

Council met in **REGULAR SESSION** on Monday, May 11, 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 recited and Mrs. Frey 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 27, 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 April 2015, as presented. All Members voted “yea.” Motion carried.

### **PETITIONS AND CLAIMS**

The clerk read a thank from the family of John Baker (former council member who passed away.)

The clerk read a liquor license permit hearing has been scheduled for May 19, 2015 at 10:00 am for Ramvani, Inc.

### **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. 60-2015**

**ORDINANCE NO. 60-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – GPD GROUP - 9<sup>TH</sup> STREET NE ROADWAY IMPROVEMENT PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH GPD GROUP, IN AN AMOUNT OF \$170,000 FOR PLANNING AND DESIGN SERVICES FOR THE 9<sup>TH</sup> STREET NE ROADWAY IMPROVEMENT PROJECT, 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. 60-2015 BE ADOPTED.** President Maurer stated this is a long time coming. He said anyone who lives on the East Side knows 9<sup>th</sup> Street is heavily traveled and he can’t say when it was in good shape and

that is going back to the 70's but this will be a major improvement and it will be quite a lift to the East Side. He stated he is very pleased to see this getting the attention it deserves. All Members voted "yea." Motion carried.

**ORDINANCE NO. 61-2015**

**ORDINANCE NO. 61-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - 9<sup>TH</sup> STREET NE ROADWAY PROJECT. AN ORDINANCE APPROPRIATING \$170,000.00 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND TO THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND CAPITAL BUDGET, TO PAY FOR THE PLANNING AND DESIGN OF ROADWAY IMPROVEMENTS FOR THE 9<sup>TH</sup> STREET NE ROADWAY PROJECT, 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. 61-2015 BE ADOPTED.** All Members voted "yea." Motion carried.

**RESOLUTION NO. 62-2015**

**RESOLUTION NO. 62-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – ODOT - WOOSTER ROAD NORTH - FINAL RESOLUTION. A FINAL RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE IMPROVEMENT OF WOOSTER ROAD NORTH (PID #98365), 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 **RESOLUTION 62-2015 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 63-2015**

**ORDINANCE NO. 63-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – PARKS - BUDGET CORRECTION. AN ORDINANCE APPROPRIATING \$13,500 FROM THE UNAPPROPRIATED ITEM OF THE BEAUTIFICATION FUND TO THE BEAUTIFICATION FUND PERSONAL SERVICES BUDGET TO CORRECT THE OMISSION OF SEASONAL EMPLOYEE WAGES AND MANDATORY BENEFITS IN THE ORIGINAL BUDGET ORDINANCE FOR 2015, 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. 63-2015 BE ADOPTED.** All Members voted "yea." Motion carried.

The Clerk read the Fiscal Officer's Certificate from Raymond E. Flickinger, Director of Finance:

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 \$3,500,000 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.

Dated: May 11, 2015.

#### **ORDINANCE NO. 64-2015**

**ORDINANCE NO. 64-2015. PRESENTED BY: MRS. FREY. TITLE: NOTE ORDINANCE - STREET IMPROVEMENT PROGRAM. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,500,000 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. 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. 64-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

#### **SECOND READING OF ORDINANCES AND RESOLUTIONS**

#### **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 – April 27, 2015.* It was moved by Mr. Avant, seconded by Mr. Soyars, 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. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 57-2015 BE ADOPTED.** President Maurer thanked Mr. Stonkus and Mr. Harnden for coming out and making themselves available to clear up any questions regarding this issue. He stated this is basically a housekeeping issue and as the laws change they need to keep up with it. He said he appreciates everyone’s concern and the questions that were fielded. All Members voted “yea.” Motion carried.

**THIRD 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, Second Reading April 27, 2015.* It was moved by Mr. Lysenko, seconded by Mr. Endres, that **ORDINANCE NO. 43-2015 BE ADOPTED.** Mr. Megyes, Mr. Soyars, Mr. Wagner, Mrs. Frey, Mr. Endres, Mr. Avant and Mrs. Debevec voted “yea.” Mr. Lysenko voted “no.” Motion carried.**

**APPOINTMENTS**

None

**MISCELLANEOUS AND UNFINISHED BUSINESS**

**COMMUNICATION FROM THE MAYOR**

Mayor Judge stated there is a nice article in today’s Beacon Journal on the city’s road program. He said he hopes everyone was able to read it and if not, please check it out. Mayor Judge said he and Mr. Stefan had a meeting last week with engineers, consultants, and elected officials from throughout Summit and Portage Counties and they found that Barberton was different from what other communities are doing. He said we are setting high marks and setting the curve for what we are doing in the road program. He stated they are looking at the City of Barberton as an example as to what their communities can do in generating tax money for streets and leveraging tax money for grant funding.

Mayor Judge said the following day they will be having a discussion at the Active Adult Center with local, county, state and federal congressional members on economic development.

Mayor Judge reminded everyone Cherry Blossom Festival is coming up this weekend and to keep your fingers crossed for good weather.

Mayor Judge stated Metro is razing the bus shelter on the east side of 2<sup>nd</sup> Street. He said bus service will continue and they will replace the shelter shortly.

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

Adjourned: 7:49 P.M.

---

Frederick S. Maurer  
President of Council

---

Renee Fox  
Clerk of Council