

Council met in **REGULAR SESSION** on Monday, March 11, 2013, at 7:34 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Megyes, and Soyars. Mr. Wagner was absent. The Pledge of Allegiance to the Flag was recited and Mr. Lysenko gave the Invocation.

It was moved by Mr. Endres, seconded by Mr. Avant, to approve the Minutes of the Public Hearing held on Monday, February 25, 2013, 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, February 25, 2013, 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 February 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.

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 30-2013

ORDINANCE NO. 30-2013. PRESENTED BY: MR. ENDRES. TITLE: BARBERTON CRA HOUSING COUNCIL - APPOINTMENTS. AN ORDINANCE APPOINTING TERRY AVANT AND CRAIG MEGYES TO THE BARBERTON CRA HOUSING COUNCIL, 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 Mrs. Frey, that **ORDINANCE NO. 30-2013 BE ADOPTED.** Mrs. Debevec, Mr. Endres, Mrs. Frey, Mr. Soyars, and Mr. Lysenko voted “yea.” Mr. Avant and Mr. Megyes voted “abstain.” Motion carried.

ORDINANCE NO. 31-2013

ORDINANCE NO. 31-2013. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – TRANSYSTEMS – 31ST STREET WIDENING PROJECT. AN

ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH TRANSYSTEMS, IN THE AMOUNT OF \$200,000, FOR RIGHT OF WAY SERVICES FOR THE 31ST STREET WIDENING PROJECT (ODOT – PID 86923), 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. 31-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 32-2013

ORDINANCE NO. 32-2013. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – HERITAGE LAND SERVICE – 31ST STREET WIDENING PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH HERITAGE LAND SERVICE, IN THE AMOUNT OF \$26,000, FOR RIGHT OF WAY SERVICES FOR THE 31ST STREET WIDENING PROJECT (ODOT – PID 86923), 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. 32-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 33-2013

RESOLUTION NO. 33-2013. PRESENTED BY: MR. MEGYES. TITLE: SUBMIT APPLICATION – ENTER INTO AGREEMENT – WPCLF LOAN AGREEMENT – SNYDER AVENUE PUMP STATION. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT (WPCLF) 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, IN THE APPROXIMATE AMOUNT OF \$2,400,000, FOR CONSTRUCTION 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. Megyes, 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. Megyes, seconded by Mr. Avant, that **RESOLUTION NO. 33-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 34-2013

RESOLUTION NO. 34-2013. PRESENTED BY: MR. MEGYES. TITLE: SUBMIT APPLICATION – ENTER INTO AGREEMENT – WPCLF LOAN AGREEMENT – WWTP IMPROVEMENTS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND

AGREEMENT (WPCLF) 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, IN THE APPROXIMATE AMOUNT OF \$500,000, FOR CONSTRUCTION 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. Megyes, 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. Megyes, seconded by Mr. Avant, that **RESOLUTION NO. 34-2013 BE ADOPTED.** President Maurer said these two resolutions consist of three million dollars for improvements, so he asked Mr. Stender if he could give a rough estimate of what these improvements will be. Mr. Stender, Utilities Director, said it consists of two parts. He said the first part is the Snyder Avenue Pump Station that has not been touched for twenty or so years and is falling apart. He said it is a critical link to get the sewage to the plant itself to be treated. He said it flows through that Station. Mr. Stender said it does not flow by gravity out there; it has to be lifted. He said the bar screen that the sewage goes through when it comes in needs to be replaced. He said it is a constant nuisance and problem. He said the other factor there is that all the electrical gear and controls are shot because of the nature of the environment internally. Mr. Stender said there will also be improvements of the ventilation systems. He said they had planned to do that under design-build -- simply replace the mechanical equipment on a one-for-one basis -- but it got too complicated. He said engineering needs to do that for the Snyder Avenue Pump Station. Mr. Stender said Resolution No. 34-2013 is closing up and finishing work already done at the Wastewater Treatment Plant, where 6.2 million dollars was spent. He said some of that work could not be defined before because they did not know enough. Mr. Stender said in putting in the other process, the bio-phosphorous treatment, they are now in a position to do that. President Maurer said if we were going to spend that much money, he wanted something on the record. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 35-2013

ORDINANCE NO. 35-2013. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – PORTS PETROLEUM. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO PORTS PETROLEUM, IN THE AMOUNT OF \$23,108.16, FOR FUEL USED IN CITY VEHICLES, 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. 35-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 36-2013

ORDINANCE NO. 36-2013. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – SIEMENS INDUSTRY, INC. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO SIEMENS INDUSTRY, INC., IN THE AMOUNT OF \$10,914, FOR A CHEMICAL USED AT THE WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY. It was moved by Mr.

Avant, 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. Avant, seconded by Mr. Megyes, that **ORDINANCE NO. 36-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 37-2013

ORDINANCE NO. 37-2013. PRESENTED BY: MR. AVANT. TITLE: 2013 OPERATING AND CAPITAL BUDGET. AN ORDINANCE ADOPTING A BUDGET FOR VARIOUS FUNDS OF THE CITY OF BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2013, AND PROVIDING FOR THE ADMINISTRATION THEREOF, AND DECLARING IT 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. 37-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk said the City Properties, Parks Committee voted to add Ordinance No. 38-2013 to this evening’s Agenda.

ORDINANCE NO. 38-2013

ORDINANCE NO. 38-2013. PRESENTED BY: MR. MEGYES. TITLE: 2013 COMMUNITY RECYCLING ACCESS GRANT – BEAUTIFICATION DEPARTMENT. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE PARKS AND RECREATION’S BEAUTIFICATION DEPARTMENT FOR THE 2013 COMMUNITY RECYCLING ACCESS GRANT FROM THE SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY, IN THE AMOUNT OF \$21,260.14, FOR BARBERTON’S UPCOMING RECYCLING PROGRAM, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, seconded by Mr. Endres, 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. Megyes, seconded by Mr. Endres, that **ORDINANCE NO. 38-2013 BE ADOPTED.** Mr. Avant asked how this money was going to be used. Mr. McAvinew, Parks Director, said they have received the recycling grant for many years and it is used for education, recycling containers throughout the parks, and working in the school systems. He said it is used more for educational programs and it is also used for “Clean Up Barberton Day.” President Maurer asked if this grant has anything to do with the specialized trash containers to be used throughout the Lake. Mr. McAvinew said he did not believe so. He said Mrs. McLean has a little bit of flexibility on what she can buy from this grant. He said she does put money aside for trash can recycling, but he is not sure those particular cans are on that list. He said Mrs. McLean also has a grant from the Foundation for other recycling. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

DESIGN REVIEW BOARD

3-year Term

Aaron Booker

appointment

Immediately - December 31, 2015

It was moved by Mr. Endres, seconded by Mr. Avant, to confirm the appointment of Mr. Booker for the Design Review Board. All Members voted "yea." Motion carried.

BOARD OF ZONING APPEALS

3-year Term

Woodrow Wilson

appointment

Immediately - December 31, 2015

It was moved by Mr. Endres, seconded by Mr. Avant, to confirm the appointment of Mr. Wilson for the Board of Zoning Appeals. All Members voted "yea." Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

It was moved by Mr. Avant, seconded by Mr. Soyars, to excuse Mr. Wagner from this evening's meeting. All Members voted "yea." Motion carried. President Maurer said Mr. Wagner is recovering very well. He said he is getting around with a walker and has a visiting nurse come to see him. He said Mr. Wagner does not know when he will be returning, but he is hoping it will not be much longer.

President Maurer said our very good friend and former Clerk of Council, Mrs. Debra Shreiner, had a bad fall, and she is recovering well.

COMMUNICATION FROM THE MAYOR

Mayor Judge said he would like to thank Council for passing the Budget this evening. He said we have many programs and different projects we want to get started, so the passage of the Budget will allow us to do that earlier than normal.

Mayor Judge said as Mr. Maurer said, Mr. Wagner is home recovering, as is Mrs. Shreiner. He said to please keep them in your thoughts and prayers.

Mayor Judge said this month the Change for Change event will be held on Friday, March 22nd, at Tony's Speakeasy, benefiting Lake Anna Beautification.

Mayor Judge said Saturday, March 23rd, we will have a Job Fair at the Active Adult Center, from 10:00 a.m. until 2:00 p.m. He said it will be a job and resource fair because we will have people from Stark State, the Foundation with some scholarships, the Job Center through Job and Family Services of Summit County, and some employers in town.

Mayor Judge said the Alcoa Basketball Game is coming up in May. He said Coach Soyars will be putting teams together. He said he knows everyone is anticipating this event and hopefully the City will re-capture the trophy that was lost during the flag football tournament! President Maurer said he may make a snide comment about the Mayor being the football player and Mr.

Soyars being the basketball player; Mr. Soyars wins and the Mayor loses. He said he will not say another word about that!

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

Adjourned: 8:01 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council