

Council met in **REGULAR SESSION** on Monday, July 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. Endres gave the Invocation.

It was moved by Mr. Soyars, seconded by Mr. Endres, to approve the Minutes of the Public Hearing held on Monday, June 25, 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, June 25, 2012, as presented. All Members voted “yea.” Motion carried.

Mr. Avant requested that the Acceptance of the Finance Department Report for June 2012 be postponed until the July 23, 2012 Regular Legislative Meeting.

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. 117-2012

ORDINANCE NO. 117-2012. PRESENTED BY: MR. ENDRES. TITLE: ENTER INTO GRANT AGREEMENT – TOTAL ENVIRONMENTAL SERVICES – COAF SEIBERLING ASBESTOS ABATEMENT GRANT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT AND RELATED ASSURANCES, CERTIFICATIONS, AND CONTRACTS WITH TOTAL ENVIRONMENTAL SERVICES, TO CARRY OUT ABATEMENT ACTIVITIES RELATED TO THE COAF SEIBERLING ASBESTOS ABATEMENT PROJECT, DUE TO A GRANT FROM THE OHIO DEPARTMENT OF DEVELOPMENT’S OFFICE OF REDEVELOPMENT, IN THE AMOUNT OF \$267,865, AND DECLARING AN EMERGENCY.

First Reading – July 9, 2012.

ORDINANCE NO. 118-2012

ORDINANCE NO. 118-2012. PRESENTED BY: MR. ENDRES. TITLE: ZONING MAP AMENDMENT – HERITAGE PLACE APARTMENTS – 39-41 30TH STREET, NW. AN ORDINANCE AUTHORIZING THE REZONING OF HERITAGE PLACE APARTMENTS, 39-41 30TH STREET, NW (PARCEL #01.14971), FROM C-2, NEIGHBORHOOD COMMERCIAL TO RM-18 (RESIDENTIAL MULTI-FAMILY). 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. 118-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk said the wording “only to properties as listed on the attachment” has been added to the sub-heading and Section 1 of Ordinance No. 119-2012.

ORDINANCE NO. 119-2012

ORDINANCE NO. 119-2012. PRESENTED BY: MR. LYSENKO. TITLE: 2012 SIDEWALK REPLACEMENT AND FILL-IN PROGRAM. AN ORDINANCE ESTABLISHING THE CITY’S CONTRIBUTION TO THE 2012 SIDEWALK REPLACEMENT AND FILL-IN PROGRAM, ONLY TO PROPERTIES AS LISTED ON THE ATTACHMENT, 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. President Maurer said the list mentioned was the list attached to the draft and passed by the committee. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Lysenko, seconded by Mrs. Frey, that **ORDINANCE NO. 119 -2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 120-2012

ORDINANCE NO. 120-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – LAMPION COMPANIES – EMERGENCY SIGNAL REPAIR. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT, WITHOUT COMPETITIVE BIDDING AND ON AN EMERGENCY BASIS, WITH LAMPION COMPANIES, IN THE AMOUNT OF \$33,000, FOR THE REPLACEMENT OF THE TRAFFIC CONTROL CABINET AT THE INTERSECTION OF WOOSTER ROAD WEST AND 31ST STREET, 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 **ORDINANCE NO. 120-2012 BE ADOPTED.** President Maurer said he recalls that we were having trouble with some of the old mechanical controllers. He asked if this is a new, solid-state controller. Mr. Palmer, Service Director, said this is definitely a new solid-state controller; it is very high-tech. He said, Mr. Gable, our guru, told him that this is the future and this is what the City will have to be using. He said Mr. Gable also said that the lights would be next. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

The Clerk said two changes were made to the original Ordinance No. 121-2012. She said the Whereas was deleted as was one vehicle. She said the new ordinance is dated 07/05/2012.

ORDINANCE NO. 121-2012

ORDINANCE NO. 121-2012. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF UNSAFE VEHICLES – POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP ELEVEN (11) 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 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. 121-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 122-2012

ORDINANCE NO. 122-2012. PRESENTED BY: MR. AVANT. TITLE: AMENDING ORD. NO. 183-2011 – EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES. AN ORDINANCE AMENDING ORDINANCE NO. 183-2011, “EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES,” BY ADDING A NEW POSITION, LEAD CROSSING GUARD, TO BE PAID \$13.00 PER HOUR; AND TO INCREASE THE HOURLY RATE OF SCHOOL CROSSING GUARDS TO \$10.00 PER HOUR, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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 Mr. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 122-2012 BE ADOPTED.** President Maurer asked if the Lead Crossing Guard was going to have administrative functions. Chief Morber said the Lead Crossing Guard would be in charge of call offs -- getting subs, or working at the unmanned spot himself/herself. He said it would not be necessary for one of his supervisors or dispatch and police to be handling those situations. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 123-2012

ORDINANCE NO. 123-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – JOINT EMERGENCY DISPATCH SYSTEM – BARBERTON / NORTON / COPLEY. AN ORDINANCE APPROPRIATING \$5,500 FROM THE UNAPPROPRIATED ITEM OF THE 911 PHONE SYSTEM FUND TO THE 911 PHONE SYSTEM FUND OPERATING BUDGET, TO PAY BARBERTON’S COST FOR THE JOINT EMERGENCY DISPATCH SYSTEM TO BE USED BY BARBERTON, NORTON, AND COPLEY, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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 Mr. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 123-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 124-2012

ORDINANCE NO. 124-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – BIKE RODEO. AN ORDINANCE APPROPRIATING \$1,000 FROM THE UNAPPROPRIATED ITEM OF THE CITY GRANT FUND TO THE CITY GRANT FUND OPERATING BUDGET, DUE TO A GRANT FROM THE BARBERTON

COMMUNITY FOUNDATION, TO BE USED FOR THE POLICE DEPARTMENT'S BIKE RODEO, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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 Mr. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 124-2012 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 125-2012

ORDINANCE NO. 125-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FIRE DEPARTMENT – FEMA FUND. AN ORDINANCE APPROPRIATING \$24,300 FROM THE UNAPPROPRIATED ITEM OF THE FEMA GRANT FUND TO THE FEMA GRANT FUND CAPITAL BUDGET, DUE TO THE 2011 ASSISTANCE TO FIREFIGHTERS GRANT, TO BE USED TO PURCHASE THREE (3) THERMAL IMAGING CAMERAS AND NEW FIRE HOSE, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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 Mr. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 125-2012 BE ADOPTED.** President Maurer said when the City bought the first imaging equipment for the department, it was cutting edge for its time. He said we were ahead of the curve and had some of the most sophisticated equipment. He said we are taking the next step and he thinks it is great that we are taking advantage of federal monies to protect the lives and property of our citizens. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried.

ORDINANCE NO. 126-2012

ORDINANCE NO. 126-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CDBG FUNDS. AN ORDINANCE APPROPRIATING \$600,377 FROM THE FY2012 UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND OPERATING BUDGET, TO CARRY OUT FY2012 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. 126-2012 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 127-2012

ORDINANCE NO. 127-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PROJECT IMPACT FUND – MOVING OHIO FORWARD PROGRAM. AN ORDINANCE APPROPRIATING \$400,000 FROM THE UNAPPROPRIATED ITEM OF THE PROJECT IMPACT FUND TO THE PROJECT IMPACT FUND OPERATING BUDGET, DUE TO A GRANT FROM THE BARBERTON COMMUNITY FOUNDATION AND THE ATTORNEY GENERAL'S MOVING OHIO FORWARD PROGRAM, TO BE USED TO RAZE VACANT, ABANDONED AND BLIGHTED STRUCTURES, 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. 127-2012 BE ADOPTED.** Mr. Avant said it should be mentioned that the City also put in some funding for this. Mayor Judge said the City put in \$180,000. President Maurer said this is another partnership between the City and the Foundation. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 128-2012

ORDINANCE NO. 128-2012. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – MUNICIPAL COURT. AN ORDINANCE TRANSFERRING \$5,000 FROM THE COURT COMPUTER FUND CAPITAL BUDGET TO THE COURT COMPUTER FUND OPERATING BUDGET, TO PAY FOR FUTURE SERVICES FROM BPI INFORMATION SYSTEMS, INC., FOR THE MUNICIPAL COURT, 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. 128-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk said the Finance Committee voted that the following Ordinance be added to this evening’s Agenda.

ORDINANCE NO. 129-2012

ORDINANCE NO. 129-2012. PRESENTED BY: MR. AVANT. TITLE: GENERAL FOREMAN SALARY. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO HIRE A GENERAL FOREMAN AT A SALARY THAT EXCEEDS THE MID-POINT, 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. 129-2012 BE ADOPTED.** Mr. Avant said there was a lot of discussion in the Finance Committee Meeting regarding this ordinance. He said the bottom line is that this position is really needed and the person in that position is essential. He said he feels they are going to make the right decision. President Maurer said even though we are above mid-point, the salary is nowhere near the maximum for that position according to the pay limits. Mrs. Debevec asked if it is in the Budget to be able to hire this person at that salary, in addition to keeping the other position. The Mayor said that was correct. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 102-2012

ORDINANCE NO. 102-2012. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – BUILDING DEPARTMENT. AN ORDINANCE TRANSFERRING \$14,000

FROM THE UNAPPROPRIATED ITEM OF THE RENTAL REGISTRATION FUND TO THE RENTAL REGISTRATION FUND OPERATING BUDGET, AND DECLARING AN EMERGENCY. *First Reading – June 11, 2012. Second Reading – June 25, 2012. Third Reading – July 9, 2012.* It was moved by Mr. Avant, seconded by Mr. Endres, that **ORDINANCE NO. 102-2012 BE ADOPTED.** Mr. Megyes, Mr. Avant, and Mrs. Frey voted “yea.” Mr. Lysenko, Mr. Wagner, Mr. Endres, Mrs. Debevec, and Mr. Soyars voted “nay.” Motion FAILED, 3-5. Mr. Lysenko said he voted “no” because he believes it is a tax on landlords and tenants and he thinks we should narrow the scope on how that money is being used. He said he feels we owe it to the people who are paying these fees. He said the goals the Building Department has in order to use this money are worthy goals and he appreciates their work; however, he could not go with it the way it was.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

The Clerk said she received one Liquor License Transfer:

From: Hernandez Alcazar Restaurant Group, Inc., DBA El Jalapenos, 1195 Wooster Road W. & Patio, Barberton.

To: Mendez Martinez LLC, 1195 Wooster Road W. & Patio, Barberton.

The Clerk said no objections have been received.

President Maurer said he wanted to make a couple of observations. He said Council just passed Ordinance 126-2012 for over \$600,000 and there was not a peep from this Body about where it came from or how it was going to be spent. He said we are getting ourselves in an uproar over a lousy \$14,000. He said the idea of the Rental Registration Fund was to help us track problem landlords. He said the overall issue is that we are trying to elevate property values. He said these monies were available to anybody who applied for them, regardless of what neighborhood they lived, regardless of their financial status, and whether or not they were a property owner or landlord. He said if spouting is falling off of a house, we want it fixed. He said if someone drives by this house from outside and sees spouting falling off, they do not care who owns it -- or if it is a rental or owner-occupied. He said if the money is available to encourage the people to fix that problem, the City benefits; it is that simple. He said he does not understand why there was such a big hullabaloo about a lousy \$14,000 being transferred from one fund to another. He said he is surprised. He said when the money runs out on the grants to fix up houses, this is something that could have made an improvement. He said we could have helped 140 homes at \$100 a shot.

President Maurer said to keep an eye on your neighbors, especially elderly neighbors, because of the extreme heat. He said to let someone know if you know of anyone in distress.

Mr. Wagner said all of Council should have received a copy of a letter from Mr. Tim Heitic, VP of the National Association of Letter Carriers. He said Mr. Heitic delivered a letter to be sent to Congressman Renacci, dealing with HR 2309, which is the elimination of Saturday delivery for mail carriers, the closing of local post offices, and the loss of home and business mail delivery.

He said he is urging everyone to vote “no” on HR 2309 and he is asking members of Council to sign this letter.

COMMUNICATION FROM THE MAYOR

Mayor Judge said it is official that Stark State is signing a lease agreement for the Armory. He said they are still looking at the January date for the opening of the welding school.

Mayor Judge said the Parks Department has been using the Visitor’s Center to draw people down to Lake Anna during the day by using interns to sell fruits and water, etc. He said they made about a fifty-dollar profit so far.

Mayor Judge said on July 17th the Library is going to have a Digital Bookmobile coming to town. He said you can go over and download books between Noon and 6:00 p.m.

Mayor Judge said they started working on the 31st Street/Wooster Road West traffic signal. He said there was a traffic accident there that took out the whole intersection.

Mayor Judge said if you get any calls from residents with complaints of potholes to let him know. He said they are working on the Paving Program and they will be doing more strip paving this year. He said they want to get everything wrapped up before Fall.

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

Adjourned: 8:11 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council