

Council met in **REGULAR SESSION** on Monday, July 22, 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. Lysenko 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 8, 2013, 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. Terry Tuttle from the Summit County Public Health District gave a brief overview of the mosquito control program.

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. 121-2013

ORDINANCE NO. 121-2013. PRESENTED BY: MR. LYSENKO. TITLE: INCREASE OF CONTRACT – PERRIN ASPHALT, FIFTH STREET & WEST TURKEYFOOT EMERGENCY REPAIR. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO INCREASE THE CONTRACT WITH PERRIN ASPHALT FROM \$225,000.00 TO \$231,212.20 IN ORDER TO MAKE NECESSARY REPAIRS TO FIFTH STREET AND WEST TURKEYFOOT LAKE ROAD, 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. 121-2013 BE ADOPTED.** All Members vote "yea." Motion carried.

ORDINANCE NO. 122-2013

ORDINANCE NO. 122-2013. PRESENTED BY: MR. WAGNER. TITLE: AUTHORIZE PAYMENT - KENMORE CONSTRUCTION COMPANY. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO KENMORE CONSTRUCTION COMPANY IN THE AMOUNT OF \$75,064.32 FOR THE EMERGENCY REPAIR OF THE SANITARY SEWER LINE ON 21ST STREET

NW IN MAY OF 2013, 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. 122-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

ORDINANCE NUMBER 123-2013

ORDINANCE NO. 123-2013. PRESENTED BY: MR. WAGNER. TITLE: SUPPLY AGREEMENT – CONSTELLATION NEW ENERGY GAS AGGREGATION PROGRAM. AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH CONSTELLATION NEW ENERGY TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND OCTOBER 2013 WHEN THE CURRENT SUPPLY AGREEMENT ENDS. 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. 123-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

ORDINANCE NO. 124-2013

ORDINANCE NO. 124-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: INCREASE OF CONTRACT – BCDC FY13 COAF FUNDING PHASE II. AN ORDINANCE AUTHORIZING THE MAYOR TO INCREASE THE BCDC’S FY13 CONTRACT BY \$30,000 IN ORDER TO COMPLETE THE REQUIRED COAF FUNDING PHASE II ON THE FORMER SEIBERLING INDUSTRIAL FACILITY, 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. 124-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

ORDINANCE NO. 125-2013

ORDINANCE NO. 125-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – 911 PHONE SYSTEM. AN ORDINANCE APPROPRIATING \$20,000.00 FROM THE UNAPPROPRIATED ITEM OF THE 911 PHONE SYSTEM FUND TO THE 911 PHONE SYSTEM OPERATING BUDGET, 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. 125-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

ORDINANCE NO. 126-2013

ORDINANCE NO. 126-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION JOINT EMERGENCY DISPATCH SYSTEM - BARBERTON / NORTON / COPLEY. AN ORDINANCE APPROPRIATING \$6,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE DISPATCH

OPERATING BUDGET FOR RADIO PURCHASES FOR THE DISPATCH PROJECT, 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. 126-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

ORDINANCE NO. 127-2013

ORDINANCE NO. 127-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CDBG FUNDS. AN ORDINANCE APPROPRIATING \$18,458.87 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND INTO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME EXPENDITURE ACCOUNT, 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. 127-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

ORDINANCE NO. 128-2013

ORDINANCE NO. 128-2013. PRESENTED BY: MR. AVANT. TITLE: INCOME TAX INCREASE – NOVEMBER 5, 2013 ELECTION. AN ORDINANCE PROVIDING FOR AN INCREASE TO THE BARBERTON MUNICIPAL INCOME TAX, WHICH IS NOW LEVIED AT THE RATE OF TWO PERCENT (2.0%), BY VIRTUE OF ORDINANCE 217-2000 AND CHAPTER 880 OF THE CODIFIED ORDINANCES OF BARBERTON BY ADDING ONE QUARTER OF ONE PERCENT (.25%) TO SAID BASIC INCOME TAX RATE, COMMENCING JANUARY 1, 2014 FOR THE PURPOSE OF PROVIDING FUNDS FOR ROADWAY RECONSTRUCTION AND RESURFACING OF STREETS AND ALLEYS, TO INCLUDE ANY DEBT SERVICE ON THE AFOREMENTIONED IMPROVEMENTS, 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. 128-2013 BE ADOPTED.** Mr. Mauer asked Mrs. Fox when she took the wording of this ordinance to the Summit County Board of Elections, were they okay with it. She replied that she has not taken this to them but will once it has passed. All Members vote “yea.” Motion carried.

RESOLUTION NO. 129-2013

RESOLUTION NO. 129-2013. PRESENTED BY: MR. AVANT. TITLE: INCOME TAX INCREASE – NOVEMBER 5, 2013 ELECTION. A RESOLUTION DIRECTING THE SUMMIT COUNTY BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE REGULAR ELECTION TO BE HELD ON NOVEMBER 5, 2013, THE QUESTION OF LEVYING AN ADDITIONAL MUNICIPAL INCOME TAX OF ONE QUARTER PERCENT (.25%), FOR THE PURPOSE OF PROVIDING FUNDS FOR ROADWAY RECONSTRUCTION AND RESURFACING OF STREETS AND ALLEYS, TO INCLUDE ANY DEBT SERVICE ON THE AFOREMENTIONED IMPROVEMENTS, 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. 129-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

RESOLUTION NO. 130-2013

RESOLUTION NO. 130-2013. PRESENTED BY: MR. AVANT. TITLE: BARBERTON COMMUNITY FOUNDATION “SPENDING POLICY - INVASION OF PRINCIPAL FUND”. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING CERTAIN AMENDMENTS TO ARTICLE XI, SECTION 4(b) OF THE CODE OF REGULATIONS OF THE BARBERTON COMMUNITY FOUNDATION ENTITLED, “SPENDING POLICY AND INVASION OF PRINCIPAL,” IN ORDER TO FURTHER ENSURE THE PERPETUITY OF THE “PRINCIPAL FUND” AND TO PROVIDE ESSENTIAL GRANT MAKING SERVICES ON A REGULAR BASIS, AND DECLARING AN EMERGENCY. *First reading only.*

ORDINANCE NO. 131-2013

ORDINANCE NO. 131-2013. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – STORMWATER. AN ORDINANCE TRANSFERRING \$50,000 FROM THE STORMWATER CAPITAL BUDGET TO THE STORMWATER OPERATIONAL BUDGET IN ORDER TO ASSIST RESIDENTS WHO WERE AFFECTED BY THE STORM ON JULY 10, 2013, 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. 131-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Maurer stated that with next week being the 5th Monday of the month and Council’s August recess, the next time we meet will be Tuesday, September 3rd.

Liquor License Transfer:

From: Tennille M. Miller, 546 Snyder Avenue, Barberton, 44203.

To: C&D Enterprise LLC, DBA Beer & Wine Depot, 546 Snyder Avenue, Barberton, 44203. Chief Morber has requested a hearing in Columbus.

Mr. Wagner reminded the ward council people to get their appointments for the Inflow/Outflow Committee that works with Burgess Nipple to Mr. Stender, Utilities Director.

COMMUNICATION FROM THE MAYOR

Mr. Mayor spoke about the past weekend being the 10th Anniversary for Relay for Life which was held at Lake Anna. He stated that over the past 9 years they have collected over 1.2 million dollars. The figures are not in for this year but Mr. Judge would like to thank everyone who was involved.

Mr. Judge stated that ICA began work for the Dog Park. He stated it should be ready to go next week, depending on the weather.

Mr. Judge stated that earlier today the City had a Connector Community Grant meeting. Mr. Judge reminded everyone that about a year ago the City applied for a Connector Community's Grant for \$50,000 through AMATS. The City received the grant. This was the initial meeting and they will meet in a few weeks.

Mr. Judge stated that the July 10th flood/rain program ended this past Friday. The City is still going through phone calls and helping residents. The crews are out cleaning the inlets and sewer systems.

Mr. Judge stated that they are meeting with the Columbia Heights residents on Tuesday, July 23rd to discuss the upcoming 2013 paving program. Anyone is welcome to attend.

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

Adjourned: 8:15 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council