

Council met in **REGULAR SESSION** on Monday, July 13, 2015, at 7:30 P.M. in the Council Chambers with Vice President Megyes presiding. Members present: Debevec, Endres, Frey, Lysenko, Soyars, and Wagner. The Pledge of Allegiance to the Flag was recited and Mr. Endres gave the Invocation. There was a moment of silence for Paul Swaino who recently passed away. Mr. Swaino was a former councilman in the 4th Ward.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Session held on Monday, June 22, 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 Executive Session held on Monday, July 6, 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 June 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

Ben Raines, 12 Fifth Street N.E. Mr. Raines stated he would like speak regarding the sewer issues and the backups. He said he moved back to Barberton 7 ½ years ago from New York City and the home he purchased on the East Side has had 6 sewage backups since purchased. He stated there was no disclosure on the real estate contract. He said his Dominion sewer line repair insurance excavated 5th Street two years ago for a repair and it was discovered that the City waterline replaced in the late 50’s was the same elevation as his sewer line, which of course, was crushed and covered up. He said obviously contractors thought this wrongdoing would never be discovered. Mr. Raines stated that Councilmen Lysenko, Wagner, and himself witnessed this. He said as he stood in the middle of 5th Street he was told by City inspectors that it was his problem. He stated the Dominion insurance policy only covers repair and the only solution for Dominion was to elbow under the water line which causes a trap and he has had to clean it out twice at his expense. He stated Councilman Wagner and he spoke with the Mayor soon after this episode in his chamber. He said the Mayor assured them that this would be taken care of and he is still waiting. He said his home is totally compliant and this house is the end of the sewer line just before Robinson Avenue. He stated when they have backups, it flows South into his home. He said this City sewer line is also the same elevation at his sewer line which means hospital waste. Mr. Raines said he just spent 5 weeks in Cleveland University hospital with bacteria phenomena. He said 2 ½ weeks after the hospital stay he had another fierce backup and he

feared for his health situation after being at death's door four times. He said this has been an environmental health issue. He stated the force of the backflow was so strong and fierce it caused the backflow valve to fail. He said "Mayor, City Council, right this wrong and do the honorable deed by rerouting this sewer line to Robinson Avenue." He said he certainly can't imagine a lawsuit with this town that he loved so much as a kid growing up.

Chris Ison, 833 S. Azalea Boulevard. Mr. Ison stated he too would like to address the sewer issue. He said back in June he had a major sewer backup in his basement. He stated he spoke with Councilmen Wagner on the phone. He said the issue is that the pond needs dredged out - the retaining pond off of Robinson. He stated the study finds that it is 8 inches deep and it used to be 8 feet deep. He said the main root of the problem for the backup is the dredging and it is not happening. He stated he is not going to continue living in a house that is affected by the sewage. Mr. Ison thinks it needs dredged out and he does not buy into \$2.5 million cost to dredge the pond - he thinks it is ridiculous. He stated it is a health concern. He said his father, Dr. Ison, used to serve on the health board and he is in agreeance. He said you can't have people like Mr. Raines suffering a bacterial infection because the City cannot do what they are supposed to do. He stated they pay a high tax rate and his water bill is \$100 this month with \$35 of that as storm water drainage which drained into his basement for the 3rd time. He stated there is an estimate of \$5,000-\$7,000 of damage in his basement and he had a plumber out and he said not to bother putting a reverse flow in because it is going to stop up just like Mr. Raines did. He said to the Council - "I ask you to take a vote and get the ponds dredged out." He said it is interesting to him that he got in the mail the other day (he pulled out a brochure for the re-election.) He said it states to establish the flood action committee to directly communicate flooding concerns with the residents and these efforts include an aggressive storm sewer cleaning program, capital improvement projects and retention pond dredging. He asked what pond did they dredge - not his obviously. Mr. Ison stated he found on the internet the flood risk assessment that the Barberton Fire Department did back in 2011 by a man's name of Robert Pursley, a commander at the fire department. He said the study has been done and we need some action. He said it is right there in black and white - 56 pages. Mr. Wagner stated he read that report that Mr. Pursley had on the internet and he thanked him for directing him to that. He said it is very comprehensive and it would pay everybody to take a look at that report. Mr. Wagner stated he did not copy it because it is probably over 100 pages. He stated as far as Mr. Raines goes, he had been up there when Ben had his problem and he saw the sewage backup and he saw when Dominion came out to repair that line and he was there when the City crews came out and back flushed this sewer in front of the house. He said the biggest problem that he has up there is the elevations problem. He said his sewer comes out to the same elevation as that 8 inch water main that is right in front of his house and somebody probably back in the 50's crushed his sanitary sewer. He said the only thing he sees that is going to work up there, they tried everything else - they tried the backflow preventer, is the rerouting of the line to Robinson Avenue and he thinks that is the solution to his problem. He said they need to make the City realize that is what it is going to take to solve his problem. He stated you can't trap a sanitary sewer line and if you do it is going to plug up. Mr. Lysenko stated he thinks there is something they can do for Mr. Raines and at a minimum it is to explore the costs that it would take to get his sewer line connected to Robinson Avenue in what Mr. Wagner proposed a long time ago in the Utilities Committee. He said they have an unencumbered cash balance of \$478,613.00 in the Stormwater Management Fund. He stated we have other funds available in the Enterprise Funds

that he thinks they could use to address this problem. He said he personally does not know how much it would cost to get him over to Robinson Avenue but he thinks that is something to a minimum that could be explored. Mr. Lysenko said he does not know of the City dredging anything – he has not heard of any dredging. He stated he remembers hearing in a city council retreat that the Robinson Avenue pond would be dredged but then hearing later that it was too costly which apparently the quote we had obtained was too costly (he would have to agree) – somewhere around \$400,000 but he does not know if that is the only measure as far as dredging that could be done. Mayor Judge invited both Mr. Raines and Mr. Ison to stay after council to discuss more about those issues.

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

RESOLUTION NO. 87-2015

RESOLUTION NO. 87-2015. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. WAGNER. TITLE: COMMENDATION – LARRY KLEIN. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO LARRY KLEIN FOR HIS 20 YEARS OF DEDICATED SERVICE TO THE CITY OF BARBERTON AND TO THIS COMMUNITY. It was moved by Mr. Wagner, 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. Wagner, seconded by Mr. Soyars, that **RESOLUTION NO. 87-2015 BE ADOPTED.** Mayor Judge thanked Larry for his 20 years of dedicated service to the City. He said working at the plants, especially the Wastewater Treatment Plant, the general public does not understand the functions and the daily operations of those plants and how important it is. He stated someone is there 24/7 and all the residents know and really care about is the water turns on, the toilets flushes, the water goes away and things of that nature. He said there is so much that goes into it, the chemistry and different things in the operation and he really appreciates his dedicated service to the City and he wishes him good luck in the future. Mr. Wagner stated he wanted to also join in and thank him for his 20 years of service to Local 265 AFSCME and he has been a model employee and he wanted to thank him for that. Mr. Stender stated it has been a pleasure since he has been here working with him and he is a good motivated employee. All Members voted “yea.” Motion carried.

It was moved by Mr. Wagner, seconded by Mr. Soyars, to go into recess to give Mr. Klein his Resolution. All Members voted “yea.” Motion carried.

Recessed: 7:59 pm
Reconvened: 8:01 pm

ORDINANCE NO. 88-2015

ORDINANCE NO. 88-2015. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – ENVIROSCIENCE. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ENVIROSCIENCE, IN AN AMOUNT NOT TO EXCEED \$77,000, TO PERFORM CONSULTING SERVICES AND IN PARTNERSHIP WITH THE OEPA FOR A REQUIRED “SOURCE WATER PROTECTION PLAN,” AND DECLARING AN EMERGENCY. It was moved by Mr. Wagner, 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. Wagner, seconded by Mr. Soyars, that **ORDINANCE NO. 88-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 89-2015

RESOLUTION NO. 89-2015. PRESENTED BY: MR. LYSENKO. TITLE: TAX INCENTIVE REVIEW COUNCIL - PPG INDUSTRIES, INC. A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL REGARDING THE ENTERPRISE ZONE AGREEMENT WITHIN THE CITY OF BARBERTON FOR PPG INDUSTRIES, INC., AND DECLARING AN EMERGENCY. It was moved by Mr. Lysenko, seconded by Mr. Endres, 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. Lysenko, seconded by Mr. Endres, that **RESOLUTION NO. 89-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 90-2015

ORDINANCE NO. 90-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – HENDERSON TRUCK EQUIPMENT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH HENDERSON TRUCK EQUIPMENT – OHIO, FOR PURCHASE AND INSTALLATION OF BODY PACKAGES FOR STREET DEPARTMENT DUMP TRUCKS FOR \$115,574.00, 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 Mr. Debevec, seconded by Mr. Lysenko, that **ORDINANCE NO. 90-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 91-2015

RESOLUTION NO. 91-2015. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MRS. DEBEVEC. TITLE: SUMMIT KIDS MONTH IN THE COUNTY OF SUMMIT. A RESOLUTION BY THE COUNCIL OF THE CITY OF BARBERTON RECOGNIZING AUGUST 2015 AS SUMMIT KIDS MONTH IN THE COUNTY OF SUMMIT AND ENCOURAGING THE CITIZENS OF SUMMIT COUNTY TO JOIN IN THIS ACKNOWLEDGEMENT, FOR THE EXECUTIVE, 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 NO. 91-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 92-2015

ORDINANCE NO. 92-2015. PRESENTED BY: MRS. FREY. TITLE: ADOPTING THE OPBA POLICE OFFICERS AGREEMENT. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON ADOPTING AND APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BARBERTON AND THE OPBA POLICE OFFICERS, EFFECTIVE FROM JANUARY 1, 2014 THROUGH DECEMBER 31, 2016, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mr. Soyars, that **ORDINANCE NO. 92-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 94-2015

ORDINANCE NO. 94-2015. PRESENTED BY: MRS. FREY. TITLE: NON-BARGAINING PERSONNEL POLICY – AMENDMENT. AN ORDINANCE AMENDING THE NON-BARGAINING PERSONNEL POLICY REGARDING TUITION REIMBURSEMENT. *First Reading Only.*

ORDINANCE NO. 95-2015

ORDINANCE NO. 95-2015. PRESENTED BY: MRS. FREY. TITLE: EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES. AN ORDINANCE AMENDING ORDINANCE NO. 163-2014, “EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES,” IN ORDER TO INCREASE THE SALARY OF CLERK OF COUNCIL BY 2% AND MAKING IT RETROACTIVE TO 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. 95-2015 BE ADOPTED.** Soyars, Debevec, Frey, Megyes, Endres, and Wagner voted “yea.” Mr. Lysenko voted “no.” Motion carried.

ORDINANCE NO. 96-2015

ORDINANCE NO. 96-2015. PRESENTED BY: MRS. FREY. TITLE: AUTHORIZE PAYMENT – KENMORE CONSTRUCTION. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY TWO INVOICES TO KENMORE CONSTRUCTION COMPANY, IN THE AMOUNT OF \$58,884.71, FOR THE EMERGENCY REPAIRS ON NORTON AVENUE IN MARCH 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. 96-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 97-2015

ORDINANCE NO. 97-2015. PRESENTED BY: MRS. FREY. TITLE: AUTHORIZE PAYMENT – GREAT LAKES PUBLISHING. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO GREAT LAKES PUBLISHING, IN THE AMOUNT OF \$8,000.00, FOR THE “REDISCOVER BARBERTON” INSERT THAT WAS PLACED IN THE OHIO ERIE CANAL WAY VISITORS GUIDE, 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. 97-2015 BE ADOPTED.** 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

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to excuse Mr. Maurer and Mr. Avant from tonight’s meeting. All Members voted “yea.” Motion carried.

Vice President Megyes thanked the police department. He said last week the Child Guidance and Family Solutions, their Social and Emotional Development Program (children ages 3-5) named “Mighty Mini Magics Too” came to the Police Department. He stated some of their parents have been incarcerated and some of them have seen their parents get arrested in front of them. He specifically thanked Dan Simpson and Jay Nagy – he said the kids loved it and it put them at ease with the police.

Vice President Megyes announced on Friday, August 7th through Sunday, August 9th, there is a holiday on sales tax in the state. He stated for those three day you do not have to pay sale tax for items of clothing up to \$75.00, school supplies \$20.00 or less, and school instructional material for \$20.00 or less. He said you could go from one store to another and buy whatever you need and not pay your 6.75% in this county.

Vice President Megyes stated every Friday in July and August you can ride the Metro Bus free. He stated not too many people in this crowd need this but he is sure there is people that you know that could use this.

Vice President Megyes stated there will be no Parks and Recreation Commission meeting in August. They will also be in recess.

COMMUNICATION FROM THE MAYOR

Mayor Judge thanked everyone who was involved with the Bidlingmyer Bike Ride this past weekend. He stated it was great weather and a great turnout by the kids and they were able to buy more bikes for the kids.

Mayor Judge stated the following Saturday is Relay for Life around Lake Anna which will run from noon on Saturday until noon on Sunday. He stated if you have never experienced it, he encourages everyone to go. He said it is an awesome event – breathtaking. He stated the City has a team and if you would like to sign up to walk during the 24 hour period to get with himself or Melissa.

Mayor Judge announced this month’s Change 4 Change will be held on Friday, July 31st at El Jalapeno’s and will benefit the Barberton Free Clinic.

Mayor Judge stated on July 16th they will be meeting at the Norton Community Center and all are invited. He said Barberton, Norton, Copley, and Summit County Health Department will have a forum to speak about roads and highways and how they influence/effects help in the quality of life.

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

Adjourned: 8:18 P.M.

Craig Megyes
Vice President of Council

Renee Fox
Clerk of Council