

Council met in **REGULAR SESSION** on Monday, November 10, 2014, 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 led by Freddie Elkins 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 27, 2014, 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, November 3, 2014, as presented. All Members voted "yea." Motion carried.

It was moved by Mrs. Frey, seconded by Mrs. Debevec, to approve the Finance Department Report for October, 2014, 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. 154-2014

RESOLUTION NO. 154-2014. SPONSORED BY: MRS. FREY. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – FREDDIE ELKINS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO FREDDIE ELKINS FOR THE DETERMINATION AND COMMITMENT HE DEMONSTRATED TO BECOME AN EAGLE SCOUT. 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. 154-2014 BE ADOPTED.** Mr. Maurer stated having been involved in the scouting program for a lot of years it is a lot of work getting an Eagle’s Award. He said unfortunately, in this day and age the type of dedication and the type of outlook you have, the values, views, morals are not always in sync with what is commonly accepted as the norm. He said people like Eagle Scout Elkins stood up to that possible criticism, kept focus on a very difficult task and only about 1% to 1 ½% of those starting the program ever achieve an Eagle. He said that makes him the top of the top. Mr. Maurer congratulated Freddie – said it is fantastic and he can’t tell him how much he respects that accomplishment. Mr. Judge congratulated Mr. Elkins on his accomplishment. He said his focus and determination is unparalleled and very important to not only being an Eagle Scout but also to serve in the community. He stated he should be very proud of that and he knows that his parents are. Mr. Judge said “Good Luck in the Future and Congratulations.” All Members voted “yea.” Motion carried.

It was moved by Mrs. Frey, seconded by Mrs. Debevec, to go into recess to award Mr. Elkins his Resolution.

Adjourned: 7:40
Reconvened: 7:42

Mr. Elkins stated going for an Eagle Scout was a challenge and not many have accomplished this throughout scouting. He said there has been a few in his troop that have not completed the Eagle because they have aged out but they wish they could have completed it. He said he is going to encourage all of the scouts to at least to try to go for Eagle because it is an amazing feeling and to help others too.

RESOLUTION NO. 149-2014

RESOLUTION NO. 149-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – ODOT - IR-76 / WOOSTER ROAD / EAST AVENUE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE RECONSTRUCTION OF THE IR-76 / WOOSTER ROAD / EAST AVENUE INTERCHANGE, INCLUDING EXTENSIVE RAMP RE-ALIGNMENTS, (PID 96670), 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. 149-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 150-2014

RESOLUTION NO. 150-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – ODOT - HOPOCAN AVENUE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE IMPROVEMENT OF HOPOCAN AVENUE

(PID 98364), 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. 150-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 151-2014

RESOLUTION NO. 151-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – ODOT - INTERSTATE 76. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE WIDENING OF INTERSTATE 76 FROM FOUR LANES TO SIX LANES, WITH MISCELLANEOUS BRIDGE WORK, WITHIN THE CITY LIMITS, (PID 93501), 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. 151-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 152-2014

RESOLUTION NO. 152-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – ODOT - NORTH VAN BUREN / FAIRVIEW. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE IMPROVEMENT OF NORTH VAN BUREN / FAIRVIEW AVENUE (PID 98363), 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. 152-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 153-2014

RESOLUTION NO. 153-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – ODOT - WOOSTER ROAD NORTH. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR WOOSTER ROAD NORTH, (PID 98365), 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. 153-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 146-2014

ORDINANCE NO. 146-2014. PRESENTED BY: MRS. FREY. TITLE: AMEND ORDINANCE NO. 117-2014. AN ORDINANCE AMENDING ORDINANCE NO. 117-2014 TO REFLECT AN ADDITION OF THE POSITION OF DIRECTOR OF PUBLIC SAFETY/HUMAN RESOURCES INTO PAY GRADE 9. 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. Mr. Lysenko and Mr. Endres voted “no.” Mr. Megyes, Mr. Soyars, Mr. Wagner, Mrs. Frey, Mr. Avant, Mrs. Debevec voted “yea” Motion carried. It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 146-2014 BE ADOPTED.** Mr. Lysenko stated he will be voting “no” because before they vote on a raise for this position or a change in the pay grade which will mean a raise they should wait for the results of the entire pay study so they see what the recommendations are for the other positions that are being evaluated in non-bargaining. He said without knowing what those recommendations will be he voted “no” on suspension as well. He said on an economic standpoint, we should figure out what the recommendation as a whole costs us before we vote on just one regardless whether we think it is deserving of the pay raise proposed or the change in pay grade proposed. Mr. Avant stated when they talked about the continuation of the consultant study they had already found out this is going to increase the wage. He said if they do them all, they are going to have to increase everybody’s wage and we do not have that kind of money. He stated to say he is getting a raise is wrong because we do not have a HR/Safety Director right now but we have to have one and this is a good tool for the Mayor to be able to hire. He said we know that two people that report to the HR/Safety Director is already maxed out in the pay grade 8 so the person that they are reporting to should be able to step in (and you will never step in at that rate even if you go to a 9 or make up a 10) but this gives a terrific range for the Mayor to hire the proper people. He said they talked about the other people being in a pay grade but right now we are talking about this situation that really needs to be remedied because we do need a HR/Safety Director as well as a Building Commissioner and our Engineer is going to be gone so we need that too. Mr. Avant said we need to act on this as soon as we can and any further studies will make this situation worse. Mr. Maurer stated he agrees with both Mr. Avant and Mr. Lysenko. He said Mr. Lysenko’s point is well taken and he would like to get this taken care of in one shot. He stated we have three positions in question that are looking at changes or additions to the pay ordinance and those positions are now unclassified, however, the one mitigating factor that Mr. Avant alludes to is the fact that we are trying to fill one of the premier cabinet positions in the City and without knowing what the Mayor can offer these people he can’t very well do that. Mr. Maurer said the old adage is we can always amend an ordinance later. He said he does like the idea of having everything done but again the mitigating circumstance he thinks is something this Council should consider when voting. Mayor Judge stated he would appreciate Council pass this legislation this evening but he does respect everyone’s opinion and thoughts on this matter. He said the urgency in tonight is we have closed accepting resumes. He said he has received over 60 resumes and it is time to start scheduling the interviews and we cannot do that without having what the pay is going to be. He stated they had some qualified people pull their resume because they did not want to get into a situation where something might happen but if it doesn’t and the pay is in flux so they pulled their resume and they were very qualified. Mr. Judge said there are two positions in the City that touch every employee – Mayor and HR/Safety Director. He said

the HR/Safety Director more because even the Mayor reports to the HR Director and follow certain rules and regulations that are standard in business or government today. He said if this does not pass today he wants – needs Council to give direction. Mayor Judge said you can't come in and vote no today and be an absent Councilperson. He said you have to give some direction. He stated as Mr. Avant said regarding the Building Commissioner, they are still actively searching - they have Stormwater Engineer, Engineer, General Foreman and some other key positions that are going to come open here in the next year or so. He said without having this position filled with a qualified person you cannot get these things done and to get a qualified person we have to pay them what is needed. Mayor Judge said by putting them in a pay grade it gives us some flex on making the initial offer and as you know nothing can be offered or accepted above midpoint without council approval. He said once we get down to the interviews and we get this pay situation handled we will set up the interviews and get the best candidates in here and so he asks and urges Council to vote yes on this. Mr. Judge stated he has not received any questions this past few weeks so that is another reason to vote on it tonight. Mr. Lysenko asked if this will not be effective until 30 days because there is no emergency wording. Mr. Maurer stated that is correct. Mr. Maurer said to support what the Mayor stated, he met with the Mayor on this last week and they discussed this issue and he voiced a lot of things Mr. Lysenko spoke about. He said they also have an issue with a member of this body that we need to deal with and he wants to get it resolved quickly. He has been assured by the Mayor that the people who are still hanging in limbo will be dealt with fairly and appropriately. He said he has no reason to doubt what he says. Mr. Maurer said he would urge the passage of this ordinance because of the mitigating circumstance of trying to replace a very important member of the Mayor's staff. He said without a HR Director we are open to a lot of liability that we should not be open to. He said once again that is that one mitigating circumstance and other than that he would be encouraged to vote with Mr. Lysenko but under those circumstances he says we should pass this ordinance. Mr. Endres and Mr. Lysenko voted "no." Mrs. Debevec, Mr. Avant, Mrs. Frey, Mr. Wagner, Mr. Soyars, Mr. Megyes, voted "yea" Motion carried.

First Reading October 27, 2014

ORDINANCE NO. 147-2014

ORDINANCE NO. 147-2014. PRESENTED BY: MRS. FREY. TITLE: AMENDING ORDINANCE NO. 145-2014 - EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES. AN ORDINANCE AMENDING ORDINANCE NO. 145-2014, "EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES," IN ORDER TO REMOVE THE POSITION OF DIRECTOR OF PUBLIC SAFETY. 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. Mr. Lysenko and Mr. Endres voted "no." Mr. Avant, Mr. Megyes, Mr. Wagner, Mrs. Debevec, Mr. Soyars and Mrs. Frey voted "yea." Motion carried. It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 147-2014 BE ADOPTED.** Mr. Endres and Mr. Lysenko voted "no." Mrs. Frey, Mr. Soyars, Mrs. Debevec, Mr. Wagner, Mr. Megyes, and Mr. Avant voted "yea." Motion carried.

First Reading October 27, 2014

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

BOARD OF ZONING APPEALS

Elwood Palmer appointment Immediately – December 31, 2016

It was moved by Mr. Soyars, seconded by Mrs. Debevec to affirm the appointment of Elwood Palmer to the Board of Zoning Appeals. All Members voted “yea.” Motion carried.

SUMMIT COUNTY COMBINED

GENERAL HEALTH DISTRICT BOARD

5-Year Term

Sandra Baker appointment January 1, 2015 thru December 31, 2019

It was moved by Mr. Endres, seconded by Mrs. Frey to confirm the appointment of Sandra Baker to the Summit County Combined General Health District Board. All Members voted “yea.” Motion carried.

SUMMIT COUNTY COMBINED

GENERAL HEALTH DISTRICT BOARD

5-Year Term

Leon Ricks appointment January 1, 2015 thru December 31, 2019

It was moved by Mr. Endres, seconded by Mrs. Frey to reaffirm the appointment of Leon Ricks to the Summit County Combined General Health District Board. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Maurer reminded everyone tomorrow is Veteran’s Day and the City Building will be closed and because Mr. Hicks is not here he will say it for him “Happy Birthday to the U.S. Marine Corp.” He said for everyone not around when Mr. Hicks was here, he always brought it up.

Mr. Maurer stated he is very pleased that Mr. Elkins came here and received the Resolution recognized by Council for his Eagle Scout Award which is very outstanding.

Mr. Maurer stated the Barberton Community Foundation Annual Recognition Dinner was held and well attended. He said it was probably one of the best since it started 18 years ago.

Mr. Maurer apologized for missing the committee meetings. He said he was with the Community Foundation and they had a meeting today and it ran over. He stated he appreciates the understanding and patience.

Mr. Maurer asked Mayor Judge how the Clemens and Nelson report is doing. Mr. Judge stated he should be hearing back any day. He said when he gets everything a final report will be issued.

COMMUNICATION FROM THE MAYOR

Mayor Judge thanked Council for passing legislation for putting the HR/Safety Director into a pay grade.

Mayor Judge also thanked Council for passing legislation dealing with the streets and some of the projects that are coming up. He said without the passage of Issue 8 it would be a very short night tonight because we would not have any of that legislation. He said Issue 8 was responsible for additional grant funding through AMATS which is an agency in Akron which gets federal funding – past projects are Robinson Avenue, State Street, and Wooster Road West and all paid 80% from our friends of the Federal Government.

Mayor Judge stated as it was mentioned tomorrow is Veteran’s Day and the City Building will be closed. He said everyone will be back Wednesday and to please remember those who put their lives on the line for our Freedom.

Mayor Judge said as he stated earlier, they are advertising for a few positions – City Engineer and CDBG Specialist. He said they will close in about 2 ½ weeks and then will continue with the interviews.

Mayor Judge stated November 20th will be the change for change event at the Green Diamond which will benefit the Greynold’s Classic.

Mayor Judge said there is a canned food drive going on – Thank You Mr. Avant. He said you can drop off your canned goods at the Building Department or the Mayor’s Office from now through the end of the year.

Mayor Judge stated the Christmas Walk will be held on November 29th from 4:00pm until 9:00pm. He said to get with Shane McAviney if you would like to volunteer.

Mayor Judge said regarding the council retreat that he emailed Council about last week, he has heard back from a few but if the rest of them would get in touch with him he would like to set up a date and time to go over some things.

Mayor Judge asked to keep Joe Stefan and Jim Bauschlinger in their prayers. He said both had a medical procedure done recently and are doing well.

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

Adjourned: 8:10 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council

