

Council met in **REGULAR SESSION** on Monday, October 12, 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. Avant 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 28, 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, September 28, 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 September 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. 138-2015

ORDINANCE NO. 138-2015. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT - SUTPHEN CORPORATION. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH SUTPHEN CORPORATION FOR THE PURCHASE OF A NEW PUMPER TRUCK IN THE AMOUNT OF \$380,000, THROUGH THE OHIO STATE COOPERATIVE PURCHASING PROGRAM, PURSUANT TO ORDINANCE NO. 42-1995, 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. 138-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 139-2015

ORDINANCE NO. 139-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - FIRE DEPARTMENT. AN ORDINANCE APPROPRIATING \$345,455 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE FIRE DEPARTMENT CAPITAL OPERATING BUDGET AND \$25,945 FROM THE UNAPPROPRIATED ITEM OF THE FIRE LEVY FUND TO THE FIRE DEPARTMENT LEVY OPERATING FUND, 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. 139-2015 BE ADOPTED.** President Maurer stated it is really nice that we can be purchasing a \$345,000 piece of safety equipment. He asked Chief Baldwin what is the City’s share. Chief Baldwin said the total purchase price is \$380,000 and our share is \$34,000 (10%). President Maurer said he feels it is really great that the Chief and his staff have been able to secure these monies to take the burden off the taxpayers while providing the same amount of safety. All Members voted “yea.” Motion carried.

RESOLUTION NO. 140-2015

RESOLUTION NO. 140-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: APPLICATION FOR FEDERAL STP FUNDS - S. CLEVELAND MASSILLON ROAD. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE S. CLEVELAND MASSILLON ROAD, 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. 140-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 141-2015

RESOLUTION NO. 141-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: APPLICATION FOR FEDERAL STP FUNDS - 2ND STREET SW. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE 2ND STREET SW, 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. 141-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 142-2015

RESOLUTION NO. 142-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: APPLICATION FOR FEDERAL STP FUNDS - BARBER ROAD, WOOSTER ROAD N. AND W. WATERLOO ROAD. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION (STP) FUNDS

PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE BARBER ROAD, WOOSTER ROAD N. AND W. WATERLOO ROAD, 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. 142-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 143-2015

RESOLUTION NO. 143-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: APPLICATION FOR FEDERAL STP FUNDS - S. VAN BUREN AVENUE. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE S. VAN BUREN AVENUE, 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. 143-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 144-2015

ORDINANCE NO. 144-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES - CHAPTER 1020 – EXCAVATIONS. AN ORDINANCE AMENDING CHAPTER 1020, “EXCAVATIONS,” OF THE BARBERTON CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mr. Lysenko, to Amend Ordinance No. 144-2015 Section 1020.06 to include the sentence “The City of Barberton reserves the right to mandate a preconstruction meeting prior to issuing a permit” and also in Section 1020.08 the phrase “or define in the preconstruction meeting.” All Members voted “yea.” Motion carried. 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. 144-2015 BE ADOPTED AS AMENDED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 145-2015

ORDINANCE NO. 145-2015. PRESENTED BY: MRS. FREY. TITLE: AUTHORIZE PAYMENT - MICHAEL VINAY. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO REIMBURSE MICHAEL VINAY IN THE AMOUNT OF \$6,126.64, FOR HIS EDUCATION REIMBURSEMENT, 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. 145-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 146-2015

ORDINANCE NO. 146-2015. PRESENTED BY: MRS. FREY. TITLE: ENTER INTO CONTRACT - ANNUAL AUDITS – CITY OF BARBERTON. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO CONTRACT WITH THE AUDITOR OF THE STATE OF OHIO AND THE ACCOUNTING FIRM OF JULIAN AND GRUBE, INC., TO PERFORM ANNUAL AUDITS FOR THE CITY OF BARBERTON, FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2018, IN THE AMOUNT OF \$35,875 PER YEAR, 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. 146-2015 BE ADOPTED.** President Maurer asked Mr. Flickinger if the \$35,875 figure is for every year and if there will not be an increase. Mr. Flickinger stated that is correct and there will not be an increase. All Members voted “yea.” Motion carried.

RESOLUTION NO. 147-2015

RESOLUTION NO. 147-2015. PRESENTED BY: MRS. FREY. TITLE: CERTIFYING PROPERTY TAX RATES. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES OF PROPERTY TAX AS DETERMINED BY THE BUDGET COMMISSION OF SUMMIT COUNTY, AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY AUDITOR FOR THE YEAR 2016, 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 **RESOLUTION NO. 147-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

BARBERTON BOARD OF HEALTH

Janice Low Appointment Immediately – August 31, 2019

It was moved by Mr. Endres, seconded by Mrs. Frey, to appoint Janice Low to the Barberton Board of Health. All Members voted “yea.” Motion carried

MISCELLANEOUS AND UNFINISHED BUSINESS

The Clerk stated previously there was an objection to a new liquor license permit for Dees 50s Place Diner and that objection has been withdrawn.

President Maurer stated Mrs. Debevec made four requests for STP funds to be administered by AMATS and it has been a long dry spell for Barberton from AMATS. He said we might have broken a log jam and we are starting to see some money come in. He stated hopefully we will be successful for some of these requests for money and get some of our federal dollars back. He said it would be a wonderful thing to help us with our streets, and of course, the fact that we have the extra ¼% income tax helps us meet our financial responsibility to match for funds. He stated this helps us move ahead of a lot of different municipalities that are competing for the same dollars.

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: 7:56 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council