

Council met in **REGULAR SESSION** on Monday, November 14, 2016, at 7:30 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. Maurer gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of a Public Hearing regarding a Text Amendment held on Monday, October 24, 2016, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of a Public Hearing regarding a Zoning Map Amendment held on Monday, October 24, 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 Regular Legislative Meeting held on Monday, October 24, 2016 as presented. All Members voted “yea.” Motion carried.

It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, to accept the Finance Department Report for October, 2016, as presented. All Members voted “yea.” Motion carried.

PETITIONS AND CLAIMS

The Clerk read a Proclamation from the Cin-Day Lucky Dawgs naming the City of Barberton as their “Suburb of the Week.”

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. 117-2016

ORDINANCE NO. 117-2016. PRESENTED BY: MRS. ANGELOFF. TITLE: BARBERTON DEVELOPMENT CODE – TEXT AMENDMENT - STAFF APPROVAL. AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE SECTION 1310.04 (a)(4)(A)(3) BY SHORTENING THE TIME IN A CALENDAR YEAR A YARD SALE CAN BE HELD. *1st Reading Only*

ORDINANCE NO. 118-2016

ORDINANCE NO. 118-2016. PRESENTED BY: MRS. ANGELOFF. TITLE: ZONING MAP AMENDMENT - 112 SNYDER AVENUE. AN ORDINANCE AUTHORIZING THE REZONING OF 112 SNYDER AVENUE FROM RS-40 (RESIDENTIAL SINGLE FAMILY) TO I1 (LIGHT INDUSTRIAL). It was moved by Mrs. Angeloff, seconded by Mrs. Frey, 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. Angeloff, seconded by Mrs. Frey, that **ORDINANCE NO. 118-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 119-2016

ORDINANCE NO. 119-2016. PRESENTED BY: MRS. FREY. TITLE: 2017 BIDS AND CONTRACTS - YEAR’S REQUIREMENTS FOR MATERIALS AND SERVICES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OR THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE FOR BIDS AND/OR ENTER INTO CONTRACTS IN 2017, COVERING THE YEAR’S REQUIREMENTS FOR MATERIALS AND SERVICES USED IN THE ORDINARY AND DAILY OPERATION OF THE MUNICIPAL DEPARTMENTS IN THE CITY OF BARBERTON, 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. 119-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 120-2016

ORDINANCE NO. 120-2016. PRESENTED BY: MR. PALMER. TITLE: CHANGE ORDER – UTILITIES - WATER TREATMENT PLANT. AN ORDINANCE AUTHORIZING A CHANGE ORDER WITH KENMORE CONSTRUCTION COMPANY TO PERFORM THE WORK REQUIRED FOR THE PAC FEEDER REPLACEMENT AND STRUCTURAL REINFORCEMENT PROJECT AT THE WATER TREATMENT PLANT IN THE AMOUNT OF \$491,643.00, 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. 120-2016 BE ADOPTED.** President Maurer asked Mr. Weaver what is the scope of this project. Mr. Weaver stated a powder activated carbon feeder is part of a chemical feed at the Water Treatment Plant to remove harmful algae bloom which is something that has been in the news in the last year and a half. He said it is the same thing they had at Lake Erie and also activated carbon is used for taste and odor. He stated this feeder will substantially feed more than the feeders that we currently have in use and can be used for the purpose of removing algae. President Maurer stated basically we added additional equipment on to the original. Mr. Weaver stated the old feeders were actually going to be replaced as part of this project but the standard has changed in the last couple of years so we needed to upsize those, so that is why the change order. He said this was already part of another project. President Maurer stated as long as it saves us money and keeps us compliant. Mr. Weaver stated it does keep us compliant. All Members voted “yea.” Motion carried.

ORDINANCE NO. 121-2016

ORDINANCE NO. 121-2016. PRESENTED BY: MR. PALMER. TITLE: ENTER INTO AGREEMENT - BROOKSIDE LAND COMPANY. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH BROOKSIDE LAND COMPANY, 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. 121-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 122-2016

ORDINANCE NO. 122-2016. PRESENTED BY: MR. PALMER. TITLE: ENTER INTO AGREEMENT - BROOKSIDE LAND COMPANY. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ACCESS EASEMENT AGREEMENT WITH BROOKSIDE LAND COMPANY, 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. 122-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 123-2016

ORDINANCE NO. 123-2016. PRESENTED BY: MR. MEGYES. TITLE: DONATION OF PROPERTY - GOODRICH AVENUE. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DONATION AGREEMENT WITH ODOT FOR THE CITY OWNED PARCEL 0102457 IN ORDER TO ASSIST WITH THE I-76 INTERCHANGE PROJECT, 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. 123-2016 BE ADOPTED.** President Maurer stated it seems like it is a tiny little strip of land, looks on the map to be a few feet wide. Mr. Vinay said it is only about 10 feet wide and it borders right against the street. He said they did check and clear it that there are no utilities or easements that run through the property. President Maurer said he wonders why they had that little strip like that. Mr. Vinay said he has no idea. President Maurer said if you look at the map it is really weird. Mr. Vinay said it is right next to a house on the corner and it sits between the street and the house so he originally thought it was a utility easement but there are no utilities that run through it. All Members voted “yea.” Motion carried.

ORDINANCE NO. 124-2016

ORDINANCE NO. 124-2016. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST - 2017 LAKE ANNA CONCERT SERIES. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION IN AN AMOUNT UP TO \$15,000, FOR THE 2017 LAKE ANNA CONCERT SERIES, 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. 124-2016 BE ADOPTED**. All Members voted “yea.” Motion carried.

RESOLUTION NO. 125-2016

RESOLUTION NO. 125-2016. PRESENTED BY: MR. MEGYES. TITLE: LAND AND WATER CONSERVATION FUND APPLICATION. AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION DEPARTMENT TO SUBMIT AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES LAND AND WATER CONSERVATION PROGRAM. 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 **RESOLUTION NO. 125-2016 BE ADOPTED**. All Members voted “yea.” Motion carried.

RESOLUTION NO. 126-2016

RESOLUTION NO. 126-2016. PRESENTED BY MAYOR JUDGE AND ALL OF COUNCIL. SPONSORED BY: MRS. DEBEVEC. TITLE: COMMENDATION – 2016 BARBERTON HIGH SCHOOL FOOTBALL TEAM. A RESOLUTION OF THE COUNCIL AND ADMINISTRATION OF THE CITY OF BARBERTON COMMENDING AND SHOWING APPRECIATION TO THE BARBERTON BOY’S HIGH SCHOOL FOOTBALL TEAM FOR THEIR EXCELLENT 2016 FOOTBALL SEASON. *1st Reading Only*

The Clerk stated the Utilities Committee Invoked Council Rule 702 to Suspend Council Rules 302, 304 and 401 for the following resolution:

RESOLUTION NO. 127-2016

RESOLUTION NO. 127-2016. PRESENTED BY: MR. PALMER. TITLE: OPWC GRANT APPLICATION - NASH HEIGHTS SANITARY SEWER PROJECT. A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF BARBERTON TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED, 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. President Maurer stated this resolution came by really late and stomped all over our rules and procedures but we went ahead and moved the resolution forward because it has been out in the open for so long. He stated we like to give all of our constituents a lot of opportunity to see this type of thing but it was well on its way for several weeks before it was delayed because of the petition drive by our neighboring community. He said we like to respect and keep the rules going but this was a very unusual circumstance. All Members voted “yea.” Motion carried. It was moved by Mr. Palmer, seconded by Mr. Megyes, that **RESOLUTION NO. 127-2016 BE ADOPTED**. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 97-2016

ORDINANCE NO. 97-2016. PRESENTED BY: MR. PALMER. TITLE: SEWER RATE MODIFICATION. AN ORDINANCE AMENDING ORDINANCE NO. 187-2015 TO MODIFY THE UTILITIES SEWER RATE ORDINANCE IN ACCORDANCE WITH THE NEW BARBERTON NORTON SEWER AGREEMENT, AND DECLARING AN EMERGENCY. It was moved by Mr. Palmer, seconded by Mr. Megyes, that **ORDINANCE NO. 97-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

APPOINTMENTS

Parks & Recreation Commission

Lisa Devenport appointment Immediately – December 31, 2021
It was moved by Mr. Megyes, seconded by Mrs. Coburn to confirm the appointment of Mrs. Lisa Devenport to the Parks and Recreation Commission. Mr. Megyes stated he thinks she is a perfect person for this position and she is going to do a great job especially with her knowledge about trees and everything else in that genre. President Maurer stated he knows Mrs. Devenport and her knowledge of forestry will be very valuable to the parks. He said we have a lot of trees. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

The Clerk read two Liquor License permits. The first was a transfer from Bessemer Group, 193 Wooster Road, Basement Suite 7 to The Fast Lane of Ohio LLC, 193 Wooster Road, Basement Suite 7. She stated a copy was given to Elizabeth Daugherty, Chief Morber, Craig Megyes and no objections were received. The second is a new license for JoJo Drive Thru, 22 Wolf Avenue. She said a copy was given to Elizabeth Daugherty, Chief Morber, Carol Frey and no objections were received.

Mrs. Angeloff stated the Planning Commission Meeting will be held Wednesday, November 16th at 5:30 in Council Chambers.

Mrs. Angeloff stated the Board of Zoning Appeals Meetings which was scheduled for Thursday, November 17th has been cancelled.

President Maurer asked the committee heads to check the matters requested list and strike out anything not needed before the end of the year.

President Maurer stated he checked with Mr. Vinay and the leaf pickup is really going well and we have three pieces of vacuum equipment running. He said the leaves are falling fast.

President Maurer said the Barberton Community Foundation’s dinner was the best ever. He confirmed with Mr. Stonkus in the gallery the number of attendees. Mr. Stonkus stated there were 304. President Maurer said it was very efficiently run.

President Maurer stated a person he has never met before came up to him at the K of C reverse raffle and asked him about the Norton Sewer Agreement. He said after telling him they will get things up and running as soon as they can the gentlemen shook his hand and said "Thank God, if it wasn't for Barberton we would be in serious trouble out here in Norton."

Mr. Megyes stated the past Saturday was the 4th Annual Barberton football team leaf pickup. He said they had 18 kids show up and they did 15 lawns. He said they started around 9:00am and finished around 12:15pm. He thanked the Foundation for their support, the City's Beautification Department and the Parks and Recreation Department, Barberton Tree Service which lent them two professional leaf blowers which helped a lot, East of Chicago, and Coach Tony Gotto. He stated the kids are great. He said they got a little cranky near the end but he did too. He said it is a lot of work. He stated they did not put the leaves in bags this year but if they had bagged them there would have been around 200 bags. He stated they did a lot of work and he is really proud of them. Mr. Megyes stated not only are they good football players they are good kids.

Mrs. Debevec said she wasn't sure if everyone had the opportunity to see the news on Veteran's Day but the Barberton High School girls' basketball coach surprised one of the players with her brother who has been out of the country for 6 years. She thanked Coach Whitmer for bringing the attention to Barberton. She said he did a lot of work to set that up. She said it went from a quick can we pop into practice to no we are going to invite the news and so it was a really nice article, a nice feature for Barberton and a great thing for Alea. She thanked him again.

COMMUNICATION FROM THE MAYOR

Mayor Judge stated in the past week he was honored to be present at the Salvation Army's Red Kettle Bell kickoff in Akron. He said they do so much for the community. He stated they have had the kickoff here in Barberton so they had the larger kickoff last week in Akron. He said they work with them throughout the year and this time during the holidays.

Mayor Judge said last week was the Community Foundation's Annual dinner. He said it was a great turnout and a lot of positive things are going on using their money throughout the community for a lot of positive events and programs/projects.

Mayor Judge stated he had the honor of delivering meals with Hodge, and "Mr. Barberton" Dave Incurvati on Veteran's Day. He said if you could see the look on the veteran's faces when you walk in with the meals. He said they just light up and it is a great honor to be a part of that.

Mayor Judge stated the previous day they cut the ribbon at the Barberton Public Library for their expansion and renovation. He said it is great what they have done inside with the access, the entrance and the history room but it also includes the additional parking outside with the drive thru book deposit. He said there are some exciting things going on at the library as well.

Mayor Judge said they are looking for an additional BZA member. He said if anyone has any recommendations please let his office know.

Mayor Judge stated Grace Church in Norton is having a special meeting the following day from 6-8 concerning the opiate epidemic. He said if you would like to reserve a seat they are taking reservations. He said you can go to their website to make the reservation.

Mayor Judge said he emailed all of council regarding a meeting on Thursday, December 1st which is a public forum/informational meeting regarding the opiate epidemic that is hitting our community and most of the communities in this area. He said they will have people from law enforcement, rehab, the judicial side and the legislative side. He said they are hitting it from all angles and letting the public know what is going on and what resources are available and where they can help and things of that nature. President Maurer asked if this is at the Salvation Army. Mayor Judge answered yes.

Mayor Judge stated there will be a Change for Change on Thursday, November 17th at the Green Diamond which benefits the Greynold's Classic.

Mayor Judge stated the Christmas Walk will be held Saturday, November 26th at Lake Anna.

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

Adjourned: 8:09 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council