

Council met in **REGULAR SESSION** on Tuesday, May 29, 2012, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Megyes, and Soyars. Mr. Wagner was absent. The Pledge of Allegiance to the Flag was recited and President Maurer 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, May 14, 2012, as presented. All Members voted "yea." Motion carried.

PETITIONS AND CLAIMS

The Clerk read a card of thanks from John Wagner and his family thanking Council for the flower arrangement sent to honor his wife and their mother, Ruth, who passed.

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

None.

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.

President Maurer said there were two late requests for legislation, Resolution No. 91-2012 and Ordinance No. 92-2012. He said the rules were suspended and passed in committee in order to be added to tonight's Agenda.

FIRST READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 80-2012

RESOLUTION NO. 80-2012. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. WAGNER. TITLE: COMMENDATION – RONALD J. SPECK. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO RONALD J. SPECK FOR GIVING THE CITY AND ITS CITIZENS OVER 32 YEARS OF DEDICATED AND OUTSTANDING SERVICE. It was moved by Mr. Megyes, 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. Megyes, seconded by Mr. Avant, that **RESOLUTION NO. 80-2012 BE ADOPTED.** Mr. Bauschlinger, Building Commissioner, said he first reported to the Street Department in July of 1986. He said it was hard going into a place that you did not know anything about or the people, but luckily, Mr. Speck was there. He said Ron was always one to explain things -- not criticize -- and to help you. He said he appreciates Ron's friendship from that day forward. Mr. Stender, Utilities Superintendent, said after about a month or two on the job, he went to the Water Treatment Plant. He said he had a key, so he proceeded to walk through the door and Ron

Speck -- someone he did not know -- walked up to him and basically said, "Who are you and what are you doing here?" He said that is exactly what he is supposed to do. He said he respects that ability, and it is going to be very tough to replace Ron's commitment to the City. Mr. David Spice, *Beacon Journal*, said being with the press, he would not normally get up to speak, but he and Ron have known each other for a very long time. He said they first met in 1973 when he was hired by *The Barberton Herald* as a sales person/reporter. He said Ron had already been there for a couple of years. Mr. Spice said he knew sales, but he knew almost nothing about reporting. He said Ron absolutely helped him with the writing, told him who to talk to, what to say ... and what not to say. He said they had some fun times -- and sometimes not so fun -- with then-Editor, Beverly Miller. He said Ron covered City Council, City Hall, the Barberton School Board, and the City in general; he was *the* person in Barberton. Mr. Spice said he was really sorry to see Ron leave *The Herald* because he knew he was going to miss him, but on the other hand, he understood. He said he and his wife, Karen, have lived their lives the way they should be lived and they have done a great job. He said he wishes them nothing but the best in retirement. Mr. Spice said he would be Ron's friend forever! Mr. Waltz, former Utilities Superintendent, said about 37 years ago after their marriage, Ron and Karen rented the house *next* to him and his wife, Beverly. He said after they decided they wanted to be homeowners, they bought the house *behind* them. He said most people have things they want to say *about* their neighbors, but not *to* their neighbors. He said, in this case, there is not anything you could say about Ron and Karen Speck that was not good and was exemplary as far as being neighbors and being just great people. Mr. Waltz said Ron was with *The Herald* and he was with B & W, and they probably thought they would be where they were forever. He said, however, it turned out they both ended up with the best jobs of their lives with the City of Barberton. He said Ron started in the Street Department and Utilities was his bailiwick at that time. Mr. Waltz said when Ron decided to bid on the job of Operator at the Water Plant, they could not say "yes" fast enough to have him join them as part of the Utilities Department. He said having that job, you have to have people skills -- because you do deal with the public -- and you have to have a sense of urgency and awareness of how to react and what to do when there is a problem. He said Ron had all the qualities it took to be both the person you had to be to meet the public and also to operate the plant. He said Ron learned fast and he did his job magnificently! Mr. Waltz said he knows we could all say that we were proud to have Ron Speck as an employee of the City of Barberton for as long as we had him and that we are very sorry to see him leave. He said he and Beverly wish him and Karen every blessing and happiness in retirement. Mayor Judge said he first walked into the Street Department on June of 1994. He said he was just coming from the high school and starting a summer job in the Street Department -- and there were some "pretty rough guys" down there who did not hold back on the way they felt -- so it was nice to see the smiling face of someone he knew. He said he wants to thank Ron for his dedication and his years of service. He said his leadership and skills set him apart from the other employees in the City. Mayor Judge said he does not think Ron ever said a bad word about anyone; he knows, for sure, he has never heard anyone say a bad word about him. He said he wishes Ron well in the future because it is certainly well-deserved. President Maurer said his father hired Ron when he was Mayor. He said Ron came in with a Maurer; he is going out with a Maurer! He said his father often said Ron was one of the two best hires he ever made. He said he respected Ron for his honesty and his overall integrity. President Maurer said you cannot say enough about his wife, Karen, also. He said he and Karen were in a Cotillion together -- not together -- but were participants in the same Cotillion, so that gives everyone an idea of how far back they go. He

said Ron has always done a wonderful job for the City. President Maurer said they are not going to replace him because he cannot be replaced; however, they will find someone to “fill in.” He said there is only one Ron Speck and they were glad they had him for over thirty years. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried. Mr. Speck said that he is truly humbled by all the remarks and the well wishes. He said he wanted to let everyone know that he considered it a *privilege* to serve the City of Barberton in this capacity. He said it was an honor to help our customers -- over 9,600 in Utilities -- and to answer the phone on complaints and to take care of the problems that needed to be taken care of. Mr. Speck said the wonderful staff out there is appreciative of their employment. He said he has certainly been appreciative of this career opportunity. He said it has been his honor to serve and he thanks each and every one. It was moved by Mr. Megyes, seconded by Mr. Avant, to recess to present Mr. Speck with his resolution.

Recessed: 7:45 P.M.

Reconvened: 7:49 P.M.

RESOLUTION NO. 81-2012

RESOLUTION NO. 81-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – WIDENING OF 31ST STREET – FROM WOOSTER ROAD TO SHANNON AVENUE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROCEED WITH THE 31ST STREET WIDENING PROJECT, FROM WOOSTER ROAD TO SHANNON AVENUE, WITH A SIGNAL UPGRADE AT SHANNON AVENUE (PID #86923), 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. 81-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 82-2012

RESOLUTION NO. 82-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – RESURFACING OF WOOSTER ROAD NORTH – FINAL RESOLUTION. A FINAL RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROCEED WITH THE WOOSTER ROAD NORTH RESURFACING PROJECT (PID #92727), AND DECLARING AN EMERGENCY.

First Reading – May 29, 2012.

ORDINANCE NO. 83-2012

ORDINANCE NO. 83-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ALLIED COMPANY – STREETS. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH ALLIED COMPANY, TO PURCHASE HOT MIX MATERIAL FOR FY 2012, IN AN AMOUNT THAT WILL EXCEED \$25,000, 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. 83-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 84-2012

ORDINANCE NO. 84-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – D & R SUPPLY - STREETS. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH D & R SUPPLY, TO PURCHASE HOT MIX MATERIAL FOR FY 2012, IN AN AMOUNT THAT WILL EXCEED \$25,000, 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. Mr. Palmer, Service Director, said he wanted to explain that D & R and Allied Company provide the same material. He said they did not get any bids for this material when they went out for bid. He said they have to keep our guys working, so if Allied does not have the material when needed, then they will go to D & R. Mr. Palmer said that is the reason for both of these ordinances. He said they are not sure if they will exceed the \$25,000 on both of them or just one of them. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Lysenko, seconded by Mrs. Frey, that **ORDINANCE NO. 84-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 85-2012

ORDINANCE NO. 85-2012. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT - LAKE COUNTY SEWER CO. - UTILITIES. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT, WITH LAKE COUNTY SEWER COMPANY, TO PERFORM SEWER TELEVISIONING/INVESTIGATING, SEWER CLEANING AND GROUTING, AND MANHOLE SEALING AND LINING, IN THE AMOUNT OF \$75,000, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, 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. Megyes, seconded by Mr. Avant, that **ORDINANCE NO. 85-2012 BE ADOPTED.** Mr. Stender, Utilities Superintendent, said this is an extension of the Inflow and Infiltration Program started last year. He said that was major cleaning and camera of the sewer line interceptors. He said, in doing that, they identified several areas that need repair. He said it was bid and, fortunately -- because we have history with them and they do excellent work -- Lake County was the lowest and best bidder. President Maurer asked if it was the same company that did the pressurized lining of the water lines on 14th Street. Mr. Stender said they could do that, but they are not doing that this time. He said they are looking at doing that procedure around Giant Eagle because they have some seams up there. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 86-2012

ORDINANCE NO. 86-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: PURCHASE OF PROPERTY – 339 VAN STREET. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 339 VAN STREET (PARCEL #01.02701) FOR \$1.00, PLUS CLOSING COSTS, 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. 86-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 87-2012

ORDINANCE NO. 87-2012. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS – 2012 BARBERTON MUM FESTIVAL. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$20,000, FOR THE 2012 BARBERTON MUM FESTIVAL, 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 **ORDINANCE NO. 87-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 88-2012

ORDINANCE NO. 88-2012. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS – 2012 LAKE ANNA HOLIDAY LIGHTING. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$10,000, FOR THE 2012 LAKE ANNA HOLIDAY LIGHTING, 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 **ORDINANCE NO. 88-2012 BE ADOPTED.** Mr. Lysenko said he would be voting “no” against it; he voted “no” against it last time. He said they are still looking to fill a hole in our tornado warning system. He said the Foundation has denied grants for that on more than one occasion, as well as a grant application, as part of that, for public electronic signs. He said it is a matter of priority. Mr. Lysenko said he would like to see some other things addressed first by the Foundation before we continue to fund Christmas lighting. Mrs. Debevec, Mr. Avant, Mr. Endres, Mrs. Frey, Mr. Soyars, and Mr. Megyes voted “yea.” Mr. Lysenko voted “nay.” Motion carried.

ORDINANCE NO. 89-2012

ORDINANCE NO. 89-2012. PRESENTED BY: MR. SOYARS. TITLE: REPEAL OF ORDINANCE NO. 39-2012 – AMENDING BARBERTON CODIFIED ORDINANCES – CHAPTER 672 – WEAPONS AND EXPLOSIVES. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON REPEALING ORDINANCE NO. 39-2012, “AMENDING BARBERTON CODIFIED ORDINANCES – CHAPTER 672 – WEAPONS AND EXPLOSIVES,” THAT AMENDED SECTION 672.01 (DEFINITIONS) AND ADDED SECTION 672.09 (UNLAWFUL TRANSACTIONS IN WEAPONS), 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. 89-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 90-2012

ORDINANCE NO. 90-2012. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – BUILDING DEPARTMENT. AN ORDINANCE TRANSFERRING \$2,000 FROM THE BUILDING DEPARTMENT OPERATING BUDGET TO THE BUILDING DEPARTMENT PERSONAL SERVICES BUDGET, IN ORDER TO HIRE/PAY AN INTERN AS A SEASONAL EMPLOYEE FOR THE BUILDING DEPARTMENT, 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. 90-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 91-2012

RESOLUTION NO. 91-2012. PRESENTED BY: MR. LYSENKO. TITLE: SUPPORT – APPLICATION – OHIO EPA 319 SURFACE WATER IMPROVEMENT GRANT. A RESOLUTION IN SUPPORT OF THE CITY OF BARBERTON FILING AN APPLICATION TO APPLY FOR THE OHIO EPA 319 SURFACE WATER IMPROVEMENT GRANT, IN ORDER TO OBTAIN UP TO \$250,000 FOR STORMWATER QUALITY AND QUANTITY IMPROVEMENTS TO THE MUNICIPAL BUILDING PARKING LOT, 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. 91-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 92-2012

ORDINANCE NO. 91-2012. PRESENTED BY: MR. AVANT. TITLE: FOUNDATION GRANT REQUEST – FUNDING FOR DEMOLITIONS – PROJECT IMPACT PHASE II. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE MAYOR TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF UP TO \$500,000, IN ORDER TO RECEIVE MATCHING FUNDS FROM THE ATTORNEY GENERAL’S “MOVING FORWARD” PROGRAM, A PROGRAM IMPLEMENTED TO DEMOLISH HOMES IDENTIFIED AS VACANT, FORECLOSED, ABANDONED AND BLIGHTED IN TARGET AREAS OF THE CITY; AND TO FUND THE CITY’S PROJECT IMPACT PHASE II PROGRAM, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. 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. 92-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

President Maurer said he received a letter from Mr. Harrison, Director of MAD (Mosquito Abatement District), requesting an appointment to MAD because Mr. Suboticki is looking to retire. Mrs. Frey said she discussed that issue with the Mayor this evening and he will probably be appointing her to that position.

MISCELLANEOUS AND UNFINISHED BUSINESS

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to excuse Mr. Wagner from this evening's meeting. All Members voted "yea." Motion carried.

President Maurer said he would like to make the observation about appreciating all of our veterans.

President Maurer said Lisa McLean is here this evening and her grant request for the Mum Festival was passed. He said he teases her all the time when getting ready for the Mum Fest that it is like being a "mother" getting ready for her oldest daughter's wedding. He said she does a fantastic job each year and it is one of the nicest showcase events we do to show off the City and the Lake. He said it shows that we have a lot of style and offer a very nice environment. He said Lisa is the anchor person on that event.

Mrs. Frey said she wanted to let everyone know that on Saturday, June 2, from 10:00 a.m. to 2:00 p.m. at the Barberton City Utility Garage, the Summit County Public Health Rabies/Vaccination Clinic will be held.

President Maurer asked if Barberton would be sponsoring another shredding at the Foundation Fields. Mrs. McLean said it is scheduled for September 15th.

COMMUNICATION FROM THE MAYOR

Mayor Judge said he appreciates Council passing Ordinance No. 92-2012, a grant request to the Foundation. He said they have a meeting scheduled with the Foundation on this tomorrow. He said representatives from the County will be attending. He said it would be a dollar-for-dollar match. He said the City can "pony-up" on whatever is received from the Foundation and the County will match that total with State funding. He said since 2004, the City has spent about a million dollars to tear down and demo homes. He said to imagine what they could do with a million dollars over eighteen months! He said they have targeted areas; they have databases; they have everything ready to go. He said County officials said Barberton is way ahead of every municipality in the County with the databases and information we have available. He said this hits every aspect of our City -- safety concerns, economic development, vacant housing -- and they want to do some dye testing of the lines of the homes being torn down.

Mayor Judge said he would like to thank everyone who participated and attended the charity basketball game with Alcoa that the City won! Chief Morber said he had the opportunity to play in that game and he was fortunate enough to play on Councilman Soyars' team. He said Councilman Soyars was the MVP of that tournament and he carried Barberton to victory. He said it was awesome to see his fire and determination ... and they got to hear, "Mike Soyars for three ... again!" He said Mike Soyars is *THE* man! Mayor Judge said Mike makes it look so easy ... then you try ... and it just does not work. He said they raised over thirty three hundred dollars for the Summit County Veterans Commission, plus a food drive. He said because of that great event, there were a lot of sore people the next day!

Mayor Judge said he appreciates everyone who was involved in the Memorial Day Service yesterday. He said it was nice to take some time out of busy schedules to come together to remember those who gave up their lives so that we could assemble as we are tonight.

Mayor Judge said with the hot weather, please check on your neighbors if they are elderly to see that they have the proper food and everyone is getting enough liquids. He said it does not matter what age you are, you can dehydrate pretty quickly when it reaches ninety degrees or over.

Mayor Judge said last week department heads got together for a day-long work session. He said they worked on various lingering projects and things that have been going on. He said they took the summary from Council's Retreat and discussed many of the same issues. He said he would be typing a summary of what they discussed. He said they have a lot of action items they have to hit on and they will be reporting on those at the staff meeting next week. He said he appreciates what Council has done with the Retreat and he appreciates all of the department heads and staff coming together for the work session. He said he feels everyone is on the same page and they were able to get some different comments and ideas flowing. He said it was very beneficial.

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

Adjourned: 8:18 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council