

Council met in **REGULAR SESSION** on Monday, December 17, 2012, 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, a Moment of Silence was taken for the victims and families of the school shooting at Newtown, Connecticut, this past week, and Mrs. Debevec gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Special Session held on Monday, December 3, 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, December 10, 2012, 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 November 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

President Maurer said because there are many new faces in the gallery, he would like to go over the protocol for speaking at council meetings. He said people are invited to give input to the Body and comments must be restricted to five minutes. He said it is not a debating society this evening. He said we do not exchange comments. He said this is done strictly for order purposes. He said this is an opportunity to give input and that is it. He said we do not permit anybody to heckle somebody if there is an opposing viewpoint of one of the other speakers. He said that is just good manners.

The following speakers addressed Council to oppose Ordinance No. 226-2012, the “Animal Feed Nuisance Prevention” ordinance: Mr. Toby Franks – 401 Ohio Boulevard, Louisville; Mrs. Linda Bernat – 4677 Honeymoon Drive, N. Canton; Dr. Nancy Somerick – 638 E. Baird Avenue; Mr. Charles Arthur Richard – 1655 Armesby Circle, N. Canton; Ms. Leica Bowsher – 1034 Columbus Avenue, Barberton; Mrs. Penny Sells – 790 Coventry Road, Barberton; Ms. Deborah A. Asher – 74 1st Street, SE, Apt. 13, Barberton; Mrs. Linda Beane, 3138 Oakwood Drive, Cuyahoga Falls; Ms. Tracy A. Popio, 1226 Allendale Avenue, Akron; Mrs. Anna Romito, 464 Malvern Road, Akron; Ms. Deanne Christman-Resch, 11 S. Rose Boulevard, Akron; Mr. Bryan Poorman, 48 Schwinn Drive, Barberton; and Mr. Jerry Toth, 627 E. Paige Avenue, Barberton. Some of their concerns were: leaving for work and returning from work in darkness, food could not be put down legally; a vindictive neighbor could “plant” food in their neighbor’s

yard; it would interfere with the TNR Program; it would lead to unwanted police searches; it would be expensive to enforce; feeding on a consistent basis, the animals become dependent on it, so it would be cruel to stop the feedings; need the cats to control the rodent problems in the neighborhoods; not feeding the animals is inhumane; does not want to be considered a “criminal” for feeding wildlife during the winter months; the penalty is too high and there is no timeline in the ordinance for the warning.

The following speaker addressed Council to support Ordinance No. 226-2012, the “Animal Feed Nuisance Prevention” ordinance: Mr. Jerry Fox, 1433 Saxon Circle, Barberton.

Mr. Stephen Kelleher, 7753 Fulton Drive, Jackson Township, said he has been nominated by the Barberton Community Foundation to fill one of the seats currently filled by an outside director. He said he was born in Barberton, attended Barberton City Schools, and lived in Barberton until he was approximately 30 years old. He said he is the President of the Historical Society and also the author of several Barberton history books. He said he is asking to be approved by Council because he feels he can make a difference in that organization for the benefit of Barberton.

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. 217-2012

RESOLUTION NO. 217-2012. SPONSORED BY: MR. AVANT. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – PAULA BEAGLE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO PAULA BEAGLE FOR A TOTAL OF THIRTY (30) YEARS OF DEDICATED GOVERNMENT SERVICE, FOURTEEN (14) OF THOSE YEARS GIVEN TO THE CITY OF BARBERTON AS DEPUTY CLERK/COMPUTER SYSTEM ANALYST IN THE BARBERTON MUNICIPAL COURT, CLERK OF COURT’S OFFICE, AND AS INFORMATION SYSTEMS ADMINISTRATOR FOR THE CITY OF BARBERTON. *First Reading – December 17, 2012.*

ORDINANCE NO. 218-2012

ORDINANCE NO. 218-2012. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT – LAW DEPARTMENT – LEGAL DEFENDER’S OFFICE – S.C. AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A ONE-YEAR CONTRACT WITH THE LEGAL DEFENDER’S OFFICE OF SUMMIT COUNTY, TO PROVIDE LEGAL REPRESENTATION TO INDIGENT PERSONS IN THE AMOUNT OF \$160 PER CASE, 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. 218-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 219-2012

ORDINANCE NO. 219-2012. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS – LAKE ANNA GAZEBO. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$25,000, TO ASSIST IN THE RENOVATION AND NEEDED IMPROVEMENTS TO THE GAZEBO AT LAKE ANNA, 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. 219-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 220-2012

ORDINANCE NO. 220-2012. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS – “A DAY OF PLAY.” AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION – YOUTH PHILANTHROPY PROGRAM, IN THE AMOUNT OF \$2,400, TO ASSIST IN PROVIDING FOR THE COMMUNITY SUMMER KICK OFF PROGRAM, “A DAY OF PLAY,” 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. 220-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 221-2012

ORDINANCE NO. 221-2012. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS – “SENIOR SIP & PAINT.” AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$1,000, FOR THE “SENIOR SIP & PAINT” PROGRAM, A MONTHLY ART PROGRAM FOR SENIORS, 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. 221-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 222-2012

ORDINANCE NO. 222-2012. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – BEAUTIFICATION – “RECYCLE BARBERTON” PROGRAM. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE PARKS AND RECREATION’S BEAUTIFICATION DEPARTMENT TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$1,000, TO BE USED FOR THE “RECYCLE BARBERTON” 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. 222-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 223-2012

ORDINANCE NO. 223-2012. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – BURGESS & NIPLE – WOLF CREEK DAM PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE, IN THE AMOUNT OF \$155,000, TO PROVIDE PROFESSIONAL ENGINEERING DESIGN, BIDDING AND CONSTRUCTION SERVICES FOR THE RESERVOIR AERATION SYSTEM FOR THE WOLF CREEK RESERVOIR, 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. 223-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 224-2012

ORDINANCE NO. 224-2012. PRESENTED BY: MR. WAGNER. TITLE: INCREASE IN CONTRACT – CT CONSULTANTS – SNYDER AVENUE LIFT STATION. AN ORDINANCE AUTHORIZING AN INCREASE IN THE AMOUNT OF THE CONTRACT WITH CT CONSULTANTS FOR \$82,000, DUE TO ADDITIONAL AND NECESSARY DESIGN SERVICES NEEDED FOR THE IMPROVEMENTS AT THE SNYDER AVENUE 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. 224-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 225-2012

RESOLUTION NO. 225-2012. PRESENTED BY: MR. AVANT. TITLE: INTERGOVERNMENTAL AGREEMENT – SUMMIT COUNTY – LABOR RELATIONS CONSULTING SERVICES. A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF BARBERTON TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF SUMMIT, DEPARTMENT OF HUMAN RESOURCES, TO PROVIDE LABOR RELATIONS CONSULTING SERVICES IN THE CITY’S COLLECTIVE BARGAINING NEGOTIATIONS WITH THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION (OPBA), FOR A FEE OF \$60 PER HOUR, 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. 225-2012 BE ADOPTED.** Mr. Lysenko asked if there have been any meetings between the City and the OPBA regarding the wage re-opener. Mayor Judge said there was an initial meeting with them several weeks ago. Mr. Lysenko asked what the result of the meeting was. Mayor Judge said the wage re-opener was discussed and they talked about going to Fact Finder. Mr. Lysenko asked if there were any

productive negotiations. Mayor Judge said there were none, which is why they were going down this path to have it resolved. Mr. Lysenko said he would be voting “no” on this because the City has a Director of Human Resources and Labor Relations, a position created in Ordinance No. 253-2001, who is an attorney and who is well-compensated by the City. He said another reason for his vote is that there is no cap in the agreement. He said thirdly, he would like to see more meetings to see if this can be settled without the help of outside counsel. President Maurer called for the vote on adoption. Mr. Soyars, Mrs. Debevec, Mrs. Frey, Mr. Avant, Mr. Megyes, Mr. Endres. Mr. Wagner and Mr. Lysenko voted “nay.” Motion carried, 6-2.

ORDINANCE NO. 226-2012

ORDINANCE NO. 226-2012. PRESENTED BY: MRS. FREY. TITLE: ANIMAL FEED NUISANCE PREVENTION. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON ENACTING AN ORDINANCE WHEREBY LEAVING FOOD UNATTENDED AND AVAILABLE FOR STRAY AND WILD ANIMALS IS PROHIBITED, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mr. Wagner, that **ORDINANCE NO. 226-2012 BE ADOPTED.** Mr. Megyes said his neighbor was feeding strays a lot of food and he would see wild animals go up to the second floor. He said his dog became ill and it was diagnosed that it was bitten by an opossum or coon and had “coon dog fever.” He said this happens to a lot of coon dogs. He said he believes everyone has lost sight of what this ordinance is about. Mr. Megyes said someone asked if we know what our constituents want. He said he has asked a lot of people in his ward about this problem and they are for this ordinance. He said he is for it also. Mr. Avant said he would first like to commend the committee -- Mrs. Frey, Mr. Endres, and Mr. Wagner -- for all the time they put into this, sitting through hours and weeks of meetings, starting back to the beginning of September. He said he would especially commend Mrs. Frey for taking the load. He said for her first year in Council, she handled everything like a champ! He said she took a lot of abuse and a lot of rudeness and she hung in there and did not give in to this bickering. Mr. Avant said he would also like to commend Mrs. Matuch because he knows as Council Clerk, she gets a lot of phone calls and requests and takes care of things we do not see when Council has an issue. He said we get complaints that people are afraid to let their children play in their yards because of feces and complaints of the people who put time and money into their yards to be able to use it and they do not want to use it. He said he hears complaints of the people who do not want to work in their flower gardens or gardens anymore because of digging into the feces that is left. He said it is Council’s responsibility to respond to *all of you* (in the gallery) and we have to respond to *them*. Mr. Avant said we feel we are doing the best that we can. He said he has heard the comment that this is a “flawed” ordinance. He said he thinks it is a flawed ordinance because he feels it should have been a total ban on outdoor feeding. He said in his neighborhood somebody stopped feeding outdoors on his porch because too many cats were coming around. Mr. Avant said the cats dissipated after he stopped feeding. He said we have to respond to everyone -- not only a loud minority. He said one thing when talking about feeding pets -- pets are fed in the house. He said this is a really weak ordinance because a person is still allowed to put food out during the day. Mr. Avant said he does not understand the complaints about the ordinance. He said we are just trying to protect people from the wild animals that do come in from the outskirts of town. He said he lives in the heart of the neighborhood, where homes are

close together, and they have several cats running around throughout the neighborhood, so they have the problems with the feces and the smell. He said he dealt with three different areas when we had the Barberton Health Department. Mr. Avant said Mike Meucel would take care of the outdoor feeding problems. He said Mike had them stop the outdoor feeding and the problem went away. He said the County did come and give us those complaints, but they did not come down one time to help Council or Mrs. Frey. He said they sent the complaints, but they did not send anyone here to give suggestions on how to deal with this situation. He said this is one step towards helping all neighborhoods throughout the City -- not just a few. He said we need to vote for this, but he thinks it could be improved upon as time goes on. Mrs. Frey said she wants to thank her colleagues for standing up for her. She said she does not think that a lot of the people in the gallery tonight have even read the ordinance or they would not continue to say the ordinance is a feeding "ban." Mrs. Frey said a person is allowed to feed animals during the daylight hours and, according to all of the authorities she has talked to, that is sufficient for them to get nutrition. President Maurer gaveled the people talking in the gallery and told them this was not an open debate. Mrs. Frey said we are not trying to starve animals and we are not trying to kill animals. She said they did not single out ferals or anything like that. She said one of the gallery attendees would always say that other people are being disrespectful to her. Mrs. Frey said to her that she is interrupting and that she is being disrespectful right now to her. She said this person has made it sound like this just happened, but this has been going on since September and she has dominated every meeting. Mrs. Frey said with that, she is closing. (The people in the gallery proceeded to leave.) Mr. Wagner said there are two sides to every issue. He said what Council did was try to reach middle ground with this ordinance. He said he is an animal lover; he has a dog that he loves. He said we have read and pondered over all the evidence put before us. Mr. Wagner said, like Mrs. Frey, he has talked to people on the outside -- people from Summit County and the City of Akron. He said we made it very lucrative where a person can feed the animals during daylight hours. He said the animals will adapt to that. He said that leaving food out at night draws in all kinds of wild animals like opossums, skunks, etc. Mr. Wagner said we have had those problems in the Third Ward where skunks would come into our yards and tear up our yards looking for grubs. He said we have worked very hard on this, we have spent a lot of time on this issue, and he has to support this ordinance. Mr. Lysenko said when he first got on Council, he got a call from a constituent wanting him to call for this type of legislation or revive the original. He said he declined to do it at that point because he thought we should also have an animal control officer, at least part time. He said the spay and neuter program also helps. He said he thinks it needs to be on multiple fronts. Mr. Lysenko said he is going to vote for this, although he does not feel the police force should be tasked with the enforcement of this ordinance. He said, however, in certain situations they will have the opportunity to exercise their own judgment as to whether it should be enforced or not. He said the ordinance also calls for a warning before any violation is cited. He said it is a very forgiving ordinance. Mr. Lysenko said he does not know who called from the County or who wrote this letter, but he can tell everyone that the County has animal control revenue of \$847,702 in 2011 and they projected \$873,000 of revenue in 2012. He said he talked to someone in Akron and they said Akron has one animal control officer for Akron, with somewhere between ten and twelve employees overall. He said when someone from Barberton calls Summit County, they are told to call the police. Mr. Lysenko said he does not know how much money is actually being spent on animal control officers at the County level, but he thinks whatever it is, it needs to be re-evaluated. He said he found it funny to be getting a complaint from that end when we

should be receiving something back from our dog license fees, raised from nine dollars to fourteen dollars the past couple of years, fees that everyone in Barberton and Norton pays. He said he would be voting “yes.” President Maurer said he thinks this ordinance really took on a life of its own and became a target against cats. He said cats, feral or otherwise, do provide a very good service to the City in terms of rodent control and this type of thing. He said he would be opposed to an out-and-out ban because there are cats that become accustomed to the feedings and are reliant on humans. President Maurer said the one issue that disturbs him on the feeding outdoors is when he was Third Ward councilman, he was called out to watch a woman coming in from Wadsworth with bags and bags of cat food, leaving it at her deceased father’s home that she maintained. He said he called the Health Department and was told there was nothing they could do because there was no law. He said the reality is that this was an extreme case where there was absolutely nothing they could do, even though it was causing a serious problem for the neighbors. President Maurer said he has never seen a law coming before this Body that was perfect, but he has never seen a law that has been worked so hard by the council committee to try to get it right -- or at least accommodate -- the concerns to the best of their ability. He said if there is a condition where someone takes advantage of the situation because we do not have a law, this could be the way to deal with it. He said there will be no Gestapo stomping through yards in the middle of the night. He said a lot of these things are complaint-driven, as most laws on the books are, unless it is something you can see from the street. President Maurer said he feels the committee made every accommodation possible, and he does not think it is going to be an undue burden. He said he believes the cat population will still be fed by the compassionate people here. He said if this is going to stop our spay and neuter program, which was very generously provided by some of our residents, there is nothing we can do about that. He said he does not see how this ordinance is any type of hindrance to that program. Mr. Endres said there are two sides to this and we each have our own constituency to deal with on this issue. He said we all have had the same type of complaints coming to us. He said he is a victim of the torn-up flower beds and cat waste. He said he is a pet person; he has had cats and dogs. He said his dogs come inside to eat and sleep, his animals are restrained in the yard by a chain, and he cleans up after them. President Maurer said he also wanted to mention that we are now seeing coyotes in the South End of Barberton. He said coyotes will eat anything ... including cats! President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 227-2012

ORDINANCE NO. 227-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – MAYOR’S CONFERENCE ROOM. AN ORDINANCE APPROPRIATING \$5,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE MAYOR’S OPERATING BUDGET, TO BE USED TO UPGRADE TECHNOLOGY IN THE MAYOR’S CONFERENCE ROOM, 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. 227-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 228-2012

ORDINANCE NO. 228-2012. PRESENTED BY: MR. AVANT. TITLE: 2013 TEMPORARY OPERATING BUDGET. AN ORDINANCE ADOPTING A TEMPORARY 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. 228-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 229-2012

ORDINANCE NO. 229-2012. PRESENTED BY: MR. AVANT. TITLE: YEAR END APPROPRIATION OF FUNDS. AN ORDINANCE MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO COVER EXPENSES TO THE END OF THE YEAR, 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. 229-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 230-2012

ORDINANCE NO. 230-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – UTILITIES – WOLF CREEK DAM PROJECT. AN ORDINANCE APPROPRIATING \$155,000 FROM THE UNAPPROPRIATED ITEM OF THE WATER FUND TO THE WATER FUND CAPITAL BUDGET, TO BE USED FOR ADDITIONAL SCOPE ON THE WOLF CREEK DAM 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. 230-2012 BE ADOPTED.** Mr. Lysenko said he would like Mr. Stender to explain the general purpose of this additional scope of the Wolf Creek Dam Project. Mr. Stender, Director of Utilities, said to summarize, we have ongoing projects there which were put aside years ago dealing with the dam improvement itself. He said this is to replace the valves in the Dam and to extend the intakes for the raw water into the plant out into the reservoir body itself. He said those were planned. Mr. Stender said the second one concerns the extensions further out that were also identified and enhanced and verified by independent studies by independent consultants brought on to help identify what to do with the problems that countered with the manganese levels in the Dam. He said the third part of the project, which is specific in dealing with the manganese problem and which is the most cost-effective way to deal with this, is to oxidize the manganese in the water with aeration. He said this comes after evaluations over the past two to three years from The University of Akron, Ganzer Water Treatment, and our consultant, MWH. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 231-2012

ORDINANCE NO. 231-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – UTILITIES – SNYDER AVENUE LIFT STATION. AN ORDINANCE APPROPRIATING \$82,000 FROM THE UNAPPROPRIATED ITEM OF THE UTILITIES SEWER OPERATING FUND TO THE SEWER FUND CAPITAL BUDGET, TO BE USED FOR ADDITIONAL IMPROVEMENTS AT THE SNYDER AVENUE LIFT STATION, 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. 231-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 232-2012

ORDINANCE NO. 232-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – UTILITIES – LANDIS GYR / CELL NET. AN ORDINANCE APPROPRIATING \$22,454.93 FROM THE UNAPPROPRIATED ITEM OF THE WATER & SEWER FUNDS TO THE WATER & SEWER ADMINISTRATIVE OPERATING BUDGETS, TO CONTINUE THE SOLE SOURCE MAINTENANCE AGREEMENT WITH LANDIS GYR / CELL NET, CONSULTANTS FOR THE AUTOMATIC METER READING SYSTEM, 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. 232-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 202-2012

ORDINANCE NO. 202-2012. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – BURGESS & NIPLE – INFLOW / INFILTRATION PROGRAM – PRIVATE PROPERTY. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE, IN AN AMOUNT NOT TO EXCEED \$28,000, TO PROVIDE CONSULTING SERVICES FOR AN INFILTRATION AND INFLOW PROGRAM FOR PRIVATE PROPERTY ON SANITARY SEWERS AND WATER SUPPLY LINES, AND DECLARING AN EMERGENCY.

First Reading – December 10, 2012. Second Reading – December 17, 2012.

ORDINANCE NO. 205-2012

ORDINANCE NO. 205-2012. PRESENTED BY: MR. WAGNER. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – CHAPTER 1040-SEWERS; CHAPTER 1044-WATER. AN ORDINANCE AMENDING CHAPTER 1040, “SEWERS,” AND CHAPTER 1044, “WATER,” OF THE BARBERTON CODIFIED ORDINANCES TO INCLUDE THAT PROPERTY OWNERS ARE RESPONSIBLE FOR SEWER AND WATER LINES CONNECTING THEIR SERVICES TO CITY LINES, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 215-2012

RESOLUTION NO. 215-2012. PRESENTED BY: MR. AVANT. TITLE: BARBERTON COMMUNITY FOUNDATION - "NUMBER AND QUALIFICATIONS OF DIRECTORS." A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING AN AMENDMENT TO ARTICLE III, SECTION I, OF THE CODE OF REGULATIONS OF THE BARBERTON COMMUNITY FOUNDATION ENTITLED, "NUMBER AND QUALIFICATIONS OF DIRECTORS," AND DECLARING AN EMERGENCY. *First Reading – December 10, 2012. Second Reading – December 17, 2012.* 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. 215-2012 BE ADOPTED.** All Members voted "yea." Motion carried.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

BARBERTON COMMUNITY FOUNDATION – Board of Directors

First Reading December 10, 2012. Second Reading – December 17, 2012.

3-year Terms

Michael Chisnell re-appointment January 2013 – December 2015

It was moved by Mr. Avant, seconded by Mrs. Debevec, to confirm the re-appointment of Michael Chisnell to the Board of Directors of the Barberton Community Foundation. All Members voted "yea." Motion carried.

Stephen Kelleher appointment January 2013 – December 2015

It was moved by Mr. Avant, seconded by Mrs. Debevec, to confirm the appointment of Stephen Kelleher to the Board of Directors of the Barberton Community Foundation. All Members voted "yea." Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said Council has wrapped up another year. He said he wanted to thank all members of City Council for the outstanding jobs they did.

Mr. Endres said the Board of Zoning Appeals Meeting scheduled for this Thursday has been cancelled.

COMMUNICATION FROM THE MAYOR

Mayor Judge said as we approach the holiday season, he would like everyone to keep the families and residents of Newtown, Connecticut, in their thoughts and prayers.

Mayor Judge said this past week was the final Change for Change event. He said they collected over \$195.00 for Springtime of Hope. He said the total was over \$10,000 for the year in raising money for thirteen non-profits. He said he appreciates everyone for being a part of that.

Mayor Judge said the third sporting activity against Alcoa took place. He said we beat them in basketball, we beat them in softball, and we *let* them win in football. He said it was another good event. He said it was toys for Barberton families through the Salvation Army. He said we lost 19-14, so they have the bragging rights for the next few months.

Mayor Judge said they continue to work on the Budget. He said his computer totally crashed, so there was a little setback; however, Mr. Flickinger had all the records. He said they will get it to Council as soon as possible.

Mayor Judge said as we move out of 2012 and into 2013, he wants to sincerely thank all of Council, the department heads, and all the employees for making his first year as Mayor a great one. He said he will build on each successful year.

Mayor Judge said he would like to wish everyone Happy Holidays and a Merry Christmas!

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

Adjourned: 9:27 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council