

Council met in **REGULAR SESSION** on Monday, July 8, 2013, 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 Mrs. Debevec, to approve the Minutes of the Regular Legislative Session held on Monday, June 24, 2013, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Avant, seconded by Mrs. Debevec, to accept the Finance Department Report for June, as presented. All Members voted "yea." Motion carried.

PETITIONS AND CLAIMS

There are 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

Mr. Russ Schelling, Operations Manager from the Barberton/Norton Mosquito Abatement District spoke. Mr. Schelling gave a updated report for the year. Mr. Robert Webb, Chairman of the Board then spoke. Mr. Webb also discussed what the Mosquito Abatement District has accomplished this past year.

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. 110-2013

RESOLUTION NO. 110-2013. PRESENTED BY: MR. ENDRES. TITLE: OHIO & ERIE CANALWAY COALITION GRANT REQUEST – BARBERTON DOWNTOWN CONNECTOR TRAIL PROJECT. A RESOLUTION APPROVING THE SUBMISSION OF A \$45,000.00 GRANT APPLICATION TO THE OHIO & ERIE CANALWAY COALITION FOR THE BARBERTON DOWNTOWN CONNECTOR TRAIL PROJECT, AND DECLARING 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 **RESOLUTION. 110-2013 BE ADOPTED.** All Members voted "yea." Motion carried.

RESOLUTION NO. 111-2013

RESOLUTION NO. 111-2013. PRESENTED BY: MR. LYSENKO. TITLE: COMMENDATION – BELGRADE GARDENS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON HONORING AND GIVING PUBLIC RECOGNITION TO BELGRADE GARDENS ON THEIR 80TH ANNIVERSARY, 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 Mr. Frey, that **RESOLUTION NO. 111-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 112-2013

ORDINANCE NO. 112-2013. PRESENTED BY: MR. LYSENKO. TITLE: INCREASE OF CONTRACT – MID OHIO CONCRETE. AN ORDINANCE AUTHORIZING AN INCREASE IN THE AMOUNT OF THE CONTRACT WITH MID OHIO CONCRETE FOR THE SIDEWALK REPLACEMENT PROGRAM, IN THE AMOUNT OF \$20,000, 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. 112-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 113-2013

ORDINANCE NO. 113-2013. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT - LYTLE CONSTRUCTION. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH LYTLE CONSTRUCTION, THE ONLY BIDDER, IN THE AMOUNT OF \$204,346.20, FOR THE COLUMBIA HEIGHTS PAVING PROGRAM, 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 Mr. Frey, that **ORDINANCE NO. 113-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 114-2013

RESOLUTION NO. 114-2013. PRESENTED BY: MR. SOYARS. TITLE: SUMMIT COUNTY 911 PLAN. A RESOLUTION BY THE COUNCIL OF THE CITY OF BARBERTON ADOPTING THE NEW SUMMIT COUNTY 911 PLAN TO INCLUDE SWSCOG (SOUTHWEST SUMMIT COUNCIL OF GOVERNMENTS,) 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. 114-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 115-2013

RESOLUTION NO. 115-2013. PRESENTED BY: TITLE: BAUER’S HILL LANE - ACQUISITION OF PROPERTY. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT FOR THE BAUER’S HILL

PROPERTY ISSUE BY PURCHASING AN ACCESS LANE, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, 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. Megyes, seconded by Mr. Endres, that **RESOLUTION NO. 115-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 116-2013

ORDINANCE NO. 116-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: CDBG ANNUAL ACTION PLAN AMENDMENT. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON TO AMEND THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN TO INCLUDE NEWLY FUNDED 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. 116-2013 BE ADOPTED.** Mr. Lysenko asked the Planning Director about 366 Fairview/C&D Cleanup. He stated that he heard that the property was going to be assessed and asked Ms. Sheridan if the City does not recover the money in the future, are we responsible for it down the line. Ms. Sheridan responded that “no” it is an eligible CDBG activity and is in a low-mod area. Mr. Lysenko then asked if we could just spend the money and if we do recover could we go back to CDBG. Ms. Sheridan responded to him “that is correct.” Mr. Lysenko then asked if anyone knew what the plan is for the property. There was no response. Mr. Lysenko then stated that he feels the sidewalks are a good idea but there are dumpsters parked in that same lot and they have been there for 3-4 years and if Maxwell Recycling is going to use that to park their dumpsters, he does not see the point in spending \$10,000 on sidewalks. Mr. Lysenko then asked if anyone knows what is going to happen with the Maxwell dumpsters. Mr. Bauschlinger stated that the dumpsters arrived there 8-9 months ago and Maxwell’s bought it from CDBG or from BCDC. He stated prior to that it was just a parking lot. Mr. Bauschlinger stated that they have met with them several times and they are going to remove them rather than going for rezoning. He said at that point the lot will be back to what it was when BCDC owned it. Mr. Palmer confirmed with Mr. Bauschlinger that the request for the sidewalks came from a gentleman in a wheelchair. Mr. Lysenko then said he feels it is unfortunate that MSD Enterprise LLC purchased that property at 366 Fairview for \$75,000 and that it is the taxpayers money whether it is CDBG money or not. He stated he is glad to see we are able to clean it up in that way but hopes that we are able to recover it down the line. Mr. Maurer then asked Mr. Bauschlinger if the lot in question is going to be approved for asphalt or will gravel base be sufficient. Mr. Bauschlinger stated that it all depends on how it is developed. He stated currently it is concrete based. He said he does not know the plans for the development. He also stated it is unfortunate that MSD bought it. He said the City took them to court twice and it cost them - but it got them to clean it up, which is what we wanted. Mr. Bauschlinger then stated that the buildings were torn down prior to NSD owning it. He then stated that they were torn down under the old B&C/Bilivich through EPA approval. All Members voted “yea.” Motion carried.

RESOLUTION NO. 117-2013

RESOLUTION NO. 117-2013. SPONSORED BY: MRS. DEBEVEC. PRESENTED BY: ALL OF COUNCIL. TITLE: SUMMIT KIDS MONTH IN THE CITY OF BARBERTON. A RESOLUTION BY THE COUNCIL OF THE CITY OF BARBERTON RECOGNIZING AUGUST 2013 AS SUMMIT KIDS MONTH IN THE CITY OF BARBERTON, 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 Mr. Debevec, seconded by Mr. Soyars, that **RESOLUTION NO. 117-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 118-2013

RESOLUTION NO. 118-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: TAX INCENTIVE REVIEW COUNCIL - PPG INDUSTRIES, INC. A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL REGARDING THE ENTERPRISE ZONE AGREEMENT WITHIN THE CITY OF BARBERTON FOR PPG INDUSTRIES, INC., 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 **RESOLUTION NO. 118-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 119-2013

ORDINANCE NO. 119-2013. PRESENTED BY: TITLE: APPROPRIATION – CDBG FUNDS. AN ORDINANCE APPROPRIATING \$3,608.99 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND INTO VARIOUS COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNTS 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. 119-2013 BE ADOPTED.** Mr. Avant wanted to let everyone know that the appropriation has been changed to \$3,465.24. All Members voted “yea.” Motion carried.

ORDINANCE NO. 120-2013

ORDINANCE NO. 120-2013. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – HUMAN RESOURCES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A THREE (3) YEAR PROFESSIONAL SERVICES CONTRACT WITH EMPLOYEE BENEFITS INTERNATIONAL, INC., TO PROVIDE HEALTH CARE CONSULTANT SERVICES FOR THE CITY OF BARBERTON, 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. 120-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 101-2013

ORDINANCE NO. 101-2013. PRESENTED BY: MR. SOYARS. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – “CLANDESTINE DRUG LABS.” AN ORDINANCE AMENDING EXHIBIT A AS REFERENCED IN ORDINANCE 149-2011 CHAPTER 660, “SAFETY, SANITATION AND HEALTH,” OF THE BARBERTON CODIFIED ORDINANCES, BY CHANGING LANGUAGE WITHIN EXHIBIT A CRITERIA FOR THE DECLARATION AND RE-OCCUPANCY OF CLANDESTINE DRUG LABORATORIES, 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. 101-2013 BE ADOPTED.** All Members voted “yea.” Motion carried. ***First Reading June 24, 2013***

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 93-2013

ORDINANCE NO. 93-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: PROPOSED CHARTER AMENDMENT – CIVIL SERVICE COMMISSION. AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON TO FORMALLY PROVIDE THE CIVIL SERVICE COMMISSION WITH THE POWERS RELATED TO THE “HOME RULE” PROVISION OF THE OHIO CONSTITUTION, AND FOR GIVING NOTICE THEREOF, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mr. Soyars, that **ORDINANCE NO. 93-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

First Reading June 10, 2013 ~ Second Reading June 24, 2013

RESOLUTION NO. 97-2013

RESOLUTION NO. 97-2013. PRESENTED BY: MR. AVANT. TITLE: INCOME TAX INCREASE – NOVEMBER 5, 2013 ELECTION. A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO INCREASE THE INCOME TAX RATE FROM 2% TO 2.25% FOR THE PERIOD BEGINNING JANUARY 1, 2014 AT THE NOVEMBER 5, 2013, GENERAL ELECTION, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mrs. Debevec, that **RESOLUTION NO. 97-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

First Reading June 10, 2013 ~ Second Reading June 24, 2013

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Wagner said he would like the Board Council people to start thinking about appointing someone from their ward to what we are going to call an infiltration and inflow program for the City of Barberton. He stated it deals with private property on sanitary sewers and water supply lines. He also stated it was a program that was endorsed by the flood action committee. Mr. Wagner said he does not need anything but to start thinking about someone that you might want on this committee. He said he would like to have representation from every ward. Mr. Maurer asked if there will be six people on the committee. Mr. Wagner said there will be more than that because they will also have someone from Burgess and Nipple.

Mr. Maurer said he would like to give public recognition to Renee Fox for doing a wonderful job.

Mr. Endres wanted to announce that two meetings have been cancelled. The first is the Design Review Board which was scheduled for Tuesday, July 16th and the second is the Board of Zoning Appeals Meeting which was scheduled for Thursday, July 18th.

Mr. Bauschlinger announced that Mr. Albert Lee is stepping down from the BZA. A resolution will be forthcoming.

COMMUNICATION FROM THE MAYOR

Mr. Judge was unable to make tonight's meeting. He had another engagement.

Mr. Palmer spoke on behalf of the Mayor.

Mr. Palmer said that Resolution No. 97-2013 is huge. He said the Mayor would like to thank council for passing this. He said that this is something that the citizens in the City of Barberton will benefit from for a very long time.

Mr. Palmer said that on Wednesday at 10:30 at the gazebo, everyone is invited to attend "Barbie, You Belong in Barberton."

Mr. Palmer also stated that everyone is invited to attend the presentation of the proclamation to Belgrade Gardens at 2:00 at their business in honor of their 80 years in business.

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

Adjourned: 8:22 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council