance service for several days while the company changed ownership. He suggested looking at other companies for this service. He also asked Auditor, Harvey Whaley, if he would find out what is spent each year on cell phones and on regular telephone service and let him know.

Polling Places: Councilman Kempton made a motion, seconded by Councilman Blakeman to allow the use of the Studio at the municipal building for a polling place for the May 7 election. **Roll Call:** All Aye. Councilman Downey made a motion, seconded by Councilman Blakeman to allow the use of the Police Department for a polling place for the May 7 election. **Roll Call:** All Aye. Councilwoman Thompson made a motion, seconded by Councilman Blakeman to change the first meeting in May from Tuesday, May 7th to Thursday, May 9th at 7:00, due to the election. **Roll Call:** All Aye.

Councilman Blakeman made a motion, seconded by Councilman Kempton to adjourn. **Roll Call:** All Aye.

MAY 9, 2002

Councilman Downey made a motion, seconded by Councilman Kemper to appoint Councilman Jack Jones as acting President of Council in the absence of Council President Dale Reed. **Roll Call:** All Aye.

PRESENT: Councilwoman Joyce Thompson, Councilmen Jack Jones, Forest Blakeman, Lynn Downey, Roger Kemper and Greg Kempton. President Dale Reed was excused

The meeting was opened at 7:00 with Councilman Blakeman leading Council and guests in the pledge of allegiance to the flag.

MINUTES:

Councilman Kemper made a motion, seconded by Councilman Blakeman to approve the minutes of the April 16, 2002 regular meeting. **Roll Call:** All Aye. Councilman Kemper made a motion, seconded by Councilman Kempton to approve the minutes of the April 30, 2002 special meeting with one correction. Councilman Kempton stated it was Councilman Blakeman (and not Councilman Kempton) that was asked to get a Resolution from Law Director Buz Bevens asking that any organization requesting a donation from the City submit a budget for their organization. **Roll Call:** All Aye.

COMMUNICATIONS AND COMMITTEE REPORTS:

Finance Committee: Councilman Downey had no report.

Personnel Committee: Councilman Kemper asked everyone if they received the resignation letter from the Clerk of Council, which will take effect at the end of the month. He introduced Melody Thompson in the audience who was observing the Council meeting and may be interested in the Clerk's position. Councilman Blakeman asked if the position should be advertised in the paper. Councilman Downey stated he felt mentioning it on the air tonight was an advertisement. It was decided the personnel committee would make a decision on this.

Street Committee: Councilman Kempton stated he received a request from Canal Days to close Ford Avenue during the Canal Days festival. He added that he will be running this by the Law Director and Safety Director and will come back to Council with an answer. Councilman Downey reported he had an article from the newspaper about cities using cameras to catch speeding vehicles and he gave the article to Councilman Kempton to review. There was some discussion about the cost of the equipment, but Councilman Downey felt it would save on the time used by an officer to do the same thing.

Zoning Committee: Councilman Jones reported the Planning Commission met and approved the plans for the proposed hotel south of town.

Recreation Committee: Councilman Blakeman made a motion, seconded by Councilwoman Thompson that any organization requesting a donation from the City is required to present a budget to the City showing how the money will be spent and to provide information as to how the donation from the previous year was used. **Roll Call:** All Aye.

Public Services Committee: Councilwoman Thompson had no report.

Councilman Downey made a motion, seconded by Councilman Kempton to add Resolution # 19-2002 to tonight's agenda. **Roll Call:** All Aye.

Councilman Kemper made a motion, seconded by Councilwoman Thompson to add Resolution # 18-2002 to tonight's agenda. **Roll Call:** All Aye.

MAYOR'S REPORT:

Mayor Kelly was not present.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

A motion was made by Councilman Downey and seconded by Councilwoman Thompson to pass Resolution #18-2002 (enter into an agreement with TNT Construction). The motion and second were then withdrawn, when it was agreed by everyone that there needed to be a vote to accept the low bid submitted by TNT prior to approving the Resolution to enter into an agreement with them. Councilman Blakeman then made a motion, seconded by Councilman Downey to accept the low bid submitted by TNT Construction for the Green Acres paving and drainage project. **Roll Call:** All Aye. Howard Contracting had actually submitted the lowest bid, but then had withdrawn their bid. The bids were submitted as follows:

<u>Construction Firm</u>	<u>General Bid</u>	<u>Alternate Bid</u>
Howard Contracting	\$443,659.50	\$419,719.00 (using 15" plastic pipe)
TNT Construction	\$461,488.95	none given
Foil, Inc.	\$608,495.50	none given
IBI Construction	\$616,855.20	none given
Portsmouth General	\$699,170.75	none given

RESOLUTION #18-2002 (EMERGENCY) – AUTHORIZE THE MAYOR AND AUDITOR TO ENTER INTO AN AGREEMENT WITH TOPS IN TECHNOLOGY (TNT CONSTRUCTION) IN ORDER TO CONSTRUCT THE GREEN ACRES PAVING AND DRAINAGE PROJECT. Councilman Downey read Resolution #18-2002 in its entirety and made a motion, seconded by Councilwoman Thompson to approve it as an emergency measure. **Roll Call:** All Aye.

RESOLUTION # 19-2002 (EMERGENCY) – AUTHORIZE THE AUDITOR TO TRANSFER \$1400.00 FROM THE GENERAL FUND TO THE EMERGENCY SIREN FUND. Councilman Kemper read Resolution #19-2002 in its entirety and made a motion, seconded by Councilman Blakeman to approve Resolution #19-2002 as an emergency. **Roll Call:** All Aye. It was discussed that this money needed to be used to repair the siren that was struck by lightning.

AUDITOR’S REPORT:

Councilman Downey made a motion, seconded by Councilman Kempton to pay the bills. **Roll Call:** All Aye.

Councilman Blakeman made a motion, seconded by Councilwoman Thompson to adjourn. **Roll Call:** All Aye.

MAY 21, 2002

PRESENT: President Dale Reed, Councilwoman Joyce Thompson, Councilmen Jack Jones, Forest Blakeman, Lynn Downey and Greg Kempton. Roger Kemper was excused

The meeting was opened at 7:00 with Councilman Jones leading Council and guests in the pledge of allegiance to the flag.

MINUTES:

Councilman Blakeman made a motion, seconded by Councilman Jones to approve the minutes of the May 9, 2002 regular meeting. **Roll Call:** All Aye.

COMMUNICATIONS AND COMMITTEE REPORTS:

Finance Committee: Councilman Downey reported he and Auditor, Harvey Whaley, had a discussion about the finances of the City. He asked Mr. Whaley to report on this. Mr. Whaley stated the City has \$168,000 in the general fund, which had only \$88,000 at the start of the year. The general fund was at \$600,000 when the year 2000 started, however, he went over some of the extra expenses the City has had over the past two years and the fact that the income tax and inheritance taxes were both lower than expected last year. Councilman Downey asked if the City has enough money to make it until December 31 and Mr. Whaley said yes.

Personnel Committee: Councilman Kemper was excused, but Councilman Downey asked if anyone knew whether or not he had advertised for the Clerk of Council job. No one was sure on the answer to this. Mayor Kelly mentioned that Councilman Kemper had notified the Mayor's office earlier today that he would not be present because his mother had fallen and broken her hip. Mayor Kelly sent everyone's best wishes to Mrs. Kemper.

Street Committee: Councilman Kempton reported he had received a request from the Canal Days Committee to close Ford Avenue during the festival this year. He added that he spoke with Safety Director & Fire Chief, Randy Armbruster and Street Department Superintendent, Dean Knight and both were opposed to this idea. Chief Armbruster was concerned about fire trucks being able to get to the homes on that street if needed. They discussed making sure if it is done that the blockades used to close the road be something that can be moved easily to allow emergency vehicles entrance.

Mr. Knight had also talked with Zach Pfeifer, who owns the car wash on Route 104, about a drainage problem in that area. Mayor Kelly stated the City is aware of this problem and he is hoping the City and property owners can work together and come up with a solution.

Zoning Committee: Councilman Jones had no report.

Recreation Committee: Councilman Blakeman said he has received several phone calls about the Green Acres levy. One in particular stated they noticed a worn spot on the levy. Mayor Kelly said the levy is checked when the City mows it, but he will also ask Woody Schaeffer and Bob Gausman from the engineer's office to walk the levy and check it out. Councilman Blakeman also asked if the Mayor knew when mosquito spraying would take place this year. Mayor Kelly stated he was not sure yet.

Public Services Committee: Councilwoman Thompson thanked Dean Knight and his crew for the great job they did with the citywide cleanup. She also thanked Council Clerk, Christy Barnhart, for the job she has done as the clerk. This is her last meeting due to moving out of the area.

MAYOR'S REPORT:

Mayor Kelly also mentioned Christy Barnhart's full time position in the tax office that will be vacant because of her move. He stated Patty Strickland, Tax Administrator, has held interviews for the position, which was posted in house. President Reed read a letter from Mrs. Strickland, which stated of the applicants she had, both were very qualified, but she chose Karen Downs because of seniority. She asked Council to approve her decision. Councilwoman Thompson made a motion, seconded by Councilman Jones to hire Karen Downs in the tax office. **Roll Call:** All Aye. This is a lateral move for Karen since she was already working in the water department. Mayor Kelly also mentioned that Karen's job in the water department is now being posted in house. He added this gives the City employees first chance at the jobs.

Mayor Kelly also mentioned that Chris Crocker, who worked for the City last summer in the water and wastewater departments, has applied again for this summer. He said he spoke with Larry Chitwood, Water Superintendent and Jim McCourt, Wastewater Superintendent, and both said they could use him again this summer. Councilwoman Thompson made a motion, seconded by Councilman Blakeman to hire Chris Crocker for summer help in the water/wastewater departments.

OLD BUSINESS:

JOINT MEETING OF THE WAVERLY CITY COUNCIL AND EVERGREEN UNION CEMETERY BOARD:

PRESENT: Bob Trainer from the Cemetery Board.

Mr. Trainer gave the financial report of the Evergreen Union Cemetery. Mr. Trainer then said that two appointments need to be made to the Cemetery Board. One City Council member and one township trustee need to be appointed to the board. Councilwoman Thompson made a motion, seconded by Councilman Downey to appoint Township Trustee, Sam Rhoads, to the Cemetery Board.

Roll Call: All Aye. Councilman Jones made a motion, seconded by Councilman Blakeman to appoint Councilwoman Joyce Thompson to the Cemetery Board.

Roll Call: All Aye (Councilwoman Thompson abstained from voting).

Mayor Kelly thanked Councilwoman Thompson for serving on this board and taking on this responsibility. He added that she is always willing to serve when asked. President Reed agreed and said he feels all the Council members do whatever is asked of them and he thanked them all.

NEW BUSINESS:

ORDINANCE #20-2002 (EMERGENCY) – AMEND BUDGET AND APPROPRIATIONS ORDINANCE # 09-2002 FOR 2002. Councilman Downey read Ordinance #20-2002 in its entirety and made a motion, seconded by Councilwoman Thompson to approve Ordinance #20-2002 as an emergency.

Roll Call: All Aye.

Councilman Downey made a motion, seconded by Councilman Kempton to add Resolution # 21-2002 to the agenda. **Roll Call:** All Aye.

Bill Wonnell, Zoning Administrator, informed Council that Brown Corporation had originally come to the City asking for a 75% tax abatement. After speaking to Mr. Albert from Brown, a decision was made to ask for 60% instead. He discussed this with School Superintendent, Euggle Robertson, and she is comfortable with this. Councilman Downey stated he is in favor of this tax abatement, because he feels with the state of the economy right now, it is great that Brown Corporation is adding new employees. Mayor Kelly added that he is really proud of Brown for attracting new business.

RESOLUTION #21-2002 (EMERGENCY) – TO AUTHORIZE THE MAYOR AND AUDITOR TO ENTER INTO AN AGREEMENT WITH BROWN CORPORATION OF WAVERLY, INC. TO GRANT A TAX ABATEMENT OF 60% ON NEW PERSONAL PROPERTY FOR 10 YEARS. Councilman Jones read Resolution #21-2002 in its entirety. Councilman Downey made a motion, seconded by Councilman Jones to approve Resolution #21-2002 as an emergency. **Roll Call:** All Aye.

AUDITOR'S REPORT:

Councilman Downey made a motion, seconded by Councilman Kempton to pay the bills. **Roll Call:** All Aye.

Councilwoman Thompson made a motion, seconded by Councilman Downey to enter into Executive Session regarding a property and a personnel matter. **Roll Call:** All Aye.

Councilman Blakeman made a motion, seconded by Councilman Jones to return to Regular Session. **Roll Call:** All Aye.

Councilman Blakeman made a motion, seconded by Councilman Jones to adjourn. **Roll Call:** All Aye.