

Council met in **REGULAR SESSION** on Monday, February 13, 2012, at 7:39 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 23, 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. 10-2012

RESOLUTION NO. 10-2012. PRESENTED BY: MR. SOYARS. TITLE: COMMENDATION – JACQUELINE A. HOLLENBACH. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO JACQUELINE HOLLENBACH FOR HER TEN (10) YEARS OF DEDICATED SERVICE TO THE CITY OF BARBERTON AS DEPUTY CLERK IN THE BARBERTON MUNICIPAL COURT CLERK OF COURT’S OFFICE. 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 **RESOLUTION NO. 10-2012 BE ADOPTED.** Clerk of Courts Diana Stevenson said Jackie has been a valued member of the staff. She said even in the short amount of time she has been Clerk of Courts, Jackie has shown responsibility being on the night shift and she goes over and above her position here at the Clerk of Court’s Office in helping citizens who come before her. She said she thanks Council for presenting this commendation to Jackie and congratulates Jackie on her little over ten years of very valuable service. President Maurer said Council sees Jackie at all of our meetings working very hard at her job. He said she served the City well and everyone is forever in her debt. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried. It was moved by Mr. Soyars, seconded by Mr. Lysenko, to recess in order to give Jackie her resolution.

Recessed: 7:48 p.m.

Reconvened: 7:50 p.m.

Mrs. Hollenbach said she would like to thank Council for this commendation. She said she did not expect anything like this and she does appreciate it. She said everyone has been so nice here in the evenings and she wishes everyone health and happiness.

ORDINANCE NO. 11-2012

ORDINANCE NO. 11-2012. PRESENTED BY: MR. ENDRES. TITLE: AMENDING ORD. NO. 42-2009 – APPOINTMENTS – TAX INCENTIVE REVIEW COUNCIL. AN ORDINANCE AMENDING ORDINANCE NO. 42-2009, “APPOINTMENTS - BARBERTON/SUMMIT COUNTY TAX INCENTIVE REVIEW COUNCIL,” BY MAKING THE FOLLOWING CHANGES TO THE TIRC APPOINTMENTS: MAYOR WILLIAM B. JUDGE, AS ALTERNATE, AND GARY ENDRES, AS COUNCIL REPRESENTATIVE, 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 Mr. Avant, that **ORDINANCE NO. 11-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 12-2012

ORDINANCE NO. 12-2012. PRESENTED BY: MR. ENDRES. TITLE: AMEND ORD. NO. 139-2009 SPECIAL ASSESSMENTS – DEMOLITIONS, BOARD-UPS AND WEED/GRASS CUTTING. AN ORDINANCE AMENDING ORD. NO. 139-2009, “SPECIAL ASSESSMENTS – DEMOLITIONS, BOARD-UPS AND WEED/GRASS CUTTING,” TO CORRECT THE DATES ON SAID ORDINANCE TO READ THAT SPECIAL ASSESSMENTS BE CERTIFIED TO THE SUMMIT COUNTY AUDITOR AGAINST CERTAIN PROPERTIES LOCATED WITHIN THE CITY FOR THE COST OF ORDERED DEMOLITIONS, LIEN SEARCHES, EMERGENCY BOARD-UPS AND WEED/GRASS CUTTING WHICH TOOK PLACE FROM AUGUST 2008 THROUGH AUGUST 2009, 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 Mr. Avant, that **ORDINANCE NO. 12-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 13-2012

RESOLUTION NO. 13-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – I-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 I-76, 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. 13-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 14-2012

RESOLUTION NO. 14-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – I-76 HERBICIDAL SPRAYING. 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 HERBICIDAL SPRAYING ON I-76 WITHIN THE CITY OF BARBERTON, 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. 14-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 15-2012

ORDINANCE NO. 15-2012. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – CT CONSULTANTS – SNYDER AVENUE LIFT STATION PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CT CONSULTANTS, IN THE AMOUNT OF \$259,500, FOR ENGINEERING IMPROVEMENTS OF THE SNYDER AVENUE WASTEWATER LIFT STATION PROJECT, 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. 15-2012 BE ADOPTED.** President Maurer said this is strictly for engineering and the project is coming in at a much higher price tag. He asked if this project was covered by the Enterprise Funds and in the budget. Mr. Stender, Director of Utilities, said that information was correct. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 16-2012

ORDINANCE NO. 16-2012. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO COOPERATIVE AGREEMENT – BARBERTON/NORTON/COPLEY – LOCAL GOVERNMENT INNOVATION FUND PROGRAM. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF NORTON AND COPLEY TOWNSHIP TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF DEVELOPMENT TO RECEIVE FUNDING FROM THE LOCAL GOVERNMENT INNOVATION FUND (LGIF) PROGRAM, IN ORDER TO PURCHASE EQUIPMENT NEEDED FOR A JOINT EMERGENCY DISPATCH SYSTEM TO BE USED AMONG THE THREE PARTICIPATING COMMUNITIES, AND DECLARING AN EMERGENCY.

First Reading – February 13, 2012.

ORDINANCE NO. 17-2012

ORDINANCE NO. 17-2012. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF UNSAFE EQUIPMENT AND VEHICLES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE, THE POLICE CHIEF, AND THE FIRE CHIEF TO SCRAP ANY EQUIPMENT, VEHICLES, OR PROPERTY THEY DEEM TO BE NO

LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND IS DEEMED TO BE UNFIT AND UNSAFE FOR DISPOSAL IN ANY OTHER MANNER, AND DECLARING AN EMERGENCY. *First Reading – February 13, 2012.*

ORDINANCE NO. 18-2012

ORDINANCE NO. 18-2012. PRESENTED BY: MR. SOYARS. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – SECTION 303.08 – IMPOUNDING OF VEHICLES; REDEMPTION. AN ORDINANCE AMENDING CERTAIN SECTIONS OF SECTION 303.08, “IMPOUNDING OF VEHICLES; REDEMPTION,” 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. 18-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 19-2012

ORDINANCE NO. 19-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO HOME CONSORTIUM – COUNTY OF SUMMIT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A HOME CONSORTIUM WITH THE COUNTY OF SUMMIT, BEGINNING JANUARY 1, 2013, WITH AN AUTOMATIC RENEWAL CLAUSE. 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. 19-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 20-2012

ORDINANCE NO. 20-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: PURCHASE OF PROPERTY – 1360 WOOSTER ROAD WEST. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 1360 WOOSTER ROAD WEST, PARCEL #01.02151, FOR \$1.00 PLUS CLOSING COSTS, FOR DEMOLITION, 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. 20-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 21-2012

ORDINANCE NO. 21-2012. PRESENTED BY: MR. MEGYES. TITLE: 2012 COMMUNITY RECYCLING ACCESS GRANT. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION FOR THE 2012 COMMUNITY RECYCLING ACCESS GRANT FROM THE SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY, IN THE AMOUNT OF \$20,190.88, 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. 21-2012 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 22-2012

ORDINANCE NO. 22-2012. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – ANNUAL AUDITS – CITY OF BARBERTON. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO CONTRACT WITH THE AUDITOR OF THE STATE OF OHIO AND THE ACCOUNTING FIRM OF JULIAN AND GRUBE, INC., TO PERFORM ANNUAL AUDITS FOR THE CITY OF BARBERTON, FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2014, IN THE AMOUNT OF \$35,000 PER YEAR, 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. 22-2012 BE ADOPTED**. All Members voted “yea.” Motion carried.

RESOLUTION NO. 23-2012

RESOLUTION NO. 23-2012. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. AVANT. TITLE: OPPOSE STATE TAKEOVER – MUNICIPAL INCOME TAX COLLECTIONS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON OPPOSING ANY EFFORT BY THE STATE OF OHIO TO TAKE OVER THE COLLECTION OF MUNICIPAL INCOME TAXES IN OHIO AND TO URGE OUR STATE LEGISLATORS TO REJECT AND OPPOSE ANY AMENDMENT TO PENDING BILLS, OR THE INTRODUCTION OF NEW LEGISLATION, THAT WOULD PROPOSE SUCH TRANSFER OR CONTROL OF MUNICIPAL TAXES TO THE STATE OF OHIO DEPARTMENT OF TAXATION, 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. 23-2012 BE ADOPTED**. Mr. Flickinger, Finance Director, said he feels it is important for all cities to oppose this. He said at this point, there is no bill. He said this is something that the Ohio Society of CPAs have endorsed and recommended to the Governor and Legislature. He said all cities in Ohio are opposed to this because it could jeopardize municipal income tax as we know it. Mr. Flickinger said right now we have taxation on all wages and businesses within our city, as any other city in Ohio. He said through this process, it could become a residency tax and cities like Barberton would be out millions of dollars because it would only be an income taxed on the residents of the City. He said most of our tax comes from withholding taxes from the businesses that are here. He said secondly, you are looking at a situation as we have now with the Local Government Fund. Mr. Flickinger said the Local Government Fund was created in the Sixties by the legislature because, again, it was the State of Ohio taking away some of the ability of cities to tax. He said the State said they would give cities a Local Government Fund instead; they would share part of the state income tax money. He said in order to balance the State’s own budget problems, they have reduced Local Government Funds by 50%. Mr. Flickinger said that affects the schools, the townships, counties, municipalities, and libraries. He said the same thing could happen if the State would take over income tax. He said there is a great fear too that

somewhere down the road, just administering the tax, they could decide they need part of it to again balance their own budget. Mr. Flickinger said it is good for resolutions like this to be adopted. He said everyone should talk to their state representatives to express that this is not something they want to see turn into a bill. President Maurer said this does circumvent the whole idea of home rule by taking the whole finance picture out of it. He said we do a very good job of looking after ourselves and we really do not need a lot of help from Columbus. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 24-2012

ORDINANCE NO. 24-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CT CONSULTANTS – SNYDER AVENUE LIFT STATION PROJECT. AN ORDINANCE APPROPRIATING \$259,500 FROM THE UNAPPROPRIATED ITEM OF THE SEWER FUND TO THE SEWER FUND CAPITAL BUDGET, FOR THE SNYDER AVENUE WASTEWATER LIFT STATION PROJECT, 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. 24-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 25-2012

ORDINANCE NO. 25-2012. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – MEDICAL MUTUAL. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH MEDICAL MUTUAL OF OHIO FOR 2012, FOR THE ADMINISTRATION OF THE AGGREGATE MINIMUM PREMIUM CONTRACT FOR MEDICAL COVERAGE FOR ALL FULL-TIME CITY OF BARBERTON EMPLOYEES, WHICH WILL ALSO INCLUDE VISION COVERAGE FOR POLICE, FIRE, AND NON-BARGAINING EMPLOYEES, BEGINNING JANUARY 1, 2012 THROUGH DECEMBER 31, 2012, 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. 25-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 7-2012. PRESENTED BY: MR. ENDRES TITLE: VACATION OF PORTAGE STREET. AN ORDINANCE AUTHORIZING THE PERMANENT VACATION OF A 50-FOOT SECTION OF PORTAGE STREET, LOCATED ON THE PLAYGROUND AND PARKING LOT OF PORTAGE ELEMENTARY SCHOOL, BETWEEN PARCELS #01.13729, #01.13727, AND #01.00555, AND DECLARING AN EMERGENCY.

First Reading – January 23, 2012. Second Reading – February 13, 2012.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

PARKS & RECREATION COMMISSION

5-year Term

Bryan Suboticki appointment Immediately - December 31, 2016

It was moved by Mr. Megyes, seconded by Mr. Endres, to approve the appointment of Mr. Bryan Suboticki to the Parks & Recreation Commission. President Maurer said he feels Bryan will do a very good job. All Members voted “yea.” Motion carried.

PLANNING COMMISSION

remaining 2 years

Sherrie Sanchez appointment Immediately – December 31, 2013

It was moved by Mr. Endres, seconded by Mr. Avant, to approve the appointment of Mrs. Sherrie Sanchez to the Planning Commission for the remaining two year term. President Maurer said Mrs. Sanchez is a good business owner in the city and a lifelong resident of Barberton. He feels this is also a good selection. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

The Clerk said she received the following Liquor License Transfer:

From: Tyler Place, Inc., DBA Rockey’s Gas, 560 Norton Avenue, Barberton.

To: Yazin Place, Inc., DBA Rockey’s Gas, 560 Norton Avenue, Barberton.

The Clerk said no hearing has been requested. Chief Morber said along with the Schools, they would oppose Rockey’s, in general, because of the proximity to the schools to sell alcohol, tobacco, and attempts to get a Federal Firearms License to sell guns as well. He said this transfer is administrative, so no hearing is requested.

Mr. Palmer said he would like to introduce Mr. Kirk Gardner from Ohio Edison -- a very good friend to Barberton and our go-to person whenever anything is needed from Edison. President Maurer said he has known Kirk for many years and Kirk is another in a long line of really fine individuals serving the City from Ohio Edison.

Mr. Bauschlinger said the Board of Zoning Appeals meeting for Thursday has been cancelled.

President Maurer said we will not be meeting next Monday because of Presidents’ Day. He said we will be meeting on Tuesday, February 21st.

COMMUNICATION FROM THE MAYOR

The Mayor was unable to attend this evening’s meeting.

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

Adjourned: 8:22 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council

