

Council met in **REGULAR SESSION** on Monday, November 9, 2015, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Megyes, and Soyars. The Pledge of Allegiance to the Flag was recited and Mr. Maurer 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, October 26, 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 Public Hearing held on Monday, October 26, 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 October 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**

#### **RESOLUTION NO. 163-2015**

**RESOLUTION NO. 163-2015. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. SOYARS. TITLE: COMMENDATION - CAPTAIN ROBERT PURSLEY. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO CAPTAIN ROBERT PURSLEY FOR HIS SUCCESSFUL COMPLETION OF THE NATIONAL FIRE ACADEMY; EXECUTIVE FIRE OFFICER PROGRAM.** It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Megyes, that **RESOLUTION NO. 163-2015 BE ADOPTED.** Chief Morber congratulated Rob and stated that this is a huge accomplishment for Rob, the Fire Department and the City. He said as the resolution reads, he is only the second person from Barberton that ever accomplished this (the

first was sitting behind Rob). He said he is proud to be here tonight to honor him for this and also proud to have the privilege to work with Rob, side by side, and considers him a good friend and he looks forward to a continued relationship. He said he knows he has plans for future accomplishments and he wished him luck with that. Mr. Stefan stated he has been friends with Rob for close to 30 years now and he was able to work with Rob on one of the first fires that he ever went on – on a roof when they were both volunteer firefighters (Joe with Canal Fulton, Rob with Franklin Township) and he said from that day on they have been friends. Joe stated this is not in disrespect to any other people in that profession, but you will never see another person as dedicated to his profession in making it better than Rob Pursley. He stated for all of that, Rob is dedicated to the City consistently through tough times and good times. He said he is one of those assets that we all know that we have here in town. Joe said he was out of town and he wanted to make sure he came back specifically to be here for Rob tonight because he is a great guy and the City is very fortunate to have a person like him working for us. Mayor Judge congratulated Rob and stated this is a huge success not only for him but for the department. He said his hard work and his dedication and his professionalism shows. He said he is dedicated to his profession and the City and we all know this and it shows in all of his accomplishments. Mr. Maurer stated when he was reading this Resolution he was amazed that there was 300 in the state of Ohio but reread it and it was 300 in the entire world. He stated this is an impressive accomplishment. He said so many times they have honored retirees here in the City and they are concerned because of the intellectual capital we lose every time someone leaves our ranks and we have a Captain right here who stepped up to the plate and expands that intellectual capital that we are so concerned about. Mr. Maurer stated Rob can pass it onto the other firefighters so we all grow better for that effort. He stated he sincerely appreciates that. All Members voted “yea.” Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to recess to give Mr. Pursley his accommodation. All Members voted “yea.” Motion carried.

Recessed at 7:41  
Reconvened at 7:44

#### **ORDINANCE NO. 157-2015**

**ORDINANCE NO. 157-2015. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT - T&M ASSOCIATES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH T&M ASSOCIATES, IN THE AMOUNT OF \$400,000, TO ASSIST THE CITY IN COMPLETING THE RECENTLY AWARDED USEPA BROWNFIELD ASSESSMENT GRANT, 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 **ORDINANCE NO. 157-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 158-2015**

**ORDINANCE NO. 158-2015. PRESENTED BY: MR. LYSENKO. TITLE: ZONING MAP AMENDMENT - 438 5<sup>TH</sup> STREET NE. AN ORDINANCE AUTHORIZING THE REZONING OF 438 5<sup>TH</sup> STREET NE, PARCEL NUMBERS 01.05628, 01.05629, 01.05630 & 01.05631 FROM RS50 (RESIDENTIAL SINGLE FAMILY) TO C1 (CONVENIENCE COMMERCIAL).** 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. Mr. Avant asked if zoning changes are required to go three readings. Mr. Maurer stated we can suspend the rule for the three readings but they cannot become law for 30 days. Mr. Maurer verified this with Mrs. Miller. All Members voted “yea.” Motion carried. It was moved by Mr. Lysenko, seconded by Mr. Endres, that **ORDINANCE NO. 158-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 159-2015**

**ORDINANCE NO. 159-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: 2015/2016 STREET/ROAD SALT PROGRAM. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH CARGILL INCORPORATED FOR THE 2015/2016 STREET/ROAD SALT PROGRAM THROUGH THE COMMUNITY UNIVERSITY EDUCATION PURCHASING ASSOCIATION (CUE), 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. 159-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 160-2015**

**ORDINANCE NO. 160-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: 2016 BIDS AND CONTRACTS - YEAR’S REQUIREMENTS FOR MATERIALS AND SERVICES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OR THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE FOR BIDS AND/OR ENTER INTO CONTRACTS IN 2016, COVERING THE YEAR’S REQUIREMENTS FOR MATERIALS AND SERVICES USED IN THE ORDINARY AND DAILY OPERATION OF THE MUNICIPAL DEPARTMENTS IN THE CITY OF BARBERTON, 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. 160-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 161-2015**

**ORDINANCE NO. 161-2015. PRESENTED BY: MRS. SOYARS. TITLE: ENTER INTO CONTRACT – FIRE DEPARTMENT - 911 FLEET & FIRE EQUIPMENT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH 911 FLEET & FIRE EQUIPMENT, A DEALER LISTED ON THE STATE TERM CONTRACT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, IN THE AMOUNT OF \$138,800, FOR THE PURCHASE OF A 2014 CHEVY 4500 TYPE III DEMO AMBULANCE FOR THE FIRE**

**DEPARTMENT, AND DECLARING AN EMERGENCY.** It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Megyes, that **ORDINANCE NO. 161-2015 BE ADOPTED.** President Maurer stated he would like to call attention to the body that the Chief did go out there and do some competitive shopping and was able to secure a brand new vehicle for us at a dramatically reduced price because basically it was a demonstrator. He said at this time with our shrinking tax dollars we really appreciate the effort. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 162-2015**

**ORDINANCE NO. 162-2015. PRESENTED BY: MRS. FREY. TITLE: LEASE PURCHASE AGREEMENT - FIRE DEPARTMENT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A LEASE PURCHASE AGREEMENT WITH REPUBLIC FIRST NATIONAL, TO FINANCE A 2014 CHEVY 4500 TYPE III DEMO AMBULANCE FOR \$138,800, 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. 162- 2015 BE ADOPTED.** President Maurer stated now that we have the purchase set up we can pay for it. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 164-2015**

**ORDINANCE NO. 164-2015. PRESENTED BY: MRS. FREY. TITLE: TRANSFER OF FUNDS - PARKS DEPARTMENT. AN ORDINANCE TRANSFERRING \$30,000 FROM THE PARKS MAINTENANCE PERSONAL BUDGET TO THE PARKS MAINTENANCE CAPITAL BUDGET FOR THE PURCHASE OF A NEW TRUCK, 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. 164-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 165-2015**

**ORDINANCE NO. 165-2015. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST - 2016 LAKE ANNA ENTERTAINMENT SERIES. 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 \$15,000, FOR THE 2016 LAKE ANNA ENTERTAINMENT SERIES ~ CONCERT SERIES, 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. 165-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 166-2015**

**ORDINANCE NO. 166-2015. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST - 2016 LABOR DAY CELEBRATION. 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 \$8,000, FOR THE 2016 LABOR DAY CELEBRATION, 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. 166-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 167-2015**

**RESOLUTION NO. 167-2015. PRESENTED BY: MRS. FREY. TITLE: ADVANCE OF LOCAL TAXES. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE ADVANCE OF LOCAL TAXES BY THE COUNTY FISCAL OFFICE FOR THE 2015 TAX YEAR, PAYABLE IN 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 Mr. Frey, seconded by Mr. Debevec, that **RESOLUTION NO. 167-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 168-2015**

**ORDINANCE NO. 168-2015. PRESENTED BY: MRS. FREY. TITLE: AUTHORIZE PAYMENT - KENMORE CONSTRUCTION COMPANY. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO KENMORE CONSTRUCTION COMPANY, IN THE AMOUNT OF \$24,411.47, FOR EMERGENCY REPAIRS TO A 16” WATER MAIN AT THE SUMMIT ROAD PUMP STATION, 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. 168-2015 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. Wagner from tonight's proceedings. All Members voted "yea." Motion carried.

President Maurer stated Wednesday, November 11<sup>th</sup> is Veteran's Day and the City Building and all of its operation will be closed.

President Maurer stated every council member is assigned a chairmanship of a committee so based on their personal preferences he would like to get the old and new members of council to compile their list for the 2016/2017 session. He said in the past seniority is generally the primary factor for selecting committees.

President Maurer said November is a 5 Monday month so on the 5<sup>th</sup> Monday we will not be meeting. He said moving into December, we will meet on December 7<sup>th</sup> for a Committee of the Whole, Legislative Session on the 14<sup>th</sup> immediately followed by a Committee of the Whole, and the last Legislative Session for the year will be the 21<sup>st</sup>. He stated we will be on Christmas Break on the 28<sup>th</sup> of December.

Mr. Megyes stated Thursday, November 12<sup>th</sup> the Parks and Recreation Commission will meet at 4:30 at the Active Adult Center.

Mr. Megyes stated Saturday, November 14<sup>th</sup> the football team's leave removal from people's yards will take place. He said if anyone needs any help with that to let him know.

President Maurer stated the Lake Anna Committee will be putting together the Hero's Walk.

Mr. Megyes said the City Council made the Akron Beacon Local Section front page.

## **COMMUNICATION FROM THE MAYOR**

Mayor Judge stated everyone should have received the new Charter with the updates from the last election and said the clerk has more if anyone needs one. He said they will be in the new orientation packet.

Mayor Judge announced Change for Change will be held Thursday, November 19<sup>th</sup> at the Green Diamond to benefit the Greynold's Classic.

Mayor Judge stated for council members, especially the new ones coming on board, they are putting together the 2016 Road Resurfacing Program so if you could get streets together in your ward/area that you would like added to the list. He said they will compile a list and give it to GPD to do the assessment and then they will look at the budget to see how much they have for the 2016 Program.

Mayor Judge said Shane McAvinew is looking for people to turn the Holiday Lights on/off at Lake Anna. He said we need to get the slots filled so see Shane or Lisa McLean if you are interested.

Mayor Judge announced the Christmas Walk will be held Saturday, November 28<sup>th</sup>.

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

Adjourned: 8:08 P.M.

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Frederick S. Maurer  
President of Council

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Renee Fox  
Clerk of Council