

Council met in **REGULAR SESSION** on Monday, January 27, 2014, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Megyes, Soyars, and Wagner. The Pledge of Allegiance to the Flag was recited and Mr. Soyars gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Meeting held on Monday, January 13, 2014, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Lysenko, seconded by Mr. Endres, to approve the Minutes of the Public Hearing held on Tuesday, January 21, 2014, as presented. All Members voted "yea." Motion carried.

PETITIONS AND CLAIMS

None.

MATTERS REFERRED

Each Council Member, the Mayor and Service Director were given a report prepared by the Council Clerk listing all matters before all committees.

CITIZENS ADDRESSING COUNCIL

None.

The following Minutes are not transcribed verbatim. This meeting has been recorded in its entirety and the tape is catalogued in the Clerk of Council's office.

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 4-2014

ORDINANCE NO. 4-2014. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS - PARK PLAY PROGRAM ACTIVITIES. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$1,000, TO BE USED FOR PARK PLAY PROGRAM ACTIVITIES, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, seconded by Mr. Avant, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted "yea." Motion carried. It was moved by Mr. Megyes, seconded by Mr. Avant, that **ORDINANCE NO. 4-2014 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 5-2014

ORDINANCE NO. 5-2014. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS - A DAY OF PLAY. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION YOUTH PHILANTHROPY PROGRAM, IN THE AMOUNT OF \$2,400, TO ASSIST IN PROVIDING THE COMMUNITY SUMMER KICK OFF PROGRAM, “A DAY OF PLAY”, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, seconded by Mr. Avant, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Megyes, seconded by Mr. Avant, that **ORDINANCE NO. 5-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 6-2014

ORDINANCE NO. 6-2014. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS - COMMUNITY EXERCISE PLAZA. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$8,000, TO BE USED FOR A COMMUNITY EXERCISE PLAZA AT TUSCORA PARK, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, seconded by Mr. Avant, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Megyes, seconded by Mr. Avant, that **ORDINANCE NO. 6-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 7-2014

ORDINANCE NO. 7-2014. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS - COMMITTING SENIORS TO FITNESS. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$1,000, FOR THE COMMITTING SENIORS TO FITNESS, A PROGRAM DESIGNED TO IMPROVE THE HEALTH AND WELLNESS OF SENIORS, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, seconded by Mr. Avant, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Megyes, seconded by Mr. Avant, that **ORDINANCE NO. 7-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 8-2014

ORDINANCE NO. 8-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - TOWPATH BRIDGE AND TRAILHEAD CONNECTOR PROJECT. AN ORDINANCE APPROPRIATING \$10,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE TOWPATH BRIDGE AND TRAILHEAD CONNECTOR PROJECT, TO ASSIST WITH THE FINAL CONSTRUCTION PHASE OF THE TOWPATH PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, seconded by Mr. Avant, that the rule as required

by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mr. Avant, that **ORDINANCE NO. 8-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 9-2014

ORDINANCE NO. 9-2014. PRESENTED BY: MRS. FREY. TITLE: ADOPTING THE IAFF LOCAL 329 AGREEMENT. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON TO ADOPT AND APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BARBERTON AND IAFF LOCAL 329. It was moved by Mrs. Frey, seconded by Mr. Soyars, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. Mr. Endres stated he has a concern with this and asked if anyone in the body can tell him what the negotiations are like with the police department ~ are they making head way ~ he would like updated. Mr. Kimble stated they began in earnest about three weeks ago. He said they had one session and unfortunately one of the OPBA representatives was promoted to sergeant and another one was temporarily injured so it stalled the negotiations but they are going to pick them up next Tuesday. Mr. Endres stated he voted favorably last time it was up but tonight he is going to be a no vote in support of the police department. Mr. Kimble asked Mr. Endres what the logic in that thinking is. Mr. Endres stated you give them a leg up to get the negotiations moving along and to be a far more fair negotiation with them. Mr. Kimble stated that he doesn’t know that he understands turning down the fire contract would accomplish that. Mr. Endres stated that it is his vote. Mr. Kimble stated fair enough. Mr. Lysenko stated he agrees with Mr. Endres and he will again vote no on the basis of equity among the bargaining units. Frey, Lysenko, Soyars, Wagner, Debevec, Megyes, and Avant voted “yea.” Mr. Endres voted “no.” Motion carried. It was moved by Mrs. Frey, seconded by Mr. Soyars, that **ORDINANCE NO. 9-2014 BE ADOPTED.** Megyes, Debevec, Wagner, and Frey voted “yea.” Avant, Soyars, Lysenko, and Endres voted “no.” Tied vote at 4-4 with Chair voting “yea.” Motion carried.

ORDINANCE NO. 10-2014

ORDINANCE NO. 10-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – WATER TREATMENT PLANT. AN ORDINANCE APPROPRIATING \$110,000.00 FROM THE UNAPPROPRIATED ITEM OF THE WATER FUND TO THE WATER FUND CAPITAL BUDGET FOR THE WATER TREATMENT PLANT SUBSTATION REPLACEMENT WORK, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, seconded by Mr. Wagner, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mr. Wagner, that **ORDINANCE NO. 10-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 11-2014

ORDINANCE NO. 11-2014. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – UTILITIES - WATER TREATMENT PLANT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH OHIO EDISON, WITHOUT COMPETITIVE BIDDING BEING A SOLE SOURCE PROVIDER, FOR THE REMOVAL OF THE SUBSTATION AND REPLACEMENT BY A TRANSFORMER, AND DECLARING AN EMERGENCY. It

was moved by Mr. Wagner, seconded by Mr. Megyes, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 11-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 12-2014

ORDINANCE NO. 12-2014. PRESENTED BY: MR. LYSENKO. TITLE: ZONING MAP AMENDMENT - 1015 WOOSTER ROAD WEST. AN ORDINANCE AUTHORIZING THE REZONING OF 1015 WOOSTER ROAD WEST (PARCEL #01.00136), FROM C-2, NEIGHBORHOOD COMMERCIAL TO C-3, COMMUNITY CENTER COMMERCIAL. *First Reading Only.*

ORDINANCE NO. 13-2014

ORDINANCE NO. 13-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – LAW DEPARTMENT. AN ORDINANCE APPROPRIATING \$10,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL LIABILITY INSURANCE FUND TO THE GENERAL LIABILITY INSURANCE FUND OPERATING BUDGET, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, seconded by Mrs. Debevec, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 13-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 14-2014

ORDINANCE NO. 14-2014. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO AGREEMENT - WATER SUPPLY REVOLVING LOAN FUND. AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN FUND AGREEMENT IN THE AMOUNT OF \$1.9 MILLION DOLLARS ON BEHALF OF THE CITY OF BARBERTON FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING AN EMERGENCY. Mr. Wagner stated that in Committee, they invoked Council Rule 602 to suspend Council Rules, 301, 306, and 401. It was moved by Mr. Wagner, seconded by Mr. Megyes, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 14-2014 BE ADOPTED.** Mr. Maurer asked Mr. Stender if he has a quick synopsis of what the scope of the project is. Mr. Stender stated that speed is of the essence here and that the Mayor made a loan application as was described and we received feedback from the Ohio EPA - the financial people there, saying where is legislation certificate in legal form. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Bauschlinger wanted to remind council of the resolution for Albert Lee prior to the end of last year ~ the weather and Mr. Lee’s condition have still not allowed us to bring Mr. Lee to receive it. He believes it will happen a week from this coming Monday.

Mr. Lysenko asked Mr. Maurer if he has had an opportunity to speak with Mr. DeBord about the questions they had with the Oakdale property and the estimates. Mr. Maurer stated that he has. He said he mentioned to him that we did have reservations and he felt that if it would help make his case better and give you a higher comfort level he would like that information. Mr. Maurer spoke to Mr. DeBord last Wednesday and he has not gotten back with him. Mr. Lysenko asked if he is going to provide us with an estimate or how many spaces the estimates are for. Mr. Maurer stated that he thinks what he is going to do is provide us with information that is in the best of his ability still within the confines of professional decorum. He said he doesn’t think there is anything he has to hide. Mr. Lysenko asked if he offered to provide him with a copy of a written estimate. Mr. Maurer stated that he sure he will that he said he would put together a package and he would assume it would be written. Mr. Lysenko asked if he told him who prepared the written estimate. Mr. Maurer stated no. Mr. Lysenko stated those were the questions that he had. Mr. Maurer said Mr. DeBord was there for the questions and he thinks he knows what he wanted to know and he said he would accommodate us.

COMMUNICATION FROM THE MAYOR

None

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to adjourn.

Adjourned: 7:55 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council