

Council met in **REGULAR SESSION** on Monday, February 8, 2016, at 7:33 P.M. in the Council Chambers with President Maurer presiding. Members present: Angeloff, Coburn, Debevec, Frey, Megyes, Palmer, Soyars, and Conrad-Wokojance. 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 25, 2016, as presented. All Members voted "yea." Motion carried.

It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, to accept the Finance Department Report for January 2016, 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.

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.

CITIZENS ADDRESSING COUNCIL

John Lysenko, 339 E. Tuscarawas, Barberton. Mr. Lysenko stated he was there to speak on behalf of Steve Kelleher. He said he is a friend of his. He said he has known him for a while now and he urges them to confirm his nomination to the Barberton Community Foundation Board of Directors. He reminded them the last time his name came up for nomination it was an unanimous approval and they specifically discussed (at the time he was on council) the residency provisions of the Barberton Community Foundation Charter and that the fact that he wasn't a resident didn't preclude him from serving and the fact he served since then, from what he heard and from what he knows, in a fine manner. Mr. Lysenko stated he doesn't know what the reasons would be for not confirming his nomination this time. He said he heard some complaints about the Depot and the sale of the Depot. He stated his understanding of it is it that it is going to be a business and it is going to be a privately funded business standing on its own. He said he thinks that is what we want in Barberton and it looks, from what he has seen and heard like a very nice business and he does not know if we could want for something better than that. He stated he could certainly understand where some people would have wanted the Historical Society to hold onto it indefinitely but he doesn't think that is what they are here for. Mr. Lysenko said Steve served here as a volunteer on behalf of the City on many different capacities over the years that he has seen – Mum Fest Committee being one of them, the Historical Society of course which has been around for a long time and he thinks it is a great thing for the City of Barberton to have and he volunteers his time for that so he would urge them to confirm his nomination.

Jacob Schnedetz, 1073 North Court, Barberton. Mr. Schnedetz stated he was there to speak on behalf of Charity Baptist Church. He said they are there to ask again what the needs of the community are. He they are ready to serve, willing to serve and ready to make a difference in the community. He stated the last time they were there they heard about “human trafficking project” and they were wondering if they could get some information on that and if they could help or get involved with that.

President Maurer stated Mr. Stonkus, the Community Foundation Director is here so when it comes to the Kelleher nomination that Mr. Lysenko spoke about, if you have any questions Mr. Stonkus will be happy to answer those.

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 04-2016

ORDINANCE NO. 04-2016. PRESENTED BY: MRS. CONRAD-WOKOJANCE. TITLE: 2016 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 2016 RESIDENTIAL DEMOLITION PROGRAM, IN THE AMOUNT OF \$4,820 PER DWELLING FOR THE DEMOLITION OF 25, MORE OR LESS, RESIDENTIAL STRUCTURES, USING CDBG, STORMWATER, AND GENERAL FUNDING, AND DECLARING AN EMERGENCY. It was moved by Mrs. Conrad-Wokojance, 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. Conrad-Wokojance, seconded by Mr. Soyars, that **ORDINANCE NO. 04-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 05-2016

ORDINANCE NO. 05-2016. PRESENTED BY: MRS. CONRAD-WOKOJANCE. TITLE: ENTER INTO CONTRACT - HEPA ENVIRONMENTAL SERVICES, INC. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT, WITH HEPA ENVIRONMENTAL SERVICES, INC., THE LOWEST AND/OR BEST BIDDER, IN THE AMOUNT OF \$347.00 PER DWELLING FOR THE ENVIRONMENTAL ASSESSMENTS AND ABATEMENTS RELATED TO THE DEMOLITION OF 25, MORE OR LESS, RESIDENTIAL STRUCTURES, USING A MIX OF GENERAL FUNDING, CDBG, AND POTENTIAL OTHER GRANT FUNDING, AND DECLARING AN EMERGENCY. It was moved by Mrs. Conrad-Wokojance, 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. Conrad-Wokojance, seconded by Mr. Soyars, that **ORDINANCE NO. 05-2016 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None

THIRD READING OF ORDINANCES AND RESOLUTIONS

None

APPOINTMENTS

Barberton Community Foundation Board of Directors

Steve Kelleher

re-appointment

February, 2016 – December 31, 2018

It was moved by Mrs. Angeloff, seconded by Mrs. Frey, to approve the appointment of Mr. Kelleher to the Board of Directors of the Barberton Community Foundation as one of Barberton's City Appointees. Mrs. Conrad-Wokojance stated when thinking of an appointment she feels it is important to ask yourself a few questions. She said first off, is it within the current rules – and in this case it is. She said second, will this person make a significant contribution in being appointed in this position – she thinks that there is no question that Steve makes a significant contribution. She stated she puts complete trust in the Barberton Community Foundation and their request on who they want to appoint so she has to say that she is in support of Steve Kelleher in this appointment. Mr. Megyes stated he handled this the same way he handled other controversial issues, i.e., the rental registration, the health department, and the naming of the bridge. He said personally he likes Steve and he has done a lot of great things for him but the vast majority of the people of his ward, the constituents, were not in favor of him and that is who he represents so he will be voting no. Mr. Soyars stated he did vote for Mr. Kelleher last time but this time he withdrew his name in December and then reapplied. He said he does not come down here to ask any questions and then he reapplies in January and sends us a letter that he wants the appointment. He stated he just wishes he would have come down and answered some questions. He said he doesn't know why he withdrew his name before last council and now there is new council. He said he will be voting no. President Maurer stated he would like to make a clarification. He said at the time of Mr. Kelleher's reappointment there were issues regarding his position and granting money to the Depot which at that time was owned by the Historical Society. He said he felt there was not going to be adequate time to address those questions and he spoke with the Foundation Chair and Director and they decided as a Board that it would be best to withdraw his name until he could get the facts together. He stated it was simply a timing issue and it wasn't a question of anything inappropriate. He said it was a simple question of not having enough time and the year coming to the end. President Maurer stated that is the explanation that council deserves and that is exactly why that was. He stated if there are any further questions Mr. Stonkus is available if you would like to address any to him. Mrs. Angeloff, Mr. Palmer, Mr. Megyes, Mrs. Coburn, Mrs. Frey, Mrs. Debevec, and Mr. Soyars voted "no." Mrs. Conrad-Wokojance voted "yea." Motion failed.

MISCELLANEOUS AND UNFINISHED BUSINESS

Notice of a Potential Conflict of Interest:

Mayor Judge stated there needs to be a public disclosure requirement out of HUD. He stated he sent all of council a letter (they had this issue come up before) but part of HUD requirements is that he reads into the minutes a letter on a potential conflict of interest. He stated we receive HUD money from the federal government that comes through the planning department. He said the planning commission and city council approve the usage of that money and some of that

money has been used through NDS for housing rehab throughout the City of Barberton for low to moderate income residents and that is where this stems from.

Mayor William B. Judge read the following letter that he wrote to Barberton City Council, dated February 8, 2016:

Dear Barberton City Council Members,

A potential conflict of interest has arose and HUD rules dictate that this disclosure be made including feedback from you. Below is a timetable depicting the facts. The short summary is that Shaun Stefan, brother of Joe Stefan (City of Barberton employee), has applied and meets all requirements for a Residential Rehab Loan, which involved money from HUD to the City of Barberton for this purpose, then to Neighborhood Development Services (NDS). I will share the facts below and provide me with feedback as soon as possible. The facts include:

- The City of Barberton receives Community Development Block Grant (CDBG) funds from the US Department of Housing & Urban Development (HUD). The City of Barberton has an agreement with Neighborhood Development Services (NDS) as a contract agency to administer the city housing rehab programs.*
- These funds come from the US Department of Housing & Urban Development through the City of Barberton Planning Commission and Barberton City Council.*
- Joe Stefan is employed by the City of Barberton as the Director of Planning and Community Development.*
- Shaun Stefan is a low to moderate income resident of the City of Barberton and has applied for and meets all requirements for a residential rehab loan and is the brother of Joe Stefan.*
- Residential Rehab Loans are available to any low to moderate income resident in the City of Barberton who meets all requirements associated with the loan program.*
- Residential Rehab Loans are one-hundred percent repayable and the loan is non-forgivable.*
- Shaun's brother is Director of the Planning Department and as such is not responsible for the execution of the residential rehab loan program which is funded by the US Department of Housing & Urban Development. The funds do pass through the Planning Commission and City Council and are processed by the Director of Planning and the City of Barberton Finance Office.*
- The possible conflict was identified by the Executive Director of NDS. NDS then notified its corporate attorney, the Mayor of the City of Barberton, the City of Barberton Law Department, and the client.*
- Opinions were provided by the City of Barberton Law Department.*

Shaun Stefan qualifies for this program and without Joe working in the Planning Department; we would not need to request an exemption from HUD. Shaun Stefan has applied for the Residential Rehab Loan and meets all of the requirements associated with the loan. We believe that there is no conflict of interest and that an exemption should be requested and granted by HUD.

The Mayor stated we have come up with this issue in the past and this is part of the rules from HUD that there is public disclosure. He said he has provided all of council with this letter and if they could see him after council to sign/date that they have received and acknowledge the acceptance of that letter, they could move forward and process the loan for the resident.

The letter was signed and acknowledged by all Council Members on February 8, 2016.

President Maurer stated this is all with keeping with transparent government and we do our best to do so.

President Maurer reminded everyone next Monday is President's Day and the city building will be closed. He said we will be convening on the 16th, which is Tuesday, for our Committee of the Whole Meeting.

President Maurer stated the February 9th Design Review Board meeting has been cancelled.

President Maurer said the 29th of February is the 5th Monday of the month so we will not meet on that date and will resume business on March 7th.

Mr. Megyes stated Thursday, February 11th there will be a Parks and Recreation Commission meeting at the Active Adult Center. Mr. McAvineu stated that meeting has been moved to the 18th.

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

Adjourned: 7:55 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council