

Council met in **REGULAR SESSION** on Monday, July 14, 2014, 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. Endres gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Meeting held on Monday, June 23, 2014, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Public Hearing held on Monday, July 7, 2014, as presented. All Members voted "yea." Motion carried.

It was moved by Mrs. Frey, seconded by Mrs. Debevec, to accept the Finance Report for June, 2014, 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. 89-2014**

**ORDINANCE NO. 89-2014. PRESENTED BY: MR. LYSENKO. TITLE: BARBERTON DEVELOPMENT CODE – TEXT AMENDMENT - ADULT CARE FACILITIES AND GROUP HOMES. AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY AMENDING THE REQUIREMENTS THAT ARE ASSOCIATED WITH ADULT CARE FACILITIES AND GROUP HOMES.**

*First Reading Only.*

**RESOLUTION NO. 90-2014**

**RESOLUTION NO. 90-2014. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MRS. DEBEVEC. TITLE: SUMMIT KIDS MONTH IN THE COUNTY OF SUMMIT. A RESOLUTION BY THE COUNCIL OF THE CITY OF BARBERTON RECOGNIZING AUGUST 2014 AS SUMMIT KIDS MONTH IN THE COUNTY OF SUMMIT AND ENCOURAGING THE CITIZENS OF SUMMIT COUNTY TO JOIN IN THIS ACKNOWLEDGEMENT, FOR THE EXECUTIVE, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mr. Lysenko, that **RESOLUTION NO. 90-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 91-2014**

**ORDINANCE NO. 91-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: INCREASE OF CONTRACT – KARVO PAVING. AN ORDINANCE AUTHORIZING AN INCREASE IN THE AMOUNT OF THE CONTRACT WITH KARVO PAVING BY \$10,000, AS PART OF THE 2014 ROADWAY IMPROVEMENT PROGRAM, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mr. Lysenko, that **ORDINANCE NO. 91-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 92-2014**

**ORDINANCE NO. 92-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: INCREASE OF CONTRACT – PERRIN ASPHALT. AN ORDINANCE AUTHORIZING AN INCREASE IN THE AMOUNT OF THE CONTRACT WITH PERRIN ASPHALT BY \$10,000, AS PART OF THE 2014 ROADWAY IMPROVEMENT PROGRAM, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mr. Lysenko, that **ORDINANCE NO. 92-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 93-2014**

**ORDINANCE NO. 93-2014. PRESENTED BY: MR. SOYARS. TITLE: AUTHORIZE PAYMENT – SUMMIT COUNTY. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO SUMMIT COUNTY, IN THE AMOUNT OF \$6,048.00, FOR RADIO ACCESS FEES FOR THE 2<sup>ND</sup> HALF OF 2014, AND DECLARING AN EMERGENCY.** It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Wagner, that **ORDINANCE NO. 93-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 94-2014**

**ORDINANCE NO. 94-2014. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF VEHICLES - POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP/SALVAGE TEN (10) VEHICLES DEEMED TO BE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND UNFIT AND UNSAFE FOR DISPOSAL IN ANY OTHER MANNER, AND DECLARING AN EMERGENCY.** It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Wagner, that **ORDINANCE NO. 94-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 95-2014**

**ORDINANCE NO. 95-2014. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACTS - FY2014 CDBG ANNUAL ACTION PLAN. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITH NEIGHBORHOOD DEVELOPMENT SERVICES (NDS) AND THE HOME REHABILITATION PROGRAM TO CARRY OUT THE FY2014 CDBG ANNUAL ACTION PLAN, 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. 95-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 96-2014**

**ORDINANCE NO. 96-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – LAW DEPARTMENT. AN ORDINANCE APPROPRIATING \$2,050 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE LAW DEPARTMENT OPERATING BUDGET, FOR A SETTLEMENT OF A FORECLOSURE LAWSUIT, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 96-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

*The clerk stated that the following ordinance was voted on in the Utilities Committee to be added to tonight’s agenda.*

**ORDINANCE NO. 97-2014**

**ORDINANCE NO. 97-2014. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – KENMORE CONSTRUCTION. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH KENMORE CONSTRUCTION COMPANY, IN AN AMOUNT NOT TO EXCEED \$169,090, FOR THE WOOSTER ROAD WEST WATERLINE REPLACEMENT, 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. Mr. Wagner stated that the Utilities Committee invoked Council Rule 602 to

suspend rules 301, 306, and 401. It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 97-2014 BE ADOPTED.** Mr. Maurer asked Mr. Stender if this was the waterline construction. Mr. Stender stated that ODOT is going to pave Wooster Road West and we want to replace those waterlines before they do that. He said in the interest of time the only way we are going to accomplish is to do this before and we have 2 weeks to get this done. Mr. Maurer stated he appreciates the fact that we get this done before we pave the streets and that we are not tearing up a perfectly good street. All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. 85-2014**

**RESOLUTION NO. 85-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: NAMING OF THE ROBINSON AVENUE BRIDGE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON REQUESTING SUMMIT COUNTY COUNCIL TO NAME THE BRIDGE SPANNING ROBINSON AVENUE TO WOOSTER ROAD WEST IN MEMORY OF DR. MARTIN LUTHER KING JR, AND DECLARING AN EMERGENCY.** *First Reading June 23, 2014.*

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None

**APPOINTMENTS**

**DESIGN REVIEW BOARD**

<b>Mrs. Brenda Hlas</b>	appointment	immediately – December 31, 2014
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It was moved by Mr. Lysenko, seconded by Mr. Endres, to appoint Brenda Hlas to the Design Review Board immediately through December 31, 2014. Mr. Avant asked if we didn’t just appoint Mrs. Hlas to the Board of Zoning Appeals. Mr. Judge stated that we did but he had made a mistake in the letter writing and she was appointed to the wrong board and this is the correct one. Mr. Avant asked if she is on the BZA. Mr. Judge stated she is but she will be removed and put on this board. Mr. Soyars asked to abstain from voting. All Members voted “yea.” Motion carried.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

The clerk stated she has a Liquor License Application for ZOA Group LTD, DBA Lake Anna Hall, 542 W. Park Avenue. She said she had given a copy to Mr. Kimble, Mr. Morber, and Mr. Megyes. She stated Mr. Kimble is on vacation, Mr. Morber has no objections, and Mr. Megyes stated he is also fine with it.

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mr. Maurer asked how the search is coming for our two department heads. Mr. Judge said we should have some answers later this week for some positions. Mr. Maurer said the only reason he is bringing it up is to remind everybody that Mr. Bauschlinger and Mr. Palmer have retired so you may be asked as council people to step up to the plate to help cover a lot of stuff that they use to do like the actual face time with the residents and that type of thing. He said not that anybody would slack off but to bear in mind any help you can lend the administration would be a wonderful thing.

Mr. Maurer said the countdown has started. He said we have two more meetings before the August break so all department heads need to get things wrapped up or it will have to wait for six weeks.

## **COMMUNICATION FROM THE MAYOR**

Mr. Judge thanked everyone who came out for the Larry Bidlingmyer Community Bike Ride this past weekend. He said they had great weather and a lot of participation and it seems like great event for the kids.

Mr. Judge said if you have been driving around town, we are in the middle of our road program for 2014. He said they are really hustling and doing a great job. He said they are working on Saturdays and if you have any questions about the roads from your residents feel free to give his office a call and they will get them answered. He stated a couple calls came in, and even Council President called regarding West State Street. He said they came in, grinded it down, fixed the concrete and laid the base down and then they haven't been back for 2-3 weeks. Mayor Judge stated they called about that and they said it's an ODOT project and everything has to go through them, but their contractor's contract goes through August 25<sup>th</sup> and they have until then to finish it. He said it doesn't help us while we try to navigate through the street with the manhole covers and everything. He said they anticipate getting it done before that but they have to take direction from the state. He said the state is going to put up additional signage for slow traffic and bumps and let people know. He stated there were some issues with some of the concrete repair and some of the base and they had to go back to repair. Mayor Judge stated they are on track to get that completed and hopefully it is done way before August 25<sup>th</sup>.

Mayor Judge said if Council could send an e-mail, note, or memo or stop in when you are available and provide a list of streets for the 2015 program. He said they are going to meet in August and start putting that together. He said hopefully they go to bid December, January, or February so they can get a better price on asphalt and really get this program cooking for the 2<sup>nd</sup> year.

Mr. Judge said this Friday is a free concert over at Block 7 – Bonjourney from New York. He said it is a little bit of Bon Jovi/Journey.

Mayor Judge stated this Saturday/Sunday is the Relay for Life around Lake Anna. He said it will go from noon on Saturday until noon on Sunday.

Mr. Judge said Friday the 25<sup>th</sup> will be the opening of the art gallery, Nine Muses and the coffee shop Kave - which is Hungarian for coffee. He said if you get a chance to stop over there they have been very busy trying to get their name out, and getting their coffee out – they have hot coffee, tea and everything like that. He said it really looks great and they have done a wonderful job.

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

Adjourned: 7:55 P.M.

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Frederick S. Maurer  
President of Council

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Renee Fox  
Clerk of Council