

Council met in **REGULAR SESSION** on Monday, December 9, 2013, 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 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, November 25, 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. Mr. Maurer stated that everything on the matters referred will be deleted.

CITIZENS ADDRESSING COUNCIL

Mr. Patrick H. Betts, 222 16th Street spoke on the behalf of saving the school lands.

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. 196-2013

ORDINANCE NO. 196-2013. PRESENTED BY: MR. MEGYES. TITLE: SUBMIT A GRANT APPLICATION – PARKS, OHIO DEPARTMENT OF NATURAL RESOURCES. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WATERCRAFT, FOR A BOATER SAFETY EDUCATION GRANT, IN THE AMOUNT OF \$7,168.40, 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. 196-2013 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 197-2013

ORDINANCE NO. 197-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: 2014 RESIDENTIAL DEMOLITION PROGRAM, ENTER INTO CONTRACT – BUTCHER & SON. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH BUTCHER & SON EXCAVATING, INC., THE LOWEST AND/OR BEST BIDDER, FOR THE 2014 RESIDENTIAL DEMOLITION PROGRAM, IN THE AMOUNT OF \$4,285 PER DWELLING FOR THE DEMOLITION OF 25, MORE OR

LESS, RESIDENTIAL STRUCTURES, USING CDBG, MOF (MOVING OHIO FORWARD), AND GENERAL FUNDING, 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. 197-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 198-2013

ORDINANCE NO. 198-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FY 2014 CDBG FUNDS. AN ORDINANCE APPROPRIATING \$630,000.00 FROM THE UNAPPROPRIATED ITEM OF THE FY 2014 COMMUNITY DEVELOPMENT BLOCK GRANT FUND INTO VARIOUS COMMUNITY DEVELOPMENT BLOCK GRANT ACCOUNTS TO CARRY OUT FY 2014 COMMUNITY DEVELOPMENT BLOCK GRANT 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. 198-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 199-2013

ORDINANCE NO. 199-2013. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF VEHICLES - POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP/SALVAGE THIRTEEN (13) 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. 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. 199-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 200-2013

ORDINANCE NO. 200-2013. PRESENTED BY: MR. WAGNER. TITLE: AUTHORIZE PAYMENT – SUMMIT COUNTY ENGINEER. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO THE SUMMIT COUNTY ENGINEER, IN THE AMOUNT OF \$11,399.60, FOR ADDITIONAL WORK TO THE 16” WATERLINE TO TIE INTO THE REPLACEMENT WATERLINE FROM JOHNSON’S CORNERS TO GARDNER BOULEVARD IN NORTON, 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. 200-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 201-2013

RESOLUTION NO. 201-2013. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. ENDRES. TITLE: COMMENDATION – ALBERT LEE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO ALBERT LEE FOR 17 YEARS OF DEDICATED SERVICE TO

THE BARBERTON BOARD OF ZONING APPEALS AND TO THIS COMMUNITY.
First Reading Only.

RESOLUTION NO. 202-2013

RESOLUTION NO. 202-2013. PRESENTED BY: MR. AVANT. TITLE: ADVANCE OF LOCAL TAXES. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE ADVANCE OF LOCAL TAXES BY THE COUNTY FISCAL OFFICE FOR THE 2013 TAX YEAR, PAYABLE IN 2014, 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. 202-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 203-2013

ORDINANCE NO. 203-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION - PROJECT IMPACT FUND. AN ORDINANCE APPROPRIATING \$213,086.00 FROM THE UNAPPROPRIATED ITEM OF THE PROJECT IMPACT FUND TO THE PROJECT IMPACT FUND OPERATING BUDGET, TO COMPLETE DEMOLITIONS AND FULFILL OBLIGATIONS REMAINING IN CALENDAR YEAR 2013, 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. 203-2013 BE ADOPTED.** Mr. Maurer stated that the Project Impact started under Mayor Hart. He said they have taken down a great many houses over the years and it helped clean up a lot. Mr. Maurer stated it is a great thing and we have really picked up with the additional monies cleaning up the City. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 175-2013

ORDINANCE NO. 175-2013. PRESENTED BY: MR. MEGYES. TITLE: PURCHASE OF PROPERTY - FORMER OAKDALE SCHOOL PROPERTY. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE VACANT PROPERTY FORMERLY OCCUPIED BY THE OAKDALE ELEMENTARY SCHOOL FROM THE BARBERTON BOARD OF EDUCATION, IN THE AMOUNT OF \$1.00, AND DECLARING AN EMERGENCY. *First Reading November 12, 2013, Second Reading 11/25/2013.* Mr. Megyes stated that this Ordinance will be tabled until the Legislative Session on December 16, 2013.

ORDINANCE NO. 179-2013

ORDINANCE NO. 179-2013. PRESENTED BY: MR. ENDRES. TITLE: BARBERTON DEVELOPMENT CODE – TEXT AMENDMENT - EXTERIOR WALLS. AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY REQUIRING UNIFORM SIDING COLOR AND UNIFORM ROOF COLORS ON ALL RESIDENTIAL DWELLINGS BY AMENDING SECTION 1250.02. *First Reading November 12, 2013, Second Reading 11/25/2013.* It was moved by Mr. Endres, seconded by Mr. Avant, that **ORDINANCE NO. 179-2013 BE ADOPTED.** Mr. Lysenko stated that he will be voting “no” on this ordinance and the next ordinance. He believes that this particular change leaves too much discretion to a public official as to what might, in our opinion, be compatible with the environs. He said he stated he could sympathize with people living next door to something with a multi-color roof or siding but he would bet, but he could be wrong, that those properties have other problems that are already covered by our building code and also need addressed. He said he believes everyone has their own opinion to what is in good taste and what isn’t and on that basis he will be voting no. Mr. Megyes, Mr. Soyars, Mr. Wagner, Mrs. Frey, Mr. Endres, Mr. Avant, and Mrs. Debevec voted “yea.” Mr. Lysenko voted “no.” Motion carried.

ORDINANCE NO. 180-2013

ORDINANCE NO. 180-2013. PRESENTED BY: MR. ENDRES. TITLE: BARBERTON DEVELOPMENT CODE – TEXT AMENDMENT - FENCES, PROHIBITED YARD OBSTRUCTIONS ON SINGLE AND TWO-FAMILY LOTS, AND DEFINITIONS. AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY NO LONGER PERMITTING GALVANIZED CHAIN LINK FENCES IN RESIDENTIAL FRONT YARDS BY MAKING CHANGES TO SECTIONS 1250.07(2)(I), TABLE 1140(D), AND CHAPTER 1360 (82) #7. *First Reading November 12, 2013, Second Reading 11/25/2013.* It was moved by Mr. Endres, seconded by Mr. Avant, that **ORDINANCE NO. 180-2013 BE ADOPTED.** Mr. Lysenko stated that he will also be voting “no” on this ordinance. He said that through the planning department he saw some pictures with this fencing that he thought did not look half bad but he also saw some that did look good. He stated that he knows of other communities that do permit front yard fencing. He also stated he knows we have a problem with stray animals and there are some people that do not have a choice because they want to protect their animal and they want to have a front yard fence and until there is further animal control in Barberton front yard fences should be permitted. Mr. Endres, Mrs. Frey, Mr. Soyars, Mr. Wagner, Mr. Megyes and Mr. Avant voted “yea.” Mr. Lysenko and Mrs. Debevec voted “no.” Motion carried.

APPOINTMENTS

PLANNING COMMISSION

Sherrie Sanchez

January 1, 2014 – December 31, 2017

It was moved by Mr. Endres, seconded by Mr. Soyars, to re-appoint Mrs. Sherrie Sanchez to the Planning Commission from January 1, 2014 to December 31, 2017. All Members voted “yea.” Motion carried.

COMMUNITY FOUNDATION BOARD OF DIRECTORS

Josh Gordon

January 1, 2014 – December 31, 2016

It was moved by Mrs. Debevec, seconded by Mr. Soyars, to appoint Mr. Josh Gordon to the Community Foundation Board of Directors from January 1, 2014 to December 31, 2016. All Members voted “yea.” Motion carried.

Michael Vinay

January 1, 2014 – December 31, 2016

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to appoint Mr. Michael Vinay to the Community Foundation Board of Directors from January 1, 2014 to December 31, 2016. All Members voted “yea.” Motion carried.

Brett Haverlick

January 1, 2014 – December 31, 2016

It was moved by Mr. Soyars, seconded by Mrs. Frey, to appoint Mr. Brett Haverlick to the Community Foundation Board of Directors from January 1, 2014 to December 31, 2016. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Maurer stated that there will be a public meeting on December 10th at Barberton Citizen’s Hospital concerning their plans to possibly put a parking lot on Oakdale property. All members of council are encouraged to attend from 6:30 to 8:00 at the hospital’s conference room.

Mr. Maurer stated that the Summit County Charter Review Commission has two more meetings and for council members to check their e-mails on this.

The Council Clerk stated that the Design Review Board has been cancelled for the following day.

COMMUNICATION FROM THE MAYOR

Mr. Judge thanked all of council and department heads that were able to attend the Council Retreat this past Saturday. He stated it was nice to meet with everyone and find out what concerns that have with specific wards. He said he put down everything that was said by ward and will give it out to council members. He will be meeting this week and next with all department heads and will start planning for 2014. He would like to work on the budget and give that to council as soon as possible.

Mayor Judge stated the last change for change for this year will be Friday, December 20th at the VFW and will benefit victim assistance. To date we have raised over \$4,000 with the change for change efforts. He said he appreciates everyone who has been a part of it.

He stated that this week the Mayor’s office will be collecting stuffed animals that will be given to children who are sick at Children’s Hospital.

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

Adjourned: 8:02 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council