

Council met in **REGULAR SESSION** on Monday, December 12, 2016, 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. The Pledge of Allegiance to the Flag was recited and Mrs. Debevec 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 28, 2016, as presented. All Members voted “yea.” Motion carried.

It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, to accept the Finance Department Report for November 2016, 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.**

*The following Resolution was taken out of order.*

### **RESOLUTION NO. 134-2016**

**RESOLUTION NO. 134-2016. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. SOYARS. TITLE: COMMENDATION – SHANNON DAVIS, WENDY RAY, JOYCE WALKER, JACOB PALIDAR, JORDAN HARDWICK, AND AMANDA CLINE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON COMMENDING AND GIVING PUBLIC RECOGNITION TO SRO SHANNON DAVIS, SCHOOL NURSE WENDY RAY, PRINCIPAL JOYCE WALKER AND TEACHERS JACOB PALIDAR, JORDAN HARDWICK AND AMANDA CLINE FOR SAVING AN 8<sup>TH</sup> GRADERS LIFE.** 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 **RESOLUTION NO. 134-2016 BE ADOPTED.** Mr. Soyars thanked the individuals who saved the girls life. He said his daughter was on the field trip and told him all about it. He said he hopes the girl is safe and thanked them for their quick action. Mayor Judge thanked the individuals which are being recognized. He said you send your kids to school and hope they are going to be safe. He stated there is a difference between knowing what to do and actually doing it, there is a big difference. He said to have so many people spring into action – we all know that seconds, not minutes,

seconds count. He thanked Chief Morber, Superintendent Cleary and Jason Ondrus for what they do by keeping everyone trained and up to speed to keep our children safe. He congratulated them again and stated he will reach out to these individuals to make sure they realize how special it is. President Maurer stated it is often said hero's walk among us all the time and we don't know who they are until they have to step up to the plate. He said it is reassuring, as the Mayor observed that we entrust our children to the school system and the quality of that system comes right to the top and he sees some of our top administrators in the audience and it is comforting to know that the kids are in the right hands and that we have such quality people serving this community. He asked Superintendent Cleary to pass along those words. Mrs. Cleary stated she certainly will and she thanked Council and the Mayor for this honor. She said there is a middle school band concert this evening and those being recognized thought they would be here but they are being held up at the concert. She said it was a very emotional thing that they went through. She said Mrs. Walker called her after the event and said she couldn't believe it happened. Mrs. Cleary told her she saved this child's life – thank goodness. Chief Morber stated he found out through Lieutenant Jamison who said Shannon Davis deserved a commendation. Chief Morber told Shannon if you save a life you get to come before council. He said she went beyond what is expected and they get a letter from him but this is council worthy. He stated Shannon is also at the band concert and he would like to give this the following week. President Maurer said it is really important the student is doing well and asked if she is back in school. Superintendent Cleary stated she believes she is and said this is the second time her staff has saved this girls life. She said the first time was when she was on the track team and the EMT was there within a split second but the coaches did the right thing until they arrived. Chief Morber stated they are proud of their employees and the work they do. Superintendent Cleary said they make a good team. All Members voted "yea." Motion carried.

## **FIRST READING OF ORDINANCES AND RESOLUTIONS**

### **ORDINANCE NO. 140-2016**

**ORDINANCE NO. 140-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION – CDBG FUND - PROGRAM INCOME. AN ORDINANCE APPROPRIATING \$45,855.58 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME FUND TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND PROGRAM INCOME EXPENDITURE ACCOUNT, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, seconded by Mrs. Conrad-Wokojance, 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. Conrad-Wokojance, that **ORDINANCE NO. 140-2016 BE ADOPTED.** All Members voted "yea." Motion carried.

### **ORDINANCE NO. 141-2016**

**ORDINANCE NO. 141-2016. PRESENTED BY: MR. PALMER. TITLE: ENTER INTO CONTRACT - ENVIRONMENTAL DESIGN GROUP. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH ENVIRONMENTAL DESIGN GROUP FOR CONSTRUCTION ASSISTANCE AND INSPECTION SERVICES DURING THE INSTALLATION OF SANITARY SEWERS AND A PUMP STATION IN THE NASH**

**HEIGHTS AREA OF NORTON, IN AN AMOUNT NOT TO EXCEED \$300,000, 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. 141-2016 BE ADOPTED.** President Maurer stated he is glad this project is finally moving along. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 142-2016**

**ORDINANCE NO. 142-2016. PRESENTED BY: MR. PALMER. TITLE: AMEND BARBERTON CODIFIED ORDINANCES - CHAPTER 1054 – INDUSTRIAL WASTE DISCHARGES. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1054, “INDUSTRIAL WASTE DISCHARGES,” OF THE BARBERTON CODIFIED ORDINANCES, 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. 142-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 143-2016**

**ORDINANCE NO. 143-2016. PRESENTED BY: MR. PALMER. TITLE: ENTER INTO CONTRACT - CT CONSULTANTS. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CT CONSULTANTS, IN AN AMOUNT NOT TO EXCEED \$209,500, FOR CONSTRUCTION ADMINISTRATION DURING THE INSTALLATION OF SANITARY SEWERS AND A PUMP STATION IN THE NASH HEIGHTS AREA OF NORTON, 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. 143-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 144-2016**

**ORDINANCE NO. 144-2016. PRESENTED BY: MRS. FREY. TITLE: ENTER INTO CONTRACT – GPD ASSOCIATES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GPD ASSOCIATES, FOR 2017 GENERAL ENGINEERING SERVICES TO INCLUDE BUT NOT LIMITED TO, PERMISSIVE AND RESIDENTIAL STREET RESURFACING PROGRAMS, INFRASTRUCURE IMPROVEMENT DESIGN/MANAGEMENT, STREET CRACK SEALING, STREET STRIPING, SITE DEVELOPMENT ASSISTANCE AND MISCELLANEOUS ENGINEERING MANAGEMENT SERVICES, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Frey, seconded by Mr. Palmer, 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. Palmer, that **ORDINANCE NO. 144-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 145-2016**

**RESOLUTION NO. 145-2016. PRESENTED BY: MRS. FREY. TITLE: PRELIMINARY PARTICIPATORY LEGISLATION - CLEVELAND MASSILLON ROAD. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON GIVING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENT OF CLEVELAND MASSILLON ROAD, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Frey, seconded by Mr. Palmer, 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. Palmer, that **RESOLUTION NO. 145-2016 BE ADOPTED.** President Maurer asked Mrs. Frey to confirm if this goes from Cleveland Massillon Road/Wooster Road West south to the 31<sup>st</sup> Street split. Mrs. Frey stated it goes a little past the Barberton Corporation Line. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 146-2016**

**ORDINANCE NO. 146-2016. PRESENTED BY: MRS. ANGELOFF. TITLE: AMEND BARBERTON CODIFIED ORDINANCES - CHAPTER 1444 – PERMITS AND FEES – BUILDING. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1444, “PERMITS AND FEES,” TO REFLECT INCREASES FOR BUILDING, ELECTRIC, PLUMBING, HVAC, AND OTHER MISCELLANEOUS PERMITS.**

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 133-2016**

**ORDINANCE NO. 133-2016. PRESENTED BY: MR. SOYARS. TITLE: AMEND ORDINANCE NO. 84-2006 - NUISANCE LAW. AN ORDINANCE AMENDING ORDINANCE NO. 84-2006, CHAPTER 674 “CRIMINAL ACTIVITY NUISANCES,” OF THE BARBERTON CODIFIED ORDINANCES, BY ADDING ACTIVITIES AS ENUMERATED NUISANCES.**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None

**APPOINTMENTS**

None

**MISCELLANEOUS AND UNFINISHED BUSINESS**

The Clerk stated she had a Liquor License Transfer:  
From: Yasen Inc. DBA Minit Mart, 1077 Wooster Road West  
To: Magic 1077 LLC, DBA Magics Minute Mart, 1077 Wooster Road West  
She stated a copy was given to Mrs. Daugherty, Chief Morber and Joyce Coburn and she did not receive any objections.

**COMMUNICATION FROM THE MAYOR**

Mayor Judge did not have any comments.

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

Adjourned: 7:53 P.M.

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Frederick S. Maurer  
President of Council

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Renee Fox  
Clerk of Council