

Council met in **REGULAR SESSION** on Monday, September 8, 2014, at 7:30 P.M. in the Council Chambers with Vice President Megyes presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Soyars, and Wagner. The Pledge of Allegiance to the Flag was recited and Mr. Wagner 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, July 28, 2014, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Executive Session held on Tuesday, September 2, 2014, as presented. All Members voted "yea." Motion carried.

It was moved by Mrs. Frey, seconded by Mrs. Debevec, to accept the Finance Department Report for July and August 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

ORDINANCE NO. 108-2014

ORDINANCE NO. 108-2014. PRESENTED BY: MR. LYSENKO. TITLE: SPECIAL ASSESSMENTS – DEMOLITIONS, BOARD-UPS AND WEED/GRASS CUTTINGS. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR, SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTIES LOCATED WITHIN THE CITY FOR THE COST OF ORDERED DEMOLITIONS, LIEN SEARCHES, EMERGENCY BOARD-UPS, ENVIRONMENTAL ABATEMENTS AND WEED/GRASS CUTTINGS WHICH TOOK PLACE FROM SEPTEMBER 2013 THROUGH AUGUST 2014, AND DECLARING AN EMERGENCY. It was moved by Mr. Lysenko, seconded by Mr. Endres, 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. Lysenko, seconded by Mr.

Endres, that **ORDINANCE NO. 108-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 109-2014

ORDINANCE NO. 109-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: INCREASE OF CONTRACT – THRASHER ENGINEERING - STANLEY / BELL AREA IMPROVEMENTS. AN ORDINANCE AUTHORIZING AN INCREASE OF THE CONTRACT WITH THRASHER ENGINEERING, BY \$16,000, TO PERFORM ADDITIONAL ENGINEERING, DESIGN AND BID DOCUMENT SERVICES FOR THE STANLEY-BELL ROADWAY IMPROVEMENT PROJECT, 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. 109-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 110-2014

ORDINANCE NO. 110-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: SPECIAL ASSESSMENTS - 2013 SIDEWALK REPLACEMENT PROGRAM. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTIES LOCATED WITHIN THE CITY, UNDER THE 2013 SIDEWALK REPLACEMENT PROGRAM, 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. 110-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 111-2014

ORDINANCE NO. 111-2014. PRESENTED BY: MR. SOYARS. TITLE: WEAPONS TRADE. AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO TRADE NINETEEN (19) MISCELLANEOUS WEAPONS TO VANCE’S LAW ENFORCEMENT SUPPLY CO., FOR A CREDIT OF \$5,425, 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 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. 111-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 112-2014

ORDINANCE NO. 112-2014. PRESENTED BY: MR. SOYARS. TITLE: FOUNDATION GRANT REQUEST - PURCHASE OF SMOKE DETECTORS. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE MAYOR TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$1,000, FOR THE PURCHASE OF SMOKE DETECTORS TO BE GIVEN OUT TO RESIDENTS, 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. 112-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 113-2014

ORDINANCE NO. 113-2014. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT - ULTIMATE PROTECTION, INC. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ULTIMATE PROTECTION, INC. (UPI, INC.) FOR ALTERNATIVE COMMUNITY CORRECTION SENTENCING. 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. 113-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 114-2014

ORDINANCE NO. 114-2014. PRESENTED BY: MR. MEGYES. TITLE: PURCHASE AGREEMENT – PARK THEATER. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH THE MAGICAL THEATER COMPANY FOR 565 WEST TUSCARAWAS AVENUE ALSO KNOWN AS THE PARK THEATER IN THE AMOUNT OF \$1.00. It was moved by Mr. Avant, seconded by Mr. Endres, 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. Avant, seconded by Mr. Endres, that **ORDINANCE NO. 114-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 115-2014

ORDINANCE NO. 115-2014. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT - PL LANDSCAPE. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH PL LANDSCAPE CONSTRUCTION, FOR WORK ON THE ISLAND AT THE INTERSECTION OF FIFTH STREET AND STATE STREET, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. Endres, 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. Avant, seconded by Mr. Endres, that **ORDINANCE NO. 115-2014 BE ADOPTED.** Mr. Lysenko asked how much of this contract will be paid with CDBG Funds. Mayor Judge answered it will be approximately \$10,000. All Members voted “yea.” Motion carried.

ORDINANCE NO. 116-2014

ORDINANCE NO. 116-2014. PRESENTED BY: MRS. FREY. TITLE: ADOPT THE 2014/2015 SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING; AND ENTER INTO AGREEMENT. AN ORDINANCE TO ADOPT THE “2014/2015 SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING”; AND AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE COUNTY OF SUMMIT AND THE COMMUNITIES THAT ARE

SIGNATORIES TO THE ATTACHED AGREEMENT ENTITLED “SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING,” EXPRESSING A MUTUAL DESIRE TO RETAIN AND ATTRACT BUSINESSES AND JOBS AS OUTLINED IN SAID AGREEMENT, 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. 116-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 117-2014

ORDINANCE NO. 117-2014. PRESENTED BY: MRS. FREY. TITLE: AMEND ORDINANCE 61-2014. AN ORDINANCE AMENDING ORDINANCE NO. 61-2014 TO REFLECT A MOVE OF THE POSITIONS OF ASSISTANT LAW DIRECTOR AND ASSISTANT PROSECUTOR FROM PAY GRADE 6 INTO PAY GRADE 7 AND THE POSITION OF ADMINISTRATIVE COORDINATOR OF PERSONNEL FROM PAY GRADE 3 INTO PAY GRADE 4, 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. 117-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 118-2014

ORDINANCE NO. 118-2014. PRESENTED BY: MRS. FREY. TITLE: AMENDING ORDINANCE NO. 9-2013. EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES. AN ORDINANCE AMENDING ORDINANCE NO. 9-2013, “EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES,” IN ORDER TO INCREASE THE SALARY OF DIRECTOR OF PUBLIC SAFETY, 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. Mr. Lysenko stated that he feels that we should go to three readings on this item when we are considering a 25% raise for one individual and he also thinks that if we are going to consider raises for non-bargaining, before voting on a pay raise for one person we should consider the results of the wage study being done for all non-bargaining so that we are not considering one person’s pay without considering the possible financial burden we might have if we are to consider all the people who might have their position rated differently once that study is completed. Vice President Megyes stated it is up to Mrs. Frey. Mrs. Frey stated that she has never been faced with this before so she does not know what the protocol is. Mrs. Frey asked when the study is going to be done of the non-bargaining. Mayor Judge stated it will be done in the middle or the end of October. Mrs. Frey asked what our budget looks like in respect to giving the one position a pay raise and then having to consider other non-bargaining. Mr. Judge stated for this one position it will not come out of the general fund. He said the other non-bargaining positions he is not sure what the study will conclude with and that is something that we will have to consider in next year’s budget. He said that is one of the reasons we are trying to look at next year’s budget as closely as possible to take in consideration non-bargaining, the OPBA outstanding negotiations, and everything else that goes into the budget. He said this is an

issue that has been going on for a while and it is time to address it and with the positions that were previously voted on and this one. Mayor Judge said this one is a department head with increased responsibilities and the previous one was with the Assistant Law Director and Assistant Prosecutor which was needed as well. Mr. Lysenko asked what fund the 25% pay raise will come out of. Mayor Judge said it will come out of the insurance fund and utilities and that is because the majority of non-bargaining employees are in utilities. Mr. Lysenko stated that he has never heard of paying the Safety Director/HR Director out of the enterprise fund and he wonders about that. He said he will ask the Law Director about it later. He said he believes they did not vote on a raise for anyone in the Law Department but a change in the wage categories and classifications only right now. He stated he is not saying any of these raises shouldn't be given, right now anyway. He said a lot of people in the City have gone a long time without getting what they might deserve and what they work for and he thinks the staffing levels, in the private sector and the public sector, work a lot harder but he doesn't think a 25% raise in one fell swoop, and especially with only one reading, should go forward. Law Director Miller stated that in terms of procedure Mrs. Frey could withdraw the request for emergency reading and it could be a first reading of that ordinance. Mrs. Frey moved to withdraw her emergency rule suspension.

RESOLUTION NO. 119-2014

RESOLUTION NO. 119-2014. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MRS. FREY. TITLE: COMMENDATION – NINA ANGELOFF. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO NINA ANGELOFF FOR HER 25 YEARS OF DEDICATED SERVICE TO THE CITY OF BARBERTON AND TO THIS COMMUNITY. *First Reading Only.*

ORDINANCE NO. 120-2014

ORDINANCE NO. 120-2014. PRESENTED BY: MRS. FREY. TITLE: AUTHORIZE PAYMENT - CAVANAUGH BUILDERS. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO CAVANAUGH BUILDERS, IN THE AMOUNT OF \$48,793.60, 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. 120-2014 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 121-2014

ORDINANCE NO. 121-2014. PRESENTED BY: MRS. FREY. TITLE: AUTHORIZE PAYMENT - EMERALD ENVIRONMENTAL. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO EMERALD ENVIRONMENTAL, IN THE AMOUNT OF \$6,430.50, 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. 121-2014 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 122-2014

ORDINANCE NO. 122-2014. PRESENTED BY: MRS. FREY. TITLE: AUTHORIZE PAYMENT - VICTIM ASSISTANCE. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO THE VICTIM ASSISTANCE PROGRAM, IN THE AMOUNT OF \$10,000, 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. 122-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 123-2014

ORDINANCE NO. 123-2014. PRESENTED BY: MRS. FREY. TITLE: TRANSFER OF FUNDS – STREET OPERATING FUND. AN ORDINANCE TRANSFERRING \$30,000 FROM THE GENERAL FUND TO THE STREET OPERATING FUND, TO RECOVER FROM A DEFICIT POSITION, 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. 123-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 89-2014

ORDINANCE NO. 89-2014. PRESENTED BY: MR. LYSENKO. TITLE: BARBERTON DEVELOPMENT CODE – TEXT AMENDMENT - ADULT CARE FACILITIES AND GROUP HOMES. AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY AMENDING THE REQUIREMENTS THAT ARE ASSOCIATED WITH ADULT CARE FACILITIES AND GROUP HOMES. *First Reading - July 14, 2014, Second Reading - July 28, 2014.* It was moved by Mr. Lysenko, seconded by Mr. Endres, that **ORDINANCE NO. 89-2014 BE ADOPTED.** Mr. Endres stated this is long overdue. He said this started last year and it is a good way to go. All Members voted “yea.” Motion carried.

APPOINTMENTS

None

MISCELLANEOUS AND UNFINISHED BUSINESS

Liquor License Transfers:

From: Arwen Inc, Michael J. Moran Rcvr, 1087 Wooster Road N., Barberton.

To: Malka Drive Thru Inc, 1087 Wooster Road N., Barberton.

The Clerk stated there were no objections.

From: David B's Grille & Pub, 1st & 2nd Floors & Basement Only, 524-526 W. Tuscarawas Ave, Barberton

To: Block 7 Bar & Grill LLC, 1st & 2nd Floors & Basement Only, 524-526 W. Tuscarawas Ave., Barberton

The Clerk stated there were no objections.

MISCELLANEOUS AND UNFINISHED BUSINESS

It was moved by Mr. Soyars, and seconded by Mrs. Debevec to excuse Mr. Maurer from tonight's meeting. All Members voted "yea." Motion carried.

COMMUNICATION FROM THE MAYOR

Mayor Judge thanked Service Director Mike Vinay and their Assistant, Planning Director, HR/Safety Director and the two Chiefs – Police and Fire for volunteering their time last week for The Regional Food Bank "Operation Orange" on Friday. He said they were part of 150 volunteers that within 2 hours moved over 170 tons of food. He stated there is a great operation that they have up there and it does a lot of services which includes 9 non-profits here in Barberton. He said they were excited to give back.

Mr. Judge reminded everyone this Thursday at 9:00 am is the 9/11 ceremony over at the Fire Department on Wooster Road.

Mayor Judge said we have paper shredding here in the City at the Barberton Community Foundation this Saturday from 9:00 until 12:00.

Mr. Judge stated that the tornado sirens are in but we have to wait and go through the process of the locations and that will go through the Planning Commission next week and then we will start to get them up.

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

Adjourned: 8:08 P.M.

Craig Megyes
Vice President of Council

Renee Fox
Clerk of Council