

Council met in **REGULAR SESSION** on Monday, September 10, 2012, 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. Wagner 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, July 23, 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 July 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 August 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

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.

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 140-2012

ORDINANCE NO. 140-2012. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT – DIRECT INDICTMENT SERVICES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FIVE (5) YEAR CONTRACT WITH THE COUNTY OF SUMMIT AND THE SUMMIT COUNTY PROSECUTOR'S OFFICE FOR THE DIRECT INDICTMENT SERVICES PROGRAM, IN AN AMOUNT NOT TO EXCEED \$27,000, 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. 140-2012 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 141-2012

ORDINANCE NO. 141-2012. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT – ORIANA HOUSE. AN ORDINANCE AUTHORIZING THE MAYOR TO

ENTER INTO A ONE (1) YEAR CONTRACT WITH ORIANA HOUSE INCORPORATED FOR THE 2012 COMMUNITY CORRECTIONS SERVICES, 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. 141-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 142-2012

ORDINANCE NO. 142-2012. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO COOPERATIVE AGREEMENT – BARBERTON / NORTON / COPLEY – PUBLIC SAFETY DISPATCH CENTER. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF NORTON AND COPLEY TOWNSHIP TO CREATE A SHARED PUBLIC SAFETY DISPATCH CENTER AND TO APPROVE A REGIONAL COUNCIL OF GOVERNMENT (COG) TO GOVERN THE NEW DISPATCH CENTER, AS WELL AS OTHER POTENTIAL FUTURE COLLABORATIVE EFFORTS, 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. 142-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 143-2012

ORDINANCE NO. 143-2012. PRESENTED BY: MR. SOYARS. TITLE: AMEND BARBERTON CODIFIED ORDINANCES - REMOVAL OF TREES IN TREE LAWNS. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON AMENDING THE BARBERTON CODIFIED ORDINANCES, SECTION 670.05, “REMOVAL OF TREES IN TREE LAWNS,” (ORDINANCE NO. 86-1995) TO ESTABLISH THAT THE PROPERTY OWNER IS RESPONSIBLE FOR THE REMOVAL OF ANY TREES AND STUMPS ON TREE LAWNS AS DETERMINED BY THE DIRECTOR OF PUBLIC SERVICE, 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. 143-2012 BE ADOPTED.** Mr. Avant said he has a bit of an objection to change the City’s policy on this. He said in the past, trees were removed by the City and the homeowners removed the stump. He said he knows that the Sidewalk Program is also tied into this. Mr. Avant said we are pushing this onto the property owners who have these trees in their tree lawns and they were not planted by those owners -- they were trees put in by the City. He said they were not ornamental trees with a limited growth -- they were oaks and maples that grew into monster trees. Mr. Avant said he feels that the City should be responsible for removing those trees for the citizens because they did not ask for them. He said he will be voting “no.” President Maurer said he understands his position and he does -- partially -- support it. He said the Sidewalk Funds helped finance this, but it got too costly. He said he is a property owner who has this very problem right now with his driveway and sidewalk. President Maurer said they made the repairs, but the tree remained, and now it has to be done again. He said it is still *his* property. He said there are strong arguments on both sides. Mr. Palmer, Director of Public Service, said they are attempting to take away the confusion of how these ordinances

read. He said they were under the impression that it was a homeowner's responsibility to take care of everything in the right-of-way -- trees, sidewalks, stumps. He said the ordinance said the Service Director would go out to inspect and the homeowner would be contacted. Mr. Palmer said after a certain amount of time, if the area was not cleaned up, the City would cut the tree down and bill the homeowner. He said another interpretation was just the opposite. He said they tried to help homeowners when they created the Sidewalk Program with the 60/40 split. Mr. Palmer said they were getting a lot more money when the Foundation was contributing, but this year they are putting in \$28,000. He said the language needs to be cleared. Mr. Lysenko said basically this ordinance requires a homeowner to remove both the tree and the stump as it was before. Mr. Palmer said that was correct. Mrs. Miller, Law Director, said the problem is that the first paragraph says that the homeowner is entirely responsible for everything. She said that statement has been in the ordinance forever. She said it gets confusing in the second paragraph. Mrs. Miller said since the first paragraph says that the homeowner has always been responsible, the second paragraph needed to be fixed. She said there is no magic, "fairy" money out there. She said other homeowners might say that they are paying for those trees and they do not even have trees in their tree lawns. Mr. Palmer said it is very clear in the Sidewalk Program who is responsible, and, basically, the language was taken from that ordinance. Mr. Avant said his point is that they did not put the trees there -- and they probably did not even want them there when the trees were originally planted. He said the first paragraph says that they are to maintain them and keep them trimmed. He said this is not a problem the homeowners created. Mr. Avant said he even felt the stump removal was asking more of them than we should have, but he did not question it because they were given the forty percent reduction. He said he feels it is our responsibility. Mr. Lysenko asked Mr. Palmer if an arborist is with him when he looks at trees in question for the safety issue. Mr. Palmer said the safety issue is what is in the engineering code stating that once a tree heaves the sidewalk up more than $\frac{3}{4}$ of an inch, then that is a safety issue. Mr. Lysenko said he understands what Mr. Avant is saying; however, he is going to vote for this because if you own a property, and there is a problem with the tree when you buy it, that is when it should be addressed. He said the fact that it was there before you purchased it is not an excuse for not having to pay for its removal. He said he will be voting "yes" for this. President Maurer called for the vote on adoption. Mr. Lysenko, Mrs. Frey, Mr. Wagner, Mr. Megyes, Mr. Endres, Mrs. Debevec, Mr. Soyars voted "yea." Mr. Avant voted "nay." Motion carried.

ORDINANCE NO. 144-2012

ORDINANCE NO. 144-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – THRASHER ENGINEERING – STANLEY/BELL AREA IMPROVEMENTS. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THRASHER ENGINEERING, IN THE AMOUNT OF \$76,000, TO PERFORM ENGINEERING AND FLOOD CONTROL ANALYSIS AND DESIGN FOR STANLEY / BELL AREA IMPROVEMENTS, 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. 144-2012 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 145-2012

ORDINANCE NO. 145-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – STANTEC CONSULTING – BARBERTON NATURAL HAZARDS MITIGATION PLAN. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH STANTEC CONSULTING SERVICES INC., IN THE AMOUNT OF \$40,000, TO PREPARE A BARBERTON NATURAL HAZARDS MITIGATION PLAN AND FOR FLOOD MITIGATION ASSISTANCE, 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. 145-2012 BE ADOPTED.** Mr. Lysenko said he is not too happy about the cost, but it is something that needs to be done. He said the funds are being focused in areas that were flooded pretty badly over the last couple of years. He said hopefully Ordinance Nos. 144 and 145 will limit or eliminate some of the flooding. He said the Flood Action Committee will be the people who put this together. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 146-2012

ORDINANCE NO. 146-2012. PRESENTED BY: MR. ENDRES. TITLE: SPECIAL ASSESSMENTS – DEMOLITIONS, BOARD-UPS AND WEED/GRASS CUTTINGS. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR, SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTIES LOCATED WITHIN THE CITY FOR THE COST OF ORDERED DEMOLITIONS, LIEN SEARCHES, EMERGENCY BOARD-UPS AND WEED/GRASS CUTTINGS WHICH TOOK PLACE FROM SEPTEMBER 2011 THROUGH AUGUST 2012, 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. 146-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 147-2012

ORDINANCE NO. 147-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – LAW DEPARTMENT – PUBLIC DEFENDERS OFFICE. AN ORDINANCE APPROPRIATING \$10,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE LAW DEPARTMENT OPERATING BUDGET, DUE TO THE INCREASE IN CASES ASSIGNED TO THE LEGAL DEFENDERS OFFICE OF SUMMIT COUNTY, 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. 147-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 148-2012

RESOLUTION NO. 148-2012. 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 2012 CITY OF BARBERTON HEALTH FAIR ON OCTOBER 25TH 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 **RESOLUTION NO. 148-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk read the Fiscal Officer’s Certificate from Raymond E. Flickinger, Director of Finance:

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of \$70,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying the City's portion of the cost of improving Fifth Street, S.E., between certain termini by widening, curbing, constructing sidewalks and driveway approaches, street resurfacing, storm sewers, adding street lighting and street trees, together with all necessary appurtenances thereto:

1. The estimated life or usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20, Ohio Revised Code, is 20 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds, thus the maximum maturity of the Bonds is 14 years.
3. The maximum maturity of the Notes is December 20, 2021, which is 20 years from December 20, 2001, the date of the original note issued for this purpose.

ORDINANCE NO. 149-2012

ORDINANCE NO. 149-2012. PRESENTED BY: MR. AVANT. TITLE: NOTE ORDINANCE - FIFTH STREET IMPROVEMENT PROJECT. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$70,000 OF AGGREGATE PRINCIPAL AMOUNT OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE CITY’S PORTION OF THE COST OF IMPROVING FIFTH STREET, S.E. BETWEEN CERTAIN TERMINI BY WIDENING, CURBING, CONSTRUCTING SIDEWALKS AND DRIVEWAY APPROACHES, STREET RESURFACING, STORM SEWERS, ADDING STREET LIGHTING AND STREET TREES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, 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. 149-2012 BE ADOPTED.** Mr. Avant said he would like to point out that, in this ordinance, the City is putting in “street trees,” which he assumes are trees in the tree lawns. He said we are “sticking” people with trees that they are going to have to maintain and cut down later! He said he just wanted to make that point. President Maurer said that is a good point. He said this is an annual ordinance that originated

nine years ago. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

The Clerk read the Fiscal Officer’s Certificate from Raymond E. Flickinger, Director of Finance:

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of \$20,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying the City's cost of improving Robinson Avenue, between certain termini, by reconstructing approximately 5,200 feet of street, sidewalk/pedestrian ways, curbs, waterline and inlets, together with all necessary appurtenances thereto:

1. The estimated life or usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20, Ohio Revised Code, is 20 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds, thus the maximum maturity of the Bonds is 15 years.
3. The maximum maturity of the Notes is December 5, 2022, which is 20 years from December 5, 2002, the date of the original note issued for this purpose.

ORDINANCE NO. 150-2012

ORDINANCE NO. 150-2012. PRESENTED BY: MR. AVANT. TITLE: TITLE: NOTE ORDINANCE – ROBINSON AVENUE IMPROVEMENT PROJECT. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$20,000 OF AGGREGATE PRINCIPAL AMOUNT OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE CITY’S PORTION OF THE COST OF IMPROVING ROBINSON AVENUE BETWEEN CERTAIN TERMINI, BY RECONSTRUCTING APPROXIMATELY 5,200 FEET OF STREET, SIDEWALK/PEDESTRIAN WAYS, CURBS, WATERLINE AND INLETS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, 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. 150-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk read the Fiscal Officer’s Certificate from Raymond E. Flickinger, Director of Finance:

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of \$240,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of improving the municipal water system by paying the City's portion of the cost of replacing portions of the water mains in Summit Street and Grand Boulevard, both between certain termini, together with all necessary appurtenances thereto:

1. The estimated life or usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years. If notes in anticipation of the Bonds are outstanding

later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is October 14, 2030, which date is 20 years from October 14, 2010, the date of the original note issued for this purpose.

ORDINANCE NO. 151-2012

ORDINANCE NO. 151-2012. PRESENTED BY: MR. AVANT. TITLE: NOTE ORDINANCE - WATER MAIN IMPROVEMENT PROJECTS. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$240,000 OF AGGREGATE PRINCIPAL AMOUNT OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE MUNICIPAL WATER SYSTEM BY PAYING THE CITY'S PORTION OF THE COST OF REPLACING PORTIONS OF THE WATER MAINS IN SUMMIT STREET AND GRAND BOULEVARD, BOTH BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, 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. 151-2012 BE ADOPTED.** All Members voted "yea." Motion carried.

RESOLUTION NO. 152-2012

RESOLUTION NO. 152-2012. PRESENTED BY: MR. AVANT. TITLE: INSTITUTE OF MANAGEMENT ACCOUNTANTS' DAY. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AND MAYOR WILLIAM B. JUDGE, TO PROCLAIM SEPTEMBER 19, 2012 AS INSTITUTE OF MANAGEMENT ACCOUNTANTS' DAY IN BARBERTON, OHIO. 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. 152-2012 BE ADOPTED.** All Members voted "yea." Motion carried.

The Clerk said the address in the original ordinance was removed from the sub-heading and Section 1.

ORDINANCE NO. 153-2012

ORDINANCE NO. 153-2012. PRESENTED BY: MR. AVANT. TITLE: STATE NSP APPROPRIATION. AN ORDINANCE APPROPRIATING \$11,400 FROM THE UNAPPROPRIATED ITEM OF THE STATE NEIGHBORHOOD STABILIZATION PROGRAM FUND TO THE PLANNING DEPARTMENT OPERATING BUDGET, FOR ONE DEMOLITION, 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. 153-2012 BE ADOPTED.** All Members voted "yea." Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 117-2012

ORDINANCE NO. 117-2012. PRESENTED BY: MR. ENDRES. TITLE: ENTER INTO GRANT AGREEMENT – TOTAL ENVIRONMENTAL SERVICES – COAF SEIBERLING ASBESTOS ABATEMENT GRANT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT AND RELATED ASSURANCES, CERTIFICATIONS, AND CONTRACTS WITH TOTAL ENVIRONMENTAL SERVICES, TO CARRY OUT ABATEMENT ACTIVITIES RELATED TO THE COAF SEIBERLING ASBESTOS ABATEMENT PROJECT, DUE TO A GRANT FROM THE OHIO DEPARTMENT OF DEVELOPMENT’S OFFICE OF REDEVELOPMENT, IN THE AMOUNT OF \$267,865, AND DECLARING AN EMERGENCY. *First Reading – July 9, 2012. Second Reading – July 23, 2012. Third Reading – September 10, 2012.* It was moved by Mr. Endres, seconded by Mr. Avant, that **ORDINANCE NO. 117-2012 BE ADOPTED.** Mr. Endres said he would like to thank everyone for bearing with him in the length of time it has taken to vote on this ordinance. He said he thinks it is the best way right now to get the Seiberling Building project completed. He said he would ask Council to vote favorably for it. Mr. Wagner said he is voting “no” on this ordinance simply because he did not feel that Mr. Luhring fairly addressed some of the questions asked. He said there was a *vast* difference in the abatement of the duct work -- like about 800%. He said he believes that this whole project is about economic development for our area -- not for economic development in Toledo, Ohio, where those employees live. Mr. Wagner said he will be voting “no.” Mr. Avant said he feels this is a very important issue that we need to complete. He said Seiberling is one of the icons in the City, almost as important as Barber Farms and the structures they have. He said it shows the modern-day industry that moved into Barberton. He said many of our grandparents were probably charter employees at that plant. Mr. Avant said we need to get things going in this town; and we cannot hold this up because of a difference. He said he believed the gentleman said he was going to have to “eat” that difference in the duct work abatement because it was a mistake in his proposal. Mr. Avant said this is an ideal place to see progress being made with white collar workers coming in. He said he knows that United Rubber Workers have a big stake in Seiberling, but those office buildings were white collar, non-bargaining personnel. He said we cannot hold back on this project any more than we already have. Mr. Lysenko said he is going to vote “yes” for this, but he does understand the concerns Mr. Wagner has. He said he hopes in future contracts, especially when they are this size, that we can perhaps have some better control over who they are employing earlier in the process. Mr. Lysenko said at this point, we are kind of stuck with it. He said he hopes it works out, but he understands the concern about having local workers and documented citizens being the workers. Mr. Endres said for the record, the error that was made was a decimal point type error, so that is why they have to “bite the bullet” because of it. President Maurer said every objection he heard was an objection of merit. He said they were legitimate concerns -- genuine concerns for basically, the law of the land. He said he would think, whenever there is a situation like this, people would be put on notice that the City of Barberton does watch for these issues. He said even if it passes this time, if there is enough of a contention made, enough of an objection made, people have to go back and really do their homework to make sure that they are not going to run into any opposition. President Maurer said overall the city will benefit. He said he commends Council for doing their due diligence on this issue. Mr. Wagner asked who will be monitoring

the prevailing wages on that project. Ms. Sheridan, Planning Director, said the City is paying the consultant, BRG, to do that. She said the City, this Council, hired BRG. Mr. Lysenko said we also entrusted them to select the lowest and best bidder. Ms. Sheridan said that was correct per the regulations of the State of Ohio grant. President Maurer called for the vote on adoption. Mr. Megyes, Mr. Lysenko, Mr. Soyars, Mrs. Frey, Mr. Endres, Mr. Avant, and Mrs. Debevec voted “yea.” Mr. Wagner voted “nay.” Motion carried.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said Mr. Lallo, Mr. Liddle, and Mr. Hastings from the Barberton Community Foundation will be attending the meeting next week to answer any questions regarding the changes in the Foundation’s Spending Policy. He said there were very good arguments made to support this particular initiative. He said as a Foundation Board Member, he is very slow to make changes to *anything* having to do with the rules of this Board and the trust the people of the City of Barberton gave to the Foundation and Council with \$100 million of their money. He said to do your due diligence as you did on the Seiberling issue, and if there are any questions, to direct them to Mr. Lallo or Mr. Hastings or bring them to the meeting. He said they will be speaking to us on the 17th.

President Maurer said the Design Review Board has been cancelled for tomorrow.

President Maurer said congratulations to this Council and the Safety Department for moving forward on the Joint Dispatch District. He said a lot of hard work went into this project. He said we have two very good partners here and it is a move in the right direction to save us some money. He said he is sorry some of these jobs will not be in Barberton for income tax revenue, but the reality is the savings will be in seven figures, so that would more than offset any losses.

President Maurer said there is more activity on the South End Flooding issue. He said he and Mr. Palmer have been fighting that particular battle for decades. He said there is not much we can do about the topography of the city, but we certainly want to do our best to remediate any standing rainwater coming down. He said the ability to remove that water as quickly as the Tusc River and the Ohio Canal will allow it, the better.

President Maurer said next Saturday at the Sports Complex, from 9:00 a.m. until Noon, the Summit County Waste Management Authority is sponsoring a shredding event.

Mr. Avant said some of the people in his neighborhood have asked if there is a list of the homes to be demolished and he asked the Mayor if such a list existed so that he could give it to each council member. Mayor Judge said there are about 600 homes involved all together. He said saying “when” would be very difficult because it depends on how much asbestos, if any, is in each home. He said some homes that have no asbestos can come down right away; some homes may have \$2,500 worth of asbestos abatement and some can get up to \$10,000. Mayor Judge said we have a list showing when the utilities were shut off, when they were condemned, and

showing the waiting period. He said we are tracking everything and keeping very accurate notes. He said he would get a list to Council.

Mr. Avant said he has been to the 9/11 ceremonies at the Fire Department on Wooster Road and they are quite impressive. He said they even have the bagpipes playing. He said if you have the opportunity to attend this ceremony, you should definitely attend.

COMMUNICATION FROM THE MAYOR

Mayor Judge said he would like to thank Council for their vote. He said there is nothing wrong with disagreement and debate. He said it makes a stronger Council and stronger legislation.

Mayor Judge said the presentation system set up in Council is functioning. He said any council members needing to put on a presentation and needing to learn how to use it, please notify him.

Mayor Judge said later this month is the Mum Fest. He said we always have a great turnout of volunteers, but he is sure they can use more. He said to see Mr. McAviney or Lisa McLean for volunteer opportunities.

Mayor Judge said on September 20th the City, in conjunction with several groups, is having a Suicide Prevention Program speaker. He said Eric Hipple, a former quarterback for the Detroit Lions, will be at the high school from 6:30 p.m. to 8:30 p.m. He said the reason to bring this program to Barberton is that Barberton consists of about 2% of the population in Summit County; it has accounted for about 25% of the suicides. He said Mr. Hipple lost his son to suicide and wrote a book about all he has dealt with throughout his life.

Mayor Judge said he also wanted to acknowledge Officer Kulig and Officer Eberhart who apprehended a wanted fugitive from Texas on 31st Street.

Mayor Judge said the Project Impact Phase II has started; demolition should start pretty soon. He said they have several signs to put in the yards of the homes being taken down to notify the public of what they are doing, where the money came from, and why they are doing it. He said we see this as a huge redevelopment of the City over the next few years. He said we are starting out with the first thirty homes and the process is going to continue and move very rapidly over the next year-and-a-half.

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

Adjourned: 8:30 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council