

Council met in **REGULAR SESSION** on Monday, April 9, 2012, 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. Megyes gave the Invocation.

It was moved by Mr. Endres, seconded by Mr. Avant, to approve the Minutes of the Public Hearing held on Monday, March 26, 2012, 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, March 26, 2012, as presented. All Members voted “yea.” Motion carried.

### **PETITIONS AND CLAIMS**

The Clerk read a note from Ms. Maci Devenport thanking Council for the resolution she was presented with last month.

### **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. 48-2012**

**RESOLUTION NO. 48-2012. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. LYSENKO. TITLE: “IN ABSENTIA” CORPORATE REAL ESTATE OWNERS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO SUPPORT AND ENCOURAGE THE GENERAL ASSEMBLY TO ENACT LEGISLATION THAT ALLOWS LOCAL GOVERNMENTS AN EFFECTIVE MEANS TO PROSECUTE ABSENT CORPORATE REAL ESTATE OWNERS / DEFENDANTS, AND DECLARING AN EMERGENCY.** It was moved by Mr. Lysenko, 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. Lysenko, seconded by Mrs. Debevec, that **RESOLUTION NO. 48-2012 BE ADOPTED.** Mr. Lysenko said he intends to circulate a letter among city leaders and submit it to the Ohio State Legislature. He said we can ask and hopefully they will do something. President Maurer said he is sure it will come to some good. He said we have an awful problem with all the foreclosures and vacant properties. He said Mr. Bauschlinger’s hands are tied and hopefully this will cut the

ropes a bit. President Maurer called for the vote on adoptions. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 49-2012**

**ORDINANCE NO. 49-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: FY2012 ANNUAL ACTION PLAN – SUBMIT TO HUD. AN ORDINANCE APPROVING THE SUBMISSION OF THE FY2012 ANNUAL ACTION PLAN TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), 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. 49-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 50-2012**

**ORDINANCE NO. 50-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - HUD. AN ORDINANCE ALLOWING THE MAYOR, VIA THE PLANNING DIRECTOR, TO ENTER INTO CONTRACT WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), IN THE AMOUNT OF \$600,377, PLUS PROGRAM INCOME, IN ORDER TO CARRY OUT ELIGIBLE CDBG ACTIVITIES, 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. 50-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 51-2012**

**ORDINANCE NO. 51-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACTS – FY2012 CDBG ANNUAL ACTION PLAN. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO GRANT AGREEMENTS AND RELATED ASSURANCES, CERTIFICATIONS, AND CONTRACTS WITH THE FOLLOWING ORGANIZATIONS: VICTIM ASSISTANCE, NEIGHBORHOOD DEVELOPMENT SERVICES (NDS), BARBERTON COMMUNITY DEVELOPMENT CORPORATION (BCDC), AND FAIR HOUSING ADVOCATES ASSOCIATION (FHAA), TO CARRY OUT THE FY2012 CDBG ANNUAL ACTION PLAN, 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. 51-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 52-2012**

**RESOLUTION NO. 52-2012. PRESENTED BY: MR. SOYARS. TITLE: SUPPORT FOR COOPERATIVE AGREEMENT – BARBERTON / NORTON / COPLEY – COMBINING OF DISPATCH OPERATIONS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO SUPPORT THE CITY OF BARBERTON’S COOPERATIVE AGREEMENT WITH THE CITY OF NORTON AND THE**

**TOWNSHIP OF COPLEY TO COMBINE DISPATCH OPERATIONS THROUGH THE LOCAL GOVERNMENT INNOVATION FUND (LGIF) PROGRAM, AND DECLARING AN EMERGENCY.** It was moved by Mr. Soyars, 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 Mr. Soyars, seconded by Mr. Lysenko, that **RESOLUTION NO. 52-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 53-2012**

**ORDINANCE NO. 53-2012. PRESENTED BY: MR. SOYARS. TITLE: AMEND BARBERTON CODIFIED ORDINANCES – “AMUSEMENT DEVICES, SKILL-BASED AMUSEMENT MACHINES, AND ARCADES.” AN ORDINANCE AMENDING SECTION 836.04(A) OF THE BARBERTON CODIFIED ORDINANCES, “LICENSE FEE; TRANSFER AND DISPLAY” OF AMUSEMENT DEVICES, SKILL-BASED AMUSEMENT MACHINES, AND ARCADES (ORD. NO. 182-2010), AND DECLARING AN EMERGENCY.** It was moved by Mr. Soyars, 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 Mr. Soyars, seconded by Mr. Lysenko, that **ORDINANCE NO. 53-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 54-2012**

**ORDINANCE NO. 54-2012. PRESENTED BY: MR. WAGNER. TITLE: PURCHASE OF VACTOR JET TRUCK - UTILITIES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH JACK DOHENY COMPANIES TO PURCHASE A 2012 VACTOR JET TRUCK, FOR THE COST OF \$375,548, LESS A \$15,000 TRADE-IN, THROUGH THE OHIO STATE COOPERATIVE PURCHASING PROGRAM, PURSUANT TO ORDINANCE NO. 42-1995, 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. 54-2012 BE ADOPTED.** President Maurer said Mr. Palmer mentioned in the Finance or Streets Committee that he was trying to get all of these vehicles on a five-year rotation, and he asked if this purchase was part of that plan. Mr. Palmer, Service Director, said this purchase is part of that plan. He said this particular piece of equipment is six or seven years old. He said they are getting more “life” out of these vehicles because they are taking them from Utilities and leasing them to the Street Department, where the vehicles are used until a new one needs to be purchased. Mr. Palmer said it is a good use of funds, and it is also a way to keep good equipment as long as possible. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 55-2012**

**ORDINANCE NO. 55-2012. PRESENTED BY: MR. WAGNER. TITLE: LEASE PURCHASE AGREEMENT – UTILITIES – 2012 VACTOR JET TRUCK. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A FIVE-YEAR LEASE PURCHASE AGREEMENT WITH PNC BANK, TO FINANCE A 2012 VACTOR JET TRUCK FOR \$375,548, LESS \$15,000 TRADE-IN, 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. 55-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 56-2012**

**RESOLUTION NO. 56-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – I-76 HERBICIDAL SPRAYING CONTRACT - 2013. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROCEED WITH THE HERBICIDAL SPRAYING OF I-76 FOR FY2013 (PID #93181), AND DECLARING AN EMERGENCY.** It was moved by Mr. Lysenko, 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 Mr. Lysenko, seconded by Mrs. Frey, that **RESOLUTION NO. 56-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 57-2012**

**RESOLUTION NO. 57-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – I-76 MOWING CONTRACT - 2013. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROCEED WITH THE MOWING OF I-76 FOR 2013 (PID #93182), AND DECLARING AN EMERGENCY.** It was moved by Mr. Lysenko, 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 Mr. Lysenko, seconded by Mrs. Frey, that **RESOLUTION NO. 57-2012 BE ADOPTED.** Mr. Megyes asked if the City of Barberton cuts this grass or if ODOT cuts it and we pay them. Mr. Palmer said this is strictly an ODOT project. He said the land belongs to ODOT, but it runs through the City of Barberton. He said before anything is done, they normally come to the City for permission. He said the County used to cut it using their own employees, but now they get sub-contractors to do the work. He said Council just passed legislation for 2012, but ODOT is ahead of the game, so they wanted this one for 2013. He said there are no expenses to the City at all. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 58-2012**

**ORDINANCE NO. 58-2012. PRESENTED BY: MR. ENDRES. TITLE: AMEND BARBERTON DEVELOPMENT CODE – DEMOLITION STANDARDS. AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY ADDING A NEW SECTION TO CHAPTER 1240, SECTION 1240.10, “DEMOLITION STANDARDS,” TO ENSURE SAFE DEMOLITION PRACTICES WITHIN THE CITY.** Mr. Endres said he believed they were going to have three readings. The Clerk said there was nothing in the Charter stating text amendments must have three readings; emergency wording cannot be added to this one. President Maurer said it would be the Chairman’s pleasure. Mr. Endres called on Mr. Bauschlinger. Mr. Bauschlinger said he knew it could not be an emergency, so he may want it called for this evening because they would then have to wait thirty days. President Maurer said the readings can be suspended, but it cannot be declared an

emergency. It was moved by Mr. Endres, seconded by Mr. Avant, 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. Endres, seconded by Mr. Avant, that **ORDINANCE NO. 58-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 59-2012**

**ORDINANCE NO. 59-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CDBG FUND. AN ORDINANCE APPROPRIATING \$7,384.11 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND OPERATING BUDGET, DUE TO FAÇADE LOAN PAYMENTS, IN ORDER TO CARRY OUT ELIGIBLE CDBG ACTIVITIES, AND DECLARING AN EMERGENCY.** It was moved by Mr. Avant, 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. Avant, seconded by Mrs. Debevec, that **ORDINANCE NO. 59-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

None.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 34-2012**

**ORDINANCE NO. 34-2012. PRESENTED BY: MR. ENDRES. 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. *First Reading – March 12, 2012. Second Reading – March 26, 2012. Third Reading – April 6, 2012.*** It was moved by Mr. Endres, seconded by Mr. Avant, that **ORDINANCE NO. 34-2012 BE ADOPTED.** Mr. Endres said they had passed in committee that this piece of legislation was going to be amended to include emergency wording; however, emergency wording cannot be added. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**APPOINTMENTS**

None.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

President Maurer said a memo was sent stating the Council retreat was scheduled for May 8<sup>th</sup>; however, it is Saturday, May 5<sup>th</sup>, and not the 8<sup>th</sup>. He asked that everyone make sure all the issues are together for ward-specific and committee-specific discussion. He said you might want to get together with your department heads to make sure everyone is on the same page and everything goes smoothly at the retreat.

**COMMUNICATION FROM THE MAYOR**

Mayor Judge said he would like to thank everyone who attended the Easter Egg Hunt at Tuscora Park this past weekend. He said it was a great turnout and he appreciates all the work done by Shane (McAvinew) and Kara (Lysenko) and all the staff members who helped.

Mayor Judge said he is working with Stark State and Akron U to bring them to town. He said he is working with the architects on the Decker Center and the Armory.

Mayor Judge said they are continuing to work with BCDC on the Seiberling property to get it cleaned up. He said he and BCDC have also been working pretty aggressively on some renderings and engineering for Lakeside Park and some of the other BCDC properties in order to get them filled with tenants.

Mayor Judge said this Saturday morning, Senator LaRose will have his monthly meeting in the Mayor's Conference Room.

Mayor Judge said last Thursday he, Marta Savula (Safety Director), Joe Stefan (Assistant Planning Director), and Mr. Wagner met with the New Haven residents on some safety issues. He said the residents had a lot of concerns and questions. He said he appreciates all the work everyone put in -- addressing those needs as quickly as they did -- to help out the residents as much as they could.

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

Adjourned: 8:08 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council