

Council met in **REGULAR SESSION** on Monday, November 23, 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. Soyars 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, November 9, 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

Charlie Flohr, 190 2nd Street SE, Barberton. Mr. Flohr stated he recently ran for Ward 2 but came up a little short on election day (congratulated Mrs. Angeloff). He stated he still has the City’s best interest in mind so he thought he would take a minute to let council know one of the ideas he had that he wanted to advocate if he were elected. He said it is Ohiocheckbook.com. He said it is an initiative created by Josh Mandel, the State Treasurer, and is part of his transparency project with the state which has won tons of awards – transparency with the Government and Ohio is actually ranked No. 1 in the Country. He said it is a very intuitive user friendly graphical interface of city expenses. He stated Ohiocheckbook.com is the first of its’ kind to government transparency websites and shows taxpayers exactly how their tax money is being spent. He said this initiative sets a national standard for transparency in state government. Mr. Flohr said at this time there is currently more than 125 governments and school districts using the program. He said Stow recently signed up and there are other neighboring and major cities such as New Franklin, Alliance, Columbus, Toledo, Sandusky, Massillon, Mansfield, and Plain Township are already using the program. He said it is also available and recommended for school districts as well. He stated citizens have a right to know how their tax dollars are being spent and government can easily answer questions about finances by pointing to Ohiocheckbook.com and you can see exactly where everything is going. He said it clears everything up for a lot of people, everybody involved actually, and you can see where your money is going and what projects are being funded. He said there are no questions about why a road is not getting paved or why things are not getting done. He stated it is all out in the open for everyone to see. He also said it does not cost the City anything to implement and the state has a fund set aside specifically for this and all you have to do is contact them and they will help you set it up. He stated there really is no reason why the City would not do this and it is absolutely free all you have to do is ask them and they will send you a packet of information to sign up for. Mr. Flohr said that is one of the ideas he had that he was looking to put forward if he were

elected and hopefully someone can pick up the ball and run with that and hopefully we can get something done.

Mr. Flickinger stated the City of Barberton will go live next week. He said the City of Barberton was actually the first City (even though we did not get the press). He stated the day he got the invitation he sent an email to the State Treasurer's Office stating that we would be a part of this. He said it has taken a little while to get this far. He said Mr. Flohr is correct that there is not a cost but it is not as easy as a lot of people have perceived. He said if all goes well he signed off on it last week and we should be live next week. He stated he is correct it is a great opportunity for residents and he is very impressed with the program. He said the City will even have a link on the website to this site. He said it is amazing and that somebody could sit there for days if they wanted to look up every expenditure. He stated he sent them everything he had back to 2006. He said it is there and anyone who is interested can have it. Mr. Flickinger stated there will be a press announcement in the next week according to the State Treasurer's Office.

President Maurer stated we received a lot of press on this in the Barberton email. He said he agrees with Mr. Flickinger that if you have nothing to hide it is a wonderful thing and we have nothing to hide.

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. 169-2015

ORDINANCE NO. 169-2015. PRESENTED BY: MR. MEGYES. TITLE: SALE OF PROPERTY – NOLA AVENUE EXTENSION. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO SELL THE PROPERTY KNOWN AS NOLA AVENUE EXTENSION TO DAVID AND CAROL WOLFE, FOR THE SUM OF \$5,300 PLUS CLOSING COSTS. 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. 169-2015 BE ADOPTED.** President Maurer asked Mr. Stefan if this was not a buildable piece of property. Mr. Stefan stated it is not. Mr. Maurer stated for the record when we have a piece of property that is not buildable, in this particular case it was a paper street that was never developed, it is often offered for sale at whatever the fair market price is to the neighboring properties. He said sometimes it is split down the middle and sometimes they are purchased by one party. He asked Mr. Stefan if that was the assessment. Mr. Stefan stated it was. All Members voted "yea." Motion carried.

ORDINANCE NO. 170-2015

ORDINANCE NO. 170-2015. PRESENTED BY: MR. MEGYES. TITLE: PURCHASE OF PROPERTY - 101 EAST TUSCARAWAS AVENUE. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 101 EAST TUSCARAWAS AVENUE, THE FORMER BURGER KING BUILDING, FOR NO MORE THAN \$50,000, 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. 170-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 171 -2015

ORDINANCE NO. 171-2015. PRESENTED BY: MR. MEGYES. TITLE: GROUND LEASE AGREEMENT - AMENDING ORDINANCE NO. 119-2015. AN ORDINANCE AMENDING ORDINANCE NO. 119-2015, “GROUND LEASE AGREEMENT,” TO REFLECT THAT 85% OF THE ORIGINAL PAYMENT OF \$135,000 WILL BE DEPOSITED IN THE PARKS REVOLVING FUND, AND 15% TO BE DEPOSITED IN A BUSINESS INCENTIVE PROGRAM FUND AND ANY PAYMENTS RECEIVED IN ADDITION AND/OR AFTER THE 10 YEAR LUMP SUM PAYMENT WILL BE DEPOSITED IN THE PARKS REVOLVING FUND, 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. 171-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 172-2015

ORDINANCE NO. 172-2015. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO AGREEMENT - SUMMIT COUNTY. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH SUMMIT COUNTY FOR THE ACQUISITION OF ALL COUNTY SANITARY SEWER ASSETS WITHIN THE CITY OF NORTON, 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. 172-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 173-2015

ORDINANCE NO. 173-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – CDBG FUND. AN ORDINANCE APPROPRIATING \$4,308.00 FROM THE UNAPPROPRIATED ITEM OF THE CDBG FUND INTO THE CDBG PROGRAM INCOME EXPENDITURE ACCOUNT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mr. Avant, that **ORDINANCE NO. 173-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 174-2015

ORDINANCE NO. 174-2015. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – USEPA. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) FOR \$400,000, TO BE USED ON A CITYWIDE BASIS, FOR CERTAIN BROWNFIELD SITES AND PROPERTY ASSESSMENTS, SAMPLING

PLANS, AND COMMUNITY OUTREACH/EDUCATION. 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. 174-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 175-2015

ORDINANCE NO. 175-2015. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - PLANNING DEPARTMENT. AN ORDINANCE APPROPRIATING \$200,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PLANNING DEPARTMENT USEPA PETROLEUM ASSESSMENT GRANT 2015-2017 AND \$200,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PLANNING DEPARTMENT USEPA HAZARDOUS SUBSTANCES ASSESSMENT GRANT 2015-2017, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mr. Avant, that **ORDINANCE NO. 175-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 176-2015

ORDINANCE NO. 176-2015. PRESENTED BY: MR. SOYARS. TITLE: PROSECUTORIAL CONTRACT - CITY OF GREEN. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A THREE-YEAR CONTRACT WITH THE CITY OF GREEN WHEREBY THE LAW DEPARTMENT WILL PROVIDE PROSECUTORIAL SERVICES TO THE CITY OF GREEN, COMMENCING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2018, 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. 176-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 177-2015

ORDINANCE NO. 177-2015. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - GPD GROUP. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH GPD GROUP, IN AN AMOUNT OF \$120,000, FOR 2016 PROFESSIONAL ENGINEERING SERVICES, INCLUDING, BUT NOT LIMITED TO PERMISSIVE AND RESIDENTIAL STREET RESURFACING/PROGRAMS, INFRASTRUCTURE IMPROVEMENT DESIGN/MANAGEMENT, STREET CRACK SEALING, STREET STRIPING, AND MISCELLANEOUS ENGINEERING/MANAGEMENT SERVICES, 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. 177-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 178-2015

RESOLUTION NO. 178-2015. PRESENTED BY: MR. LYSENKO. TITLE: AMATS GRANT REQUEST. A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PLANNING TO AMATS FOR THE INSTALLATION OF SIDEWALKS ALONG THE WEST SIDE OF VAN BUREN AVENUE BETWEEN TUSCARAWAS AVENUE AND FAIRVIEW AVENUE, 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. 178-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 179-2015

RESOLUTION NO. 179-2015. PRESENTED BY: MR. LYSENKO. TITLE: AMATS GRANT REQUEST. A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PLANNING TO AMATS TO BUILD A CONNECTOR TRAIL FROM THE 2ND STREET TOWPATH TRAILHEAD WEST ALONG WOOSTER ROAD, ACROSS WOOSTER ROAD AT FOURTH STREET AND INTO THE PARKING AREA BEHIND THE THEATER, 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. 179-2015 BE ADOPTED.** President Maurer asked Mr. Stefan since this would wind up behind Lake Theater, is there going to be a place to park bicycles. Mr. Stefan stated there are bike racks currently next to the Lake Theater. Mr. Maurer asked if eventually we could have a structure there like a visitor’s center. Mr. Stefan stated possibly and this is a grant application that we have to apply for now much like the streets application for AMATS for 2019 funding so we are quite a ways off for the actual design of it. All Members voted “yea.” Motion carried.

ORDINANCE NO. 180-2015

ORDINANCE NO. 180-2015. PRESENTED BY: MR. LYSENKO. TITLE: AMENDING THE INTERNATIONAL PROPERTY MAINTENANCE CODE. AN ORDINANCE AMENDING CHAPTER 3, “GENERAL REQUIREMENTS,” BY ADDING SECTION 302.7.1 – TENTS AND/OR TEMPORARY HOUSING TO SAID SECTION. 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. 180-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 181-2015

ORDINANCE NO. 181-2015. PRESENTED BY: MRS. FREY. TITLE: CREATE NEW FUND “VACANT PROPERTY REGISTRATION FUND”. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE A NEW FUND, THE “VACANT PROPERTY REGISTRATION FUND,” TO ACCOUNT FOR REVENUE AND EXPENSES ASSOCIATED WITH THIS PROGRAM. 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. 181-2015 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 182-2015

ORDINANCE NO. 182-2015. PRESENTED BY: MRS. FREY. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES - CHAPTER 880 – MUNICIPAL INCOME TAX. AN ORDINANCE TO AMEND CHAPTER 880 OF THE CODIFIED ORDINANCES OF THE CITY OF BARBERTON REGARDING MUNICIPAL INCOME TAX, 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. 182-2015 BE ADOPTED.** President Maurer stated this is a requirement by the state or we don’t get our money and it will be a stress on Mr. Flickinger’s department because there will be all sorts of compliances. 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

The clerk read the following transfer. She stated a copy was given to Mrs. Daugherty, Chief Morber, and Mr. Megyes and no objections were received.

Liquor License:

From: White Front Café

To: Whitefront Café Grandmas Place

294 Wooster Road North

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 the following week is a 5th Monday so there will be no meetings and the next meeting will be held on December 7, 2015.

President Maurer asked to keep Mr. Wagner is everyone's thoughts and prayers. He stated he is going through a difficult period.

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: 8:03 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council