

Council met in **REGULAR SESSION** on Monday, December 19, 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. Conrad-Wokojance gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Executive Session held on Monday, December 12, 2016, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Session held on Monday, December 12, 2016, as presented. All Members voted “yea.” Motion carried.

**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.**

### **PETITIONS AND CLAIMS**

Resolution No. 134-2016 was read by the Clerk of Council. President Maurer stated this Resolution was passed December 12<sup>th</sup> by City Council but they wanted to read it into the record because of the outstanding performance they saw to save a young person’s life in something less than ideal conditions. President Maurer stated he has been to the Lincoln Memorial and it like 1,000 steps up and is all marble and he doesn’t think it would be a comfortable place to do CPR on anyone. He said it is really remarkable and like he has said many times from the bench, hero’s walk among us every day and we don’t see them because they do not have the opportunity to prove it. He said fortunately they were there when the opportunity did come around. Mayor Judge congratulated them and thanked them for their successful effort. He said this just goes to show the type of people we have living and working in the City of Barberton and how much they do care. He stated the training they receive is one thing but being able spring into action and use it and be successful is another thing. He thanked them.

It was moved by Mrs. Conrad-Wokojance, seconded by Mr. Soyars to enter recess to give this Resolution. All Members voted “yea.” Motion carried.

Adjourned: 7:35 P.M.

Reconvened: 7:41 P.M.

### **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

Megan Adair, 186 Morgan Street – 4<sup>th</sup> Ward. Ms. Adair stated she is there to voice her opinion about Ordinance No. 133-2016. She said it proposes the addition of the language “Any arrest, incorrigible and unruly children and acts of violence not specifically stated, except victims of domestic violence.” She said the language is unsettling to her as it is broad and vague in its interpretation. She stated in addition it proposes a fine of \$100 for a person who calls the police three times or more in a calendar year and after five or more calls the fine increases to \$200. She said the ordinance also gives the police chief or his/her designee the ability to pick and choose whom this fee might apply. She stated the proposed amendment states that the owner of the property is also expected to take corrective action. She said this corrective action is unspecified and it is unclear whether this is intended to be the eviction of a tenant of a rental property or if a homeowner is going to be brought to court over unpaid fines. She stated the Chief of Police is to be notified of the corrective action and if those actions have not been completed the matter will be turned over to the Law Director for consideration and authorization of charges. Ms. Adair stated she is unclear as to what the charges are to be authorized and if there are other charges being considered why not use those laws in the first place instead of amending the nuisance ordinance to create more laws. She said additionally the proposed changes threaten to cause homelessness to those who might be affected by this ordinance and in regard to the third part of Section G – the costs of abatement. She said the property owner will be held accountable for the actions of the tenant which may cause the tenant who called the police to be evicted. She stated whether this is the intention of the ordinance or not it is a very real possibility for a number of reasons. She stated many families live on a tight budget and \$100 can be the difference between rent and an eviction, groceries and going hungry, an electric bill or gas shutoff. She said if the landlords are fined for the calls coming from tenants as the ordinance specifies the homeowner not the occupant, landlords may evict tenants in order to fulfill the requirements of taking corrective action. She stated this ordinance has the potential to put families including children out on the streets. She said there are other ways to solve the problem of frequent calls. She said the first is to maybe ascertain the reason behind the calls – an unruly juvenile might need to be referred to counseling, a woman receiving harassing phone calls may need to change her phone number or speak with a member of law enforcement or an authority member. She stated an option is for the police to be trained in problem solving to work compromises or to refer individuals to mediation services. Ms. Adair stated the ordinance is a potential liability for the City if it is passed tonight. She said if any person is discouraged from calling the police in fear of being fined and are killed as a result of the proposed ordinance, a wrongful death lawsuit might be brought against the City. She said if the police impose fines against an unruly juvenile who has a mental disorder, for example bipolar disorder or autism it could be a discrimination against a protected class of disabled people. She said both of these lawsuits could end up costing the city more than a million dollars and to recuperate the cost to the city in the manner of the fines proposed in this ordinance it would take 15 years of fining every qualifying caller. She stated if there is a two call allowance it would take considerably longer – potentially 30 to 45 years. She said they are considering a change to the nuisance ordinance tonight that could bring costs that far exceed potential income to the city. She said she understands that this was brought with the best of intentions however she believes this problem can be solved without passing additional ordinances.

**FIRST READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 147-2016**

**ORDINANCE NO. 147-2016. PRESENTED BY: MRS. ANGELOFF. TITLE: AMEND ORDINANCE NO. 30-2009 - BARBERTON DEVELOPMENT CODE FEE SCHEDULE. AN ORDINANCE AMENDING ORDINANCE NO. 30-2009, "DEVELOPMENT CODE FEE SCHEDULE," BY INCREASING CERTAIN FEES AS SET FORTH IN SECTION 1320.01(6) OF THE BARBERTON DEVELOPMENT CODE, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Angeloff, seconded by Mrs. Frey, 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. Angeloff, seconded by Mrs. Frey, that **ORDINANCE NO. 147-2016 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 148-2016**

**ORDINANCE NO. 148-2016. PRESENTED BY: MR. PALMER. TITLE: ENTER INTO CONTRACT - NORTH COAST ENVIRONMENTAL LABORATORIES INC. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A TWO-YEAR CONTRACT WITH NORTH COAST ENVIRONMENTAL LABORATORIES INC., FOR ANALYTICAL SERVICES IN 2017 AND 2018 FOR THE WASTE WATER TREATMENT PLANT, 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. 148-2016 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 149-2016**

**ORDINANCE NO. 149-2016. PRESENTED BY: MR. PALMER. TITLE: ENTER INTO CONTRACT – STANTEC - WATER TREATMENT PLANT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH STANTEC, IN THE AMOUNT OF \$407,000 FOR THE MEMBRANE FILTER CONVERSION AND DUAL MEDIAL RENEWAL AT THE WATER TREATMENT PLANT, 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. 149-2016 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 150-2016**

**ORDINANCE NO. 150-2016. PRESENTED BY: MR. PALMER. TITLE: CHANGE ORDER – UTILITIES - WATER TREATMENT PLANT. AN ORDINANCE AUTHORIZING A CHANGE ORDER WITH STANTEC TO PERFORM THE WORK REQUIRED FOR THE PAC FEEDER PROJECT FOR ADDITIONAL CONSTRUCTION ADMINISTRATION SERVICES DUE TO A CHANGE IN SCOPE OF SERVICES AT THE WATER TREATMENT PLANT IN THE AMOUNT OF \$29,000, 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. 150-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 151-2016**

**ORDINANCE NO. 151-2016. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF VEHICLES - POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP/SALVAGE THIRTY-THREE (33) 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. 151-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 152-2016**

**ORDINANCE NO. 152-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: ADOPTING THE IAFF LOCAL 329 AGREEMENT. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON TO ADOPT AND APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BARBERTON AND IAFF LOCAL 329, EFFECTIVE FROM JANUARY 1, 2017 THROUGH DECEMBER 31, 2019, 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. 152-2016 BE ADOPTED.** President Maurer stated he is very pleased that we have all the issues resolved and on behalf of the negotiators from the Firefighters and our Safety Director/Personnel Director Mrs. Daugherty. He said “Well done everyone.” All Members voted “yea.” Motion carried.

*The Clerk stated for the following ordinance, the Finance Committee approved to add wording to Section 1 – “Pending Ratification of OPBA/Police Officer’s Contract.”*

**ORDINANCE NO. 153-2016**

**ORDINANCE NO. 153-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: ADOPTING THE OPBA POLICE OFFICERS AGREEMENT. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON ADOPTING AND APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BARBERTON AND THE OPBA POLICE OFFICERS, EFFECTIVE FROM JANUARY 1, 2017 THROUGH DECEMBER 31, 2019, 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. 153-2016 BE ADOPTED AS AMENDED.** President Maurer again thanked everyone on our Safety Forces and our Administration for a doing a good job on getting these things cleaned up. He said they appreciate their efforts on both ends. All Members voted “yea.” Motion carried.

*The Clerk stated for the following ordinance, the Finance Committee approved the add wording to Section 1 – “Pending Ratification of OPBA/Sergeant’s and Lieutenant’s Contract.”*

**ORDINANCE NO. 154-2016**

**ORDINANCE NO. 154-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: ADOPTING THE OPBA SERGEANTS/LIEUTENANTS AGREEMENT. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON ADOPTING AND APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BARBERTON AND THE OPBA SERGEANTS AND LIEUTENANTS, EFFECTIVE JANUARY 1, 2017 THROUGH DECEMBER 31, 2019, 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. 154-2016 BE ADOPTED AS AMENDED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 155-2016**

**ORDINANCE NO. 155-2016. PRESENTED BY: MR. MEGYES. TITLE: AMENDMENT TO ORDINANCE NO. 109-2015 - SALE OF LAND BANK PROPERTIES. AN ORDINANCE AMENDING ORDINANCE NO. 109-2015 TO ADD WORDING TO SECTION 4.** 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. All Members voted “yea.” Motion carried. It was moved by Mr. Megyes, seconded by Mrs. Coburn, that **ORDINANCE NO. 155-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 156-2016**

**ORDINANCE NO. 156-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: 2017 TEMPORARY OPERATING BUDGET. AN ORDINANCE ADOPTING A BUDGET FOR VARIOUS FUNDS OF THE CITY OF BARBERTON FOR THE TEMPORARY BUDGET PERIOD BEGINNING JANUARY 1, 2017, AND PROVIDING FOR THE ADMINISTRATION THEREOF, 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. 156-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 157-2016**

**ORDINANCE NO. 157-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: YEAR END APPROPRIATIONS AMENDMENTS. AN ORDINANCE MODIFYING APPROPRIATIONS WITHIN CERTAIN DEPARTMENTS AND FUNDS IN ORDER TO COVER EXPENDITURES TO THE END OF THE FISCAL YEAR, 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. 157-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 158-2016**

**ORDINANCE NO. 158-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – MEDICAL MUTUAL - HEALTH CARE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR CONTRACT WITH MEDICAL MUTUAL OF OHIO, FOR THE 2017 HEALTH INSURANCE COVERAGE AND MEDICAL ADMINISTRATIVE SERVICES ONLY (ASO) AND REINSURANCE COVERAGE FOR MEDICAL COVERAGE FOR ALL FULL-TIME CITY OF BARBERTON EMPLOYEES, BEGINNING JANUARY 1, 2017 THROUGH DECEMBER 31, 2017, 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. 158-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 159-2016**

**ORDINANCE NO. 159-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – MEDICAL MUTUAL – VISION. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR CONTRACT WITH MEDICAL MUTUAL OF OHIO, FOR THE 2016 VISION COVERAGE FOR POLICE, FIRE, AND NON-BARGAINING EMPLOYEES, BEGINNING JANUARY 1, 2017 THROUGH DECEMBER 31, 2017, 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. 159-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 160-2016**

**ORDINANCE NO. 160-2016. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - EXPRESS SCRIPTS/MEDICAL MUTUAL OF OHIO. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE PRESCRIPTION ADMINISTRATOR, EXPRESS SCRIPTS/MEDICAL MUTUAL OF OHIO, TO ADMINISTER THE CITY’S SELF-FUNDED PRESCRIPTION PLAN FOR A ONE (1) YEAR PERIOD BEGINNING JANUARY 1, 2017 AND EXPIRING DECEMBER 31, 2017, 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. 160-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 161-2016**

**ORDINANCE NO. 161-2016. 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, 2017 THROUGH DECEMBER 31, 2017, 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. 161-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 162-2016**

**ORDINANCE NO. 162-2016. 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 2017 LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT CONTRACT, 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. 162-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**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.** It was moved by Mrs. Angeloff, seconded by Mrs. Frey, 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. Angeloff, seconded by Mrs. Frey, that **ORDINANCE NO. 146-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

**THIRD 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.** It was moved by Mr. Soyars, seconded by Mrs. Debevec to Amend Ordinance 133-2016 which was approved in the Safety Committee, to now read in Section (R) “Any arrest, incorrigible and unruly children and acts of violence not specifically stated, excluding victims of domestic violence.” All Members voted “yea.” Motion carried. It was moved by Mr. Soyars, seconded by Mrs. Debevec, that **ORDINANCE NO. 133-2016 BE ADOPTED AS AMENDED.** Mrs. Conrad-Wokojance stated she is very thankful that the Safety Committee decided to have three readings of Ordinance 133-2016 and that they have all worked to change the wording of the proposed amendment working with the Police Chief, Vince Morber and our Law Director, Lisa Miller to address the presented concerns of repeated calls to certain residential properties while also providing protections to domestic violence victims. She

thanked Michael Soyars a Council-At-Large Representative and also the Chairperson of the Public Welfare and Safety Committee and all of her other fellow council representatives for listening to her concerns regarding how domestic violence victims might be adversely affected through the proposed ordinance amendment. She said agreeing to remove domestic dispute and excluding domestic violence from acts of violence not specifically stated is a significant improvement from the original wording as it is imperative that they remember the complexity of domestic violence and how such a law could affect the safety and welfare of not only individual citizens but our community as a whole. She stated although she is not a proponent for nuisance ordinances she recognizes the importance of these changes which provide protection to domestic violence victims. She said secondly despite the changes that have been made, she still must oppose even the current legislation as clearly there is a movement on the national level to restrict nuisance laws. She stated they see this through civil cases, for example *Nancy Markham v. City of Surprise in 2015*, *Briggs v. Burrough of Norristown in 2013*, the HUD Guidelines released this past September stating the potential of violating Fair Housing Law through this Ordinance and through the five states who have already enacted state laws limiting municipalities in regards to nuisance laws such as Iowa, Pennsylvania, California, Illinois, and Minnesota. Mrs. Conrad-Wokojance stated she believes municipalities will continue to be asked to rescind nuisance laws and be discouraged from enacting new ones, therefore she feels we should if anything be taking pieces out of the nuisance ordinance not adding to it. She said lastly, she still questions the enforcement of the nuisance ordinance as it is. She stated in our current ordinance the citizens have the right to appeal in which the appeal of the nuisance designation is first reviewed by our Police Chief and if he/she finds that the nuisance designation is called for then there is supposed to be a nuisance abatement board who will then review it further and make the final decision. She said as of right now through her asking around, asking the Clerk and the Mayor's Assistant she was told that no one has a record of this board existing at this current time so right now she doesn't believe we have a nuisance abatement board. She stated what is the point of adding to our nuisance ordinance, is it to address the concerns of one or two families. She said she is against passing ordinances for such a broad scope because of a few citizens, therefore she will not be supporting this amendment but she very much appreciates the changes that were made and has a lot of respect for the work that was done. President Maurer stated he understands and respects Mrs. Conrad-Wokojance's concerns however as a retired policeman of 22 years he can tell them that a police officer has a great deal of discretion of such things, gets to know chronic problems and gets to have a pretty good idea of where they come from. He said the reality of it is there has to be some latitude on both ways - one to address problems and another one to try to isolate which problems are chronic and which ones can be addressed by this type of ordinance. He stated as much as he appreciates her concerns he thinks that they have to really give the police the tools that they request even if they do put limits on them. He said sometimes you do not always get the whole loaf, sometimes you get a half loaf but they have to have something to put their teeth in sometimes. Soyars, Debevec, Frey, Coburn, Megyes, Palmer, and Angeloff voted "yea." Conrad-Wokojance voted "no." Motion carried.



## **APPOINTMENTS**

### **Parks and Recreation Commission**

It was moved by Mr. Megyes, seconded by Mrs. Coburn to affirm the appointment of Mrs. Elizabeth Mayreis to the Parks and Recreation Commission starting January 1, 2017 through December 31, 2019. All Members voted “yea.” Motion carried.

It was moved by Mr. Megyes, seconded by Mrs. Coburn to affirm the reappointment of Mr. Bryan Suboticki to the Parks and Recreation Commission starting January 1, 2017 through December 31, 2021. All Members voted “yea.” Motion carried.

### **Planning Commission**

It was moved by Mrs. Angeloff, seconded by Mrs. Frey to affirm the reappointment of Mr. David Wynn to the Planning Commission starting January 1, 2017 through December 31, 2020. All Members voted “yea.” Motion carried.

### **Utilities Appeal Board**

It was moved by Mr. Palmer, seconded by Mr. Megyes to affirm the reappointment of Mr. Ron Cline to the Utilities Appeal Board starting January 1, 2017 through December 31, 2019. All Members voted “yea.” Motion carried.

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

### **Liquor License Hearing**

The Clerk read a Liquor License Hearing for Ramvani, Inc., 290 George Street, which will be held on Wednesday, January 11, 2017 at 10:30 am, 77 S. High Street, Columbus, Ohio.

President Maurer stated as we wrap up the entire year of 2016 – to all of his colleagues they passed 162 pieces of legislation and things have gone very well this year and he is very pleased about that especially when we have so many new members of council. He said everybody has towed the line and they are all to be congratulated for an outstanding job. He stated they have had a few disagreements but they have always been able to get the job done and he appreciates that very much.

President Maurer said we will be off until Tuesday, January 3, 2017 because we will be on break for Christmas.

President Maurer stated Monday, January 16<sup>th</sup> is Martin Luther King Day so the city building and all of its’ offices will be closed and we will be meeting on Tuesday, January 17<sup>th</sup>. He said there is also five Monday’s in January so we will have an extra week off in January.

President Maurer said on one very personal note as Mrs. Angeloff pointed out, standing for when we address the quarters of the council for legislation session, the last time we did not do that was for Mr. Wagner, former third ward councilman. He said Mr. Wagner had surgery on his foot and much to the sorrow of the city Mr. Wagner did pass away in 2016 so we lost a really great colleague and a fantastic citizen for the City of Barberton.

President Maurer wished everyone a Merry Christmas and a Happy New Year.

Mr. Megyes stated the Parks and Recreation Office will be closed the following week for maintenance. He said the lights at Lake Anna are on that evening and the will be on the following night (*usually not on.*) He stated this is possible because of a private donation.

### **COMMUNICATION FROM THE MAYOR**

Mayor Judge thanked city council for all of their hard work and dedication that they have shown this past year. He also thanked them for passing the IAFF and Police Contracts this evening. He said a special thank you to those union leaderships, the two chiefs, and our HR/Safety Director for getting those done. He said he cannot remember the last time they had those contracts done before they were supposed to start. He stated it is a huge accomplishment on both sides and he thinks there is a much, much better understanding of the functionality and operation of those two departments and also a better understanding of the economic climate of Barberton. He said across the board they are doing very well in those respects.

Mayor Judge told council “They did it – first year under their belt.” He said as President Maurer stated we deal with a lot of different issues and some of the legislation is easy – moving money around appropriating or asking for grants and some of it is a little more difficult. He stated it is imperative that you ask each other questions and that you realize that his door is always open and if you have questions on legislation go to the person first – go to the person who wrote the request for legislation. He said he has council members stop in all the time and ask questions or calling/texting him or the department heads. He said it is imperative that you get answers to your questions.

Mayor Judge said we are doing a lot of great things in the City and are moving in a very positive direction. He stated they have a lot of projects and programs that they have accomplished over the last few years and they have even more planned for the future. He said they are really improving the quality of life for all of our residents so it is imperative that you get questions answered.

Mayor Judge thanked everyone and wished everyone a Very Merry Christmas.

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

Adjourned: 8:32 P.M.

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Frederick S. Maurer  
President of Council

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Renee Fox  
Clerk of Council

