

Council met in **REGULAR SESSION** on Monday, April 13, 2015, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Megyes, and Soyars. The Pledge of Allegiance to the Flag was recited and Mr. Megyes 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, March 23, 2015, 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 23, 2015, as presented. All Members voted "yea." Motion carried.

It was moved by Mrs. Frey, seconded by Mrs. Debevec, to accept the Finance Department Report for March 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

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. 43-2015

ORDINANCE NO. 43-2015. PRESENTED BY: MR. LYSENKO. TITLE: ZONING MAP AMENDMENT - SEIBERLING PARCELS. AN ORDINANCE AUTHORIZING THE REZONING OF PARCEL NUMBERS 01.16732 AND 01.16733 FROM MIXED ZONING OF RS40 RESIDENTIAL SINGLE FAMILY & I2 MEDIUM INDUSTRIAL TO I1 LIGHT INDUSTRIAL. *First Reading Only.*

ORDINANCE NO. 44-2015

ORDINANCE NO. 44-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - 2015 STREET / ROAD PAVING PROGRAM. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH MELWAY PAVING CO., INC., THE LOWEST AND/OR BEST BIDDER, FOR THE MOTORPAVE PORTION OF THE 2015 STREET / ROAD PAVING PROGRAM, IN AN AMOUNT NOT TO EXCEED \$197,077.50, 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. 44-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 45-2015

ORDINANCE NO. 45-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - 2015 STREET / ROAD PAVING PROGRAM. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH SPANO BROTHERS CONSTRUCTION COMPANY, INC., THE LOWEST AND/OR BEST BIDDER, FOR THE CONCRETE PORTION OF THE 2015 STREET / ROAD PAVING PROGRAM, IN AN AMOUNT NOT TO EXCEED \$272,956.00, 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. 45-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 46-2015

ORDINANCE NO. 46-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - 2015 STREET / ROAD PAVING PROGRAM. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH KARVO PAVING COMPANY, THE LOWEST AND/OR BEST BIDDER, FOR THE ASPHALT PAVING PORTION OF THE 2015 STREET / ROAD PAVING PROGRAM, IN AN AMOUNT NOT TO EXCEED \$1,745,657.65, 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. 46-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 47-2015

ORDINANCE NO. 47-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: 2015 SIDEWALK REPLACEMENT AND FILL-IN PROGRAM. AN ORDINANCE ESTABLISHING THE CITY’S CONTRIBUTION TO THE 2015 SIDEWALK REPLACEMENT AND FILL-IN PROGRAM, ONLY TO THE PROPERTIES AS LISTED ON THE ATTACHMENT, 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. 47-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 48-2015

ORDINANCE NO. 48-2015. PRESENTED BY: MR. WAGNER. TITLE: WAIVE UNPAID UTILITIES FEES. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF BARBERTON TO WAIVE ALL UNPAID UTILITIES FEES FOR 469 W. LAKE AVENUE, 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. 48-2015 BE ADOPTED.** President Maurer asked how much money are we talking about on these fees. Mayor Judge answered about \$1,500.00. Mr. Maurer then asked what the rationale behind that is. Mayor Judge stated we stand to acquire this property free and clear so we would be paying ourselves. He stated if we don’t do this we could always sue for the money which would tie up the property and it would take longer to acquire. He said this is where we have the sewer problem in the alleyway. All Members voted “yea.” Motion carried.

ORDINANCE NO. 49-2015

ORDINANCE NO. 49-2015. PRESENTED BY: MR. SOYARS. TITLE: PURCHASE OF CRUISERS - POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH MONTROSE FORD, TO PURCHASE THREE (3) 2015 FORD POLICE INTERCEPTOR UTILITY VEHICLES, FOR THE COST OF \$79,718.37, PURSUANT TO ORDINANCE NO. 42-1995, AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Megyes, that **ORDINANCE NO. 49-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 50-2015

ORDINANCE NO. 50-2015. PRESENTED BY: MR. SOYARS. TITLE: BARBERTON CODIFIED ORDINANCE UPDATE. AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Megyes, that **ORDINANCE NO. 50-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 51-2015

RESOLUTION NO. 51-2015. PRESENTED BY: MR. SOYARS. TITLE: NATURAL HAZARDS MITIGATION PLAN. A RESOLUTION APPROVING AND ADOPTING THE CITY OF BARBERTON NATURAL HAZARDS MITIGATION PLAN, AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Megyes, that **RESOLUTION NO. 51-2015 BE ADOPTED**. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 39-2015

ORDINANCE NO. 39-2015. PRESENTED BY: MRS. FREY. TITLE: AMENDING ORDINANCE NO. 97-2011 - COMPENSATION FOR ELECTED OFFICIALS. AN ORDINANCE AMENDING ORDINANCE NO. 97-2011 TO ESTABLISH THE COMPENSATION FOR CERTAIN ELECTED OFFICIALS AND COMPENSATION PROCEDURES FOR THE NEXT FOUR YEARS, AND DECLARING AN EMERGENCY. *First Reading March 23, 2015.* Mr. Avant stated he would still like to see this put on two separate ordinances and he thinks we have the time to do that. He said the reason he wants this is because he really feels that the full time elected officials and the part time elected officials are two different categories altogether. He stated the three full time officials are here 40, 60, 80 hours a week and they are making the laws for council to approve. Mr. Avant stated they are putting the time in to hire, to make budgets and create the law that council reviews and pass. He said they are the ones that are doing the work and council’s hours are much less significant, not insignificant but fewer hours and that is why he considers them different categories not less important. He said they broke out the elected officials from the non-bargaining units and they did it to make it easier to understand when they begin their compensation changes because they have to do it within a specific time frame based on Ohio Revised Code. He stated they did not do so if one gets an increase in compensation that they all do. Mr. Avant stated he does not think council needs to go to \$13,000 and \$13,500. He said he knows it is not a lot but when they went from \$13,000 back to \$12,000 they did not notice much of a difference. He stated, not to sound corny, when they wanted to be in public office it wasn’t to have a second job or a second income. He said they are known to have the highest per capita income probably in Ohio if not in Northeast Ohio and he would ask for a raise of hands if anybody here wanted the job for a second income. He stated they are here because they felt and wanted to have an impact on the things that are happening in the city and that is why he thinks it should be a separate category and it should be voted on separately. Mr. Avant said he heard the other day to vote your conscience, let your conscience be your guide. He said he says you should vote, not on your conscience but on the principal. He stated he would rather see council take a reduction and be able to hire one more person in parks or one more person in the street department. He said instead of voting your conscience you should vote your principal because when you think about it, you analyze it, and you do some research on it and then you make a solid decision and go with it. Mr. Avant stated in the past years of him being on council when people vote on their conscience they are liable to change their mind at the last second because of any whimsical comment or emotional comment and that is not what they are here for. He said they are here to vote on principal and stand their ground and he thinks if they feel they deserve an increase they will vote yes on that separate ordinance but he would hate to take away the opportunity. He said he knows the Mayor, Law Director, and the Finance Director need to keep up with the market. He stated someday the Finance Director is not going to run again and you are going to want someone with the qualifications and if they do not have the compensation it would be hard pressed to get the right people on board. He said he feels because they are separate categories we should be able to vote separate on this and we have time to do it. He

stated that is his suggestion, his proposal, and his motion if need be. President Maurer stated there are some opposing arguments and Mr. Avant's comments are well taken and well-intended. He stated it is nothing more than a difference of opinion. Mr. Maurer stated regarding a second income issue, it is something of a private matter and he thinks for those members that go out for a public office comes with a great deal of sacrifices. He said it is a lot of stress and they should be compensated for that. He stated if people run exclusively for income, he doubts it. He said policemen become policemen or firemen become firemen because they want to serve, not necessarily ever expecting to become rich doing it. Mr. Maurer has never seen anywhere in our charter or in our rules that says councilmen are part time people. He said it is always accepted as that because of the pay schedule around it but he has never seen anywhere that council people are part time employees. He stated if you get a call on Sunday, you get a call on Sunday and it is kind of like being a salary employee when the issue arises you address it and it doesn't work by the clock – "Sorry I only work 20 hours a week, call me again on Monday – it doesn't happen." Mr. Maurer said as for how much the compensation is there are a couple of options. He said we could reduce the compensation in the ordinance. He said he has no trouble with that but taking it out of the ordinance, however, just adds confusion. He said if it is all one ordinance, we have part time people in the streets department, we have part time policemen, we have part time parks and recreation people and they are there too. Mr. Maurer stated if you go with the school of thought that it is a part time issue, that they are part time people, they are in there too. He stated the decision they make is to come to future councils. He said, again, the compensation is immaterial and he thinks if the body wants to reduce it to zero they are free to do that or if they feel they are overcompensated as an individual of this body you are always free to give money back – it has happened in the past. He said you could donate it back to the city if that is your position. He stated the big issue is, we have ran through this over and over again every 2 years, by including the city council in the ordinance with everybody else it is basically addressing itself every year and it takes the politics out of the issue. Mr. Maurer stated those are the counter arguments and he thinks they are equally as valid as Mr. Avant's very sincere and very intelligent comments. Mrs. Frey stated this is very time sensitive on this particular piece of legislation and she does not know if she could amend it on the floor but they have discussed it in the finance committee meetings and tonight no one had any comments whatsoever about whether or not they wanted to reduce the amount that council gets. She said they had a large discussion, or a lengthy discussion on this last week. She said personally she wouldn't care if they left their compensation as it is right now but that is her personal opinion on that, however, if it remains as it is she will vote yes because it is not fair to the Mayor, the Finance Director, or the Law Director whose jobs are their full time job – their only job. She said whether someone is here for a part time job and they just wanted extra income shouldn't even come into the equation. She said this is about the fact that this piece of legislation includes all the elected officials and we have to make up our mind based on how you feel about whether or not we should leave our salaries as they are or if we should go with the legislation as it is written. She said she tried to get that done in the finance committee meeting and they could do that next week. Mrs. Frey stated she wants the three positions, the three full time positions to get their raise without any interference because of someone's personal opinion about what council should get and they have had their opportunity to speak on it and if you don't want to leave it as it is or if they want to change it back to them having the same compensation as they are getting currently, they could amend it next week in finance. Mr. Maurer stated that is exactly right. Mrs. Frey stated everyone should think about that and as far as having a show of hands about who is there for the

extra money, as Fred said, that is a personal matter and she doesn't think they should have to raise their hand to say they are there because they wanted an extra income. Mr. Maurer stated just like every voter when they come into a voting booth it comes down to yes or no – this guy or that guy. He said around this table with all the maneuvering, all the committee meetings, and all of the discussions made it still comes down to a simple “yes or no.” He stated you vote your conscience, as Mr. Avant said, if you don't like it you vote no and if you feel it should go as is you vote yes. He said if the issue fails and we have to schedule a second meeting to take all the knuckles out of the system, we can do that.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

It was moved by Mrs. Debevec, seconded by Mr. Soyars, to approve the appointments of Mr. Shorter Griffin and Ms. Amy Jones to the 2015 Charter Review Board. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

The clerk read a Liquor License Transfer from Joe Jos Drive Thru Inc., to Jo2Jo LLC, DBA Joe Jos Drive Thru, 22 Wolf Avenue, Barberton. There were no objections.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to excuse Mr. Wagner from tonight's proceedings.

President Maurer stated regarding the houses being put up in the Highland neighborhood how he was excited to be at the ground breaking ceremony. He said it was an opportunity to see Barberton continually fighting to rebuild itself. He stated we took an old school property and got together with NDS and the building department and it will a very nice, market rated neighborhood and it just goes to show that on the West Side where they have not built a new house in 60 years is a brand new neighborhood going up and it is very exciting. He stated it just goes to prove that people believe in Barberton and want to live here. He said they put up ten new houses and they are going to sell. Mr. Maurer said we have new allotments going up and they are taking orders before the houses are even built. He said this is a good thing for the city.

President Maurer said the Mayor and himself have been appointed to the Alcoa Community Advisory Board. He said Alcoa Aluminum is a big business partner here in the city and working together with us. He said they reached out to public officials to find out what we needed – to work together to keep this plant going. He said they are up to over 400 people and they started with 150 or so and it is really exciting to be a part of this and it is very gratifying that Alcoa appreciates the city enough that they want them to be part of their operation as an advisory board.

Mr. Megyes stated on April 16th, 7:00 pm at the Active Adult Center there will be a ward meeting. He said the Mayor will be attending along with the five new department heads.

Mr. Megyes said he will be spearheading the canal part of the City Clean-Up Day. He said it really needs some work and if anybody would like to volunteer to get a hold of him,

Mr. Megyes thanked the clerk for all the work she does for him.

COMMUNICATION FROM THE MAYOR

Mayor Judge stated this past Saturday they held their 3rd Annual Job Fair which averages about 150 participants each year and is continuing to grow. He stated there are a lot of success stories coming from that and thanked everyone who was involved.

Mayor Judge said the housing development at the Highlands is continuing and they are moving very quickly.

Mayor Judge stated the Stormwater project at the intersection of 4th and Tuscarawas is moving right along.

Mayor Judge thanked council for passing the three contracts for paving this year. He said this is probably the earliest in many, many years that we have gone out for bid and we are ready to start our paving program. He stated with the past two winters we have had has taken a beating on our streets.

Mayor Judge congratulated the DI teams that are going to Tennessee for the global competition.

Mayor Judge said if you were on 2nd Street you saw the demolition of a building that sits between Liedertafel and the Coffee Pot. He stated that should be finished shortly.

Mayor Judge stated April 25th is Take Pride in Barberton Day and also Canal Clean Up Day. He said to see Shane or Lisa McLean for more information.

Mayor Judge said also on April 25th is Tech Savvy Program at Stark State. He said this is a partnership between Alcoa and Stark State which focuses on girls between the ages of 6-9 to get them engaged in technology, engineering, and math. He stated they have had a great success with this program in year's past.

Mayor Judge said it is the time of year, springtime, and he would like to remind everyone that kids will be out walking and playing in the roads and if you notice any street lights are out to contact us and we will notify Ohio Edison to get them changed quickly. He said also this is the time of the year where people start having bonfires in their backyard or people blow their grass in the street – any of those nuisances – please call our building officials or any of our department heads and we will take care of this. He said they are going to put a notice in our water bill about

those issues that tend to come up in the springtime just to remind residents that there are guidelines that they need to follow.

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

Adjourned: 8:12 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council