

Council met in **REGULAR SESSION** on Monday, June 11, 2012, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Megyes, and Wagner. Mr. Soyars was absent. The Pledge of Allegiance to the Flag was recited and Mrs. Debevec gave the Invocation.

It was moved by Mrs. Debevec, seconded by Mr. Avant, to approve the Minutes of the Regular Legislative Session held on Tuesday, May 29, 2012, 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 May 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

Mr. Chuck Fowler, 1136 Wilbur Ave., Norton, said Ordinance No. 102-2012 is derived from an ordinance that was passed three years ago concerning landlord registration fees. He said this new ordinance is taking money from the original legislation, legislation passed under the pretense to track down landlords and compel them to fix up their properties. He said a third issue was to have a landlord court. He said Ordinance No. 102 transfers \$14,000 from that fund into a paint/gutter/shrubbery program. He said that was not the original intent of this program. He said it was never discussed on the floor. He said he is not against any program to beautify the city; he is against taking money from him and other landlords and passing that money out to homeowners within the community who have paid nothing into this fund to paint their houses. He said the original ordinance was to compel landlords to clean up their properties -- not to paint properties in Austin Estates, etc. He said if the money from this fund is to be used for regular homeowners, then they should also have to pay the forty dollars. He feels this ordinance is totally wrong, totally unfair, and discriminatory to tenants subsidizing it. He said he is asking Council to vote “no” on this and to come back with an ordinance that would be fair to everyone.

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. 93-2012

ORDINANCE NO. 93-2012. PRESENTED BY: MR. LYSENKO. TITLE: PROSECUTORIAL CONTRACT – CITY OF NEW FRANKLIN. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A THREE-YEAR CONTRACT (FOR

2012, 2013, AND 2014), WITH THE CITY OF NEW FRANKLIN, WHEREBY THE LAW DEPARTMENT WILL PROVIDE PROSECUTORIAL SERVICES TO THE CITY OF NEW FRANKLIN FOR AN ANNUAL FEE OF \$14,500, AND DECLARING AN EMERGENCY. It was moved by Mr. Lysenko, 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. Lysenko, seconded by Mr. Megyes, that **ORDINANCE NO. 93-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 94-2012

ORDINANCE NO. 94-2012. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – BURGESS & NIPLÉ – WOLF CREEK DAM INTAKE VALVE & RAW WATER INTAKE EXTENSION IMPROVEMENTS. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLÉ, IN THE AMOUNT OF \$54,000, FOR THE WOLF CREEK DAM INTAKE VALVE & RAW WATER INTAKE EXTENSION IMPROVEMENTS PROJECT, 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. 94-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 95-2012

ORDINANCE NO. 95-2012. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – MWH – MEMBRANE PROJECT – WATER TREATMENT PLANT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MWH, IN THE AMOUNT OF \$50,000, TO PROVIDE PROJECT ENGINEERING SERVICES FOR THE MEMBRANE PROJECT AT THE WATER TREATMENT PLANT, 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. President Maurer said the membrane system was installed about seven or eight years ago and they had some sand filters operating that basically ran in tandem. He asked if the sand units were being replaced. Mr. Stender, Director of Utilities, said they do not know that yet; that is why MWH is being hired. He said right now the sand filters are being used, although half of them were removed and two of the four membranes were installed. He said they are using both systems in parallel. President Maurer asked if the manganese problem was resolved. Mr. Stender said they have not had any elevated levels of manganese because of the winter weather, the lack of rain, and other factors. He said they are continuing to look at how to treat that. He said manganese is not a regulated chemical. Mr. Stender said it comes through the membranes, but it is knocked out by the filters. He said it is more of an annoyance than anything, but it is not what we want in our quality of water. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 95-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 96-2012

RESOLUTION NO. 96-2012. PRESENTED BY: MR. WAGNER. TITLE: SUBMIT LOAN APPLICATION AND ENTER WATER POLLUTION CONTROL LOAN FUND AGREEMENT WITH OHIO EPA – SNYDER AVENUE PUMP STATION. A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF BARBERTON, WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY, DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE, AND THE OHIO WATER DEVELOPMENT AUTHORITY, THROUGH THE WATER POLLUTION CONTROL LOAN FUND, FOR PLANNING AND/OR DESIGN OF WASTEWATER FACILITIES AT THE SNYDER AVENUE PUMP STATION; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; 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. 96-2012 BE ADOPTED.** President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

RESOLUTION NO. 97-2012

RESOLUTION NO. 97-2012. PRESENTED BY: MR. WAGNER. TITLE: SUBMIT LOAN APPLICATION AND ENTER WATER POLLUTION CONTROL LOAN FUND AGREEMENT WITH OHIO EPA - WWTP. A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF BARBERTON, WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY, DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE, AND THE OHIO WATER DEVELOPMENT AUTHORITY, THROUGH THE WATER POLLUTION CONTROL LOAN FUND, FOR PLANNING AND/OR DESIGN OF WASTEWATER FACILITIES AT THE WASTEWATER TREATMENT PLANT; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; 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. 97-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 98-2012

RESOLUTION NO. 98-2012. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO SPONSORSHIP AGREEMENT – THE OHIO NATURE CONSERVANCY FUNDING – SNYDER AVENUE PUMP STATION PROJECT. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO PARTICIPATE IN THE WATER RESOURCE RESTORATION SPONSOR PROGRAM, IN ASSOCIATION WITH THE WATER POLLUTION CONTROL LOAN FUND, FOR THE PROPOSED WRRSP GRAND RIVER MORGAN SWAMP PRESERVE ADDITIONS 2 PROJECT, IN ORDER TO PROVIDE FUNDING FOR THE WASTEWATER TREATMENT PLANT PROJECT AT THE SNYDER AVENUE PUMP STATION, 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. 98-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 99-2012

RESOLUTION NO. 99-2012. PRESENTED BY: MR. ENDRES. TITLE: TAX INCENTIVE REVIEW COUNCIL – PPG INDUSTRIES, INC. A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL REGARDING THE ENTERPRISE ZONE AGREEMENT WITHIN THE CITY OF BARBERTON FOR PPG INDUSTRIES, INC., 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 **RESOLUTION NO. 99-2012 BE ADOPTED.** President Maurer said it is an opportunity to give incentives to businesses to expand here in the City. He said as the industrial base expands, so do our financial fortunes and our ability to provide city services. He thanked Ms. Sheridan, Planning Director, for her efforts on this issue. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 100-2012

ORDINANCE NO. 100-2012. PRESENTED BY: MR. ENDRES. TITLE: OUI, INC. – CRA ABATEMENT - AMENDMENT. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, VIA THE PLANNING DIRECTOR, TO SUBMIT TO THE STATE OF OHIO, A SECOND AMENDED “BUSINESS APPLICATION FOR TAX INCENTIVES,” ON BEHALF OF OUI, INC., 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. 100-2012 BE ADOPTED.** President Maurer said this is another opportunity to create jobs. He said Mr. Jenco and his staff have done a wonderful job working with the City and the Planning Department has again done their job. He said the City welcomes their expansion and he thanked Mr. Jenco. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 101-2012

ORDINANCE NO. 101-2012. PRESENTED BY: MR. AVANT. TITLE: ADOPT THE 2012/2013 SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING; AND ENTER INTO AGREEMENT. AN ORDINANCE TO ADOPT THE “2012/2013 SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING”; AND AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE COUNTY OF SUMMIT AND THE COMMUNITIES THAT ARE SIGNATORIES TO THE ATTACHED AGREEMENT ENTITLED “SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING,” EXPRESSING A

MUTUAL DESIRE TO RETAIN AND ATTRACT BUSINESSES AND JOBS AS OUTLINED IN SAID AGREEMENT, 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. 101-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 102-2012

ORDINANCE NO. 102-2012. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – BUILDING DEPARTMENT. AN ORDINANCE TRANSFERRING \$14,000 FROM THE UNAPPROPRIATED ITEM OF THE RENTAL REGISTRATION FUND TO THE RENTAL REGISTRATION FUND 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. Mrs. Debevec said she wanted to let Council know that she does not feel comfortable voting on this ordinance today because she is not familiar with the ordinance that was passed three years ago. She said she did not have an opportunity this week to look at it and she would need a little more time to see what was agreed upon. She said with respect, she wanted to let Council know that. President Maurer called for the vote on suspension. Mr. Megyes and Mr. Avant voted “yea.” Mr. Lysenko, Mr. Wagner, Mr. Endres, Mrs. Frey, and Mrs. Debevec voted “nay.” Motion for suspension failed. *First Reading – June 11, 2012.*

SECOND READING OF ORDINANCES AND RESOLUTIONS

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. Second Reading – June 11, 2012.*

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

BOARD OF ZONING APPEALS

Richard Waltz

appointment

3-year Term

Immediately - December 31, 2014

President Maurer said he has known Mr. Waltz since he came on Council about eighteen years ago. He said Mr. Waltz served the City very well as the Superintendent of Utilities. He said he strongly endorses his appointment to the Board. President Maurer asked all members who would

like to confirm Mr. Waltz's appointment to the Board of Zoning Appeals to say "yea." All Members said "yea." No Member said "nay." Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

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

President Maurer said Barberton was showcased well again with our Summerfest this weekend. He said he would like to thank the Parks and Recreation Department for an outstanding job to showcase us for what we really are ... a nice, family community. He said also the new fountain is up and operating.

Mr. Avant requested that the Council Clerk make sure all council members receive a copy of the original Rental Registration ordinance.

Mr. Avant said they had the Magical Theatre tour. He said he was amazed at what they can do and the performances they have with the conditions they have to work through. He said he was very impressed. He said they take the performances to thirty-five counties and school districts everywhere, as well as bringing the students to the theatre. He said he has never heard one complaint about a program they presented.

Mr. Avant said the next tour would be June 21st at 6:00 p.m. instead of 6:30 p.m. since the Board of Zoning Appeals meeting has been cancelled.

Mr. Megyes said he has been associated with the theatre since it was started. He said all the plays and all the actors they have ... very professional. He said we are so fortunate to have this right here in Downtown Barberton.

Mr. Megyes said this week is the city wide yard sale. He said he, the Mayor's office, and *The Barberton Herald* have received a lot of responses. He said there is a lot of enthusiasm about it and hopefully this will be an annual event.

Mr. Bauschlinger said he would like to thank Council for confirming the appointment of Mr. Waltz. He said he is going to be a great addition to our Zoning Board. He said they still have one more vacancy they are trying to fill, so if anyone knows of anyone interested to please notify the Mayor.

Mr. Bauschlinger said Ordinance No. 102-2012 has been here at Council for almost a month. He said he is a little disappointed -- not in the vote -- but in the fact that he has not received a single question or call. He said if anyone has any questions, please give him a call.

COMMUNICATION FROM THE MAYOR

Mayor Judge was not in attendance this evening.

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

Adjourned: 8:06 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council