

Council met in **REGULAR SESSION** on Monday, April 28, 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. Avant 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, April 14, 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

RESOLUTION NO. 53-2014

RESOLUTION NO. 53-2014. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. SOYARS. TITLE: COMMENDATION – OFFICER DAVID DAWSON. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO OFFICER DAVID DAWSON FOR THE QUICK ACTIONS TAKEN AFTER RESPONDING TO THE SCENE OF A HOUSE FIRE AT 254 3RD STREET NW ON FEBRUARY 13, 2014, AND HELPING TO POSSIBLY SAVE THE LIVES OF THE RESIDENTS OF THE BUILDING. It was moved by Mr. Soyars, 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 Mr. Soyars, seconded by Mr. Wagner, that **RESOLUTION NO. 53-2014 BE ADOPTED.** Mr. Maurer stated that having the background in law enforcement himself they use to say that it was 99% boredom and 1% sheer terror. He stated that the thing of it is not only is a law enforcement officer worried about his or her as he goes into a hazardous situation, he is also worried about his family that they may be left behind if something goes really, really wrong. He said it takes a special type of person to ignore everything that is telling you to run the other way. Mr. Maurer stated it shows you the type of man that Officer Dawson is and shows you the type of people we have protecting our community and the safety forces. He stated he has said it a dozen times that with the heroes

walking among us every day every once in a while they get the opportunity to prove it. He said it was an outstanding performance and what can you say but the man saved lives. Mayor Judge thanked Officer Dawson and said he appreciates his effort and his quick thinking, actions, and professionalism. He said whenever a first responder puts that uniform on they are putting their life on the line but he went above and beyond and he really appreciates that and he knows the residents at that address appreciate that as well. Chief Morber stated that he is proud of all of the officers he works with. He said they do crazy, awesome work every day and put themselves on the line. He said it takes a special person to put a vest on and try to help people to get along. He said he is really proud of Dave for his actions on this. Chief Morber said he is solid, dependable ~ started 16 years ago just a few weeks ago as a Barberton Police Officer and he has an inapt ability to be in the right place at the wrong time or the wrong place at the right time, depending on how you want to look at it. He said he is sure his wife Amy would tell you it is the latter. He said “Good Job Dave.” All Members voted “yea.” Motion carried.

It was moved by Mr. Soyars, seconded by Mr. Wagner, to recess in order to give Officer Dawson his commendation.

Recessed: 7:41

Reconvened: 7:43

ORDINANCE NO. 51-2014

ORDINANCE NO. 51-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – PARKS. AN ORDINANCE APPROPRIATING \$5,000.00 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PARKS CAPITAL OUTLAY BUDGET, IN ORDER TO COMPLETE THE RENOVATION AND THE RESURFACING OF THE EDGEWOOD BASKETBALL COURT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mr. Megyes, that **ORDINANCE NO. 51-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 52-2014

RESOLUTION NO. 52-2014. PRESENTED BY: MR. SOYARS. TITLE: APPROVE AND ADOPT SUMMIT COUNTY HAZARD MITIGATION PLAN. A RESOLUTION AUTHORIZING THE APPROVAL AND ADOPTION OF THE SUMMIT COUNTY HAZARD MITIGATION PLAN, FOR THE EXECUTIVE’S DEPARTMENT OF LAW, INSURANCE AND RISK MANAGEMENT – DIVISION OF PUBLIC SAFETY/EMERGENCY MANAGEMENT AGENCY, AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, 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 Mr. Soyars, seconded by Mr. Wagner, that **ORDINANCE NO. 52-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 54-2014

ORDINANCE NO. 54-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – MRAP ARMORED VEHICLE. AN ORDINANCE APPROPRIATING \$4,700.00 FROM THE UNAPPROPRIATED ITEM OF THE LAW ENFORCEMENT TRUST FUND TO THE LAW ENFORCEMENT TRUST FUND CAPITAL BUDGET, AND DECLARING AN EMERGENCY. 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. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mr. Soyars, that **ORDINANCE NO. 54-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 55-2014

ORDINANCE. NO. 55-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – 911 PHONE SYSTEM. AN ORDINANCE APPROPRIATING \$35,340.75 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE DISPATCH PERSONAL SERVICE BUDGET, AND DECLARING AN EMERGENCY. 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. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mr. Soyars, that **ORDINANCE NO. 55-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 56-2014

ORDINANCE NO. 56-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – 911 PHONE SYSTEM. AN ORDINANCE APPROPRIATING \$6,709.35 FROM THE UNAPPROPRIATED ITEM OF THE 911 PHONE SYSTEM FUND TO THE 911 PHONE SYSTEM FUND SERVICE BUDGET AND TRANSFERRING \$10,000 FROM THE 911 PHONE SYSTEM OPERATING BUDGET TO THE 911 PHONE SYSTEM PERSONAL SERVICE BUDGET, AND DECLARING AN EMERGENCY. 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. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mr. Soyars, that **ORDINANCE NO. 56-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 57-2014

ORDINANCE NO. 57-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - 2014 STREET MAINTENANCE PROGRAM. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH KARVO PAVING, THE LOWEST AND/OR BEST BIDDER, FOR THE 2014 STREET MAINTENANCE PROGRAM, IN AN AMOUNT NOT TO EXCEED \$727,256.05, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mr. Lysenko, 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. Debevec, seconded by Mr. Lysenko, that **ORDINANCE NO. 57-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 58-2014

ORDINANCE NO. 58-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – PERRIN ASPHALT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH PERRIN ASPHALT, THE LOWEST AND/OR BEST BIDDER, FOR THE BIG BEND AND MESA VERDE RECONSTRUCTION PROJECT IN THE AMOUNT OF \$271,774.25, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mr. Lysenko, 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. Debevec, seconded by Mr. Lysenko, that **ORDINANCE NO. 58-2014 BE ADOPTED.** Mr. Maurer asked Mr. Palmer what is the scope of the work – is this going to completely replace the cul-de-sacs all the way up to Shenandoah. Mr. Palmer stated “yes” on both of them. He stated concrete work on Big Bend and also Mesa Verde is going to be completely redone. He said it is going to be a logistics issue ~ with the Mayor, Joe Stefan, and himself knocking on doors making sure everyone knows what the hardship is. Mr. Palmer stated once this is done they will have a completely new street. Mr. Maurer stated it has been a disaster for a long time. 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

Liquor License Transfer:

From: Colleen M. Frey, DBA Fairways Bar & Grill, 451 Fairview Ave & Patio

To: Fairways Bar and Grill LLC, 451 Fairview Ave & Patio

The clerk stated that a copy of this request was given to Mr. Kimble, Mr. Endres, and Chief Morber. There are no objections to this request.

New: Barberton South Inc., 202 Snyder Avenue

The clerk stated that Chief Morber has requested a hearing.

President Maurer reminded council they will be having training on fresh water that Mr. Stender and Mr. Stoll will be coordinating. He said the benefit to the City will be the understanding of the water works/clean water as well as monetary.

Mr. Megyes stated that Thursday at 4:30pm the Parks & Recreation Commission will be meeting at the Active Adult Center.

Mr. Megyes stated that on Thursday evening there will be a ward meeting at 7:00pm at the Active Adult Center. He said Mayor Judge, Dave Vaughan – Executive Director of NDS, Jim Stonkus – newly appointed Executive Director of the Foundation, Marty Eberhart – neighborhood safety, and Greta Johnson who is running for State Representative will be there.

Mr. Avant stated the Akron Beacon Journal had a very interesting article “Huge Advance in Care – Akron General to Open \$2 million Hybrid Operating Room Next Month”. He said it will be a high tech operating procedure for cardiovascular and other surgery procedures and he said they consider that a very competitive thing in the medical field. He said there is a couple that is going to donate \$4 million to the Summa Akron to do the same thing and he thought what Barberton, our Barberton, our hospital, with our name that we are supposed to be so proud of, Barberton Summa what they could have done with \$15 million instead of digging a hole and putting concrete in it. He said he was floored when he saw this and said “what a shame.”

Mr. Wagner stated the last couple of years he has been talking about this and he is still very concerned about it. He said as of yesterday there were 16 people killed in Arkansas and in Texas and today was another horrendous outbreak of tornados in Mississippi and Tennessee. He said the whole system keeps moving farther and farther north as we warm up. He stated we are still in the same place we were several years ago with these tornado sirens and we have areas in our city that are unprotected and that burdens him. He said he is really troubled by that. He said he has been to storm spotter school and has seen the damage that it could do and is sure that everyone has seen it too, for example in Moore, Oklahoma the lives that were saved in ~ it was a F5 that came through there, it devastated the community – just ripped it apart, school buildings, churches, retail businesses – everything but the thing that saved people were the sirens. He said the sirens save people and we need to do something about that in this city. Mr. Wagner stated that we are unprotected here and we have some sirens. He said we use to have 5 and now we have 2 and the one on top of this building is a WW2 anti-aircraft siren and you can't get parts for it anymore. He said that needs to get upgraded and we need to protect the west side and we need to protect the north end. He said that even the one on the east side, in Austin Estates which serves the south side, he doesn't think that siren has the decibels that it should have. He said that should be checked because those storms are moving north and we have been lucky ~ we've dodged bullets. He said we have had tornados around us. He said they hit Copley, Cuyahoga Falls and they haven't been real big ones but if a F5 ever came through here we would have wished that we did have sirens that people could take cover. He said in the middle of the night you have to have a siren capable of waking people up. Mr. Wagner said he would like to see the foundation support this effort and bring our city up to code with sirens for tornados.

COMMUNICATION FROM THE MAYOR

The Mayor thanked everyone who came out to the change for change event last Friday. He stated they raised over \$400 for Mobile Meals.

The Mayor thanked everyone who was involved with the 34th Annual “Keep Barberton Beautiful” effort this past weekend that included all the parks, some of the roadways, and even the canal this year. He stated there was so much debris in the canal they only got ½ - ¾ of the way down.

Mayor Judge congratulated the four DI teams who won at Reynoldsburg this past weekend. He stated they will be going to The University of Tennessee on May 20th – 24th. He said we sent six teams to Reynoldsburg and four of them won. He said we have had a lot of success in DI in the past few years and this is great for our community and great for our kids.

The Mayor thanked Terry Avant and Craig Megyes for their Neighborhood Meetings this past week. He said they had great attendance and very good ideas and the residents are really getting involved and want to be a part of it which is always a good sign.

Mayor Judge said that we have been doing in realm of flood mitigation/cleaning out storm sewers and things like that. He said that himself, Mr. Palmer, and Mr. Stender talk about the cleaning efforts (he is a numbers guy) and from Snyder Avenue by the pump station moving East to Van Buren and Stanley Avenue they have pulled out about 126 tons of debris. He said this is about 25,000 linear feet. He said we are making great strides in cleaning out our systems and who knows when the last time this has been done but now the water is going to be able to flow much quicker.

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

Adjourned: 8:04 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council