

Council met in **REGULAR SESSION** on Monday, September 28, 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. Megyes 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, September 14, 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. 128-2015

ORDINANCE NO. 128-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION FIRE PREVENTION & EDUCATION. AN ORDINANCE APPROPRIATING \$2,100 FROM THE UNAPPROPRIATED ITEM OF THE FIRE PREVENTION & EDUCATION DONATION FUND TO THE FIRE PREVENTION & EDUCATION OPERATING BUDGET, DUE TO DONATIONS THROUGH A COMMUNITY WIDE FUND RAISING CAMPAIGN SPECIFICALLY FOR FIRE PREVENTION & EDUCATION, 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. 128-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 129-2015

ORDINANCE NO. 129-2015. PRESENTED BY: MR. MEGYES. TITLE: DISPOSAL OF CITY LAND BANK PROPERTIES. AN ORDINANCE AUTHORIZING THE CITY OF BARBERTON TO PLACE FOUR (4) PARCELS INTO THE CITY OF BARBERTON LAND BANK PROGRAM. 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. 129-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 130-2015

ORDINANCE NO. 130-2015. PRESENTED BY: MR. AVANT. TITLE: FOUNDATION GRANT REQUEST - NEIGHBORHOOD WATCH GROUP SIGNS. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE BARBERTON PLANNING DEPARTMENT TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$500.00 TO BE USED TO PURCHASE 10 NEIGHBORHOOD WATCH GROUP SIGNS, 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. 130-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 131-2015

ORDINANCE NO. 131-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - FIRE BUILDING IMPROVEMENTS. AN ORDINANCE APPROPRIATING \$16,000 FROM THE UNAPPROPRIATED ITEM OF THE FIRE LEVY FUND TO THE FIRE DEPARTMENT OPERATING BUDGET, FOR BUILDING IMPROVEMENTS AT STATIONS #1 AND #2, 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. 131-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 132-2015

ORDINANCE NO. 132-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - FEMA GRANT FUND. AN ORDINANCE APPROPRIATING \$47,555 FROM THE FEMA GRANT FUND TO THE FIRE DEPARTMENT OPERATING BUDGET, FOR THE PURCHASE OF A NEW FIRE HOSE AND NOZZLES, 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. 132-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 133-2015

ORDINANCE NO. 133-2015. PRESENTED BY: MR. LYSENKO. TITLE: FOUNDATION GRANT REQUEST – PLANNING - PROFESSIONAL SERVICES. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE BARBERTON PLANNING DEPARTMENT TO THE BARBERTON COMMUNITY FOUNDATION, TO BE USED TO ASSIST WITH PROFESSIONAL SERVICES REGARDING ECONOMIC DEVELOPMENT, MARKETING AND RANKING OF PROJECTS AND PROPERTIES UNDER CONTROL OF BCDC AND THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY. It was moved by Mr. Lysenko, seconded by Mr. Endres, to Amend Ordinance No. 133-2015 to reflect that this is a Grant Application in the amount of \$81,000 (add the words “In the Amount of \$81,000”). All Members voted “yea.” Motion carried. 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 **ORDINANCE NO. 133-2015, AS AMENDED, BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 134-2015

ORDINANCE NO. 134-2015. PRESENTED BY: MRS. FREY. TITLE: AMENDING ORDINANCE NO. 58-2015 - EMPLOYEE COMPENSATION AND PAY GRADES FOR NON-BARGAINING EMPLOYEES. AN ORDINANCE AMENDING ORDINANCE NO. 58-2015 TO REFLECT THE ADDITION OF THE POSITIONS OF DIRECTOR OF PUBLIC SERVICE TO PAY GRADE 9 AND CLERK OF COUNCIL TO PAY GRADE 4. 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. 134-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 135-2015

ORDINANCE NO. 135-2015. PRESENTED BY: MRS. FREY. TITLE: AMENDING ORDINANCE NO. 95-2015 - EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES. AN ORDINANCE AMENDING ORDINANCE NO. 95-2015, “EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES,” IN ORDER TO REMOVE THE POSITIONS OF DIRECTOR OF PUBLIC SERVICE AND CLERK OF COUNCIL. 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. 135-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 136-2015

ORDINANCE NO. 136-2015. PRESENTED BY: MRS. FREY. TITLE: AUTHORIZE PAYMENT – KENMORE CONSTRUCTION. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO KENMORE CONSTRUCTION IN THE AMOUNT OF \$27,456.33, FOR THE EMERGENCY REPAIRS OF A

COLLAPSED STORM SEWER AND SANITARY SEWER AT 23RD STREET NW AND LIBERTY AVENUE, 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. 136-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

The clerk stated that the Utilities Committee Invoked Council Rule 702 to Suspend Council Rules 302, 304, and 401 for the Following Ordinance:

ORDINANCE NO. 137-2015

ORDINANCE NO. 137-2015. PRESENTED BY: MR. WAGNER. TITLE: UTILITIES ASSESSMENT - DELINQUENT WATER. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR, SPECIAL ASSESSMENTS, AND DECLARING AN EMERGENCY. 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. Mr. Muller stated he objects to adding an agenda item at the last minute without proper notification. He stated this is the first he has seen it and there was no 24 hour notification. President Maurer stated he agrees with him totally and this particular issue came up quite by surprise, he thinks this afternoon, and the problem is if it is not passed in September they must wait until September, 2016 to apply for the monies which could make it very difficult to do so if the property sells within the interim. Mr. Muller stated the public meeting law states just because there is a void doesn't mean it could be pushed through without notice. President Maurer said he does agree and is very sensitive to that very issue. He asked Mrs. Miller, as the legal counsel to the City, if she has any comments. Mrs. Miller stated she drafted the Ordinance with the Clerk. Mr. Avant asked if there is a point of issue with that if it is a time of the essence clause or phrase – does that fit into this situation. He said he believes this is a situation where we need it right away. He asked Mayor Judge if this is correct. Mayor Judge stated this needs to be certified this year and it needs to be passed tonight. President Maurer stated we have to go through the entire process of having a special meeting by today or tomorrow. He stated it would have to be tomorrow because it will need to be filed by Wednesday (end of the month.) He said Mr. Muller is quite right that it is a provision of the Sunshine Law that we do that. Mr. Muller stated there are allowances where if the City did not find out about it until today but if this is something that was known beforehand that is a different one. President Maurer stated he does not like this either – he appreciates it, he is quite right, and the Sunshine Laws are pretty specific about that but for the good of the City and the recouping of this money we are going to precede. All Members voted “yea.” Motion carried. It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 137-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None

APPOINTMENTS

METRO REGIONAL TRANSIT AUTHORITY

Mr. Charles Rector appointment Immediately - December 31, 2018

It was moved by Mr. Wagner, seconded by Mr. Avant to confirm the appointment of Charles Rector to the Metro Regional Transit Authority. President Maurer stated a note to the body – it was recently revealed to us that elected officials cannot serve on the board and Mr. Megyes was our representative to the board but being an elective official he is not qualified. Mrs. Miller stated he is absolutely qualified, just not permitted. President Maurer stated he does not meet the qualifications. Mrs. Miller stated he absolutely meets the qualifications but the state law has an issue with dual public offices and that is considered a public office. Motion passes 7-1.

MISCELLANEOUS AND UNFINISHED BUSINESS

The Clerk announced she has is a Liquor License Permit, the one Mr. Wagner spoke of, and the hearing for Ramvani, Inc. 290 George Street is rescheduled for October 15, 2015 at 9:00 am at the Summit County Department of Job and Family Services.

Adjourned into Executive Session at 7:55 P.M.

Executive Session Adjourned at 8:10 P.M.

President Maurer stated he had a lot of fun volunteering at the Mum Fest. He said he served at both the Foundation tent and hustling mums for Mrs. Bidlingmyer. He said when he parked in the alley from 3rd Street it took him almost 15 minutes to get from the Casa Bella down to the mum gardens because it was a mass of humanity. He said he spoke to people from Pittsburgh, from Dayton and a couple from Indiana. He said it will be interesting to see - the Foundation ran a little raffle where you fill out the card and one of the questions is “Where are you from” so they are going to get an idea of how many people it is reaching. He said it was interesting because the ladies from the Dayton area were saying they had picked up one of the local publications and they were very, very pleased. He stated they sold out of mums on Sunday morning and they ordered 50% more than they had last year. He said Mr. McAvinew, his staff, Lisa McLean and all the people that volunteered did a fantastic job. He said they ran into a couple of issues but he thinks there was nothing there that put a dampening on the festival. He said it went ½ way around the lake – from down from the military honor roll all around to the OC Barber statue.

COMMUNICATION FROM THE MAYOR

Mayor Judge thanked everyone who attended or volunteered at the Mum Fest the past weekend. He said it was another great event for the City. He stated he heard it was upwards to 50,000 people who attended.

Mayor Judge thanked anyone who came out for Change for Change that benefited the DI teams – concerning hunger. He said they raised about \$200 for the middle school team. He stated the next Change for Change will be at Block 7 benefiting the Magical Theatre.

Mayor Judge said earlier in the day Congressman Ryan was in town and presented a check for the new fire truck that we were awarded, which was about 92% of the cost. He said that will go in with some of the legislation that was passed this evening appropriating the \$47,000 for the new hoses and nozzles, which is fantastic.

Mayor Judge stated this coming Saturday is the first of two Saturdays where we are going to do a scrap tire collection that will be down at the Water Garage off of Canal Street/Wolf Avenue. He said if you need more information on the scrap tire collection to get a hold of his office.

President Maurer asked if we are going to paint the new fire truck purple. Mayor Judge stated that will need to be discussed.

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

Adjourned: 8:16 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council