

Council met in **REGULAR SESSION** on Monday, February 11, 2013, at 7:46 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 Mrs. Debevec 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, January 28, 2013, 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.**

President Maurer said the Second Reading of Resolution No. 5-2013, a commendation for Debra Holcomb, would be read before First Readings.

### **RESOLUTION NO. 5-2013**

**RESOLUTION NO. 5-2013. PRESENTED BY: MR. WAGNER. TITLE: COMMENDATION – DEBRA L. HOLCOMB. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO DEBRA L. HOLCOMB FOR HER 35 YEARS OF DEDICATED SERVICE TO THE CITY OF BARBERTON AND ITS CITIZENS.** 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. 5-2013 BE ADOPTED.** Mr. Stender, Utilities Director, said he would like to thank Debbie for all of her hard work over the years and emphasize that she is a member of the second highest rated "Jobs Americans Can't Live Without," as mentioned in *Reader's Digest* and *24/7 Wall Street*. He said Deb, and people like her, work quietly in the background, around the clock, and we just do not think about it. Mr. Flickinger, Finance Director, said he would like to thank Debbie and congratulate her on her retirement. He said when Finance took over utility billing, Deb was part of the package -- and that was probably the best end of that deal! He said she did a very good job with the utility bills for quite a few years. Mr. Wagner said he wanted to let Debbie know that everyone is appreciative of all the service she has with the City and she will certainly be missed. President Maurer said as a person who works in the utility industry, we always had this saying: "You

know you're doing your job well when nobody knows you're there." He said there is a high level of expectation in Barberton and it is well-deserved because of outstanding employees like Deb. He said we do appreciate her 35 years and wish her well in retirement. Mayor Judge said he would like to thank and congratulate Debbie for her 35 years of dedicated service. He said she will be very difficult to replace. He said her skills and the scope of work she has done over the years is irreplaceable. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Soyars, seconded by Mrs. Debevec, to recess in order to give Ms. Holcomb her resolution. Ms. Holcomb said she would like to thank everyone.

Recessed: 7:54 p.m.

Reconvened: 7:56 p.m.

## **FIRST READING OF ORDINANCES AND RESOLUTIONS**

### **RESOLUTION NO. 11-2013**

**RESOLUTION NO. 11-2013. SPONSORED BY: MR. ENDRES. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – TRISTAN A. KEELING. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO TRISTAN A. KEELING FOR THE DETERMINATION AND COMMITMENT HE DEMONSTRATED TO BECOME AN EAGLE SCOUT.** *First Reading – February 11, 2013.*

### **ORDINANCE NO. 12-2013**

**ORDINANCE NO. 12-2013. PRESENTED BY: MR. LYSENKO. TITLE: FOUNDATION GRANT REQUEST – 2013 SIDEWALK REPLACEMENT AND FILL-IN PROGRAM. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PUBLIC SERVICE TO THE BARBERTON COMMUNITY FOUNDATION, IN AN AMOUNT UP TO \$50,000, FOR THE 2013 SIDEWALK REPLACEMENT AND SIDEWALK FILL-IN PROGRAM, 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. 12-2013 BE ADOPTED.** All Members voted "yea." Motion carried.

### **ORDINANCE NO. 13-2013**

**ORDINANCE NO. 13-2013. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – GPD ASSOCIATES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GPD ASSOCIATES, IN AN AMOUNT NOT TO EXCEED \$75,000, FOR ENGINEERING SERVICES TO INCLUDE THE PERMISSIVE AND RESIDENTIAL ROAD PROGRAMS, INFRASTRUCTURE, AND MISCELLANEOUS CRACK SEALING AND STREET STRIPING, 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. 13-2013 BE ADOPTED.** All Members voted "yea." Motion carried.

**RESOLUTION NO. 14-2013**

**RESOLUTION NO. 14-2013. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – IR-76 RESURFACING CONTRACT. 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 RESURFACING OF IR-76 (PID 83035), 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, Director of Public Service, said this resolution and the next one are brought to Council every year regarding the resurfacing and mowing of IR76. He said any time a highway runs through a city, ODOT has to be in sync with that particular city. 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 **RESOLUTION NO. 14-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 15-2013**

**RESOLUTION NO. 15-2013. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – IR-76 MOWING CONTRACT. 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 MOWING OF IR-76 (PID 92225), 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. 15-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 16-2013**

**ORDINANCE NO. 16-2013. PRESENTED BY: MR. WAGNER. TITLE: “REFUSE COLLECTION AND DISPOSAL PROGRAM” – AMENDING ORD. NO. 133-2012. AN ORDINANCE AMENDING ORD. NO. 133-2012, “REFUSE COLLECTION AND DISPOSAL PROGRAM,” (BCO CHAPTER 1060) IN ORDER TO AMEND SECTION 1060.02, “METHOD OF COLLECTION,” AND SECTION 1060.08, “RESIDENTIAL PAYMENT FEES,” DUE TO A NEW FIVE-YEAR CONTRACT WITH REPUBLIC WASTE SERVICES, 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. 16-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 17-2013**

**ORDINANCE NO. 17-2013. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF UNCLAIMED AND UNSAFE VEHICLES – POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP NINETEEN (19) VEHICLES THAT ARE ABANDONED/UNCLAIMED OR 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. 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. 17-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 18-2013**

**ORDINANCE NO. 18-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: PURCHASE OF PROPERTY – 997 W. TUSCARAWAS AVE. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 997 W. TUSCARAWAS AVENUE, FOR \$1.00, USING CDBG FUNDS, 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. 18-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 19-2013**

**ORDINANCE NO. 19-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: PURCHASE OF PROPERTY – 364 31<sup>ST</sup> STREET, SW. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 364 31<sup>ST</sup> STREET, SW (PARCEL #01.12701), FOR \$1.00, USING CDBG FUNDS, 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. 19-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 20-2013**

**ORDINANCE NO. 20-2013. PRESENTED BY: MR. AVANT. TITLE: CREATE NEW FUND – “FIRE PREVENTION AND EDUCATION” FUND. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE A NEW FUND, THE “FIRE PREVENTION AND EDUCATION FUND,” TO ACCOUNT FOR DONATIONS RECEIVED FOR FIRE PREVENTION ACTIVITIES, 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. 20-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. 5-2013**

**RESOLUTION NO. 5-2013. PRESENTED BY: MR. WAGNER. TITLE: COMMENDATION – DEBRA L. HOLCOMB. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO DEBRA L. HOLCOMB FOR HER 35 YEARS OF DEDICATED SERVICE TO THE**

**CITY OF BARBERTON AND ITS CITIZENS.** Resolution No. 5-2013 was read and the commendation was presented to Ms. Holcomb before First Readings this evening.

**ORDINANCE NO. 7-2013**

**ORDINANCE NO. 7-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: BARBERTON CODIFIED ORDINANCES – REPEAL CHAPTER 206 – ADOPT NEW CHAPTER 206 – WARDS AND BOUNDARIES. AN ORDINANCE REPEALING CHAPTER 206 OF THE BARBERTON CODIFIED ORDINANCES; AND ADOPTING A NEW CHAPTER 206, “WARDS AND BOUNDARIES,” DUE TO CHANGES IN THE WARD BOUNDARIES FOR THE CITY OF BARBERTON.**

***First Reading – January 28, 2013. Second Reading – February 11, 2013.***

The Clerk said the Utilities Committee voted to take Ordinance No. 8-2013 from the table and to proceed with a First Reading this evening. There was no First Reading at the January 28, 2013 Regular Legislative Meeting.

**ORDINANCE NO. 8-2013**

**ORDINANCE NO. 8-2013. PRESENTED BY: MR. WAGNER. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – CHAPTER 1044 – WATER. AN ORDINANCE AMENDING CHAPTER 1044, “WATER,” OF THE BARBERTON CODIFIED ORDINANCES, TO INCLUDE THAT PROPERTY OWNERS ARE RESPONSIBLE FOR WATER LINES CONNECTING THEIR SERVICES TO CITY LINES, AND DECLARING AN EMERGENCY. *Tabled – January 28, 2013. First Reading – February 11, 2013.*** 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. 8-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

**APPOINTMENTS**

None.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

President Maurer said the City Building will be closed on Monday, February 18<sup>th</sup>, due to President’s Day, so Council will be meeting on Tuesday, February 19<sup>th</sup>.

**COMMUNICATION FROM THE MAYOR**

Mayor Judge said he would like to thank everyone who attended his first State of the City Address, introducing his new initiative, “Barberton Forward – Neighborhoods First.” He said they will be sending out a lot of information over the next few weeks to help improve the quality of life in our neighborhoods and for our residents.

Mayor Judge said this Saturday is “Super Saturday” for the Earned Income Tax Credit at the Active Adult Center. He said it should take place most of the day, starting at 10:00 or 11:00 a.m. He said they have already had a large showing this year. He said this is a program the City has been working with the VITA Program and the City of Akron for a number of years.

Mayor Judge said Change for Change will be February 22<sup>nd</sup> at David B’s, benefiting the Larry Bidlingmyer Community Bike Ride which is May 11<sup>th</sup>.

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

Adjourned: 8:16 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council