

Council met in **REGULAR SESSION** on Monday, March 28, 2016, at 7:37 P.M. in the Council Chambers with President Maurer presiding. Members present: Angeloff, Coburn, Debevec, Frey, Megyes, Palmer, Soyars, and Conrad-Wokojance. The Pledge of Allegiance to the Flag was recited and Mr. Palmer gave the Invocation.

President Maurer stated there was a typo in the minutes provided – in “Communication from the Mayor” it was listed as May and should have read March. The record has been corrected. It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Revised Minutes of the Regular Legislative Session held on Monday, March 14, 2016, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Public Hearing held on Monday, March 21, 2016, 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.

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.

CITIZENS ADDRESSING COUNCIL

Bill Roemer, 3616 Southern Road, Richfield. Mr. Roemer stated he represents Barberton and all of Summit County as a Summit County Councilperson At-Large and one of the commitments he made is that he would go to each community (all 31) every year to make sure he would know the issues that they were facing, the elected officials as well as the citizens. He said he recently was elected to the Summit County Education Service Center Board of Governors and as part of doing that he now has 31 communities to go to and in addition 17 school board meetings. He said basically he is at a meeting every night, as the reporter can attest. Mr. Roemer stated he recently happened to be at the Barberton Board of Education meeting and he was very impressed with them. He said he has been coming here, last attended about 1 ½ years ago, but he has been coming long enough that the first time he came here there were no women on City Council and it is now a majority. He said that is very interesting and outstanding to see. He stated he will be available after the meeting if anyone would like to have a discussion and he also happens to be a candidate for Summit County Executive so if he is fortunate enough to be elected he will make sure he is in Barberton and every community as much as physically possible.

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 16-2016

ORDINANCE NO. 16-2016. PRESENTED BY: MR. MEGYES. TITLE: DISPOSAL INTO CITY LAND BANK PROGRAM. AN ORDINANCE AUTHORIZING THE CITY OF BARBERTON TO PLACE PARCEL 01.03717 INTO THE CITY OF BARBERTON LAND BANK PROGRAM, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes seconded by Mrs. Coburn, 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 Mrs. Coburn, that **ORDINANCE NO. 16-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 17-2016

ORDINANCE NO. 17-2016. PRESENTED BY: MR. MEGYES. TITLE: DISPOSAL INTO SUMMIT COUNTY LAND BANK. AN ORDINANCE AUTHORIZING THE CITY OF BARBERTON TO PLACE TWO (2) PARCELS INTO THE SUMMIT COUNTY LAND BANK PROGRAM, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, seconded by Mrs. Coburn, 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 Mrs. Coburn, that **ORDINANCE NO. 17-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 18-2016

ORDINANCE NO. 18-2016. PRESENTED BY: MRS. CONRAD-WOKOJANCE. TITLE: FY 2016 CDBG ANNUAL ACTION PLAN. AN ORDINANCE APPROVING THE FY 2016 CDBG ANNUAL ACTION PLAN BUDGET, AND DECLARING AN EMERGENCY. *1st Reading Only.*

ORDINANCE NO. 19-2016

ORDINANCE NO. 19-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION – CDBG FUNDS. AN ORDINANCE APPROPRIATING \$25,665 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME FUND INTO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME EXPENDITURE ACCOUNT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Conrad-Wokojance, 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 Mrs. Conrad-Wokojance, that **ORDINANCE NO. 19-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 20-2016

ORDINANCE NO. 20-2016. PRESENTED BY: MR. PALMER. TITLE: DISPOSAL OF VEHICLE - UTILITIES DEPARTMENT. AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO SCRAP/SALVAGE A UTILITIES DEPARTMENT FORD RANGER TRUCK DEEMED TO BE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND UNFIT AND UNSAFE FOR DISPOSAL IN ANY OTHER MANNER,

AND DECLARING AN EMERGENCY. It was moved by Mr. Palmer, 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. Palmer, seconded by Mr. Megyes, that **ORDINANCE NO. 20-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 21-2016

ORDINANCE NO. 21-2016. PRESENTED BY: MRS. FREY. TITLE: ENTER INTO CONTRACT - KENMORE CONSTRUCTION. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH KENMORE CONSTRUCTION COMPANY, THE LOWEST AND/OR BEST BIDDER AS RECOMMENDED BY THE SERVICE DIRECTOR FOR THE RECONSTRUCTION OF 9TH STREET NE, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, seconded by Mr. Palmer, 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. Palmer, that **ORDINANCE NO. 21-2016 BE ADOPTED.** President Maurer stated they just spent more money than they have in the previous 3 months of this year. All Members voted “yea.” Motion carried.

ORDINANCE NO. 22-2016

ORDINANCE NO. 22-2016. PRESENTED BY: MRS. FREY. TITLE: ENTER INTO CONTRACT - GPD ASSOCIATES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GPD GROUP, IN AN AMOUNT NOT TO EXCEED \$140,000, FOR CONSTRUCTION ADMINISTRATION RELATED TO THE RECONSTRUCTION OF 9TH STREET NE, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, seconded by Mr. Palmer, 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. Palmer, that **ORDINANCE NO. 22-2016 BE ADOPTED.** President Maurer asked the Mayor or Mr. Vinay what is the portion of outside funding we have for this project – 80%? The Mayor stated 0% on this project. All Members voted “yea.” Motion carried.

ORDINANCE NO. 23-2016

ORDINANCE NO. 23-2016. PRESENTED BY: MRS. FREY. TITLE: ENTER INTO CONTRACT - SPANO CONSTRUCTION COMPANY, INC. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH SPANO CONSTRUCTION COMPANY, INC., THE LOWEST AND/OR BEST BIDDER, FOR THE 2016 SIDEWALK REPLACEMENT PROGRAM FOR AN AMOUNT NOT TO EXCEED \$80,502.00, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, seconded by Mr. Palmer, 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. Palmer, that **ORDINANCE NO. 23-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 24-2016

ORDINANCE NO. 24-2016. PRESENTED BY: MRS. FREY. TITLE: 2016 SIDEWALK REPLACEMENT AND FILL-IN PROGRAM. AN ORDINANCE ESTABLISHING THE CITY'S CONTRIBUTION TO THE 2016 SIDEWALK REPLACEMENT AND FILL-IN PROGRAM, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, seconded by Mr. Palmer, 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. Palmer, that **ORDINANCE NO. 24-2016 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 25-2016

ORDINANCE NO. 25-2016. PRESENTED BY: MRS. ANGELOFF. TITLE: ZONING MAP AMENDMENT - 1058 WOOSTER ROAD WEST. AN ORDINANCE AUTHORIZING THE REZONING OF 1058 WOOSTER ROAD WEST FROM C2 (NEIGHBORHOOD COMMERCIAL) TO RM18 (RESIDENTIAL MULTI-FAMILY).
1st Reading Only.

Before the First Reading of Ordinance No. 26-2016, the Clerk read the Fiscal Officer's Certificate dated March 28, 2016 from Raymond E. Flickinger, Finance Director.

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of not to exceed \$2,700,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving streets, roads, driveway aprons and alleys in the City by resurfacing, reconstructing, paving and making other improvements as designated in the plans approved or to be approved by Council (the improvement):

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 15 years, being my estimate of the life or period of usefulness of the improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is June 10, 2034, which is 20 years from June 10, 2014, the date of issuance of the original notes issued for this purpose.

ORDINANCE NO. 26-2016

ORDINANCE NO. 26-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: NOTE ORDINANCE - STREET IMPROVEMENT PROGRAM. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,700,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS, ROADS, DRIVEWAY APRONS AND ALLEYS IN THE CITY BY RESURFACING, RECONSTRUCTING, PAVING AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Angeloff, that **ORDINANCE NO. 26-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

Before the First Reading of Ordinance No. 27-2016, the Clerk read the Fiscal Officer's Certificate dated March 28, 2016 from Mr. Raymond E. Flickinger, Finance Director.

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of not to exceed \$2,100,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving 9th Street NE by reconstructing, resurfacing, paving, grading, draining, constructing curbs, gutters and driveway aprons, installing storm sewers, realigning intersections and making other improvements as designated in the plans approved or to be approved by Council (the improvement):

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 15 years, being my estimate of the life or period of usefulness of the improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is 240 months from their date of issuance.

ORDINANCE NO. 27-2016

ORDINANCE NO. 27-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: NOTE ORDINANCE – 9TH STREET NE IMPROVEMENT PROGRAM. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,100,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING 9TH STREET NE BY RECONSTRUCTING, RESURFACING, PAVING, GRADING, DRAINING, CONSTRUCTING CURBS, GUTTERS AND DRIVEWAY APRONS, INSTALLING STORM SEWERS, REALIGNING

INTERSECTIONS AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Angeloff, that **ORDINANCE NO. 27-2016 BE ADOPTED.** President Maurer stated this was done basically by the passage of the ¼% income tax which made this project possible and it something we have needed on the east side for decades. He stated this is a big expenditure and is all funded courtesy of the citizens who decided they wanted to take us in a very positive direction. He said this goes to the citizens of the City of Barberton. All Members voted “yea.” Motion carried.

ORDINANCE NO. 28-2016

ORDINANCE NO. 28-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: AMEND BARBERTON CODIFIED ORDINANCES - CHAPTER 232 – DEPARTMENT OF LAW. AN ORDINANCE AMENDING SECTION 232.01 “LIABILITY LOSS FUND; CLAIMS AGAINST CITY; MORAL CLAIMS,” AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Angeloff, that **ORDINANCE NO. 28-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 15-2016

ORDINANCE NO. 15-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: 2016 OPERATING AND CAPITAL BUDGET. AN ORDINANCE ADOPTING A BUDGET FOR VARIOUS FUNDS OF THE CITY OF BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2016, AND PROVIDING FOR THE ADMINISTRATION THEREOF, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Angeloff, that **ORDINANCE NO. 15-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said he hoped everyone had a nice Easter.

President Maurer stated he also wanted to extend his personal appreciation to council for the great participation in the Walk of Fame festivities. He said the band looked great with their new uniforms and they sounded great. He said it never hurts to get out in the public and remind the people that we are a fantastic town because of our people and we inducted a number of our very prestigious citizens. He said we have people we can point out and be very proud of. He said they make up this town and this town, he is sure, made some of them. He stated it was very gratifying to see such a great turnout.

COMMUNICATION FROM THE MAYOR

Mayor Judge thanked council for passing the budget. He said now that it is passed they will continue to get more legislation. He stated the issuance of notes should only happen once a year.

Mayor Judge thanked anyone who came out for the Walk of Fame last Wednesday. He said it was a great turnout/great weather with an estimated crowd of about 250 people. He stated they will continue this each year but it will be at the Mum Fest. He said the reason we had it on Founder's Day this year is because we could not get everyone from out of state in town at the same time. He said we will have it again later this year at the Mum Fest with the new class.

Mayor Judge stated they had a great turnout for 4th Friday and Change for Change. He said they raised a little over \$424 for Change for Change which benefited the Salvation Army. He thanked everyone who came out for that.

Mayor Judge said coming up on April 9th is the Job and Resource Fair which will be held at the Active Adult Center. He stated they have about 20 different companies signed up already including S A Comunale, Malco, Postal Service, and a lot of others. He said there are both blue and white collar jobs. He stated there will also be a lot of resources as well, e.g., Foundation, College Now, University of Akron, and Stark State. He said it is going to be a great turnout.

Mayor Judge stated April 23rd is "Take Pride in Barberton Day." He said they have a team called Helping Hands and if anyone would like to help out with this team are more than welcome. He said to call his office or you can feel free to start up your own team.

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

Adjourned: 8:11 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council