

Council met in **REGULAR SESSION** on Monday, November 25, 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. Soyars gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Session held on Tuesday, November 12, 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**

Yolanda Walker from the Summit Akron Solid Waste Management Authority dba ReWorks presented her 5 year plan and asked that the City of Barberton review and either approve or disapprove this plan. She also showed the 2012 Annual Report.

Mr. Patrick H. Betts, 222 16<sup>th</sup> Street spoke on the behalf of the school lands. He stated how the citizens took care of the local fields' years ago and how we need to keep the fields with the City/School system.

**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. 183-2013**

**RESOLUTION NO. 183-2013. PRESENTED BY: MR. LYSENKO. TITLE: APPLICATION FOR FEDERAL STP FUNDS. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE HOPOCAN AVENUE W., 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. 183-2013 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **RESOLUTION NO. 184-2013**

**RESOLUTION NO. 184-2013. PRESENTED BY: MR. LYSENKO. TITLE: APPLICATION FOR FEDERAL STP FUNDS. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION (STP) FUNDS**

**PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE VAN BUREN AVENUE, 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. 184-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 185-2013**

**RESOLUTION NO. 185-2013. PRESENTED BY: MR. LYSENKO. TITLE: APPLICATION FOR FEDERAL STP FUNDS. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE WOOSTER 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 **RESOLUTION NO. 185-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 186-2013**

**RESOLUTION NO. 186-2013. PRESENTED BY: MR. LYSENKO. TITLE: APPLICATION FOR FEDERAL STP FUNDS. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE ROBINSON AVENUE, 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. 186-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 187-2013**

**ORDINANCE NO. 187-2013. PRESENTED BY: MR. LYSENKO. TITLE: REPEAL OF ORDINANCE NO. 178-2004. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON REPEALING ORDINANCE NO. 178-2004, “REPEAL OF ORDINANCE NO. 70-2004 – AND ENACTING A NEW “RESIDENTIAL STREET RESURFACING 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. 187-2013 BE ADOPTED.** Mr. Avant stated that it is nice that a better thing came along. He stated that this was passed in 2004 with Mr. Judge and himself on the same committee. He said they wanted this badly and it was a program that got the help that was needed to finance the streets, although it was an assessment program basically and it is nice that something better came along that is more fair to the City. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 188-2013**

**ORDINANCE NO. 188-2013. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO SHARED SERVICE AGREEMENT - SOUTHWEST SUMMIT COUNCIL OF GOVERNMENTS. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER**

**INTO A SHARED SERVICE AGREEMENT BETWEEN THE SOUTHWEST SUMMIT COUNCIL OF GOVERNMENTS AND THE CITIES OF BARBERTON, NORTON AND THE TOWNSHIP OF COPLEY, AND DECLARING AN EMERGENCY.** Mr. Soyars made motion to amend Ordinance No. 188-2013 as presented in the packet, seconded by Mr. Lysenko. 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. 188-2013 BE ADOPTED.** Mr. Lysenko asked what it means to “lend our financial support.” Mr. Morber stated it is like applying for a mortgage at a bank where you bank for 20+ years and you still have to fill out all of the paperwork.....it is like that type of deal to be able to legally be able to set up the bank account. All Members voted “yea.” Motion carried.

**RESOLUTION NO. 189-2013**

**RESOLUTION NO. 189-2013. SPONSORED BY: MR. SOYARS. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION - WILLIAM R. PFEIFFER. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO WILLIAM R. PFEIFFER FOR 31 YEARS OF DEDICATED SERVICE TO THE BARBERTON POLICE DEPARTMENT AND TO THIS COMMUNITY.** 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. 189-2013 BE ADOPTED.** Mr. Maurer stated that Lt. Pfeiffer has been with the department for a long time, 31 years. He said that type of dedication is really hard to understate. He stated it is a wonderful thing to have that type of dedication but a terrible thing to lose much knowledge, understanding, and just plain “smarts.” All Members voted “yea.” Motion carried.

**ORDINANCE NO. 190-2013**

**ORDINANCE NO. 190-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: AMEND ORDINANCE 176-2013 - FY 2014 CDBG ANNUAL ACTION PLAN. AN ORDINANCE AMENDING ORDINANCE NO. 176-2013 TO DELETE THE WORD “AMENDED” IN SECTION 1, 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. 190-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 191-2013**

**ORDINANCE NO. 191-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CITY COUNCIL. AN ORDINANCE APPROPRIATING \$2,000.00 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO CITY COUNCIL’S OPERATING BUDGET FOR THE SERVICE OF AMERICAN LEGAL, 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. 191-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 192-2013**

**RESOLUTION NO. 192-2013. PRESENTED BY: MR. AVANT. TITLE: GRANT APPLICATION – NEIGHBORWORKS AMERICA. A RESOLUTION BY THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR, TO SUBMIT A GRANT APPLICATION IN AN AMOUNT OF \$2,000.00, TO NEIGHBORWORKS AMERICA, TO BE USED FOR NEIGHBORHOOD PROGRAMS IN 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 **RESOLUTION NO. 192-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 193-2013**

**ORDINANCE NO. 193-2013. PRESENTED BY: MR. AVANT. TITLE: CREATE NEW FUND - “STREET CAPITAL IMPROVEMENT FUND.” AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE A NEW FUND, THE “STREET CAPITAL IMPROVEMENT FUND ” TO ACCOUNT FOR THE ADDITIONAL INCOME TAX COLLECTED FROM THE .25% INCOME TAX INCREASE EFFECTIVE JANUARY 1, 2014, AND DECLARING IT 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. 193-2013 BE ADOPTED.** Mr. Maurer stated that this is a quantum leap for everybody here and we are going to see some really good things happen on our street department now. He stated that we have really struggled over the years and he thinks when the residents themselves get up in the ballot box and say “this is what we want” that we have made the right choice. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 194-2013**

**ORDINANCE NO. 194-2013. PRESENTED BY: MR. AVANT. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES - CHAPTER 880-EARNED INCOME TAX. AN ORDINANCE AMENDING CHAPTER 880, “EARNED INCOME TAX,” OF THE BARBERTON CODIFIED ORDINANCES, TO INCREASE THE RATE OF MUNICIPAL INCOME TAX FROM TWO PERCENT (2%) TO TWO AND ONE QUARTER (2.25%) EFFECTIVE JANUARY 1, 2014, FROM THE APPROVAL OF THE ELECTORS OF THE CITY OF BARBERTON DUE TO THE PASSAGE OF A STREET CAPITAL IMPROVEMENT LEVY HELD ON NOVEMBER 5, 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. 194-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

*Mr. Maurer stated that the following ordinance was a rush deal but for a very good cause and the committee did pass the rules of suspensions in committee so we could take it to the floor more quickly and efficiently.*

**ORDINANCE NO. 195-2013**

**ORDINANCE NO. 195-2013. PRESENTED BY: MR. AVANT. TITLE: ADOPTING THE AFSCME AGREEMENT. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON ADOPTING AND APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BARBERTON AND AFSCME LOCAL 265, 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. Mrs. Debevec, Mr. Soyars, Mr. Megyes, Mrs. Frey, Mr. Avant, Mr. Wagner, Mr. Endres all voted “yea.” Mr. Lysenko voted “abstain.” Motion carried. It was moved by Mr. Avant, seconded by Mrs. Debevec, that **ORDINANCE NO. 195-2013 BE ADOPTED.** Mrs. Debevec, Mr. Soyars, Mr. Megyes, Mrs. Frey, Mr. Avant, Mr. Wagner, Mr. Endres all voted “yea.” Mr. Lysenko voted “abstain.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 175-2013**

**ORDINANCE NO. 175-2013. PRESENTED BY: MR. MEGYES. TITLE: PURCHASE OF PROPERTY - FORMER OAKDALE SCHOOL PROPERTY. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE VACANT PROPERTY FORMERLY OCCUPIED BY THE OAKDALE ELEMENTARY SCHOOL FROM THE BARBERTON BOARD OF EDUCATION, IN THE AMOUNT OF \$1.00, AND DECLARING AN EMERGENCY.** *First Reading November 12, 2013*

**ORDINANCE NO. 179-2013**

**ORDINANCE NO. 179-2013. PRESENTED BY: MR. ENDRES. TITLE: BARBERTON DEVELOPMENT CODE – TEXT AMENDMENT - EXTERIOR WALLS. AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY REQUIRING UNIFORM SIDING COLOR AND UNIFORM ROOF COLORS ON ALL RESIDENTIAL DWELLINGS BY AMENDING SECTION 1250.02.** *First Reading November 12, 2013.*

**ORDINANCE NO. 180-2013**

**ORDINANCE NO. 180-2013. PRESENTED BY: MR. ENDRES. TITLE: BARBERTON DEVELOPMENT CODE – TEXT AMENDMENT - FENCES, PROHIBITED YARD OBSTRUCTIONS ON SINGLE AND TWO-FAMILY LOTS, AND DEFINITIONS. AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY NO LONGER PERMITTING GALVANIZED CHAIN LINK FENCES IN RESIDENTIAL FRONT YARDS BY MAKING CHANGES TO SECTIONS 1250.07(2)(I), TABLE 1140(D), AND CHAPTER 1360 (82) #7.** *First Reading November 12, 2013.*

## **THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

### **APPOINTMENTS**

#### **CIVIL SERVICE COMMISSION**

**Lori Huffman**

**January 1, 2014 – December 31, 2019**

It was moved by Mr. Avant, seconded by Mrs. Debevec, to re-appoint Mrs. Lori Huffman to the Civil Service Commission from January 1, 2014 to December 31, 2019. All Members voted “yea.” Motion carried.

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Council approved the liquor license transfer from HBS Morgan Corp., DBA International Convenient Food Mart, 290 George Street to Ramvani Inc., DBA Barberton Mini Mart.

Mr. Maurer gave his apologies to Mr. Lysenko for not being able to make his committee meeting.

Mr. Maurer reminded everyone to watch very closely the legislative schedule for next month as it will be condensed.

Mrs. Debevec thanked Council and Mr. Soyars - who organized it by putting money together, she was able to donate two raffle baskets from Council to the AFSCME Union who will raise money for BACM.

### **COMMUNICATION FROM THE MAYOR**

Mr. Judge thanked Council for approving all of the legislation this evening dealing with the streets. He also thanked Mr. Palmer for helping him pass the income tax increase. He stated that we stand a better chance with this increase and we took a giant leap forward for the City of Barberton and having a “real” designated street program together.

Mr. Judge also thanked Council for any of the union leadership and Mr. Kimble for the AFSCME contract. He stated it has been three years without a contract with our employees. He stated there are a lot of changes in healthcare, and different things in the economy. He said there are a lot of things that have transpired over the last two years. He would like to thank these gentlemen for working so diligently on this.

Mr. Judge also thanked Council for passing the recognition of officer Pfeiffer. He stated he has put a lot of time in and he will be sorely missed. He stated he is a unique individual with a unique way of doing things and he will be missed.

Mr. Judge stated that he has the spring class schedule for Stark State and he will put in the Council’s mailbox. He said the numbers continue to rise which is definitely a good thing.

Mr. Judge wanted to thank everyone who came out to support change-for-change at the Green Diamond on Friday. He said they raised \$617.00 for the Greynold's Classic. The Mayor said the last change-for-change for the year will be held at the VFW on December 20<sup>th</sup> with the beneficiary being Victim Assistance. He said we have a Victim Assistance representative working here in the City Building that works helping the police department and working with the victim's crimes.

Mr. Judge reminded everyone that December 7<sup>th</sup> he will be meeting with the Council Members at the Active Adult Center at 9:00 am. He will also hold the Flood Action Committee meeting on the same day in the Mayor's Conference Room at 11:30.

Mr. Judge also reminded everyone that this Saturday is the Christmas Walk.

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

Adjourned: 8:50 P.M.

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Frederick S. Maurer  
President of Council

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Renee Fox  
Clerk of Council