

Council met in **REGULAR SESSION** on Tuesday, November 13, 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. Maurer gave the Invocation.

It was moved by Mr. Endres, seconded by Mr. Avant, to approve the Minutes of the Public Hearing re the Development Code Fee Schedule, held on Monday, October 22, 2012, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Endres, seconded by Mr. Avant, to approve the Minutes of the Public Hearing re Table 1320B of the Development Code, held on Monday, October 22, 2012, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Session held on Monday, October 22, 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 October 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

RESOLUTION NO. 181-2012

RESOLUTION NO. 181-2012. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. WAGNER. TITLE: COMMENDATION – ED SOLTIS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO ED SOLTIS FOR GIVING THE CITY AND ITS CITIZENS 30 YEARS OF DEDICATED AND OUTSTANDING SERVICE. 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. 181-2012 BE ADOPTED.** Mr. Stender, Director of Utilities, said about fifteen years ago, before he ever dreamed of having a

job with City Utilities, he worked with an engineering firm in Cleveland that designed the ethyl treatment plant for Reiter Dairy. He said he would go to the Wastewater Plant in the evening to drop off technical matters, etc., and Ed Soltis was always there. He said he was quite impressed with Ed's dedication to the task at hand. Mr. Stender said in a *Reader's Digest* survey of Ten Jobs Americans Cannot Live Without, rated #2 is water and wastewater treatment system operators! He said Ed does his job on second shift while we are all comfortable at home sleeping. He said he wants to congratulate Ed. He said Dennis Weaver, the Plant Manager, wanted to be here for Ed this evening, but he had a family medical matter. Mr. Palmer, Director of Public Service, said he wanted to thank Ed for the wonderful job he has done. He said we do not often have the opportunity to honor and give thanks to those who have worked very hard with true dedication on that back shift. He said Ed is taking care of business while we sleep. Mr. Palmer said we were very comfortable with his technical skills. He said he wanted to congratulate him and to let his wife know that now she will have the chance to enjoy him! Mr. Wagner said Ed has worked tirelessly for the City, providing the technical expertise and competency needed in the second shift operation of the Wastewater Treatment Plant. He said it is going to be extremely difficult to replace somebody as dedicated as Ed. President Maurer said everyday heroes walk among us every day and he cannot think of anything more important being done for the human condition than our ability to control things such as wastewater. He said you know you are doing a great job when nobody knows you are there. President Maurer said working for First Energy, people take electricity for granted until you throw the switch and the lights do not go on, or in this case, when you try to drain a bathtub and the water does not go away. He said Ed has done an incredible job and a very noble cause that he very quietly and very diligently went about for the last thirty years. Mayor Judge said he would like to echo what everyone has said and thank Ed for over thirty years of dedication and service to the City and to the residents. He said a lot of residents take city services for granted because our systems work. He said they do not realize that there is someone there twenty-four hours a day with the skills and knowledge of what to do in the event something goes wrong. Mayor Judge said we forget about our unsung heroes. He said Ed is one of those heroes. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Wagner, seconded by Mr. Soyars, to recess in order to give Mr. Soltis his commendation. All Members voted "yea." Motion carried.

Recessed: 7:40 p.m.

Reconvened: 7:43 p.m.

ORDINANCE NO. 182-2012

ORDINANCE NO. 182-2012. PRESENTED BY: MR. ENDRES. TITLE: BARBERTON DEVELOPMENT CODE – AMEND TABLE 1320(B). AN ORDINANCE TO AMEND TABLE 1320(B) OF THE BARBERTON DEVELOPMENT CODE, “REQUIRED CONTENTS OF APPLICATION FILINGS[A],” BY INCLUDING A COLUMN ENTITLED “VACATIONS OF STREETS, ALLEYS AND PUBLIC AREAS,” AND LISTING THE REQUIRED CONTENTS FOR APPLICATION FILINGS. 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. 182-2012 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 183-2012

ORDINANCE NO. 183-2012. PRESENTED BY: MR. ENDRES. TITLE: DEVELOPMENT CODE FEE SCHEDULE – BARBERTON DEVELOPMENT CODE. AN ORDINANCE TO AMEND SECTION 1320.01(6) OF THE BARBERTON DEVELOPMENT CODE BY INCLUDING THE “DEVELOPMENT CODE FEE SCHEDULE” IN THE BARBERTON DEVELOPMENT CODE; AND TO AMEND THE DEVELOPMENT CODE FEE SCHEDULE (ORD. NO. 30-2009) TO INCLUDE “VACATIONS OF STREETS, ALLEYS AND PUBLIC AREAS,” WITH A \$300 APPLICATION FEE. 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. 183-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 184-2012

ORDINANCE NO. 184-2012. PRESENTED BY: MR. SOYARS. TITLE: WEAPONS TRADE. AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO TRADE TWENTY-THREE (23) MISCELLANEOUS WEAPONS TO VANCE’S LAW ENFORCEMENT SUPPLY CO., FOR A CREDIT OF \$5,200, TO BE USED TOWARDS THE PURCHASE OF AMMUNITION AND OTHER EQUIPMENT NEEDED BY THE POLICE DEPARTMENT, 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. 184-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 185-2012

ORDINANCE NO. 185-2012. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT – MOTOROLA SOLUTIONS INC. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE CONTRACT WITH MOTOROLA SOLUTIONS, INC., THROUGH THE OHIO STATE COOPERATIVE PURCHASING PROGRAM, PURSUANT TO ORDINANCE NO. 42-1995, TO PURCHASE A NEW RADIO SYSTEM IN THE AMOUNT OF \$921,156, DUE TO THE 2011 ASSISTANCE TO FIREFIGHTERS GRANT, 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. 185-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 186-2012

ORDINANCE NO. 186-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: FY2013 CDBG ANNUAL ACTION PLAN – SUBMIT TO HUD. AN ORDINANCE APPROVING THE FY2013 CDBG ANNUAL ACTION PLAN AND ITS SUBMISSION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), 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. 186-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 187-2012

ORDINANCE NO. 187-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO FY2013 CONTRACT - HUD. AN ORDINANCE ALLOWING THE MAYOR, VIA THE PLANNING DIRECTOR, TO ENTER INTO CONTRACT FOR FY2013 WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), IN THE APPROXIMATE AMOUNT OF \$600,000, TO CARRY OUT ELIGIBLE CDBG ACTIVITIES, 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. 187-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 188-2012

ORDINANCE NO. 188-2012. PRESENTED BY: MR. AVANT. TITLE: AMENDING CHAPTER 880 OF THE BARBERTON CODIFIED ORDINANCES – EARNED INCOME TAX. AN ORDINANCE AMENDING CHAPTER 880, “EARNED INCOME TAX,” OF THE BARBERTON CODIFIED ORDINANCES (ORD. NO. 217-2000) BY INCLUDING IN SECTION 880.13, “COLLECTION OF UNPAID TAXES; REFUNDS,” A CLAUSE TO ALLOW THE CITY TO RECEIVE 100% OF THE TAX DUE, 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. 188-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 189-2012

ORDINANCE NO. 189-2012. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – OHIO TECHNICAL COLLEGE. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO OHIO TECHNICAL COLLEGE, IN THE AMOUNT OF \$7,950, FOR CLASSES TAKEN BY A CITY EMPLOYEE TO COMPLETE TRAINING AS A MECHANIC IN DIESEL EQUIPMENT TECHNOLOGY, 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. 189-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 190-2012

ORDINANCE NO. 190-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION - FIRE DEPARTMENT – NEW RADIO SYSTEM. AN ORDINANCE APPROPRIATING \$851,724 FROM THE UNAPPROPRIATED ITEM OF THE FEMA GRANT FUND TO THE FEMA GRANT FUND CAPITAL BUDGET (DUE TO THE 2011 ASSISTANCE TO FIREFIGHTERS GRANT); AND APPROPRIATING \$94,636 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE FIRE

DEPARTMENT CAPITAL BUDGET, FOR A TOTAL AMOUNT OF \$946,360, TO PURCHASE THE NEW RADIO SYSTEM, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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 Mr. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 190-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 191-2012

ORDINANCE NO. 191-2012. PRESENTED BY: MR. AVANT. TITLE: FOUNDATION GRANT REQUEST – MAYOR – LIGHT BULBS. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE MAYOR TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$1,000, TO PURCHASE ENERGY EFFICIENT LIGHT BULBS TO BE DISTRIBUTED TO BARBERTON RESIDENTS, 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. 191-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT BOARD

Adam D. Cogar appointment Immediately - December 31, 2014

It was moved by Mrs. Frey, seconded by Mr. Wagner, to confirm the Mayor’s appointment of Mr. Cogar. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said he would like to remind everyone that we have two more meetings in November. He said we will have meetings the first three Mondays of December: Committee of the Whole on December 3rd; a combination Regular Legislative Session and Committee of the Whole on December 10th; and on December 17th, there will be a Regular Legislative Session. He said we will not be back in session until January 2013 because of the Christmas Holidays on the 24th and 25th, and the fifth Monday on December 31st.

COMMUNICATION FROM THE MAYOR

Mayor Judge said we celebrated Veterans Day yesterday and he would like to thank all veterans for everything they have done. He said they have put their lives on the line for us.

Mayor Judge said to please get in touch with Shane McAvinew or Lisa McLean if anyone is able to volunteer with the lights this holiday season.

Mayor Judge said he would like to thank everyone who took part in the Cancer 5k Relay for Life this past Saturday. He said this is the first time this event took place. He said the event incorporated with the new Towpath in Barberton. He said there were over 120 runners with the proceeds going to Relay for Life.

Mayor Judge said he is continuing to work on the 2013 Budget. He said numbers are still coming in, but hopefully he will get something to Council in the next few weeks. He said he would like council members to send him any requests or comments or ideas they might have to be put into the Budget.

Mayor Judge said he passed out a fact statement of HUD that pointed out a possible conflict of interest of an NSP house. He said a Barberton city employee (Chris Stefan) wants to make an offer on an NSP house and the money came through the City. He said they are working on getting answers on some of the questions Council has regarding this issue.

Mayor Judge said yesterday he had the opportunity to hang out with the Boy Scouts at the First Presbyterian Church to talk to them about citizenship and government. He said they gave him some good ideas as to what could be done in the City to spruce it up and they want to be a part of that. He said he has some projects in mind to incorporate the Boy Scouts in those projects. He said the more people we have involved in projects in town, the better the projects are going to be.

Mayor Judge said BCDC is moving to the old AAA building on Tusc and Van Buren. He said they own it outright; it was donated to them. He said that will occur on November 20th.

Mayor Judge said they are gearing up for the flag football game with Alcoa on December 1st. He said it will be a toy drive for the Salvation Army with any new toys or monetary contributions being turned over to the Salvation Army, with the donations staying in Barberton.

Mayor Judge said he would like to wish good luck to Heidelberg College, his alma mater. He said they are in the Division III football playoffs this weekend. He said this is the first time they have gotten this far since before he was born!

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

Adjourned: 8:06 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council