

Approved
2/16/2016

REGULAR MEETING
WAVERLY VILLAGE COUNCIL
TUESDAY, FEBRUARY 2, 2016 at 7:45 P.M.
IN THE COUNCIL CHAMBERS
201 WEST NORTH STREET
WAVERLY, OHIO 45690

MINUTES

The Waverly Village Council met in regular session on Tuesday, February 2, 2016.

The meeting was called to order by Council President, Tom Patterson. Roll call was taken with the following Elected Officials and Council Members in attendance: Mayor Greg Kempton; Mary Ellen Cormany; Councilmen Dick Demlow, Forest Blakeman, Steve Fisher and Council President Tom Patterson. Absent but excused were Councilwoman Joyce Thompson and Councilman Scott Dailey.

In Attendance: Brett Bevens, Stephanie Stanley (News Watchman), Randy Armbruster, Jeff L. Minshaw, Robert O'Dell

The meeting was opened at 7:14 p.m. with Councilman Demlow leading Council and guests in the pledge of allegiance to The American Flag.

The minutes of the Tuesday, January 19, 2016 meeting were approved on a motion by Councilwoman Cormany, seconded by Councilman Fisher.

Roll Call: All Ayes

MAYOR'S REPORT:

Mayor Kempton asked if Council members were satisfied with the mowing bid that was distributed since the last meeting. Mayor Kempton will get it out this week if Council was not opposed with him doing so.

There were no comments from Council.

Mayor Kempton reported one of the local garden clubs is interested in planting some trees within the Village. Mayor Kempton suggested Bristol Park as a suitable area or some weeping crabapples near the Court House.

Councilman Demlow suggested the area adjacent to the shelter house near the play area. Councilman Demlow also suggested that a Council member accompany a garden club member to Bristol Park to show the suggested location. He stated that the Village must be sure to keep any planted trees watered.

Mayor Kempton's understanding is that the garden club will hire someone to plant the trees.

There were no objections from Council.

Mayor Kempton stated that he had received a letter from Clerk of Courts, John Williams. Mr. Williams is resigning from the Pike Metropolitan Housing Committee Board of Commissioners. His commission began October 26, 2013 and ends October 26, 2018. Mr. Williams would like Council to appoint someone to that position and has recommended Braden Bevens to fill that position. Mayor Kempton asked for other recommendations and/or to nominate Braden Bevens to fill the position.

Councilwoman Cormany made a motion, seconded by Councilman Blakeman, to appoint Braden Bevens to the Pike County Metropolitan Housing Authority Board of Commissioners.

ROLL CALL: All Ayes

Mayor Kempton stated that he spoke with the attorney in regards to Councilman Dailey using Skype or another media to participate in the Council Meetings. Mayor Kempton stated that Councilman Dailey has suggested occasionally moving a council meeting to Fridays in order to accommodate. Councilman Dailey stated that he could attend through virtual communication via computer. Mayor Kempton stated that Dale Seif has not found any legislation that forbids this type of meeting presence. Mayor Kempton suggested placing a case-by-case approval on the legislation.

Councilman Blakeman asked how long Councilman Dailey would be gone and missing meetings.

Councilwoman Cormany stated she had been in contact with Councilman Dailey and he would be out of town until the end of July, but had planned to make a few meetings.

Mayor Kempton stated the attorney would not begin work on it if Council was adamantly opposed to it.

Councilman Demlow stated he is concerned with setting a dangerous precedent. He stated that Councilman Dailey had already missed approximately six meetings. Councilman Demlow expressed he like Councilman Dailey and he appreciates the contributions that Councilman Dailey makes at Council.

Mayor Kempton reported the attorney did not find any similar cases.

Councilman Blakeman stated the last time a similar situation came up, several people were interested in a Council job, but did not accept it because it interfered with their work.

Councilman Demlow suggested Councilman Dailey resign, appoint someone in the position and serve until he could resume the position. The appointed person could then resign and Council could appoint Scott Dailey back to the position.

Councilman Blakeman stated that the Charter language states if a Council member misses three meeting, it is it.

Councilwoman Cormany stated that it was three unexcused absences in the Charter and that Councilman Dailey did not know his work would take him away from Council duties.

Councilman Blakeman stated "excused" is not defined. He also expressed agreement with concern over beginning online meeting and did not want to see legislation for online voting. He stated he had been in Council a long time and had not seen a situation where someone voted and was not present.

Mayor Kempton stated that he had been in contact with Councilman Dailey every week.

Councilman Blakeman stated that action needed to be taken soon and when a similar situation had occurred in the past, Council acted quickly.

Councilwoman Cormany reiterated that in the previous instance, the absences were unexcused.

Mayor Kempton agreed to contact Councilman Dailey regarding finding a replacement. He also stated that Councilman Dailey has made suggestions and is trying to find a solution.

Councilman Blakeman stated he has nothing personal against Councilman Dailey, but is going by past incidences and the City Charter.

End of Mayor's Report

COMMITTEE REPORTS:

Personnel Committee Report: Councilwoman Mary Ellen Cormany had no report.

Public Service Committee Report: Councilman Steve Fisher had no report.

Zoning Committee Report: Councilman Scott Dailey was not present.

Public Safety Committee Report: Councilman Demlow stated he had distributed a draft of the Parking Compliance Officer job description. He stated that Councilwomen Thompson, Cormany and Councilman Blakeman and himself were all comfortable with the job description and is not sure what the next step would be.

Mayor Kempton stated that the position would be posted in-house according to the requirement. If no candidate applies, then it will be posted externally.

Councilman Demlow stated that he was not comfortable with qualifications of ability to be bonded and pass a drug test, and ability to pass a background test. He asked if there were any other qualifications needed in that area?

Mayor Kempton replied that it was correct. Mayor Kempton requested a motion to approve the document.

Councilman Demlow made a motion, seconded by Councilman Blakeman, to accept the Parking Compliance Officer job description to replace the Meter Reader, adding a clause containing "and other duties as assigned".

ROLL CALL: All Ayes

Discussion was made concerning the pay being the same as a police officer, the Police Department budget being adjusted, the requirements being the same as a police officer, and the Wage Ordinance being adjusted.

Mayor Kempton stated that a requirement be added, if necessary, to make the stipulations that the requirements be the same as a police officer.

There were no objections by Council.

Councilman Demlow requested an update on the nuisance properties. Councilman Demlow has not seen anything happening to some properties he has reported. He also asked for a report on planned demolitions.

Councilman Demlow also inquired if anyone has checked on the storm water drainage issue where the new auto parts store is being built.

Mayor Kempton replied that he had conversations that day. There are discrepancies in information the drainage pipes and the drainage off of the back wall itself. The general contractor plans stated they were tying in to a 36" line and there is not a 36" line there. It is an 18" line, galvanized and half full. We did not agree for them to tie into it. With the watershed, there are other specifications in it.

Councilman Demlow stated larger problems may be coming due to the drainage issues.

Discussion was made regarding a left turn being granted through ODOT and entrances to the new auto parts store.

Councilman Demlow inquired who owns the corner lot of property by the intersection, with the decorated tree and in front of the gas station. Discussion was made regarding the ownership. No unanimous conclusion was made. Councilman Demlow stated he would check with the county office. He is concerned with the erection of a sign by Bristol Village.

Recreation Committee Report: Councilman Forest Blakeman had no report.

Councilman Blakeman stated he was approached by business owners regarding the Stiffler lot. They are complaining that the apartment renters are using the lot. Councilman Blakeman stated it is a mess and is only halfway utilized.

Brett Bevins stated that the lot is not full, but people do not park correctly. The lot isn't clean.

Councilman Demlow inquired if Council could get it paved and offer ½ of the lot for 2-hour parking and the other half of the lot on a monthly lease.

Mayor Kempton stated it would be worth it if the Village could break even. Permission would be needed from the county and a new long-term lease signed. It is believed the current lease is a 100 year lease.

Finance Committee Report: Councilwoman Cormany reported the General Fund Balance was: \$828,186.27 Bills this council were: \$6,830.03, Leaving a General Fund Balance of: \$821,356.24 less 6% 220 Connector \$111,212.70 with a General Fund Balance of \$710,143.54.

OLD BUSINESS:

NEW BUSINESS:

Resolution #9-2016

Purpose: to authorize the Mayor of the Village of Waverly, Ohio to apply for, accept, and enter into an OEPA Water Pollution Control Loan Fund Agreement on Behalf of the Village of Waverly for Construction of the Sanitary Sewer Extension, SR 335 and Armbruster Parkway Project, designating a dedicated repayment source for the loan, and declaring an emergency.

Councilman Fisher read Resolution #9-2016 in its entirety, made a motion, seconded by Councilwoman Cormany, to approve as an emergency.

ROLL CALL: All Ayes

President Patterson presented a concern from Roxanne in the Waverly Village Water Department concerning the credit card machine and the charges that arise from the company currently being utilized. The current company, Approval Solutions Company, charges more for business transactions. There is no way to see if the card is a business or personal card. One transaction was for a water bill of \$1,167.42 processed a business credit card and they only collected \$488.83 on the bill. There remaining \$678.59 was charged as a processing fee. The company is out of Indiana and does not have a representative near our location to assist with any problems. The Village will be charged a fee of \$385.00. A new company has been recommended, Ignite Payments. It is out of London, Ohio by Mark Elliot and he would service the system. He can use the same system already owned by the Village. Mr. Elliot stated he could have saved the Village \$433.64 on the bill example used above.

Mayor Kempton stated disapproval at the fees by both companies and questioned the legality of the high charges. In both instances the Village is losing a great deal of money.

Councilman Blakeman suggested a local banking company to pay per transaction.

Councilwoman Cormany inquired as to how much the Village pays per year in credit card transaction fees.

Mayor Kempton stated that it is not worth doing credit card transactions if the cost is greater than the collection.

Council President Patterson stated he talked to the ladies in the Auditor's office and they were also in agreement with changing companies. He reiterated the fee of \$385.00 to cancel the contract. Councilman Patterson asked for a motion.

Councilwoman Cormany suggested accepting personal cards only and no business cards.

Mayor Kempton suggested assessing the charge to the customer.

Council President Patterson stated the new company would be able to identify the charges before the card is ran through the machine.

Discussion was made concerning the credit card transaction charges and companies.

Councilwoman Cormany made a motion, seconded by Councilman Fisher, to cancel the contract with Approval Solutions.

ROLL CALL: All Ayes

Councilman Fisher made a motion, seconded by Councilwoman Cormany, to make a contract with Ignite Payment Company for credit card transactions.

ROLL CALL: All Ayes

Guest Speaker:

AUDITORS REPORT: Harvey Whaley reports that the employees in the Auditor's office are happy with the way the office is flowing and no changes are desired at this time.

Councilman Fisher made a motion, seconded by Councilwoman Cormany, to pay the bills.

ROLL CALL: All Ayes

Council President Patterson read announcements:

***Next Council Meeting: Tuesday, February 16, 2016 at 7:00 pm**

***Planning Commission Meeting: Wednesday, February 10, 2016 at 9:00 am**

Motion to adjourn by Councilman Blakeman, seconded by Councilwoman Cormany.

Meeting adjourned at 8:03 p.m.

President Council, Tom Patterson

Date

Clerk of Council, Tracey Lamerson

Date