

Council met in **REGULAR SESSION** on Monday, January 14, 2013, at 8:09 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. Maurer gave the Invocation. A presentation by Mr. Keltyka regarding the proposed Ward Boundary changes preceded the Regular Legislative Session this evening.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Session held on Monday, December 17, 2012, 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

Rich Schwenning, 1504 Hagey Drive, the current President of Local 329, the Firefighters Union, in Barberton said he is speaking on the proposed ordinance regarding Part-time Firefighters and their wages. He said the proposed ordinance and the hiring of part-time firefighters in this City is unprecedented. He said the firefighters believe that, if it is successful, it will be the beginning of the City's attempt to reduce full-time fire staffing on the Fire Department. He said hiring of part-time firefighters creates many violations of their contract and their collective bargaining agreement, and they will vigorously oppose this action through all means available. He said litigation will be costly and time-consuming for the City and the Union. He said it is their belief that it is not in the best interest of our City or its citizens. He said any money used for litigation would be better spent hiring the three individuals they are talking about on a full-time basis, bringing their department to full staffing levels, and drastically reducing the overtime expenditures for this year. He said studies show that to properly replace the four firefighters they will be short -- currently they are short three, but come February 22nd, it will be four -- the City would need a minimum of twelve part-time individuals. He said another concern with part-time firefighters is the 1500 hour annual maximum work time that ORC allows. He said additionally, because of the Healthcare Act for part-time employees who work 30+ hours, the City would have to supply them full healthcare. He said with all this in mind, part-time firefighters do not provide a substantial cost savings, especially when they will not be able to impact overtime. He said it is the Firefighters Union's opinion that this is the wrong path for our department and for our City. He said they ask Council's support to oppose this ordinance and the issue of part-time firefighters, and to promote the Fire Department to be brought to full staffing level so they can continue to provide an efficient, proficient, and sufficient service. He said he knows Council will be continuing to discuss this. He said he would be available to answer any questions.

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.

The Clerk said the following four ordinances have been added to the Agenda this evening by the Utilities and Finance Committees.

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 1-2013

ORDINANCE NO. 1-2013. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – REPUBLIC WASTE SERVICE - “REFUSE COLLECTION AND DISPOSAL PROGRAM.” AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FIVE (5) YEAR CONTRACT WITH REPUBLIC WASTE SERVICES, THE LOWEST AND / OR BEST BIDDER, TO PROVIDE THE WEEKLY RESIDENTIAL CURBSIDE GARBAGE / RECYCLING COLLECTION FOR THE CITY OF BARBERTON, EFFECTIVE MARCH 1, 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. 1-2013 BE ADOPTED.** All Members voted “yea.” Motion carried. President Maurer asked if these totes were on display in the City Building. Mr. Palmer, Director of Public Service, said the 64-gallon tote for recycling and the 96-gallon tote for regular trash are located by the front door on the first floor. He said this is a good choice. He said the City has been with Waste Management for a long time; however, they came in third in the overall bid. He said we have, what we feel, is the best offer and program that we could possibly get. Mr. Palmer said we will be working with our residents and we will go ward to ward, house to house, for as long as it takes. He said there have been some requests to do a couple major pickups a year; we will do those. He said we have a program to help our senior citizens and our lower income residents. He said he does not want residents to be angry. Mr. Palmer said he told Republic that there are challenges in some areas of the city, but we will work with those challenges to make this a very good program. He said he was on Council in 1989 when Waste Management came and the Health Department had a recycle program. He said he felt a good choice was made at that time, but he feels this program will take it to the next level. He said cities all around us are starting to do this. He said we are going to make this work.

RESOLUTION NO. 2-2013

RESOLUTION NO. 2-2013. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – ODOT – WIDENING OF STATE ROUTE 93 AND ROBINSON AVENUE AND WATERLINE IMPROVEMENT – FINAL RESOLUTION. A FINAL RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROCEED WITH THE WIDENING OF STATE ROUTE 93 (MANCHESTER ROAD) AND A PORTION OF ROBINSON AVENUE (PID #76437), 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 **RESOLUTION NO. 2-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 3-2013

ORDINANCE NO. 3-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – ODOT PROJECT WIDENING OF SR 93 AND ROBINSON AVENUE AND WATERLINE IMPROVEMENT. AN ORDINANCE APPROPRIATING \$53,370 FROM THE UNAPPROPRIATED ITEM OF THE WATER FUND TO THE WATER FUND CAPITAL BUDGET, TO BE USED FOR THE ODOT PROJECT (PID #76437), THE WIDENING OF SR 93 (MANCHESTER ROAD) AND ROBINSON AVENUE, AND THE RELOCATION OF WATERLINE, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. Wagner, 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. Wagner, that **ORDINANCE NO. 3-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 4-2013

ORDINANCE NO. 4-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PURCHASE OF 75 & 79 21ST STREET, NW. AN ORDINANCE APPROPRIATING \$26,432.65, FROM THE UNAPPROPRIATED ITEM OF THE SEWER FUND TO THE SEWER FUND CAPITAL BUDGET, TO BE USED TO PURCHASE TWO PROPERTIES, 75 & 79 21ST STREET, NW, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. Wagner, 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. Wagner, that **ORDINANCE NO. 4-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

President Maurer said the fifth piece of proposed legislation was tabled by the Finance Committee and was referred to the Safety Committee.

SECOND READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 217-2012

RESOLUTION NO. 217-2012. SPONSORED BY: MR. AVANT. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – PAULA BEAGLE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO PAULA BEAGLE FOR A TOTAL OF THIRTY (30) YEARS OF DEDICATED GOVERNMENT SERVICE, FOURTEEN (14) OF THOSE YEARS GIVEN TO THE CITY OF BARBERTON AS DEPUTY CLERK / COMPUTER SYSTEM ANALYST IN THE BARBERTON MUNICIPAL COURT, CLERK OF COURT’S OFFICE, AND AS INFORMATION SYSTEMS ADMINISTRATOR FOR THE CITY OF BARBERTON.

First Reading – December 17, 2012. Second Reading – January 14, 2013.

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 202-2012

ORDINANCE NO. 202-2012. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – BURGESS & NIPLE – INFLOW / INFILTRATION PROGRAM – PRIVATE PROPERTY. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE, IN AN AMOUNT NOT TO EXCEED \$28,000, TO PROVIDE CONSULTING SERVICES FOR AN INFILTRATION AND INFLOW PROGRAM FOR PRIVATE PROPERTY ON SANITARY SEWERS AND WATER SUPPLY LINES, AND DECLARING AN EMERGENCY. *First Reading – December 10, 2012. Second Reading – December 17, 2012. Third Reading – January 14, 2013.* It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 202-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 205-2012

ORDINANCE NO. 205-2012. PRESENTED BY: MR. WAGNER. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – CHAPTER 1040-SEWERS; CHAPTER 1044-WATER. AN ORDINANCE AMENDING CHAPTER 1040, “SEWERS,” AND CHAPTER 1044, “WATER,” OF THE BARBERTON CODIFIED ORDINANCES TO INCLUDE THAT PROPERTY OWNERS ARE RESPONSIBLE FOR SEWER AND WATER LINES CONNECTING THEIR SERVICES TO CITY LINES, AND DECLARING AN EMERGENCY. *First Reading – December 10, 2012. Second Reading – December 17, 2012. WITHDRAWN – January 14, 2013.*

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said next Monday is Dr. Martin Luther King, Jr. Day. He said the City Building will be closed. He said the next meeting will be held on Tuesday, January 22nd.

President Maurer said all council members have the ward boundary packets that Mr. Keltyka discussed this evening. He said to take a look at them and let him know if there are any questions. He said, basically, this is requested by the Summit County Board of Elections to keep our ward boundaries even in accordance with the last census. He said the changes are driven by the numbers in the population blocks graciously drawn by Mr. Keltyka.

Mr. Avant said tomorrow evening, at 7:30 p.m., at the YMCA, there will be a meeting of the Fifth Ward regarding a Neighborhood Watch. He said if anyone else is interested in finding out how a neighborhood watch works, come and listen to Craig Megyes. He said Mr. Megyes has several neighborhood watches in his ward. He said Mr. Eberhart will also be there.

COMMUNICATION FROM THE MAYOR

Mayor Judge said Stark State College had their grand opening/ribbon cutting this past week. He said classes started today. He said he believed the enrollment was about 280 students, up about 48% from last year.

Mayor Judge said also last week was the ribbon cutting for the 31st Street Bridge, which is now open. He said that project will continue, but at least the street is not closed.

Mayor Judge said we had the ribbon cutting for the first dialysis company in town ... U.S. Renal Care. He said anyone who needs dialysis will not have to travel outside of the City.

Mayor Judge said internally, we have two University of Akron interns starting. He said this continues what was done in 2012. He said both interns will be helping with Moving Ohio Forward and Project Impact Phase II.

Mayor Judge said this Saturday the Flood Action Committee will meet, the first meeting for 2013, and we will continue with that issue.

Mayor Judge said we are doing a canned food drive for the Elementary East Destination Imagination Team. He said the collection will end this Thursday.

Mayor Judge said on February 5th at 6:00 p.m., he will be giving a State of the City speech at the Active Adult Center. He said he will be re-capping 2012 and rolling out issues for 2013.

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

Adjourned: 8:32 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council