

Council met in **REGULAR SESSION** on Monday, September 14, 2015, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Megyes, Soyars, and Wagner. The Pledge of Allegiance to the Flag was recited and Mr. Wagner 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, July 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 Reports for July and August of 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**

Jason Woodward, 5000 Valleystone Drive, Carrie, North Carolina from Towerco, which has a lease agreement that will be discussed. He stated he was here to introduce himself and if there is any questions that would need to be addressed, he is there to answer them.

**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. 112-2015**

**ORDINANCE NO. 112-2015. PRESENTED BY: MR. LYNSENKO. TITLE: SPECIAL ASSESSMENTS – DEMOLITIONS, BOARD-UPS AND WEED/GRASS CUTTINGS. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR, SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTIES LOCATED WITHIN THE CITY FOR THE COST OF ORDERED DEMOLITIONS, LIEN SEARCHES, EMERGENCY BOARD-UPS, ENVIRONMENTAL ABATEMENTS AND WEED/GRASS CUTTINGS WHICH TOOK PLACE FROM SEPTEMBER 2014 THROUGH AUGUST 2015, AND DECLARING AN EMERGENCY.** It was moved by Mr. Endres, seconded by Mrs. Frey, 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. Endres, seconded by Mrs. Frey, that **ORDINANCE NO. 112-2015 BE ADOPTED.** Mr. Endres stated this is just a maintenance piece where this happens every year to sign where they need to go to the County. All Members voted "yea." Motion carried.

**ORDINANCE NO. 113-2015**

**ORDINANCE NO. 113-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – STREETS - KENMORE CONSTRUCTION. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH KENMORE CONSTRUCTION COMPANY, INC., THE LOWEST AND/OR BEST BIDDER, IN AN AMOUNT OF \$306,620 FOR THE ASPHALT RESURFACING OF ADDITIONAL STREETS UNDER THE 2015 STREET / ROAD PAVING PROGRAM, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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. Debevec, seconded by Mr. Soyars, that **ORDINANCE NO. 113-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 114-2015**

**ORDINANCE NO. 114-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION AND TRANSFER OF FUNDS - STREET OPERATING FUND. AN ORDINANCE APPROPRIATING AND TRANSFERRING \$120,000 FROM THE INCOME TAX FUND TO THE STREET OPERATING FUND, IN ORDER TO ELIMINATE THE CURRENT CASH DEFICIT, 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. 114-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 115-2015**

**ORDINANCE NO. 115-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - 2015 STREET / ROAD PAVING PROGRAM. AN ORDINANCE APPROPRIATING \$306,620 FROM THE UNAPPROPRIATED ITEM OF THE STREET CAPITAL IMPROVEMENT FUND TO THE STREET CAPITAL IMPROVEMENT CAPITAL BUDGET TO ALLOW FOR THE RESURFACING OF ADDITIONAL STREETS UNDER THE 2015 STREET / ROAD PAVING PROGRAM, 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. 115-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 116-2015**

**ORDINANCE NO. 116-2015. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF VEHICLES - POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP/SALVAGE THIRTY-FIVE (35) VEHICLES DEEMED TO BE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND UNFIT AND UNSAFE FOR DISPOSAL IN ANY OTHER MANNER, AND DECLARING AN EMERGENCY.** It was moved by Mr. Soyars, seconded by Mr. Wagner, 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. Wagner, that **ORDINANCE NO. 116-2015 BE ADOPTED.** President Maurer stated that is a lot of rolling stock. He said

he does not remember scraping that many materials before and most of these were impounded. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 117-2015**

**ORDINANCE NO. 117-2015. PRESENTED BY: MR. SOYARS. TITLE: NUISANCE ASSESSMENT. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR FOR UNPAID NUISANCE ASSESSMENTS, AND DECLARING AN EMERGENCY.** It was moved by Mr. Soyars, seconded by Mr. Wagner, 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. Wagner, that **ORDINANCE NO. 117-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 118-2015**

**ORDINANCE NO. 118-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - CITY GRANT FUND. AN ORDINANCE APPROPRIATING \$1,000 FROM THE UNAPPROPRIATED ITEM OF THE CITY GRANT FUND TO THE CITY GRANT FUND OPERATING BUDGET, DUE TO A GRANT RECEIVED FROM THE TUSCORA PARK FOUNDATION, 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. 118-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 119-2015**

**ORDINANCE NO. 119-2015. PRESENTED BY: MR. MEGYES. TITLE: GROUND LEASE AGREEMENT. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO APPROVE A GROUND LEASE AGREEMENT BETWEEN THE CITY OF BARBERTON AND TOWERCO 2013 LLC FOR PLACEMENT OF A CELLULAR COMMUNICATIONS TOWER.** 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. 119-2015 BE ADOPTED.** Mr. Megyes stated he would like to clarify where the money is going – 85% will be going to the Parks (Parks Revolving Fund and the Parks Improvement Fund) and 15% will be going to the Business Incentive Program Fund. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 120-2015**

**ORDINANCE NO. 120-2015. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS - CAPITAL IMPROVEMENTS. 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 \$20,000, TO BE USED FOR CAPITAL IMPROVEMENTS TO THE BARBERTON COMMUNITY FOUNDATION SPORTS COMPLEX, 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. 120-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 121-2015**

**ORDINANCE NO. 121-2015. PRESENTED BY: MR. MEGYES. TITLE: DISPOSAL OF VEHICLE – PARKS MAINTENANCE DEPARTMENT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO SCRAP/SALVAGE A VEHICLE DEEMED TO BE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND 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. 121-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 122-2015**

**ORDINANCE NO. 122-2015. PRESENTED BY: MRS. FREY. TITLE: TRANSFER OF FUNDS - PARKS REVOLVING FUND. AN ORDINANCE TRANSFERRING \$4,000 FROM THE PARKS REVOLVING FUND PERSONNEL BUDGET TO THE PARKS REVOLVING FUND OPERATING BUDGET TO COVER PROGRAM OPERATING EXPENSES, 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. 122-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 123-2015**

**ORDINANCE NO. 123-2015. PRESENTED BY: MRS. FREY. TITLE: TRANSFER OF FUNDS - SPORTS COMPLEX OPERATING BUDGET. AN ORDINANCE TRANSFERRING \$2,000 FROM THE SPORTS COMPLEX PERSONNEL BUDGET TO THE SPORTS COMPLEX OPERATING BUDGET TO COVER PROGRAM OPERATING EXPENSES, 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. 123-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 124-2015**

**ORDINANCE NO. 124-2015. PRESENTED BY: MRS. FREY. TITLE: AMENDING ORDINANCE NO. 215-2008 - FINANCE POLICIES. AN ORDINANCE AMENDING ORDINANCE NO. 215-2008, “ADOPTION OF POLICIES – FINANCE,” BY CHANGING THE ATTACHMENT TITLED “TRAVEL AND MEAL REIMBURSEMENT POLICY,” 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. 124-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 125-2015**

**ORDINANCE NO. 125-2015. PRESENTED BY: MRS. FREY. TITLE: ADOPT THE 2015/2016 SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING; AND ENTER INTO AGREEMENT. AN ORDINANCE TO ADOPT THE “2015/2016 SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING”; AND AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE COUNTY OF SUMMIT AND THE COMMUNITIES THAT ARE SIGNATORIES TO THE ATTACHED AGREEMENT ENTITLED “SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING,” EXPRESSING A MUTUAL DESIRE TO RETAIN AND ATTRACT BUSINESSES AND JOBS AS OUTLINED IN SAID AGREEMENT, 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. 125-2015 BE ADOPTED.** President Maurer clarified for the gallery this is a renewal of what we call an “antipoaching” agreement. He said when you have municipalities competing with one another for tax dollars and one municipality offers a very enticing deal to an existing company in a municipality and they take business away, the tax revenue goes away from the municipality that had it before. He stated by working with Summit County and the signatories of this agreement, if something they consider poaching does take effect, there is tax reimbursement to the city who lost the business. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 126-2015**

**ORDINANCE NO. 126-2015. PRESENTED BY: MRS. FREY. TITLE: AUTHORIZE PAYMENT – KENMORE CONSTRUCTION - SNYDER AVENUE. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO KENMORE CONSTRUCTION COMPANY, IN THE AMOUNT OF \$42,281.50, FOR THE EMERGENCY REPAIRS ON SNYDER AVENUE AT THE ABC CLUSTER RAILROAD THAT WAS COMPLETED IN JUNE 2015, AND DECLARING AN EMERGENCY.** It was moved by Ms. 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 Mr. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 126-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 127-2015**

**ORDINANCE NO. 127-2015. PRESENTED BY: MRS. FREY. TITLE: ENTER INTO CONTRACT – FINANCE - SOFTWARE SOLUTIONS INC. AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO CONTRACT WITH SOFTWARE SOLUTIONS INC., WITHOUT COMPETITIVE BIDDING BEING A SOLE SOURCE PROVIDER, FOR THE UPGRADE OF THE CITY’S ACCOUNTING, PURCHASING,**

**PAYROLL, UTILITY BILLING AND ASSET MANAGEMENT SOFTWARE PROGRAMS, IN THE AMOUNT OF \$101,680.00, 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. 127-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

### SECOND READING OF ORDINANCES AND RESOLUTIONS

#### **ORDINANCE NO. 98-2015**

**ORDINANCE NO. 98-2015. PRESENTED BY: MR. LYSENKO. TITLE: ESTABLISHING VACANT PROPERTY REGISTRATION PROGRAM. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON ADOPTING THE VACANT PROPERTY REGISTRATION PROGRAM, AND DECLARING AN EMERGENCY.** *1<sup>st</sup> Reading July 27, 2015.* It was moved by Mr. Endres, seconded by Mrs. Frey, 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. Endres, seconded by Mrs. Frey, that **ORDINANCE NO. 98-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

### THIRD READING OF ORDINANCES AND RESOLUTIONS

#### **ORDINANCE 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.** *1<sup>st</sup> Reading July 13, 2015. 2<sup>nd</sup> Reading July 27, 2015.* It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 94-2015 BE ADOPTED.** Mrs. Frey stated she would like to say that this is for non-bargaining personnel and she thinks everyone agreed to have a cap but since we are passing this piece of legislation she believes it should be incorporated into the contracts of the bargaining units for the City. Mrs. Miller stated if this is passed it only applies to non-bargaining, the bargaining units could all reject this and never have that imposed on them. Mr. Avant stated he personally does not agree with the cap. He said it is unnecessary legislation and is detrimental to the progressive future of the City of hiring and retaining good people. He stated he thinks it was a lot of fluff and that we did not need this. He said he will be voting no. President Maurer said there was a lot of discussion over this and one thing we want to keep in mind is when these ordinances progress and the economy changes, \$40,000 may be willfully inadequate and at that point we could always change it. He said that is the way legislation is processed. Megyes, Soyars, Wagner, Frey, Endres voted “yea.” Avant and Debevec voted “no.” Motion carried.

### APPOINTMENTS

None

**MISCELLANEOUS AND UNFINISHED BUSINESS**

The Clerk announced the BZA meeting for Thursday is cancelled.

The Clerk stated she received three requests for New Liquor License permits. She stated all three were in Mr. Megyes's ward. A copy of each request was sent to Safety Director Elizabeth Daugherty, Chief Morber and Mr. Megyes. They are:

Sassy Dog LLC, 105 2<sup>nd</sup> Street NW – No objections received

Al's Quality Market, 151 & 155 2<sup>nd</sup> Street NW, 1<sup>st</sup> Floor – No objections received.

Dees 50's Place Diner, 581 Norton Avenue – Chief Morber has requested a hearing due to the fact that he believes the wrong permit has been applied for.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to excuse Mr. Lysenko from tonight's proceedings. All Members voted "yea." Motion carried.

President Maurer stated he appreciates the very conscience nature by which the finance department operates. He said we have Ordinance #124 which cleaned up the policies for traveling and employee compensation for expenditures that followed the procedures. He said we are also very responsible in terms of passing the antipoaching ordinance which is extremely important in this very competitive age. He stated Barberton really appears to be growing and we have a lot of things going for us. He said we want to be fair with our neighbors but by the same token we want to bring businesses in so he thinks it is a very fair ordinance for everyone and makes regional development a lot more possible.

Mr. Wagner stated he learned today there will be a hearing for the liquor permit for Snyder and George on October 15<sup>th</sup>.

**COMMUNICATION FROM THE MAYOR**

Mayor Judge was not in attendance this evening.

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

Adjourned: 8:12 P.M.

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Frederick S. Maurer  
President of Council

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Renee Fox  
Clerk of Council