

Council met in **REGULAR SESSION** on Monday, April 8, 2013, 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 and Mr. Avant gave the Invocation.

It was moved by Mr. Endres, seconded by Mr. Avant, to approve the Minutes of the Public Hearing held on Monday, March 25, 2013, regarding the vacation of an alley, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Endres, seconded by Mr. Avant, to approve the Minutes of the Public Hearing held on Monday, March 25, 2013, regarding a zoning map amendment, 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, March 25, 2013, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Special Session held on Monday, April 1, 2013, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Executive Session held on Monday, April 1, 2013, to discuss a contract, 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 March 2013, 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

ORDINANCE NO. 46-2013

ORDINANCE NO. 46-2013. PRESENTED BY: MR. MEGYES. TITLE: 2013 COMMUNITY RECYCLING ACCESS GRANT – BEAUTIFICATION DEPARTMENT – AMEND ORDINANCE NO. 38-2013. AN ORDINANCE AMENDING ORDINANCE NO. 38-2013 THAT APPROVED THE SUBMISSION OF A GRANT APPLICATION BY THE PARKS AND RECREATION’S BEAUTIFICATION DEPARTMENT FOR THE 2013 COMMUNITY RECYCLING ACCESS GRANT FROM THE SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY, BY INCREASING THE AMOUNT TO \$21,760.14, 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. 46-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 47-2013

ORDINANCE NO. 47-2013. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS – YOUTH ADVENTURE CAMP AND NEWTON DAY CAMP. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN AN AMOUNT UP TO \$1,000, TO BE USED FOR SUMMER YOUTH ADVENTURE CAMP AND NEWTON DAY CAMP – SEND A KID TO CAMP 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. 47-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 48-2013

ORDINANCE NO. 48-2013. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT – ORIANA HOUSE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE (1) YEAR CONTRACT WITH ORIANA HOUSE INCORPORATED FOR THE 2013 COMMUNITY CORRECTIONS CONTRACT, 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. 48-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 49-2013

ORDINANCE NO. 49-2013. PRESENTED BY: MR. ENDRES. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – CHAPTER 670 – “TREES, WEEDS & GRASS.” AN ORDINANCE AMENDING SECTIONS 670.01(E) AND 670.02(C) OF CHAPTER 670 OF THE BARBERTON CODIFIED ORDINANCES REGARDING “TREES, WEEDS & GRASS,” 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. 49-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 50-2013

ORDINANCE NO. 50-2013. PRESENTED BY: MR. ENDRES. TITLE: B & C RESEARCH INC. – CRA ABATEMENT – NAME CHANGE – B & C CASTINGS INC. AN ORDINANCE AMENDING ORDINANCE NO. 80-2011, BY CHANGING THE NAME OF B & C RESEARCH INC. TO B & C CASTINGS INC. ON THE CRA AGREEMENT THAT WAS SUBMITTED TO THE STATE, 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. 50-2013 BE ADOPTED.** President Maurer said this is not changing the original contract, but because of the changes in the name and the new ownership, it was necessary to be consistent with the contract agreement with the State for the abatement. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

RESOLUTION NO. 51-2013

RESOLUTION NO. 51-2013. PRESENTED BY: MR. ENDRES. TITLE: COMMUNITY REINVESTMENT AREA (CRA) ABATEMENTS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO APPROVE THE CONTINUATION OF THE SEVENTY (70) ACTIVE COMMUNITY REINVESTMENT AREA (CRA) ABATEMENTS THROUGHOUT THE CITY. 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 **RESOLUTION NO. 51-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 52-2013

ORDINANCE NO. 52-2013. PRESENTED BY: MR. AVANT. TITLE: CREATE NEW FUND – MUNICIPAL COURT – “COMPUTER LEGAL RESEARCH FUND.” AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE A NEW FUND, THE “COMPUTER LEGAL RESEARCH FUND,” FOR FEES COLLECTED ON CRIMINAL, TRAFFIC, AND CIVIL CASES FILED IN THE BARBERTON MUNICIPAL COURT, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 52-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 53-2013

RESOLUTION NO. 53-2013. SPONSORED BY: MR. AVANT. PRESENTED BY: ALL OF COUNCIL. TITLE: SCHOOL LEVY ENDORSEMENT. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON ENDORSING THE BARBERTON CITY SCHOOLS FIVE-YEAR, 8.45 MILL EMERGENCY OPERATING LEVY, KNOWN AS

ISSUE #3, ON THE MAY 7, 2013, SPECIAL ELECTION BALLOT, 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. 53 -2013 BE ADOPTED.** Mr. Avant said this resolution is to show that City Council recognizes the importance of a strong educational program in its City. He said people come into a city and look at the condition of the streets, the condition of the homes, the utility department, which we have a great one, but they look for a good school district to raise their children in order to get a good education to continue into college. He said it all starts in our school district. Mr. Avant said he knows the State has stolen money from every school district and from municipal areas. He said the State is telling us that it is up to us. He said it is up to us, even if we have to feel the pain to do so. He said that is the jewel of any community -- its educational program. He said he would encourage everyone to support this 100 percent. Mr. Lysenko said he would be voting “yes” on this, but he wants to make it clear that when he votes “yes,” he is not condoning the fact that the State has passed these hard decisions on to local levels, for schools and for other issues. He said he feels there may be a lot of people who cannot afford this, but if you want people to move here, that family’s decision -- especially if they have children -- is based on the schools. He said his concern is that by endorsing this, the State of Ohio will feel that those cuts can continue. Mr. Lysenko said the cuts he read about for the levy are more significant than in the past. He said there are children who will certainly suffer from these cuts. He said the bottom line is that people will not want to live here if we do not have adequate schools. He said he is asking the State Legislature to make meaningful reforms in school funding. Mr. Lysenko said the School Boards are forced to ask for these levies because, if they do not, the alternative is really unbearable. He said he would like to close with an invitation for the school administrators who do not live in Barberton to move here. He said he believes they would have a more vested interest in the success of the schools in our community. Mr. Endres said he agrees with Mr. Avant’s and Mr. Lysenko’s comments in the general context in what we need to have a good school system. He said we have good buildings and we have a good educational system. He said our failure is at the State level; the financial vehicle to fund Ohio schools is broken. Mr. Endres said most of the residents in Ohio cannot afford it either. He said he will be voting “no.” President Maurer said there is only so much money in a person’s paycheck. He said if the money goes to taxes, it will not be used to patronize the local restaurants, to purchase clothing, etc. He said he has often heard it said that there is only one definitive cure for poverty ... and that is wealth. He said wealth comes in a lot of different shapes and size, with the biggest being the investment in our youth. President Maurer said if we invest in our youth, they will do better going forward. He said their wealth will increase and poverty will go down directly proportional to that. He said we have an “excellent” rating now and it took a lot of administrations, a lot of dedicated teachers, and a dedicated school board to elevate us to this level. He said the momentum is with us and we should keep it going. President Maurer said there is a clarification to make regarding what this tax would cost an individual. He said if the value of your house is \$100,000, your taxable value is only about \$33,000. He said the levy is based upon the *taxable value* and that is an important point that needs to be made. He said investment in our youth, in our school system, is an investment in our future. Mr. Stefan, Assistant Planning Director and President of the Barberton School Board, said these concerns are the same concerns the community has. He said we have a significant number of people who are requesting signs to support this levy from every ward, so he is hopeful that people get “it.” He said he wishes there

were another funding source to come back to and be able to say that “*this*” is how we want to fund public education. He said the funding sources we had when many of us were in school are no longer there. Mr. Stefan said we have to find a way to take care of our own and, unfortunately, this is the hand we are dealt. He said we keep ourselves out there talking to our representatives, but public education is under attack from Columbus. He said we offer a great system. He said we have had these cuts in order to be fiscally responsible. He said people think there is hidden money; people think there is something we are doing that is not correct. He said he respectfully requests that everyone support the levy because once again, a good school system adds value to every person’s home. President Maurer said the comments and reservations by Mr. Endres are valid. He said Mr. Endres said he is supporting his constituents the best way he knows how, so he commends Mr. Endres for his courage. President Maurer called for the vote on adoption. Mr. Wagner, Mr. Soyars, Mr. Megyes, Mr. Lysenko, Mrs. Debevec, Mr. Avant, and Mrs. Frey voted “yea.” Mr. Endres voted “nay.” Motion carried.

ORDINANCE NO. 54-2013

ORDINANCE NO. 54-2013. PRESENTED BY: MR. AVANT. TITLE: REPEAL OF ORDINANCE NO. 44-2013 – ADOPT NEW ORDINANCE FOR LIFE INSURANCE. AN ORDINANCE REPEALING ORDINANCE NO. 44-2013, “ENTER INTO CONTRACT – HUMAN RESOURCES – EMPLOYEE LIFE INSURANCE”; AND ENACTING A NEW ORDINANCE TO ENTER INTO A THREE-YEAR CONTRACT WITH *THE STANDARD* (LIFE INSURANCE COMPANY) TO PROVIDE LIFE INSURANCE FOR CITY EMPLOYEES AND RETIRED EMPLOYEES, 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. 54-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk said the Safety, Streets, and Finance Committees voted to add the following four ordinances to tonight’s Agenda.

ORDINANCE NO. 55-2013

ORDINANCE NO. 55-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – JOINT DISPATCH PROJECT. AN ORDINANCE APPROPRIATING \$30,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE DISPATCH CAPITAL BUDGET, FOR THE JOINT DISPATCH PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 55-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 56-2013

ORDINANCE NO. 56-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – RADIO SYSTEM REPLACEMENT PROJECT. AN ORDINANCE APPROPRIATING \$15,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE FIRE DEPARTMENT CAPITAL BUDGET, FOR THE

RADIO SYSTEM REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

It was moved by Mr. Avant, 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. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 56-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 57-2013

ORDINANCE NO. 57-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FIRE DEPARTMENT – RADIO SYSTEM REPLACEMENT PROJECT. AN ORDINANCE APPROPRIATING \$12,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE FIRE DEPARTMENT OPERATING BUDGET, FOR ONGOING EXPENSES RELATED TO THE RADIO SYSTEM REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

It was moved by Mr. Avant, 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. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 57-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 58-2013

ORDINANCE NO. 58-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – GPD ASSOCIATES – 31ST STREET WIDENING PROJECT. AN ORDINANCE APPROPRIATING \$74,997.44 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND TO THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND CAPITAL BUDGET, TO PAY FOR WORK PERFORMED BY GPD ASSOCIATES ON THE 31ST STREET WIDENING PROJECT, AND DECLARING AN EMERGENCY.

It was moved by Mr. Avant, 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. Avant, seconded by Mr. Lysenko, that **ORDINANCE NO. 58-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

BOARD OF ZONING APPEALS

Mr. Adrian Sperling appointment Immediately - December 31, 2015

It was moved by Mr. Endres, seconded by Mr. Avant, to confirm the appointment of Mr. Sperling to the Board of Zoning Appeals. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer welcomed Mr. Wagner back after his absence. He said John took some great pains to get here this evening.

Mr. Wagner said he wanted to thank everyone for all of their prayers, thoughts, cards, and letters. He said he really appreciated it and it warmed his spirits to receive them.

Mr. Wagner said a couple of years ago he was privileged to get involved in a program where he was a certified storm spotter. He said April is "Tornado Month" and he wanted to know if we have full coverage for our city on our tornado sirens. Mr. Wagner said he is concerned with the existing sirens, the siren that was at the North End Fire Station, and the decibel of sound they emit which should be at least 130 decibels. He said if you look at other cities that were wiped out and where people died, money could be spent very wisely to protect all areas of our city.

Chief Baldwin said he was going to bring this issue up next week at the Safety Meeting because we do not have coverage throughout the City. He said the device on Highland is gone and the one on the North End did not work, so it will be checked. He said he has applied for grants to the Foundation to replace the system, but they were denied. He said the system has been aging and failing over the years, and it needs to be replaced if we so choose to replace it; however, there is no law that says we have to provide these warning devices even though the City has done this for a number of years. He said he would leave it up to City Council to determine what to do about this situation. He said his professional recommendation would be to either get the system up and functioning so it provides coverage or eliminate the whole system. He said he does not feel it is right for just some of the sections of the city to have the coverage and not all of them.

President Maurer said the system on the East Side is functioning and he asked about the air raid siren. Chief Baldwin said that is the most reliable, a mechanical system, and the type he requested because it would last forever. Mr. Avant said so we have to rely on TV and radio alerts and robocalling to have actual warnings. Chief Baldwin said the most reliable would be the radio and TV. He said for night, he had in his grant a mass notification system that would send an alert to e-mails, text messages, phones, etc. He said that was part of his no-fault system, but that was roughly \$150,000 for the whole project.

Mr. Wagner asked if we were to do that, would we be replacing all systems -- even workable systems? Chief Baldwin said ideally, he would like to replace all of them. Mr. Wagner said he feels the sirens are the best bet. Chief Baldwin said he agrees personally, but the first grant submitted was denied because the Foundation found those systems to be archaic. He said, however, if you add the new technology to that, you get almost 100 percent notification. Mr. Wagner said we need to convince the Foundation to grant that money because he would like to see this city protected. President Maurer said the reality is the Foundation only has about fifty thousand dollars a quarter to spend at this juncture. He said he does not feel we should wait until the Foundation's disposable income improves; he feels we need to find a way to take care of this.

President Maurer said to Council that they have the final people to be interviewed for the Clerk of Council position. He said they need to decide on which night to interview the candidates.

Mrs. Frey said she is having a ward meeting at the Calvary Wesleyan Church on 31st Street, tomorrow, at 6:30 p.m. She said it will be attended by the Mayor and Carla Debevec, and Joe Stefan will be there to discuss the school levy.

COMMUNICATION FROM THE MAYOR

Mayor Judge welcomed Mr. Wagner back.

Mayor Judge said he would get with Chief Baldwin this week to look at the costs for the weather warning system and report back to Council.

Mayor Judge said Barberton needs this school levy like most communities and we have a lot of residents who cannot afford it. He said the system is not broken here; the system is broken in Columbus. He said without a good education, there is no future and no moving forward. He said it is imperative for this levy to pass in order to continue to provide for our students, just like the young Barberton student who received the scholastic scholarship to The University of Akron. He said we hear about athletes receiving scholarships, but we need to make a bigger deal over the academic scholarships that our students are awarded.

Mayor Judge said he would like to thank the Barberton Police Department for maintaining order for everything they did throughout the week. He said they had a pretty busy week last week. He said they had some circumstances come up that they do not see on a regular basis.

Mayor Judge said the Change for Change this month will be held on Thursday, April 25th, at the Green Diamond for the Barberton School Levy.

Mayor Judge said that same night there would be a VIP opening at the Lake Theater. He said there will be a Grand Opening on Friday, April 26th. He would be giving more details on both of those events at a later date.

Mayor Judge said Saturday, April 27th is “Take Pride in Barberton Day.” He said all the parks and roadways will be cleaned and volunteers are needed for that.

Mayor Judge said we are gearing up with Springtime, doing a lot of engineering, studies and bids for street work, sidewalk, curbs. He said we have applied for a lot of grants. He said he would put together a project list of what is going to be going on between now and the end of summer.

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

Adjourned: 8:35 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council

