

Council met in **REGULAR SESSION** on Monday, January 26, 2015, 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 led by Cameron Crouse who is working on his "Citizen in the Community" badge for the boy scouts. Mr. Soyars gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Session held on Monday, January 12, 2015, 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**

Pat Betts, 222 16<sup>th</sup> Street NW, Barberton. Mr. Betts said he would like to speak about Ordinance 174-2014 regarding the laterals out to the mains and sanitary sewers. He said he believes we should think about this another few days/weeks. He said they are pretty sure so many of the streets do not have the mains in the middle so if something happens to you and it on the other side of the street, they want you to dig up all the way across the street. He said if you are a lucky one and something goes bad with the lateral and it is close to your sidewalk you do not end up paying as much. He said they tell us the water line, you kind of own it from where the shut off valve is to your house which could be almost anywhere...in the sidewalk, in the driveway, somewhere on the devil strip and that is never even. Mr. Betts stated they say you own the gas line wherever the shut off is and they run it to your house which is usually somewhere in the devil strip or in the middle of the sidewalk and you are supposed to pay to replace that from the meter. He said the electric is like wherever they stuck the meter. He said cable and phone, it seems like when those are down they just come and replace them and there are not any extra charges. He said he just thinks this is going to be too hard and some day on our residence, if you have to dig up the street every time something goes wrong. He said some streets have way more truck and bus traffic over the years. He said on his 16<sup>th</sup> Street that would have been him when PPG was running full board down there and we always had the busses running 16<sup>th</sup> Street so he figures that could affect him someday. He said he swears a neighbor on 16<sup>th</sup> Street did dig out four or five feet into the street one time a few years and he always wondered what was going on, which probably means his house if something happens he has to dig up the whole street, or pay to dig up the whole street. He said years ago Mr. Maurer came up with the idea that we should have some sort of separate fund and he was more or less talking about the water lines coming into the house if they go bad...50 cents per month. Mr. Betts said he was thinking mostly the seniors and the young people buying the house thinking they have a good water line and all of a sudden you are digging up your front yard. He said he thinks we

should do something like this with the water lines and the sewer lines. He stated no one wants any more taxes in this town, even though he says we need a parks levy and he would lead that, but this thing with the laterals is just too unfair, unequal and he thinks we should cut it off at the inside of the sidewalk, cut it off at the outside of the sidewalk, cut it off at the curb...let the residents have to pay. He said a lot of the residents have fake sidewalks – there is nothing there. Fake curbs – there is nothing there and you can even call a bunch of our streets fake streets because we know a heck of a lot more how to build streets and all we hear is the reason most of our streets is toast is because there is not base and when there is no base that means stuff is getting crushed and ruined underneath and we all know it that have been around and involved all these years. Mr. Betts stated we need to rethink this one and believes we should table it for a little while. Mr. Maurer said – just a little clarification, having worked for First Energy for a lot of years – the customer owns the underground system from the point of where it touches First Energy, being a hand hole or a pad mount transformer to the house - that is customer owned. He said that is consistent but the overhead is a different set of circumstances but underground facilities are all customer owned. He stated he knows that because he has a 30 year cable that he will be thinking of replacing because that is about the life expectancy of them. He stated this has always been the policy and this is the first time they are putting it in. Mr. Maurer asked Mr. Stender if he knows of any situations where we have in the city any curb stops or access to water lines that are on the other side of the street and asked if we run them on both sides. Mr. Stender stated curb stops for water lines are always in front of the business, home or structure. He said he does not know of any where it is across the street. Mr. Maurer stated he does not know of any either. He said utilities do that but it is easier to push a wire through a conduit than it is to run a curb stop. Mr. Stender stated we are enforcing our established policy that has been enforced for a long time.

**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. 8-2015**

**ORDINANCE NO. 8-2015. PRESENTED BY: MR. MEGYES. TITLE: APPLICATION SUBMISSION - OHIO DEPARTMENT OF NATURAL RESOURCES RECREATIONAL TRAILS PROGRAM AND/OR THE CLEAN OHIO TRAILS FUND. AN ORDINANCE APPROVING THE SUBMISSION OF AN APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION AND/OR THE DIRECTOR OF PLANNING TO THE OHIO DEPARTMENT OF NATURAL RESOURCES RECREATIONAL TRAILS PROGRAM (RTP) AND/OR THE CLEAN OHIO TRAILS FUND (COTF), 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. 8-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 9-2015**

**ORDINANCE NO. 9-2015. PRESENTED BY: MR. SOYARS TITLE: DISPOSAL OF VEHICLES - POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP/SALVAGE FIFTEEN (15) VEHICLES 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. 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. 9-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 10-2015**

**ORDINANCE NO. 10-2015. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT - NORTH COAST ENVIRONMENTAL LABORATORIES INC. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A TWO-YEAR CONTRACT WITH NORTH COAST ENVIRONMENTAL LABORATORIES INC., FOR ANALYTICAL SERVICES IN 2015 AND 2016 FOR THE WASTE WATER TREATMENT PLANT, 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. 10-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 11-2015**

**ORDINANCE NO. 11-2015. PRESENTED BY: MR. WAGNER. TITLE: AUTHORIZE PAYMENT – UTILITIES - KENMORE CONSTRUCTION COMPANY. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO KENMORE CONSTRUCTION COMPANY, IN THE AMOUNT OF \$130,407.90, FOR THE 31<sup>ST</sup> STREET / CLEVELAND-MASSILLON ROAD WATERLINE PROJECT, 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. 11-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 12-2015**

**ORDINANCE NO. 12-2015. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT - ADVANCED REHABILITATION TECHNOLOGY. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH ADVANCED REHABILITATION TECHNOLOGY TO PERFORM SEWER TELEVISIONING/INVESTIGATING, SEWER CLEANING AND GROUTING, AND MANHOLE SEALING AND LINING, IN THE AMOUNT OF \$90,500.00, 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. 12-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 13-2015**

**ORDINANCE NO. 13-2015. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – BURGESS & NIPLE - WOLF CREEK DAM INTAKE VALVE & RAW WATER INTAKE EXTENSION IMPROVEMENTS. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE, IN THE AMOUNT OF \$195,000, TO CONTINUE ON THE WOLF CREEK DAM INTAKE VALVE & INTAKE EXTENSION AND RESERVOIR OXYGENATION SYSTEM, 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. 13-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 14-2015**

**ORDINANCE NO. 14-2015. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT - BURGESS & NIPLE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE, IN AN AMOUNT NOT TO EXCEED \$10,900, TO PERFORM ENGINEERING SERVICES AND OBTAIN APPROVAL FROM THE OEPA FOR A WATER LINE LOOP ON ORCHARD COURT TO MINIMIZE A HISTORY OF WATER QUALITY / TURBIDITY ISSUES, AND DECLARING AN EMERGENCY.**

It was moved by Mr. Megyes, 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. 14-2015 BE ADOPTED.** Mr. Maurer clarified that “turbidity” means cloudiness in the water. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 15-2015**

**ORDINANCE NO. 15-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - WOLF CREEK DAM/RESERVOIR PROJECT & ORCHARD COURT WATERLINE PROJECT. AN ORDINANCE APPROPRIATING \$210,000 FROM THE UNAPPROPRIATED ITEM OF THE WATER FUND TO THE WATER FUND CAPITAL BUDGET, FOR THE CONTINUATION OF ENGINEERING SERVICES FOR THE WOLF CREEK DAM/RESERVOIR PROJECT AND THE ORCHARD COURT WATERLINE PROJECT, 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. 15-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 16-2015**

**ORDINANCE NO. 16-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - I AND I PROGRAM. AN ORDINANCE APPROPRIATING \$90,500.00 FROM THE UNAPPROPRIATED ITEM OF THE SEWER FUND TO THE SEWER FUND CAPITAL BUDGET, TO CONTINUE THE 2015 I & I PROGRAM, 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. 16-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 17-2015**

**ORDINANCE NO. 17-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - OPWC CH02P LOAN AGREEMENT. AN ORDINANCE APPROPRIATING \$130,407.90 FROM THE UNAPPROPRIATED ITEM OF THE WATER FUND TO THE WATER FUND CAPITAL BUDGET, TO COMPLETE OUR OBLIGATION OF THE OPWC CH02P LOAN AGREEMENT, 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. 17-2015 BE ADOPTED.** Mr. Maurer stated to Mr. Stender that he recalls the utilities department saved a great deal of money because of the requirement completed by council to take the online computer test. Mr. Stender stated that is correct. He said it was one of the reasons and justifications for getting huge financial incentives on that project. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 18-2015**

**ORDINANCE NO. 18-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: 2015 STREET/ROAD SALT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH CARGILL DEICING TECHNOLOGY IN THE AMOUNT OF \$214,920 FOR THE 2015 STREET/ROAD SALT PROGRAM THROUGH THE OHIO STATE COOPERATIVE PURCHASING PROGRAM, PURSUANT TO ORDINANCE NO. 42-1995, 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. 18-2015 BE ADOPTED.** Mr. Maurer asked Mr. Vinay if this will put us in pretty good shape to get us through the winter on the icing salt. Mr. Vinay said it will. Mr. Maurer asked if we have a pretty heavy reserve right now. Mr. Vinay stated we do and this will fulfill our contract and it is through the CUE. Mr. Maurer asked if we have enough room in the dome. Mr. Vinay stated we do. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 19-2015**

**ORDINANCE NO. 19-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - GPD GROUP. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH GPD GROUP, NOT TO EXCEED \$165,000, FOR ENGINEERING SERVICES, INCLUDING, BUT NOT LIMITED TO PERMISSIVE AND RESIDENTIAL STREET RESURFACING/PROGRAMS, INFRASTRUCTURE IMPROVEMENT DESIGN/MANAGEMENT, STREET CRACK SEALING, STREET STRIPING, AND MISCELLANEOUS ENGINEERING/MANAGEMENT SERVICES, 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. 19-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 4-2015**

**ORDINANCE NO. 4-2015. PRESENTED BY: MR. WAGNER. TITLE: MEMORANDUM OF UNDERSTANDING - CITY OF NORTON AND THE COUNTY OF SUMMIT DEPARTMENT OF ENVIRONMENTAL SERVICES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NORTON AND THE COUNTY OF SUMMIT DEPARTMENT OF ENVIRONMENTAL SERVICES (DOES) FOR THE PURPOSE OF THE CONSOLIDATION OF SANITARY SEWER SERVICES, AND DECLARING AN EMERGENCY.** *First Reading – January 12, 2015.* 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. 4-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 174-2014**

**ORDINANCE NO. 174-2014. PRESENTED BY: MR. WAGNER. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES - CHAPTER 1040 – SEWERS. AN ORDINANCE AMENDING CHAPTER 1040, “SEWERS,” OF THE BARBERTON CODIFIED ORDINANCES TO INCLUDE THAT PROPERTY OWNERS ARE RESPONSIBLE FOR THE LATERALS CONNECTING THEIR SANITARY SERVICES TO THE CITY LINES, AND DECLARING AN EMERGENCY.** *First Reading – December 15, 2014. Second Reading – January 12, 2015.* It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 174-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

## APPOINTMENTS

### DESIGN REVIEW BOARD

3-year Term

**Becky Pfeister**

re-appointment

Immediately - December 31, 2017

President Maurer asked all members who would like to reappoint Mrs. Pfeister to the Design Review Board to say “yea.” Debevec, Endres, Frey, Lysenko, Megyes, Soyars, and Wagner all said “yea.” Mr. Avant said “nay.” Motion carried 7-1.

### DESIGN REVIEW BOARD

3-year Term

**Brenda Hlas**

re-appointment

Immediately - December 31, 2017

Mr. Avant asked if Mrs. Hlas is a resident in the City. Mayor Judge stated she is a property owner in town and 2 seats are available for non-residents who conduct business in some manner or fashion in the City. Mr. Maurer also stated it is his understanding Mrs. Hlas will be moving into a house directly across the city building, on the other side of the lake which she is currently renting to a gentleman and as soon as he leaves the premises that will be her permanent resident. President Maurer asked all members who would like to reappoint Mrs. Hlas to the Design Review Board to say “yea.” All Members said “yea.” Mr. Soyars abstained. Motion carried.

### DESIGN REVIEW BOARD

3-year Term

**Joyce Barron**

appointment

Immediately - December 31, 2017

President Maurer asked all members who would like to appoint Mrs. Barron’s appointment to the Design Review Board to say “yea.” All Members said “yea.” Motion carried.

## MISCELLANEOUS AND UNFINISHED BUSINESS

### Approval of the “Rules Governing the Council of the City of Barberton”

It was moved by Mr. Avant, seconded by Mr. Soyars to approve the Rules Governing the Council as revised. All Members said “yea.” Motion carried.

### New Liquor License Permit:

The clerk stated we received a request to cancel the application for a liquor license permit for Barberton South, Inc., 202 Snyder Avenue from The Division of Liquor Control.

Mr. Maurer stated fortunately he was able to attend the retreat for the Barberton Community Foundation and it was very impressive. He said a couple of things really stuck out and he had a lot of take a ways about the Community Foundation. He said we have been around for about 16 years now and the great thing is we started with \$75,000,000 and we overhauled our school system, we built a new YMCA, a new high school, middle school, and two elementary schools – renovating one of them. He stated we have the newest schools probably in the State of Ohio and despite the fact that we spent \$78,000,000 so far we still have our \$75,000,000 plus some in our fund. He stated as for doing good for our community and keeping the money in perpetuity, the Community Foundation board is doing a real bang up job. He stated hats off to our voters who were smart enough to sell our hospital for that chunk of money.

Mr. Maurer said regarding Ordinance 4-2015 with Norton - this is the second stage of this thing. He said about 17 years ago we had just finished a water agreement with the City of Norton so now we have the fresh water supply contract and we have the sewage treatment contract that is going to help modernize their system and take the burden off the County for the package units they were using and as the Mayor stated everyone benefits from this one. He stated he agrees with the Mayor and he thanks everyone on the passing of that particular piece of legislation.

### **COMMUNICATION FROM THE MAYOR**

Mayor Judge thanked council for the passage of Ordinance 4-2015 which is in collaboration with the City of Norton on the sewer district. He stated it is a win/win for everyone involved – for the County, for Barberton, for Norton, especially for the residents of Norton. He said they just had a meeting on that day concerning this and everything went very well and we are proceeding forward. He said all of the nuts and bolts and details will be worked out in the agreement which will come to council shortly.

Mayor Judge stated this past weekend the Barberton Community Foundation held their retreat. He said he was unable to attend the full retreat but going over the packet there were a lot of great subject matters, topics and a lot of great discussion that happens. He stated we play very nicely and have a great relationship with the Foundation and he envisions that continuing in the near future for a lot of projects going on.

Mayor Judge said change for change will be held on February 27<sup>th</sup> at El Jalapeño's for victim assistance.

Mayor Judge said since the first of the year he has been able to meet with our State Senator Tom Sawyer, our new Representative Greta Johnson, Senator Frank Larose and State Representative Emilie Sykes on some of the issues that face Barberton and our area including flooding and economic development. He stated he is looking for some great things from the state over the next year and going into 2016 and 2017. He said with a lot of things our hands are tied based on the Governor's Budget and what happens through the Feds but at least we have the relationship with everyone we need. He said they are meeting with the representative from Tim Ryan's office this week. He stated we envision some great things happening during the year.

Mayor Judge stated they are working hard on the budget and he hopes to get it to council very soon and also the list of roads for the 2015 will be out. He said they will be meeting this week to try to finalize the list and again, that list can change depending on the next few weeks and the winter but we will be doing a lot of roads.

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

Adjourned: 8:09 P.M.

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Frederick S. Maurer  
President of Council

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Renee Fox  
Clerk of Council