

Council met in **REGULAR SESSION** on Monday, March 26, 2012, at 7:41 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. Wagner 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, March 12, 2012, as presented. All Members voted “yea.” Motion carried.

PETITIONS AND CLAIMS

The Clerk read a letter from State Representative Zack Milkovich thanking Council for sending Resolution No. 23-2012, noting the opposition to the State of Ohio takeover of municipal tax collections. He said he is working with his colleagues to remedy some of these concerns.

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 Law Director has requested an Executive Session at the end of tonight’s meeting.

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 40-2012

ORDINANCE NO. 40-2012. PRESENTED BY: MR. SOYARS. TITLE: FOUNDATION GRANT REQUEST – FIRE DEPARTMENT – CITY TORNADO WARNING SYSTEM – CODE RED EMERGENCY COMMUNICATION SYSTEM. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE FIRE CHIEF TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$151,100, TO REPLACE THE CITY TORNADO WARNING SIREN SYSTEM AND FOR A 3-YEAR CONTRACT FOR THE CODE RED EMERGENCY COMMUNICATION SYSTEM, 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. 40-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 41-2012

ORDINANCE NO. 41-2012. PRESENTED BY: MR. SOYARS. TITLE: AMEND BARBERTON CODIFIED ORDINANCES – SECTION 303.08 – IMPOUNDING OF VEHICLES; REDEMPTION. AN ORDINANCE AMENDING SECTION 303.08, “IMPOUNDING OF VEHICLES; REDEMPTION,” (ORD. NO. 18-2012), TO DELETE THE (2) FROM 351.04(A)(2) IN SUBSECTION (A)(11), 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. 41-2012 BE ADOPTED.** Mr. Avant said Item #4 states the following requirement: “When any vehicle displays illegal license plates or fails to display the current lawfully required license plates.” He said he believes there are hundreds who do not display their front license plates, and asked if that issue falls into that category. Chief Morber said that would be an equipment violation. He said if they are in operation, they *could* give a ticket for that; however, they generally do not give tickets for that and use it as a stop. He said this is for towing a public vehicle, so it should have a wrong plate on it. He said sometimes people try to slide a different license on another car. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

RESOLUTION NO. 42-2012

RESOLUTION NO. 42-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – STATE STREET RESURFACING – FROM ROBINSON AVENUE TO HIGHLAND AVENUE. 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 STATE STREET RESURFACING (PID #92719), FROM ROBINSON AVENUE TO HIGHLAND AVENUE, 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. 42-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 43-2012

RESOLUTION NO. 43-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – STATE STREET RESURFACING – FROM WOOSTER ROAD TO ELMWOOD AVENUE. 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 STATE STREET RESURFACING (PID #92721), FROM WOOSTER ROAD TO ELMWOOD AVENUE, 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. 43-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 44-2012

RESOLUTION NO. 44-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – WOOSTER ROAD NORTH – FROM PARK AVENUE TO HOPOCAN AVENUE. 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 WOOSTER ROAD NORTH RESURFACING (PID #92727), FROM PARK AVENUE TO HOPOCAN AVENUE, 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. 44-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 45-2012

RESOLUTION NO. 45-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – ODOT – WOOSTER ROAD WEST – FROM TAYLOR ROAD TO KRANCZ DRIVE. 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 WOOSTER ROAD WEST RESURFACING (PID #92729), FROM TAYLOR ROAD TO KRANCZ DRIVE, 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. 45-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 46-2012

ORDINANCE NO. 46-2012. PRESENTED BY: MR. AVANT. TITLE: 2012 OPERATING AND CAPITAL BUDGET. AN ORDINANCE ADOPTING A BUDGET FOR VARIOUS FUNDS OF THE CITY OF BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2012, 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. 46-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk said the Finance Committee voted to add Ordinance No. 47-2012 to the Agenda.

ORDINANCE NO. 47-2012

ORDINANCE NO. 47-2012. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – HUMAN RESOURCES – EMPLOYEE LIFE INSURANCE, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A RENEWAL CONTRACT DUE TO EXPIRE ON MARCH 31, 2012, WITH LINCOLN FINANCIAL, THE LOWEST AND/OR BEST BIDDER, FOR LIFE INSURANCE FOR CITY EMPLOYEES, FROM APRIL 1, 2012 THROUGH APRIL 1, 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. President Maurer said this ordinance “snuck up on us,” and it involves insurance for our employees. He said a draft was not prepared as ordinarily would be prepared, but everything is aboveboard. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Avant, seconded by Mrs. Debevec, that **ORDINANCE NO. 47-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 34-2012

ORDINANCE NO. 34-2012. PRESENTED BY: MR. ENDRES. TITLE: AMEND BARBERTON CODIFIED ORDINANCES – CHAPTER 1444 – PERMITS AND FEES - BUILDING. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1444, “PERMITS AND FEES,” TO REFLECT INCREASES FOR BUILDING, ELECTRIC, PLUMBING, HVAC, AND OTHER MISCELLANEOUS PERMITS.

First Reading – March 12, 2012. Second Reading – March 26, 2012.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

Mr. Avant said the Finance Committee voted in committee to add the request by the Barberton Community Foundation regarding the confirmation of Ms. Edna Boyle to tonight’s Agenda.

BARBERTON COMMUNITY FOUNDATION – BOARD OF DIRECTORS

Ms. Edna Boyle

Immediately through December 2014

It was moved by Mr. Avant, seconded by Mrs. Debevec, that the appointment of Ms. Edna Boyle to the Barberton Community Foundation’s Board of Directors be confirmed. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said, as stated earlier, that there was a request to go into Executive Session. He said by the Ohio Revised Code, when a City is faced with a court action, collective bargaining, or other confidential matters, under the Open Meetings Law they have a right to go into Executive Session so as not to compromise those proceedings. He said that is the justification for this Executive Session, and he wanted everyone to be aware of what they are doing and why they are doing it.

COMMUNICATION FROM THE MAYOR

Mayor Judge said he would first like to thank Council and everyone for their questions and input for passing the Budget for 2012.

Mayor Judge said he wanted to thank everyone who attended his first Quarterly Meeting for the public. He said he believes they spent two-and-one-half hours there, with questions afterwards from some of the residents. He said there was a good turnout and good questions; it was a good meeting.

Mayor Judge said he wanted to thank all of the departments and employees involved with the teardown of the AP Gas Station on the North End of town and the last house on Canal Street. He said those were two big victories for the City.

Mayor Judge said he wanted to thank everyone for attending the Beautification Reverse Raffle this past Saturday. He said he believes they sold out – 175 tickets. He said there was a good turnout and everyone had a good time.

Mayor Judge said he would like to remind everyone that this Thursday is the second “Change for Change” at the Sun Inn. He said the charity benefiting from this is the Rotary Camp from the YMCA. He said it will be from 4:30 to 7:00 p.m.

EXECUTIVE SESSION:

President Maurer said he would entertain a motion to adjourn into executive session to discuss the City’s pending litigation. It was moved by Mr. Soyars, seconded by Mr. Avant, to adjourn into executive session in Council Chambers. Mr. Avant, Mrs. Debevec, Mr. Endres, Mrs. Frey, Mr. Lysenko, Mr. Megyes, Mr. Soyars and Mr. Wagner voted “yea.” Motion carried. In addition to the eight Council Members and President Maurer, Mrs. Okolish Miller (Law Director), Mayor Judge, Mr. Palmer (Director of Public Service), and Police Chief Morber were also present.

Adjourned into Executive Session at 8:04 p.m.

President Maurer said the Executive Session was adjourned at 8:13 p.m.

It was moved by Mrs. Debevec, seconded by Mr. Endres, to adjourn the Regular Legislative Meeting. All Members voted “yea.” Motion carried.

Adjourned: 8:14 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council

