

Council met in **REGULAR SESSION** on Monday, April 23, 2012, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Debevec, Endres, Frey, Lysenko, Megyes, and Soyars. Mr. Avant and Mr. Wagner were absent. The Pledge of Allegiance to the Flag was recited and Mrs. Frey gave the Invocation.

It was moved by Mr. Endres, seconded by Mr. Megyes, to approve the Minutes of the Public Hearing held on Monday, April 9, 2012, 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, April 9, 2012, as presented. All Members voted “yea.” Motion carried.

It was moved by Mrs. Debevec, seconded by Mrs. Frey, to accept the Finance Department Report for March 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**

Mrs. Cathy Labbate asked Council to reconsider the “Animal Feed Nuisance Prevention Ordinance,” an ordinance that was before Council several years ago. She said there is a real problem with people feeding cats and leaving the food outside attracting other animals. She said over the years, she has gone to her councilman and to the Health Department when it was still in Barberton, but nothing was ever done. She said she wants to know what they need to do to get this ordinance passed.

**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. 60-2012**

**ORDINANCE NO. 60-2012. PRESENTED BY: MR. ENDRES. TITLE: AMEND SECTIONS 1130 & 1360 – BARBERTON DEVELOPMENT CODE. AN ORDINANCE AMENDING SECTIONS 1130 (ALLOWABLE USES) AND 1360 (DEFINITIONS) OF THE BARBERTON DEVELOPMENT CODE.** It was moved by Mr. Endres, 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 Mr. Endres, seconded by Mr. Soyars, that **ORDINANCE NO. 60-2012 BE ADOPTED**. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 61-2012**

**ORDINANCE NO. 61-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – GPD – RESURFACING OF WOOSTER ROAD NORTH – FROM PARK AVENUE TO HOPOCAN AVENUE. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GPD, IN THE AMOUNT OF \$35,500, FOR ENGINEERING SERVICES, FOR THE RESURFACING OF WOOSTER ROAD NORTH, 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 **ORDINANCE NO. 61-2012 BE ADOPTED**. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 62-2012**

**ORDINANCE NO. 62-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – GPD – SR 619 / I-76 INTERCHANGE PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GPD, IN THE AMOUNT OF \$33,400, FOR ENGINEERING SERVICES FOR THE SR619/I-76 INTERCHANGE PROJECT, 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. 62-2012 BE ADOPTED**. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 63-2012**

**ORDINANCE NO. 63-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – GPD – 31<sup>ST</sup> STREET WIDENING PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GPD, IN THE AMOUNT OF \$27,150, FOR ENGINEERING SERVICES FOR THE 31<sup>ST</sup> STREET WIDENING PROJECT, 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. 63-2012 BE ADOPTED**. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 64-2012**

**ORDINANCE NO. 64-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – GPD – MISCELLANEOUS RESIDENTIAL STRIP PAVING. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GPD, IN THE AMOUNT OF \$20,000, FOR ENGINEERING SERVICES FOR MISCELLANEOUS RESIDENTIAL STRIP PAVING, 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. 64-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 65-2012**

**ORDINANCE NO. 65-2012. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – GPD – RESURFACING OF THIRD STREET, SE – FROM ROBINSON AVENUE TO THE BRIDGE PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GPD, IN THE AMOUNT OF \$12,000, FOR ENGINEERING SERVICES, FOR THE RESURFACING OF THIRD STREET, SE, FROM ROBINSON AVENUE TO THE BRIDGE PROJECT, 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. Bauschlinger, Building Commissioner, said this is a collaboration among three groups: Testa Builders is doing the sidewalk along their development; the Barberton Board of Education is doing the curb and sidewalk on their side; and the City of Barberton is doing the curbing and the resurfacing of the street. He said this process has taken about a year, but it is nice that all three groups have worked together to get this done. President Maurer said this is good especially when you consider that there has never been a sidewalk in all the years the kids were walking to U. L. Light School. 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 **ORDINANCE NO. 65-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 66-2012**

**ORDINANCE NO. 66-2012. PRESENTED BY: MR. LYSENKO. TITLE: PURCHASE OF STORMWATER BACKHOE. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH “OHIO CAT” OF NORTH CANTON, TO PURCHASE A NEW STORMWATER BACKHOE, FOR THE ESTIMATED COST OF \$90,000, THROUGH THE OHIO STATE COOPERATIVE PURCHASING PROGRAM, PURSUANT TO ORDINANCE NO. 42-1995, 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. 66-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 67-2012**

**ORDINANCE NO. 67-2012. PRESENTED BY: MR. LYSENKO. TITLE: PURCHASE OF FULL SIZE DUMP TRUCK – STREET DEPARTMENT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH MIAMI VALLEY INTERNATIONAL, TO PURCHASE A NEW FULL SIZE DUMP TRUCK, IN THE AMOUNT OF \$127,221, THROUGH THE OHIO STATE COOPERATIVE PURCHASING PROGRAM, PURSUANT TO ORDINANCE NO. 42-1995, 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. 67-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 68-2012**

**ORDINANCE NO. 68-2012. PRESENTED BY: MR. LYSENKO. TITLE: PURCHASE OF MEDIUM SIZE DUMP TRUCK – STREET DEPARTMENT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH MIAMI VALLEY INTERNATIONAL, TO PURCHASE A NEW MEDIUM SIZE DUMP TRUCK TERRASTAR, IN THE AMOUNT OF \$80,559, THROUGH THE OHIO STATE COOPERATIVE PURCHASING PROGRAM, PURSUANT TO ORDINANCE NO. 42-1995, 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. 68-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 69-2012**

**ORDINANCE NO. 69-2012. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT - UTILITIES. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH FIRST ENERGY SOLUTIONS CORPORATION AS THE ELECTRICAL SUPPLIER FOR THE FOLLOWING CITY PROPERTIES: 3365 SUMMIT STREET (WATER TREATMENT PLANT), 60 SNYDER AVENUE (PUMP STATION), AND 5087 S. VAN BUREN AVE. (WASTE WATER TREATMENT PLANT), 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. 69-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 70-2012**

**ORDINANCE NO. 70-2012. PRESENTED BY: MR. SOYARS. TITLE: PURCHASE OF CRUISERS – GSA AUTO CHOICE SYSTEM – POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH GSA AUTO CHOICE SYSTEM, TO PURCHASE TWO (2) 2013 FORD POLICE INTERCEPTOR SEDANS, FOR THE COST OF \$23,637.03 EACH, PLUS \$16,000 TO INCLUDE THE MOUNTINGS OF MDT SYSTEMS AND ADDITIONAL EQUIPMENT FOR BOTH VEHICLES, PURSUANT TO ORDINANCE NO. 42-1995, 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. 70-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 71-2012**

**ORDINANCE NO. 71-2012. PRESENTED BY: MR. SOYARS. TITLE: FOUNDATION GRANT REQUEST – POLICE DEPARTMENT – BIKE RODEO. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PUBLIC SAFETY TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$1,000, TO HELP FINANCE THE POLICE DEPARTMENT’S BIKE RODEO TO TEACH BICYCLE SAFETY TO OUR CHILDREN, 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. 71-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk said a “Whereas” has been added to Ordinance No. 72-2012; the new ordinance is dated 04/23/12.

**ORDINANCE NO. 72-2012**

**ORDINANCE NO. 72-2012. PRESENTED BY: MR. MEGYES. TITLE: TRANSFER OF PROPERTY – BARBERTON HISTORICAL SOCIETY – NATIONAL HOUSE RESTORATION PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A “QUIT CLAIM DEED” FOR THE BARBERTON HISTORICAL SOCIETY TO TAKE OWNERSHIP OF TWO VACANT PARCELS, #01.11116 AND #01.06649, LOCATED ON WOOSTER ROAD NORTH, TO ASSIST IN THE NATIONAL (MALONEY) HOUSE RESTORATION PROJECT, FOR ONE DOLLAR (\$1.00), 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. 72-2012 BE ADOPTED.** Mr. Megyes said none of this would be possible if it were not for Brian Canale. He said because of his kindness and generosity, the Maloney House -- the oldest house in Barberton -- has been saved. He said not only did Mr. Canale save it, it is going to become a museum for people to enjoy years from now. He said Mr. Canale does a lot for this City and he commends him. President Maurer said this is really an outstanding gesture. He asked if the historical room from the Library would be moved over to this new facility. He was told it would remain independent. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 73-2012**

**ORDINANCE NO. 73-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION – HUMAN RESOURCES. AN ORDINANCE APPROPRIATING \$25,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE HUMAN RESOURCES DEPARTMENT OPERATING BUDGET, FOR PROFESSIONAL SERVICES, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mrs. Frey, that **ORDINANCE NO. 73-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 74-2012**

**ORDINANCE NO. 74-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION – SAFETY DEPARTMENT. AN ORDINANCE APPROPRIATING \$1,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE SAFETY DEPARTMENT OPERATING BUDGET, TO BE USED FOR EQUIPMENT, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mrs. Frey, that **ORDINANCE NO. 73-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

President Maurer said it was passed in the Finance Committee this evening to add the following two ordinances to the Agenda. He said there is going to be a consolidation of equipment for a Master Lease-Purchase Agreement. He said Ordinance No. 55-2012 is an existing Lease Purchase Agreement to purchase a Vactor Jet Truck. He said the Finance Director suggested that the Vactor Jet Truck be included with the other equipment purchased to get a better rate. He said, therefore, Ordinance No. 55-2012 is going to be repealed in order to include that purchase in Ordinance No. 76-2012.

**ORDINANCE NO. 75-2012**

**ORDINANCE NO. 75-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: REPEAL OF ORDINANCE NO. 55-2012 – PURCHASE OF VACTOR JET TRUCK. AN ORDINANCE REPEALING ORDINANCE NO. 55-2012. “LEASE PURCHASE AGREEMENT – UTILITIES – 2012 VACTOR JET TRUCK,” IN ORDER TO INCLUDE SAID PURCHASE IN A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT WITH PNC EQUIPMENT FINANCE, LLC, (ORD. NO. 76-2012), AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mrs. Frey, that **ORDINANCE NO. 75-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 76-2012**

**ORDINANCE NO. 76-2012. PRESENTED BY: MRS. DEBEVEC. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT WITH PNC EQUIPMENT FINANCE, LLC, AS LESSOR, AND SEPARATE LEASE SCHEDULES THERETO AND ESCROW AGREEMENT FOR THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT WITHIN THE TERMS HEREIN PROVIDED; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mrs. Frey, that **ORDINANCE NO. 76-2012 BE ADOPTED.** All Members voted “yea.” Motion carried

## **SECOND READING OF ORDINANCES AND RESOLUTIONS**

None.

## **THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

## **APPOINTMENTS**

None.

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

President Maurer said he would entertain a motion to excuse Mr. Avant and Mr. Wagner from tonight's meeting. It was moved Mr. Soyars, seconded by Mrs. Debevec, to excuse Mr. Avant and Mr. Wagner from tonight's proceedings. All Members voted "yea." Motion carried.

President Maurer said next Monday is the fifth Monday of the month, so there will be no meeting. He said the Committee of the Whole Meeting will be the following Monday, May 7<sup>th</sup>.

President Maurer said he would like to remind all council members and department heads that our Council Retreat will be Saturday, May 5<sup>th</sup>, at Thanos's Restaurant at 8:00 a.m.

President Maurer said to please remember the Wagner Family in your prayers. He said a great man once said that behind every great man there is an even greater woman ... and Ruth Wagner was, by far, one of the finest ladies he has ever known. He said it is a terrible loss to John and his family, and to the City as a whole.

Mr. Megyes said last Thursday he had a ward meeting. He said he would like to thank Steve Kelleher -- who did a great job with a slide presentation -- the Mayor, Mr. Palmer, Mr. Stefan, Diane Breiding, and Rich Muller from *The Herald* for attending. He said most of all he wanted to thank his constituents because the place was packed!

Mr. Megyes said on May 3<sup>rd</sup> there will be a Parks and Recreation Commission meeting at 4:30 at the Active Adult Center.

## **COMMUNICATION FROM THE MAYOR**

Mayor Judge said the Barberton Health District Meeting will be held in Council Chambers on Wednesday, at 5:30 p.m.

Mayor Judge said he appreciates Council passing the legislation for the donation of the two parcels to the Historical Society. He said it is a nice victory to preserve some of our history and to create an historical attraction in town.

Mayor Judge said "Change for Change" is this Friday at Hone's Corner Café. He said all donations will be given to Habitat for Humanity.

Mayor Judge said the Lake Apartment Complex on Lake Street and the bath houses at the Lake will be torn down in the next few months.

Mayor Judge said he is working with the Foundation and the BCDC to get some movement on the welding facility through Stark State. He said to look for that project to start. He said it would probably be an 18-20 week project, with completion around the first of January of 2013.

Mayor Judge said to keep the Wagner Family in your prayers.

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

Adjourned: 8:15 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council