

Council met in **REGULAR SESSION** on Monday, April 27, 2015, at 7:31 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 Session held on Monday, April 13, 2015, as presented (revised.) 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. 52-2015**

**ORDINANCE NO. 52-2015. PRESENTED BY: MR. MEGYES. TITLE: DISPOSAL OF COMPUTER EQUIPMENT AND SOFTWARE. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO DISPOSE OF MISCELLANEOUS COMPUTER EQUIPMENT AND SOFTWARE, 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. 52-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

#### **ORDINANCE NO. 53-2015**

**ORDINANCE NO. 53-2015. PRESENTED BY: MR. MEGYES. TITLE: DISPOSAL OF SCRAP METAL. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO SCRAP METAL FROM THE UTILITY AND STREET DEPARTMENT DEEMED TO BE UNFIT AND UNSAFE FOR DISPOSAL IN ANY OTHER MANNER, 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. 53-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 54-2015**

**ORDINANCE NO. 54-2015. PRESENTED BY: MRS FREY. TITLE: APPROPRIATION – PARKS. AN ORDINANCE APPROPRIATING \$20,000.00 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PARKS CAPITAL OUTLAY BUDGET, IN ORDER TO PURCHASE A 15 PASSENGER HANDICAP ACCESSIBLE TRANSPORTATION VEHICLE, 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. 54-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 55-2015**

**ORDINANCE NO. 55-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – PARKS. AN ORDINANCE APPROPRIATING \$10,000 FROM THE UNAPPROPRIATED ITEM OF THE SENIOR CENTER TRUST FUND TO THE SENIOR CENTER TRUST FUND OPERATING BUDGET TO PURCHASE A 15 PASSENGER HANDICAP ACCESSIBLE TRANSPORTATION VEHICLE, 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. 55-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 56-2015**

**ORDINANCE NO. 56-2015. PRESENTED BY: MR. MEGYES. TITLE: SUBMIT A GRANT APPLICATION – PARKS - O.D.N.R. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES NATURE WORKS GRANT TO BE USED TOWARDS DEVELOPMENT OF A CITY SKATE PARK, 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. 56-2015 BE ADOPTED.** Mr. Lysenko asked if anyone knew what parks they are planning this for and where there are going to put this. Mr. McAvinew stated they have not determined the location but the initial site has been Tuscarawas Park because of ratio proximity and the visibility. He said one of the key factors is that you want it visible – visible for the police to drive past and things like that. He stated a similar one is in an allotment in Kent State which is in a brand new allotment right in the houseline and they had initial concerns. Mr. McAvinew stated the neighbors love it. He said to keep in mind that this kind of park is a plaza and not a bowl and is designed for the beginner or intermediate skater who is from the ages of 8 to 14-15 years old and they just need a surface to skate around on. Mr. Maurer asked if this will be where the baseball fields are now. Mr. McAvinew stated they will be where the old softball fields were that we no longer utilize. He stated they are also looking at Edgewood Park. He said they are looking at parks that had some infrastructure because you need a restroom and things like that. He stated that is why they did not want to look at a new site. He said based upon the flatness of land, there were only two sites that are usable in the city. Mr. Maurer stated the primary ball field at Tuscarawas is now by the new pavilion.

Mr. McAviney stated they have been renovated. Mr. Maurer asked Mr. Lysenko if that was satisfactory. Mr. Lysenko answered yes and stated the bathrooms at Tusc. are locked 7 days a week unless someone has rented out the pavilion. He said if you go down there, there is graffiti on the doors to the bathrooms and he does not foresee how this skate park is going to make this park any better than it might already be so he is voting no on this. Mr. McAviney stated that this piece of legislation is not to say whether we are going to build a skate park or not. He stated it is to say that we are looking into building a skate park and after the point that you receive the money you still have the determination on whether it is going to be somewhere else. Mr. Maurer asked what is the official policy when the restrooms are open and available to the public. Mr. McAviney stated like Mr. Lysenko stated, with the vandalism we do not have the restrooms open when they are non-attended. He stated with that being said, Tusc. Park's restrooms are open Monday-Friday in the summer when the kids are out of school and they have a park leader there for the day camp. He said they will be open until 4-5 in the afternoon. Mr. McAviney stated at some of the other parks, like Breitenstine that has less kids, they try to leave them open and they have offered to have a resident in the area who wanted to be responsible to lock and unlock them. He said they will work with them. Endres, Wagner, Avant, Frey, Megyes, Soyars, and Debevec voted "yea." Lysenko voted "no." Motion carried.

#### **ORDINANCE NO. 57-2015**

**ORDINANCE NO. 57-2015. PRESENTED BY: MR. AVANT. TITLE: BARBERTON COMMUNITY FOUNDATION . AN ORDINANCE AMENDING THE ARTICLES OF INCORPORATION AND THE CODE OF REGULATIONS OF THE BARBERTON COMMUNITY FOUNDATION. *First Reading Only.*** Mr. Avant stated he spoke with Mr. Harnden and he made himself available this evening if anyone has any questions for him on this matter. Mr. Maurer stated for the record this is more of a housekeeping issue and it does not change too much but when you are dealing with the IRS you want to make sure all i's are dotted and your t's are crossed. Mr. Avant asked if anyone had any questions for Mr. Harnden. *There were none.* He then asked if Mr. Harnden had any comments. Mr. Harnden stated no questions, no comments.

#### **ORDINANCE NO. 58-2015**

**ORDINANCE NO. 58-2015. PRESENTED BY: MRS. FREY. TITLE: AMEND ORDINANCE NO. 146-2014 - EMPLOYEE COMPENSATION AND PAY GRADES FOR NON BARGAINING EMPLOYEES. AN ORDINANCE AMENDING ORDINANCE NO. 146-2014 IN ORDER TO REFLECT AN INCREASE IN THE GRADE TABLES BELOW OF 2% FOR PAY GRADES 1-5 AND 1% FOR PAY GRADES 6-10 AND AUTHORIZING PAY INCREASES FOR ALL NON-BARGAINING POSITIONS LISTED IN SECTION 2 OF THIS ORDINANCE OF 2% FOR GRADES 1-5 AND 1% FOR GRADES 6-10 EFFECTIVE JANUARY 1, 2015 , AND DECLARING AN EMERGENCY.** It was moved by Mrs. Frey, seconded by Mrs. Debevec, 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 Mrs. Debevec, that **ORDINANCE NO. 58-2015 BE ADOPTED.** Mr. Avant asked what is the decision to stop on pay grade 5 (for 2%) because it closes up the gap between the two salaries and is there any particular reason that it was chosen. Mayor Judge stated they did that last year in the budget as well and the thought process is that anyone over that has been with the city for a while and possibly has step raises so

they have other compensation built into it. Mr. Maurer asked Mr. Flickinger what was the total price on this is. Mr. Flickinger stated it is approximately \$22,000. Mr. Lysenko asked if that \$22,000 includes retroactive. Mr. Flickinger answered yes. Soyars, Debevec, Frey, Avant, Megyes, Endres, Wagner voted “yea.” Lysenko voted “no.” Motion carried.

#### **ORDINANCE NO. 59-2015**

**ORDINANCE NO. 59-2015. PRESENTED BY: MRS. FREY. TITLE: MASTER LEASE AGREEMENT. AN ORDINANCE OF CITY OF BARBERTON AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT WITH FIRSTMERIT EQUIPMENT FINANCE, INC., AS LESSOR, AND SEPARATE LEASE SCHEDULES THERETO AND ESCROW AGREEMENT FOR THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT WITHIN THE TERMS HEREIN PROVIDED; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Frey, seconded by Mrs. Debevec, 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 Mrs. Debevec, that **ORDINANCE NO. 59-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

#### **SECOND 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 – April 13, 2015*

#### **THIRD 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. Second Reading – April 13, 2015.* It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 39-2015 BE ADOPTED.** Mr. Lysenko stated instead of considering the raises that we have considered tonight in both the earlier piece and this one we should consider the positions that have gone unfilled over the years throughout the city ranks and throughout the city departments. He said there are a lot of people who are doing two, maybe three, different positions for their one pay and rather than increase spending the money that we are spending here. He stated by his calculations

over the next four years it is \$112,110, which includes \$22,000 a year for four years and to enact three raises for the Law Director, Finance Director and the Mayor will be \$24,000 approximately. He stated with a minimum, an analysis should be conducted with the positions that are currently unfilled or had been eliminated over the years so we can determine who's doing more than one person's job and to determine what services the residents aren't receiving and are impacted by these situations. Mr. Lysenko stated without making these evaluations and even though we have the funds available there are people who are working short. He quoted a letter which contains that very term from 2011 and is written by an OPBA Blue Unit Representative "The stress, strain, and vulnerability we suffer on a daily basis by the city not backfilling positions left vacant by retirement, etc., the poor working conditions we continue to face by working short are just as painful to us as the economical sacrifices." He stated at their most recent safety committee meeting there was a comment made that city police are shorthanded and we don't have an engineering department and there are people all over the city shorthanded and he feels our city services suffer because of it. He stated you can see by looking around the city how it is suffering. Mr. Lysenko said we should be doing those things before giving out raises that will total \$112,000 over the next 4 years and for the Law Director, Finance Director, and Mayor it is a 10.4% raise spread out over 4 years which comes out to 2.6% per year. He said if anything he believes the position of Law Director should be re-evaluated because it is the only position that requires an advanced graduate degree to hold. He stated he thinks they need to maintain the other positions with their current pay which are \$82,186 for Mayor, Finance Director \$76,558 and Law Director \$73,179. He said he would consider a raise for Law Director at least to put her where the Finance Director is. He said having a law degree and a license to practice law as well. Mr. Lysenko said he hopes that he can convince some of them and he hopes he is not the only one voting no on this. Mr. Maurer said his points are taken and appreciated, however, if we start paring down other people's incomes they are essentially subsidizing new employees out of their pockets. He stated he grants him they are the top wage earners in the city and he understands where this is coming from but if council has already elected to reduce their pay that is their prerogative. He said the other issue we have is if we start holding back raises for qualified people, a lot of our people, especially our AFSCME people right now are probably underpaid as it is - and if we start holding back raises are we going to lose good personnel and that is the other side of that coin. Mr. Maurer stated he appreciates his comments and he is not in total disagreement with him but that is another way of looking at the issue. Mr. Lysenko stated he does not believe we are voting on any AFSCME positions tonight, are we? Mr. Maurer stated no but if we are holding back other raises to the Mayor, his staff, and other elected officials, it doesn't really matter who...we are putting money back into the pot to subsidize other positions, be it police, fire and AFSCME who has really taken a big hit and the bottom line is we have a handful of people subsidizing hiring of other people. Frey, Soyars, Wagner, Debevec, Megyes, and Avant voted "yea." Endres and Lysenko voted "no." Motion carried.

### **APPOINTMENTS**

None.

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

The clerk read a notice of a hearing regarding a new liquor permit for Ramvani, Inc. 290 George Street.

President Maurer welcomed back Mr. Wagner who was absent the past few weeks.

**COMMUNICATION FROM THE MAYOR**

Mayor Judge thanked everyone who attended the change for change event at Hodges Café benefiting the Youth in Action Fund which raised over \$150.

Mayor Judge also thanked everyone who was involved with the past weekend's cleanup throughout town and around the canal. He said he has not received the final stats from Lisa McLean of the number of volunteers and the number of bags that was collected.

Mayor Judge stated we should hear back in the next few weeks on the EPA Assessment Grant.

Mayor Judge said the much anticipated 2015 Road Resurfacing Program will be starting within a few weeks. He stated you can contact the office for a list of the streets.

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

Adjourned: 8:03 P.M.

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Frederick S. Maurer  
President of Council

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Renee Fox  
Clerk of Council