

Council met in **REGULAR SESSION** on Monday, November 27, 2017, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Angeloff, Coburn, Debevec, Frey, Megyes, Palmer, Soyars, and Conrad-Wokojance. President Maurer introduced Michael Chisnell, the 2018 Chairman of the Board for the Barberton Community Foundation. 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 13, 2017, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Special Session held on Monday, November 20, 2017, 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 20, 2017, 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

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. 147-2017.

ORDINANCE NO. 147-2017. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION - PLANNING DEPARTMENT. AN ORDINANCE APPROPRIATING \$76,282.78 FROM THE UNAPPROPRIATED ITEM OF THE CITY GRANT FUND TO THE PLANNING OPERATION AND MAINTENANCE BUDGET, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Angeloff, that **ORDINANCE NO. 147-2017 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 148-2017

ORDINANCE NO. 148-2017. PRESENTED BY: MR. PALMER. TITLE: ENTER INTO CONTRACT – REPUBLIC SERVICES - LEACHATE TREATMENT. AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A TWO (2) YEAR CONTRACT WITH REPUBLIC SERVICES TO TREAT LANDFILL LEACHATE PER CONTRACTUAL PER GALLON CHARGES, AND DECLARING AN EMERGENCY. It was moved by Mr. Palmer, 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. Palmer, seconded by Mr. Megyes, that **ORDINANCE NO. 148-2017 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 149-2017

ORDINANCE NO. 149-2017. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION - FIRE DEPARTMENT. AN ORDINANCE APPROPRIATING \$5,775 FROM THE FIRE DEPARTMENT GRANT FUND TO THE FIRE DEPARTMENT OPERATING BUDGET, DUE TO A GRANT FROM A STATE OF OHIO EMS GRANT AND WILL BE USED TO PURCHASE EMS EQUIPMENT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, 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. Debevec, seconded by Mr. Soyars, that **ORDINANCE NO. 149-2017 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 150-2017

ORDINANCE NO. 150-2017. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF VEHICLES - POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP/SALVAGE TWENTY-SEVEN (27) VEHICLES DEEMED TO BE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND UNFIT AND UNSAFE FOR DISPOSAL IN ANY OTHER MANNER, AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, 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. Soyars, seconded by Mrs. Debevec, that **ORDINANCE NO. 150-2017 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 151-2017

ORDINANCE NO. 151-2017. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION - POLICE DEPARTMENT - WEB CHECK. AN ORDINANCE APPROPRIATING \$6,000 FROM THE GENERAL FUND TO THE POLICE DEPARTMENT OPERATING BUDGET TO COVER WEB CHECK COSTS FOR THE REMAINDER OF THE YEAR, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, 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. Debevec, seconded by Mr. Soyars, that **ORDINANCE NO. 151-2017 BE ADOPTED.** Presented Maurer stated this is a self-supporting program so we have an opportunity to re-coop this expenditure. All Members voted “yea.” Motion carried.

ORDINANCE NO. 152-2017

ORDINANCE NO. 152-2017. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION - POLICE DEPARTMENT - TOWING COSTS. AN ORDINANCE APPROPRIATING \$9,000 FROM THE GENERAL FUND TO THE POLICE DEPARTMENT OPERATING BUDGET TO COVER TOWING COSTS FOR THE REMAINDER OF THE YEAR, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, 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. Debevec, seconded by Mr. Soyars, that **ORDINANCE NO. 152-2017 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 153-2017

ORDINANCE NO. 153-2017. PRESENTED BY: MR. SOYARS. TITLE: AMEND BARBERTON CODIFIED ORDINANCES - CHAPTER 844 – PEDDLERS AND SOLICITORS. AN ORDINANCE TO AMEND ORDINANCE 113-2016, CHAPTER 844, SECTION 844.04(b) “PEDDLERS AND SOLICITORS,” OF THE BARBERTON CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, 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. Soyars, seconded by Mrs. Debevec, that **ORDINANCE NO. 153-2017 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 154-2017

ORDINANCE NO. 154-2017. PRESENTED BY: MR. SOYARS. TITLE: WEAPONS TRADE. AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO TRADE TWELVE (12) MISCELLANEOUS WEAPONS TO VANCE’S LAW ENFORCEMENT SUPPLY CO., FOR A CREDIT OF APPROXIMATELY \$2,600, TO BE USED TOWARDS THE PURCHASE OF AMMUNITION AND OTHER EQUIPMENT NEEDED BY THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, 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. Soyars, seconded by Mrs. Debevec, that **ORDINANCE NO. 154-2017 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 155-2017

ORDINANCE NO. 155-2017. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT – FIRE DEPARTMENT - PFUND SUPERIOR SALES. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH PFUND SUPERIOR SALES, A DEALER LISTED ON THE STATE TERM CONTRACT THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES, IN THE AMOUNT OF \$195,997 FOR THE PURCHASE OF A 2019 LIFE LINE AMBULANCE, AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, 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. Soyars, seconded by Mrs. Debevec, that **ORDINANCE NO. 155-2017 BE ADOPTED.**

President Maurer asked Chief Baldwin when we receive this new ambulance will we be taking another ambulance off line or will we have an extra. Chief Baldwin stated this will be replacing one that is in desperate need of replacement. He said this old one will come completely out of service when this one comes in, if it last that long. All Members voted “yea.” Motion carried.

RESOLUTION NO. 156-2017

RESOLUTION NO. 156-2017. PRESENTED BY: MR. MEGYES. TITLE: APPROPRIATION OF 425 W. HOPOCAN AVE. A RESOLUTION DECLARING THE CITY’S INTENT TO APPROPRIATE THE PARCELS OF REAL PROPERTY KNOWN AS 425 W. HOPOCAN AVENUE, PERMANENT PARCEL NUMBERS 01-05385 AND 01-11886, FOR THE PURPOSE OF CONSTRUCTING A PUBLIC IMPROVEMENT AND GOVERNMENTAL BUILDING DEDICATED TO THE OPERATION OF A BARBERTON MUNICIPAL COMPLEX TO INCLUDE ADMINISTRATIVE SERVICES, THE BARBERTON MUNICIPAL COURT, BARBERTON POLICE DEPARMENT AND BARBERTON CITY JAIL, AND DECLARING AN EMERGENCY.

1st Reading Only.

ORDINANCE NO. 157-2017

ORDINANCE NO. 157-2017. PRESENTED BY: MRS. DEBEVEC. TITLE: TRANSFER OF MONEY - PARKS DEPARTMENT. AN ORDINANCE TRANSFERRING \$8,000 FROM THE GENERAL FUND SENIOR CENTER CAPITAL OUTLAY BUDGET TO THE PARKS ADMINISTRATION OPERATING BUDGET, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, 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. Debevec, seconded by Mr. Megyes, that **ORDINANCE NO. 157-2017 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 158-2017

ORDINANCE NO. 158-2017. PRESENTED BY: MR. MEGYES. TITLE: LEASE/PURCHASE AGREEMENT - NORTON AVENUE. AN ORDINANCE AUTHORIZING THE CITY OF BARBERTON TO LEASE/PURCHASE FOUR PARCELS THAT MAKE UP 635 NORTON AVENUE FROM THE BARBERTON COMMUNITY DEVELOPMENT CORP. (BCDC) AS WELL AS ACCEPT PARCEL 01.16732 (15TH STREET NW) FROM BCDC, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, seconded by Mrs. Coburn, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. Mrs. Angeloff, Mr. Palmer, Mr. Megyes, Mrs. Coburn, Mrs. Frey, Mrs. Debevec, Mr. Soyars all voted “yea.” Mrs. Conrad-Wokojance voted “no.” Motion carried. It was moved by Mr. Megyes, seconded by Mrs. Coburn, that **ORDINANCE NO. 158-2017 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 159-2017

ORDINANCE NO. 159-2017. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - STANDARD INSURANCE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR CONTRACT WITH STANDARD INSURANCE FOR THE 2018 LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT CONTRACT. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Angeloff, that **ORDINANCE NO. 159-2017 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 160-2017

ORDINANCE NO. 160-2017. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – MET LIFE - DENTAL COVERAGE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR CONTRACT WITH MET LIFE TO PROVIDE DENTAL COVERAGE FOR POLICE, FIRE, AND NON-BARGAINING EMPLOYEES, BEGINNING JANUARY 1, 2018 THROUGH DECEMBER 31, 2018. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Angeloff, that **ORDINANCE NO. 160-2017 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 161-2017

ORDINANCE NO. 161-2017. PRESENTED BY: MRS. DEBEVEC. TITLE: AUTHORIZE PAYMENT - LEADS ONLINE. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO LEADS ONLINE, IN THE AMOUNT OF \$3,133, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Angeloff, that **ORDINANCE NO. 161-2017 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 133-2017

ORDINANCE NO. 133-2017. PRESENTED BY: MRS. ANGELOFF. TITLE: AMEND BARBERTON DEVELOPMENT CODE - MEDICAL MARIJUANA ENTITIES. AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY ADDING A NEW CHAPTER 1255, “MEDICAL MARIJUANA ENTITIES.” *1st Reading 10/23/2017, 2nd Reading 11/13/2017.* It was moved by Mrs. Angeloff, seconded by Mrs. Frey,

that **ORDINANCE NO. 133-2017 BE ADOPTED.** Mrs. Angeloff stated she is not opposed to medical marijuana and all of Council knows she has been on a mission all summer long. She stated working the mum fest for two straight days gave her the opportunity to talk with a lot of people and she asks questions. She said she asked people what they thought about it and the answer she got repeatedly was “We don’t need it.” She stated they didn’t care about the text amendment, they didn’t care about anything they just said “We don’t need it.” She said we don’t need marijuana associated with Barberton. Mrs. Angeloff stated with the yes vote a new eight-page chapter will be added to our City of Barberton Development Code that will allow the growing and testing of medical marijuana but to put it very simply, a no vote will give Council an opportunity to ask for a permanent moratorium against the growing and the testing of marijuana. Mrs. Conrad-Wokojance stated they were told that having something is better than nothing and she doesn’t necessarily agree with that because they have the option to have this worded much differently and they can say they don’t want to grow marijuana here. She said like Mrs. Angeloff, she is not opposed to marijuana but she is opposed to the way this is written. She stated she feels that many other communities are saying no and she feels Barberton should be saying no as well. President Maurer stated the way he is looking at this is The State of Ohio made it legal at the state level to cultivate marijuana for medical purposes. He said there are a lot of very dangerous drugs that are cultivated, opium poppies are a good example and the whole family of morphine and these types of things come from a pharmacological plant. He stated the important thing they need to keep in mind is that by adding this to the development code, it gives them the ability to control where this is done, in proper neighborhoods and proper settings because we cannot overrule what the voters of the State of Ohio already told us is going to be fine. He said he does not vote on these things unless there is a tie but he believes this is really the only tool we have to controlling where it will be in our city. He said without that type of restriction he would not like to speculate how this would take shape, whereas, we can control our destiny. He stated he has gotten a few calls himself and there is an awful lot of misunderstanding about what it is they are trying to do and they are not trying to facilitate or invite growers to come in here but if they decide they can and they legally have the right to do so, they can at least control how they are going to do so. Mr. Palmer, Mrs. Debevec, Mr. Soyars, Mrs. Conrad-Wokojance, Mrs. Angeloff, and Mr. Megyes all voted “no.” Mrs. Frey and Mrs. Coburn voted “yea.” Motion failed.

APPOINTMENTS

Barberton Community Foundation

Edna Boyle

3 Year Term

January 1, 2018–December 31, 2020

It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, to confirm the appointment of Edna Boyle for a 3-year term with the Barberton Community Foundation beginning on January 1, 2018 through December 31, 2020. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

Liquor License Transfer:

From: Bernard C. Hone, DBA Corner Café, 659 W. Tuscarawas Avenue

To: Fehrs Corner Café LLC, 659 W. Tuscarawas Avenue

The Clerk stated a copy was given to Mrs. Daugherty, Chief Morber, and Mr. Megyes and no objections were received.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer reminded department heads there would only be 3 meetings next month. He explained the meeting schedule.

Mrs. Conrad-Wokojance updated Council on the success of the fundraiser which was held for the Ohio Alliance to End Sexual Violence. She said \$600 was raised and another \$200 commitment from a Barberton Business.

Mrs. Conrad-Wokojance thanked the Barberton Noon Time Kiwanis for putting together the Community Thanksgiving Service. She said it was wonderful and great to see so many community members.

Mrs. Conrad-Wokojance gave a shout out to the Jaycees on the Winter Wonderland. She said she knows a lot of time and hard work went into it.

COMMUNICATION FROM THE MAYOR

Mayor Judge was not in attendance this evening.

Mrs. Daugherty announced there is a new addition to the Judge house and everyone is doing fine.

Mrs. Daugherty stated from the Safety Director's Office, if you are out Christmas shopping to make sure to put your packages in the trunk, don't leave the mall with your hands full on both sides but to make sure you have a hand free, lock your doors, check to make sure you are not being followed and set your computer settings on high for security if you are going to do cyber shopping.

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