

Council met in **REGULAR SESSION** on Monday, October 14, 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. Avant 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, September 23, 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 September 2013, 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

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. 158-2013

ORDINANCE NO. 158-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – ACTIVE ADULT CENTER. AN ORDINANCE APPROPRIATING \$3,000 FROM THE UNAPPROPRIATED ITEM OF THE SENIOR CENTER TRUST FUND TO THE SENIOR CENTER TRUST FUND OPERATING BUDGET TO COVER TRIPS AND SPECIAL EVENTS FOR THE ACTIVE ADULT CENTER, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Megyes, that **ORDINANCE NO. 158-2013 BE ADOPTED.** All Members vote "yea." Motion carried.

ORDINANCE NO. 159-2013

ORDINANCE NO. 159-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – POLICE DEPARTMENT. AN ORDINANCE APPROPRIATING \$9,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE POLICE DEPARTMENT 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. 159-2013 BE ADOPTED.** All Members vote "yea." Motion carried.

ORDINANCE NO. 160-2013

ORDINANCE NO. 160-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FIRE DEPARTMENT. AN ORDINANCE APPROPRIATING \$17,000 FROM THE GENERAL FUND TO THE FIRE DEPARTMENT OPERATING BUDGET FOR THE RADIO SYSTEM REPLACEMENT 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. 160-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

ORDINANCE NO. 161-2013

ORDINANCE NO. 161-2013. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF UNSAFE VEHICLES - POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP/SALVAGE EIGHT (8) 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. 161-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

ORDINANCE NO. 162-2013

ORDINANCE NO. 162-2013. PRESENTED BY: MR. ENDRES. TITLE: AMEND THE MOVING OHIO FORWARD DEMOLITION PROGRAM. AN ORDINANCE ALLOWING FOR THE AMENDMENT TO THE MOVING OHIO FORWARD DEMOLITION PROGRAM AGREEMENT, 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 **ORDINANCE NO. 162-2013 BE ADOPTED.** Mr. Lysenko asked if anyone had a copy of the agreement. The clerk handed him the packet she was given when the ordinance was requested. Mr. Lysenko later said that what was handed to him is just the amendment to the agreement, but not the original agreement. All Members vote “yea.” Motion carried.

ORDINANCE NO. 163-2013

ORDINANCE NO. 163-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – MOVING OHIO FORWARD, PROJECT IMPACT PHASE II. AN ORDINANCE REDUCING THE BUILDING DEPARTMENT OPERATING BUDGET BY \$37,677, TRANSFERRING \$104,000 FROM THE GENERAL FUND TO THE PROJECT IMPACT FUND, TRANSFERRING \$76,000 FROM THE RENTAL REGISTRATION PROGRAM FUND TO THE PROJECT IMPACT FUND AND APPROPRIATING \$180,000 FROM THE UNAPPROPRIATED ITEM OF THE PROJECT IMPACT FUND TO THE PROJECT IMPACT OPERATING BUDGET, 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. 163-2013 BE ADOPTED. Mr. Lysenko stated he would be voting “no” on this ordinance for the reason that he believes that there are more important purposes that this money could be put to that would directly impact rental properties and maintenance of rental properties within the City. He also stated that tearing down homes is a good idea but he doesn’t feel that using this money, and the fact that landlords and tenants paid us this money. He stated that he feels that they should receive a more direct benefit of having paid those monies to the City. He feels that this is something that will benefit all taxpayers of the City of Barberton and if the purpose were more narrow it would significantly impact the rental properties within the City. He stated that one potential purpose would be the cleaning up of rental properties that have been used as a meth/adphenomine lab. He stated it is a very costly thing and there are a lot of landlords that do not have a part in it or are responsible but have criminals as tenants. He stated that is just one idea. He stated that in the Finance Committee meeting he asked if this grant was a matching grant that would disqualify us from receiving these funds if we didn’t provide the match. He said he was told that we do not have a choice about providing the match, we have to pay it. He said he hasn’t seen it in the agreement, however, when we voted to approve entering this agreement had he known that \$76,000 from the rental registration program fund, which was the balance of end of collection of one year – the existing balance, if he had known that it was going to be used for that program he would not have voted for it. He stated he would have carried this out differently, personally. He stated that if we don’t approve this ordinance that this money will have to come out of the general fund and that will put us below the minimum fund balance. He said that from that perspective he doesn’t feel it is a good position to put him in when it comes to voting on this. Mr. Judge then stated that he appreciates the comments from Mr. Lysenko. He gave some numbers that were put together on this program. The City has razed a minimum of eight registered rental units with this program with a cost of a little under \$104,000. He said using the \$76,000 for the rental registration is far below that and it only makes up 5.5% of the total Move Ohio Forward money allocated. He said tearing down these blighted structures does signalize the value of all properties in the surrounding area. He stated that they have torn down over 100 homes throughout the City. He stated they have hit every neighborhood and again with the cost of a little under \$104,000 we have torn down a minimum of eight registered rental units and it does stabilize the neighborhoods and the usage of this money for this purpose does fall under the contents of the rental registration ordinance that was passed. Mr. Wagner, Mr. Soyars, Mr. Megyes, Mrs. Debevec, Mr. Avant, Mr. Endres, Mrs. Frey voted “yea.” Mr. Lysenko voted “nay.” Vote 7-1. Motion carried.

ORDINANCE NO. 164-2013

ORDINANCE NO. 164-2013. PRESENTED BY: MR. AVANT. TITLE: COUNTY NSP APPROPRIATION. AN ORDINANCE APPROPRIATING \$22,500 FROM THE UNAPPROPRIATED ITEM OF THE 2009 COUNTY NSP FUND TO THE NSP CAPITAL BUDGET, 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. 164-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

RESOLUTION NO. 165-2013

RESOLUTION NO. 165-2013. PRESENTED BY: MR. AVANT. TITLE: A RESOLUTION OF SUPPORT BY THE BARBERTON CITY COUNCIL FOR CITIZENS FOR OUR ZOO'S FUTURE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO SUPPORT THE AKRON ZOO'S RENEWAL LEVY WHICH WILL BE ON THE NOVEMBER 5, 2013 GENERAL ELECTION BALLOT, 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 **RESOLUTION NO. 165-2013 BE ADOPTED.** Mr. Lysenko stated he will be voting "no" on the next two resolutions and feels compelled to give an explanation. He stated that both of these agencies and services that they provide are important and are very good things. He stated that we are seeing these, a press for the new levies and replacement levies as a result of cuts in the state funding just as we see in school levies that come across our desks here. He stated that he will support future school levies by endorsing them, however, he is not going to endorse these types of levies. He stated again it is not because he does not feel that these types of services they provide are not important. He stated that as an attorney he sees that ADM, in particular, provides very important services to people who don't have the means to obtain them on their own. He said having said that, he sees that there will be school levies in the future both renewal and replacement and possible additional school levies and he also noticed that the homestead exception for the property taxes for people who are applying for a new one will be limited to couples with a combined income of less than \$30,000. He stated that there a lot of other things in the world that are going up and he thinks that the State and Federal Governments are passing the buck down to our level and with a couple of exceptions, one of them being the school levy, he can't vote to endorse these things, however, when he go to the polls he may vote for them. He stated he is not sure yet. Mr. Endres, Mr. Wagner, Mr. Avant, Mrs. Frey, Mr. Megyes, Mr. Soyars, Mrs. Debevec voted "yea." Mr. Lysenko voted "nay." Vote 7-1. Motion carried.

RESOLUTION NO. 166-2013

RESOLUTION NO. 166-2013. PRESENTED BY: MR. AVANT. TITLE: ADM LEVY ENDORSEMENT. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON ENDORSING THE ALCOHOL, DRUG ADDICTION AND MENTAL HEALTH SERVICES BOARD'S 2.95 MILL REPLACEMENT LEVY, WHICH WILL BE ON THE NOVEMBER 5, 2013 BALLOT, 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. 166-2013 BE ADOPTED.** Mr. Soyars, Mrs. Debevec, Mrs. Frey, Mr. Avant, Mr. Megyes, Mr. Endres, Mr. Wagner voted "yea." Mr. Lysenko voted "nay." Vote 7-1. Motion carried.

RESOLUTION NO. 167-2013

RESOLUTION NO. 167-2013. PRESENTED BY: MR. AVANT. TITLE: CERTIFYING PROPERTY TAX RATES. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES OF PROPERTY TAX AS DETERMINED BY THE BUDGET COMMISSION OF SUMMIT COUNTY, AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY AUDITOR FOR THE YEAR 2014,

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. 167-2013 BE ADOPTED.** All Members vote “yea.” Motion carried.

RESOLUTION NO. 168-2013

RESOLUTION NO. 168-2013. PRESENTED BY: MR. AVANT. TITLE: HEALTH FAIR / HEALTH RISK ASSESSMENT - HUMAN RESOURCES DEPARTMENT. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO ALLOW CITY OF BARBERTON EMPLOYEES WHO PARTICIPATE IN THE 2013 CITY OF BARBERTON HEALTH FAIR ON OCTOBER 31st AND WHO COMPLETE A REQUIRED HEALTH RISK ASSESSMENT TO RECEIVE RELIEF OF UP TO \$50 FROM EMPLOYEE HEALTH CONTRIBUTIONS, 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. 168-2013 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 the City Wide Halloween will be Saturday, October 26th from 5:00 – 8:00. Shane McAviney stated the downtown handout will be from 11:00 – 1:30.

COMMUNICATION FROM THE MAYOR

Mr. Judge stated that he would like to thank council for passing Ordinance No. 162-2013 for the additional \$35,000 for the Moving Ohio Forward money. He stated we received that money from a fall back from other municipalities or townships that did not use it, or was unable to use it. He stated it was provided to us unmatched due to our success and the use of our reporting of the funds.

Mr. Judge stated he would like to thank Shane and his group for everything they did with Fall Family Fun Night. This is another successful event that we do here in the City of Barberton.

Mr. Judge stated that last week we had representatives here from Columbus from ODNR. He said they are very interested in our towpath and towpath extension bridge and our Planning Connecting Community Grant. He said they walked the area with them. He stated that when you walk an area versus leaving it in a grant application it gives you a whole new light into what is going on and it gives you a vision on what is going on in the City. He stated they are very happy and excited about what is going on here in town with that project and leading us in the right way for future funding.

Mr. Judge stated Issue 8 which is on the ballot, the next public meeting will be October 15th at Community Holiness Church, 299 Frank Street and then next Thursday the 24th, 6:00 pm at the Active Adult Center and the Saturday after that at 9:00 am.

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

Adjourned: 8:00 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council