

Council met in **REGULAR SESSION** on Tuesday, May 27, 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 recited and Mr. Maurer gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Meeting held on Monday, May 12, 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. 69-2014

RESOLUTION NO. 69-2014. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. SOYARS. TITLE: COMMENDATION – DANIEL WISARD. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO DANIEL WISARD FOR HIS 28 YEARS OF DEDICATED SERVICE TO THIS CITY AS A MEMBER OF THE BARBERTON FIRE DEPARTMENT. It was moved by Mr. Soyars, seconded by Mr. Wagner, 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. Wagner, that **RESOLUTION NO. 69-2014 BE ADOPTED.** Chief Baldwin thanked Dan, his wife and children for letting Dan serve the City for so many years. He said Dan is a very good employee for us and has done a lot, for him personally in his position now. He said Dan and he worked together a lot of shifts together back when and Dan taught him a lot while they worked together and still continues to teach him things these days. He said Dan will definitely be missed by everybody there. He said Dan will be missed by him and he will be missed by the generation that is not even there yet. Chief Baldwin said Dan has a lot of knowledge to pass on and he really appreciates everything Dan has done for the City and most of all he is proud to say that Dan is his best friend and he is happy for him. Mr. Maurer stated that Dan has been with the City for almost 30 years and 3 decades is a long time and the reality is that there is no substitute for experience. He said when

someone is dedicated enough to stick it out for 30 years, that goes for a job or a marriage or a lot of other things and that type of a commitment is something that you cannot put a value on especially when it comes to a job that is so tuff on your family like the safety forces of any City. He said some people are just irreplaceable and Dan is one of those people. He said he couldn't begin to think how to write a spec for a fire truck and that has to be an amazing task. He said "Dan you have a very grateful City for all the work you have done." He said he hopes Dan really enjoys his time and now his wife can breathe easier. Mr. Wisard stated it is kind of sobering to have whole career laid out in front of you like it was. He said he was a department spokesman for many, many years and this is actually a little harder than speaking to the press. He said he has been very fortunate that the citizens and the City hired him and he has enjoyed serving the City in many capacities as a firefighter. He said it has been a lot of fun and he has worked with some fine people, the Chief being one and some of the gentlemen that are behind him. He said he would also like to thank the late Harry Hummel for giving this naïve young kid an opportunity to serve the citizens. All Members voted "yea." Motion carried.

Recessed: 7:39

Reconvened: 7:41

ORDINANCE NO. 65-2014

ORDINANCE NO. 65-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – THRASHER ENGINEERING - E. TUSCARAWAS AVENUE and FOURTH STREET NE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THRASHER ENGINEERING, IN THE AMOUNT OF \$20,000 TO PERFORM ENGINEERING, DESIGN AND BID DOCUMENT SERVICES FOR A STORM SEWER EXTENSION AT E. TUSCARAWAS AVE. AND FOURTH ST. NE, 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. 65-2014 BE ADOPTED.** All Members voted "yea." Motion carried.

The Clerk stated that the following Ordinance has been modified to read as follows:

ORDINANCE NO. 66-2014

ORDINANCE NO. 66-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – 2014 ASPHALT PAVING CONTRACT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE LOWEST AND/OR BEST BIDDER, FOR THE 2014 ASPHALT PAVING CONTRACT, AND DECLARING AN EMERGENCY. Mr. Maurer noted that this does not change the substance of the Ordinance (the word "Asphalt" was added,) therefore, it does not have to be amended. He stated it is a clarification because we have an asphalt budget and a concrete budget. 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. 66-2014 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 67-2014

ORDINANCE NO. 67-2014. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT - FEDERAL SIGNAL SAFETY & SECURITY SYSTEMS. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH FEDERAL SIGNAL & SECURITY SYSTEMS FOR THE PURCHASE OF A TORNADO SIREN ALARM SYSTEM, THROUGH THE OHIO STATE COOPERATIVE PURCHASING PROGRAM, PURSUANT TO ORDINANCE NO. 42-1995, AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, seconded by Mr. Wagner, 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. Wagner, that **ORDINANCE NO. 67-2014 BE ADOPTED.** Mr. Maurer stated the old saying goes “persistence pays.” He said the Chief wanted his sirens and Mr. Wagner really helped to push to get it on the floor. He said the foundation didn’t have the money available to repair the system but he thinks really exposing the body to the really bad condition it was in and the loss of the one when we took Portage school down really made a big difference. He stated well done gentlemen. All Members voted “yea.” Motion carried.

ORDINANCE NO. 68-2014

ORDINANCE NO. 68-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – SAFETY / TORNADO SIREN ALARM SYSTEM. AN ORDINANCE APPROPRIATING \$110,000 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND TO THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND CAPITAL BUDGET, FOR THE PURCHASE OF A TORNADO SIREN ALARM SYSTEM FOR THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, 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. Frey, seconded by Mr. Soyars, that **ORDINANCE NO. 68-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 70-2014

ORDINANCE NO. 70-2014. PRESENTED BY: MRS. FREY. TITLE: FOUNDATION GRANT REQUEST - BUSINESS INCENTIVE PLAN. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE MAYOR TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT UP TO \$20,000 IN FUNDING FOR THE BUSINESS INCENTIVE PLAN, 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. 70-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

The clerk stated that the Utilities Committee voted to add the following Ordinance to the Agenda:

ORDINANCE NO. 71-2014

ORDINANCE NO. 71-2014. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT - WORKMAN INDUSTRIAL SERVICES, INC. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH WORKMAN INDUSTRIAL SERVICES, INC., THE LOWEST AND/OR BEST BIDDER, IN THE AMOUNT OF \$2,965,400.00, FOR THE WOLF CREEK DAM INTAKE ENTENSION, VALVE REPLACEMENT AND OXYGENATION SYSTEM PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mr. Wagner, 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. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 71-2014 BE ADOPTED.** Mr. Maurer stated that we have been talking about this project for some time and asked Mr. Stender to give us a quick recap of the work. Mr. Stender stated that there are three parts to this project. He said two parts were identified years ago but were set aside because of funding considerations at the time – that is to replace the 24 inch valves that are in the dam itself and are rusted wide open so we have no way to control those should a situation emerge. He said for that work we did get a federal grant of \$400,000 that has been nursed along to keep it ready. He said the older part of the project is to put intake extensions out into the reservoir so we don’t draw the raw water in at the face of the dam which obviously is where all the sentiment is. Mr. Stender stated both of these will improve the raw water going into the plant for treatment. He said since that time we have also had some issues with specifically the awareness that we have manganese in the raw water both in the reservoir but also a little higher level in the well that supplements the water source. He said over time we have done evaluations of this problem and the recommended course of action by multiple people involving the Ohio EPA is to put an oxygenation system in. He said the type of oxygenation system has been weighed with the pros/cons and again we have had studies done by people and also in addition to the elevated levels of manganese, which is not a hazard it is just an undesirable product, and the fact that we have had high levels of disinfectant by-product and have had to report it in the past several years. He stated the recognized treatment for that is to do the oxygenation system and because of the course work that we are doing we will qualify for almost a \$300,000 grant. He said they do not use it as a grant any longer but it is called “principle forgiveness.” He said that is the history so it has been a long time coming up. He then said the fourth part of that project is to have the dam inspected and we have approval to do that as well. He said that Burgess and Niple, who’s on record of checking the dam is going to perform the study and if there are any issues, and we don’t think there is, we will have a contractor available to make short term repairs should that be necessary. He said this is a one year project. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None

THIRD READING OF ORDINANCES AND RESOLUTIONS

None

APPOINTMENTS

BOARD OF ZONING APPEALS

Mrs. Paula Kallio appointment immediately – December 31, 2016

It was approved to immediately appoint Paula Kallio to the Board of Zoning Appeals through December 31, 2016.

Mrs. Brenda Hlas appointment immediately – December 31, 2016

It was approved to immediately appoint Brenda Hlas to the Board of Zoning Appeals through December 31, 2016. Mr. Soyars abstained from voting.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Maurer stated that we rose to an occasion – Mr. Stender was able to take advantage of a program where we will be able to get debt forgiveness for quite a bit of money and it has been a challenge working on the requirements that City Council has to do but everyone has risen to the occasion and he really appreciates the extra effort. Mr. Avant wanted to let everyone know that there is an extension on that.

COMMUNICATION FROM THE MAYOR

Mr. Palmer stated that the Mayor is at the hospital awaiting the birth of their child and to keep them in your prayers.

Mr. Palmer said that the council knows that we have had some very tuff times in the last few days when it comes to our trash pickup. He said we have been in discussion with Republic and we asked them to give us a statement as to what happened. He stated he would like to read the statement that was given to him:

Dear Mayor Judge,

I wanted to take this opportunity to update you on the City’s “Bulk and Extras” Clean up and to explain the delays we have experienced in getting these bulk and extras materials collected.

Spring Cleanups always pose a challenge in that they add a tremendous amount of additional work to an already difficult and physically demanding job. In preparation, it is critical that we monitor our available employees and work hours to accommodate the additional workload. Even more critical was another Spring Cleanup scheduled on top of this one. The plan was established and the assignments were issued.

Unfortunately, no one could have accounted for the torrential rain and flooding that the entire Northeast Ohio area experienced during this time period. This inhibited our collections and added to the already mounting piles of trash in every city we service. The flood-damaged materials created a large increase in trash making it difficult for our drivers to maintain normal collection schedules. All Supervisors were in trucks and all available trucks were on the road.

We attempted to maintain normal collection routes, opting to “go back” to collect any bulk material passed by on the first trip. It became clear that people were continuing their cleanup of belongs damaged by rising waters as we were routinely called to return to streets we had already completed.

Today, we are in the final areas of the city that we were unable to clean up last week and are completing those streets this afternoon. Everything will be completed including the random stops spread throughout the city that Melissa has contacted us about.

I appreciate the patience and cooperation we have received from Mr. Palmer, his office staff (Melissa) and your residents. While tempers sometimes appeared to be on the rise, generally speaking, folks understood and appreciated the efforts being made by the drivers. I want to let you know how much we appreciate having the opportunity to service the City of Barberton and although we face some difficult challenges at times, we will persevere to provide the services you have come to expect.

Mr. Palmer stated that both he and Melissa have been working very hard trying to communicate with Republic and our general public. He said it has been a very trying time and he has pretty much worked through the weekend, trying to identify different areas. He said he was up again at 5:30am and has been running all day trying to communicate with Republic and trying to see where they are at and identifying the areas where they need to come back. He said they have been very accommodating up to this point and there is still trash being put out and on top of that we are now going into our basic trash pickup which compounds it even more. Mr. Palmer stated that we are not done and it is one of those situations where we are going to have to sit down and get a feel for it and how we move forward with our trash pickup overall especially when it comes to bulk items. He said we have to remember also when we had our storm last year they were just on the other side and they were pulling people from Cleveland and everywhere else to come down here to help us, which they did. He said “it is what it is” and someone said that Waste Management is better. He said they have two major haulers out there right now because they are all buying each other up – Republic and Waste Management. He said he remembers the time when Waste Management was struggling and when they took on our system here and our public was saying they didn’t want them that they want to stay with the group that we had. He said it is just a matter of time when you get use to your carrier. He said people got to the point where they loved Waste Management but they didn’t see what the City was going through. He said they were bringing in trucks from Cleveland, Wooster, and Youngstown because they didn’t have the trucks to make these things happen and that was a weekly chore. He said it is what it is and they are all great and they all have to deal with these things and we will work through this and we just hope that our residents will basically forgive and forget and move on because the system is a great system. He said the one piece he would like to see being done better, obviously, is the bulk pickup which is huge in this City but we may have to do it on an off time where the weather

won't be a problem and we can make sure that we have enough trucks in here to accomplish it in a timely fashion. Mr. Maurer pointed out that we only have four pickup dates this week so that is another thing on top of it. Mr. Maurer stated that he thinks people understand that there is only so much you can do when you are up against something like we had. He said he has an idea he would like to discuss with Mr. Palmer.

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

Adjourned: 8:08 P.M.

Fred Maurer
President of Council

Renee Fox
Clerk of Court