

Council met in **REGULAR SESSION** on Monday, June 22, 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 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, June 8, 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 May 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. 77-2015

ORDINANCE NO. 77-2015. PRESENTED BY: MR. WAGNER. TITLE: SUPPLY AGREEMENT – CONSTELLATION NEW ENERGY GAS AGGREGATION PROGRAM. AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH CONSTELLATION NEW ENERGY TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND OCTOBER 2015 WHEN THE CURRENT SUPPLY AGREEMENT ENDS. 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. 77-2015 BE ADOPTED.** Mr. Wagner stated this came through his committee and he did agree to introduce it, however, he will be voting against it for the simple reason that he knows this MCF rate is substantially higher than what the SCO offer is. He stated what he is currently paying SCO is \$2.83 and he has a hard time supporting legislation that is that big of a differential between the SCO and what we are going to pay for this. Mr. Maurer stated he had that position with First Energy and the electric commodities are similar and a lot of times what happens is they read into the market where they think it is going to be, which is probably why this ordinance has no opt-out fees so if the price does not increase

like it is expected - you are free to leave. Mayor Judge stated he understands and respects Mr. Wagner's comments but this rate is also variable so there is a difference when looking at rates between variable and fixed. He said this legislation is a fixed rate and it has not been set yet and there is an opt-out clause with no fees attached. He stated once the rate is set by Constellation the user has until the end of October to either stay in or opt-out if they want to shop around for other rates. Mr. Lysenko asked how far would this extend our agreement beyond October of 2015? Mayor Judge said he believes it is a one year agreement. Mr. Lysenko stated he will also be voting "no" because of the same concerns Mr. Wagner has. Mrs. Frey stated she doesn't think it makes a difference whether you vote yes or no because you are providing another option to people that are not paying attention and they wouldn't go and get the SCO so at least you are fixing a rate for them that is probably below what they would be getting otherwise. She said she doesn't think it is harmful to have an aggregation program because you are setting something up for your residents and if they decide to opt-out they can. Mr. Wagner stated there are always going to be an opt-out clause in any of the aggregations, however, he can tell you from experience and he has been with SCO for many, many years and that variable rate does not vary that much and he has saved thousands of dollars by being with SCO. He said Betty Lynn Fisher with the Beacon Journal recommends SCO and has for a number of years and it certainly has saved him a lot of money. President Maurer stated he is retired from First Energy and this is what he did with them. He said the electricity is manufactured and, therefore, once you get your generating facilities up to capacity and you are dumping power on the grid it is very stable but when you are harvesting a product out of the ground, like natural gas, it is going far more variable because you don't have that control and supply like the power generators do. He said he has no dog in this fight at all and he understands how it works and the way that the people who set these programs up try to project in the future but it is kind of like the weatherman too, if it looks like it is going to rain today and it doesn't rain what happens – it looked like it was and the model said it would but it didn't. He said it is very difficult to get a handle on these things and it can go either way. President Maurer asked the Mayor for a point of clarification – if the body rejects this ordinance, our program with Constellation will terminate with the October billing, correct? Mayor Judge said that is correct. President Maurer said to be aware of that then at that point because there will not be a city aggregation program and everyone is going to be on the open market unless they find another supplier for themselves. Mr. Lysenko stated if they do not pass this ordinance it is certainly possible that further negotiations can occur. Mr. Maurer said he does not see why not. Mayor Judge stated there will not be further negotiations because there is not a rate set. Mr. Maurer asked if we would still have our consultant on board. Mayor Judge said not with Constellation. Mr. Maurer asked, if not Constellation but do we not have a consultant we are dealing with? Mayor Judge stated we would have to shop around for another energy company. Mr. Maurer stated his understanding of Mr. Lysenko's question is that it would not necessary slam the door and that we would still have other options available to us. Mr. Wagner stated we could still do SCO. Endres, Avant, Frey, Megyes, Soyars, and Debevec voted "yea." Wagner and Lysenko voted "no." Motion carried.

ORDINANCE NO. 78-2015

ORDINANCE NO. 78-2015. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. AVANT. TITLE: PROPOSED CHARTER AMENDMENT – COMPENSATION AND BONDS. AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON TO PROVIDE FOR THE ADDITION OF ALL ELECTED OFFICIALS, IN ADDITION TO THE MAYOR, TO AFFIX COMPENSATION PRIOR TO ELECTION, AND FOR

GIVING NOTICE THEREOF, AND DECLARING AN EMERGENCY. 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. 78-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 79-2015

ORDINANCE NO. 79-2015. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. AVANT. TITLE: PROPOSED CHARTER AMENDMENT – BOARD OF HEALTH. AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON TO ESTABLISH THE RESPONSIBILITIES OF THE BOARD OF HEALTH, AND FOR GIVING NOTICE THEREOF, AND DECLARING AN EMERGENCY. 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. 79-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 80-2015

ORDINANCE NO. 80-2015. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. AVANT. TITLE: PROPOSED CHARTER AMENDMENT – DEPARTMENT OF PUBLIC SERVICE. AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON TO ADD THE OVERSIGHT OF INFORMATION TECHNOLOGY (IT) TO THE DIRECTOR OF PUBLIC SERVICE, AND FOR GIVING NOTICE THEREOF, AND DECLARING AN EMERGENCY. 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. 80-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 81-2015

ORDINANCE NO. 81-2015. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS - LAKE ANNA REPLACEMENT LIGHTING. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT UP TO \$23,331.56, FOR THE REPLACEMENT OF PERIMETER LIGHTS AROUND LAKE ANNA WITH ENERGY EFFICIENT LED LIGHTS, 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. 81-2015 BE ADOPTED.** President Maurer stated this really should be a good thing for the city. He said they will put out about as much light as the incandescent or quartz light equivalent but they will do this with about 1/5 of the power or less. He said if you count all the lights around Lake Anna, they are going to pay for themselves in a very short time. All Members voted “yea.” Motion carried.

ORDINANCE NO. 82-2015

ORDINANCE NO. 82-2015. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS - 2015 BARBERTON MUM FESTIVAL. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$16,000, TO BE USED FOR THE 2015 BARBERTON MUM FESTIVAL, 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. 82-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 83-2015

ORDINANCE NO. 83-2015. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS - 2015 LAKE ANNA HOLIDAY LIGHTING. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$9,000, TO BE USED FOR THE 2015 LAKE ANNA HOLIDAY LIGHTING, 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. 83-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 84-2015

ORDINANCE NO. 84-2015. PRESENTED BY: MRS. FREY. TITLE: ENTER INTO CONTRACT – INSURANCE COVERAGE - PROPERTY / VEHICLE / LIABILITY. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH WICHERT INSURANCE COMPANY, CONSTITUTING A ONE YEAR EXTENSION OF THE CURRENT CONTRACT FOR THE CITY’S PROPERTY / VEHICLE / LIABILITY INSURANCE COVERAGE, DUE TO EXPIRE ON JUNE 29, 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. 84-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 85-2015

ORDINANCE NO. 85-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – HUMAN RESOURCE DEPARTMENT. AN ORDINANCE APPROPRIATING \$15,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE HUMAN RESOURCE DEPARTMENT OPERATING BUDGET TO COVER SERVICES RENDERED FROM ROETZEL AND ANDRESS FOR CONTRACT NEGOTIATIONS, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, seconded by Mrs. Debevec to amend Ordinance 85-2015 with the wording as provided by the administration to be changed as follows: “APPROPRIATION – HUMAN RESOURCE DEPARTMENT. AN ORDINANCE APPROPRIATING \$15,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE HUMAN RESOURCE

DEPARTMENT OPERATING BUDGET TO COVER PROFESSIONAL SERVICES, AND DECLARING AN EMERGENCY.” Mr. Lysenko asked the reasoning for this amendment. Human Resource Director, Mrs. Daugherty stated what they had written previously was specific to Roetzel and Andress negotiations with the Police Blue Unit and there will be other expenses coming in. She stated there will be negotiations with AFSCME and we also have the normal course of business, i.e., labor advise that we receive from Roetzel and Andress and we did not want the language as specific as it was written. Mr. Lysenko asked if the \$15,000 we are appropriating now is for services already been rendered by Roetzel and Andress? Mrs. Daugherty stated some of it is for bills that are outstanding and some we have not yet been billed and then for the future use of Roetzel and Andress. Mr. Lysenko asked if we know how much is outstanding in the bill from Roetzel and Andress. Mrs. Daugherty stated roughly about \$4,500. All Members voted “yea.” Motion carried. 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. 85-2015 BE ADOPTED AS AMENDED.** All Members voted “yea.” Motion carried.

The Clerk stated the Streets Committee invoked Council Rule 702 to Suspend Council Rules 302, 304, and 401 for the following ordinance:

ORDINANCE NO. 86-2015

ORDINANCE NO. 86-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – KENWORTH OF RICHFIELD. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH KENWORTH OF RICHFIELD, THE LOWEST AND/OR BEST BIDDER, FOR THE PURCHASE OF TWO STREET DEPARTMENT DUMP TRUCKS IN THE AMOUNT OF \$157,996, 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. 86-2015 BE ADOPTED.** President Maurer asked the Mayor asked if these Kenworth dump trucks are 5 ton or 7 ton? Mayor Judge stated he believes they are 8 ton. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer stated there will be no meeting the following week – 5th Monday of the month. The next meeting will be Monday, July 6th.

The clerk announced she received a notice for a hearing of a liquor license permit for Ramvani, Inc. which has been rescheduled for July 1st at 1:00 pm at the Summit County Department of Job and Family Services.

COMMUNICATION FROM THE MAYOR

Mayor Judge thanked everyone who came out for safety town last week and thanked the police officers who routinely put that on. He said it is a great program and it keeps the safety values.

Mayor Judge said we had some storm events the previous week and we were on pace to receive about three inches of rain per hour and we did very well. He stated all the safe guards that we have been doing over the past 3 ½ years have worked. He said the retention pond on Stanley and George helped quite a bit and the retention pond that was cleaned out at the foundation fields helped quite a bit. He stated the maintenance programs have really helped. He stated some things you can't avoid so we will be continuing with our program this year.

Mayor Judge stated Change for Change will be the following Friday at Casa Del Ranchero to support the Bidlingmyer Bike Ride.

Mayor Judge said several years ago we started the joint dispatch unit with Copley and Norton and that the City of Ashland and the City of Wooster have taken note of our dispatch center and they are moving in that direction. He stated our people are talking with them about some of the bumps we have encountered and which way was the right way to go. He said they have taken note of our system, our project/program and what we are doing and are very impressed by it and are looking to do this also.

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

Adjourned: 8:02 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council