

Council met in **REGULAR SESSION** on Monday, April 22, 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. 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, April 8, 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

RESOLUTION NO. 59-2013

RESOLUTION NO. 59-2013. SPONSORED BY: MRS. FREY. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – DURBIN'S MAGIC FREEZE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO THE DURBIN FAMILY AS THEY CELEBRATE 60 YEARS OF OPERATING DURBIN'S MAGIC FREEZE, A VERY POPULAR, AWARD-WINNING BARBERTON BUSINESS. 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 Mr. Frey, seconded by Mr. Wagner, that **ORDINANCE NO. 59-2013 BE ADOPTED.** Mr. Maurer went on to speak that Durbin's Magic Freeze is a quintessential American business. 60 Years, Durbin's not only sells ice cream in the summer but Christmas trees in the winter months. It is a fantastic business and we should inspire to. All Members voted "yea." Motion carried.

ORDINANCE NO. 60-2013

ORDINANCE NO. 60-2013. PRESENTED BY: MR. ENDRES. TITLE: ZONING MAP AMENDMENT – 125 31ST STREET, NW. AN ORDINANCE AUTHORIZING THE REZONING OF 125 31ST STREET, NW, FROM C2 (NEIGHBORHOOD COMMERCIAL) TO RM18 (RESIDENTIAL MULTI-FAMILY). 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. 60-2013 BE ADOPTED**. Mr. Avant asked that all members support this. Right now only the second floor can be used as apartments. This allows rental use on both floors. It is in an area where there are mostly rentals in that area and it will not be out of place. The only option the City has it to buy the structure and remove it all together. It was moved from Johnson Corners and it was used pretty well. All Members voted “yea.” Motion carried.

RESOLUTION NO. 61-2013

RESOLUTION NO. 61-2013. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – ODOT – REPLACEMENT OF WATERLINE – SUMMIT ROAD AND CLARK MILL ROAD BRIDGE. 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 REPLACEMENT OF WATERLINE ON THE SUMMIT ROAD AND CLARK MILL ROAD BRIDGE (PID #84629), AS PART OF THE OHIO BRIDGE REPLACEMENT 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 Megyes, that **RESOLUTION NO. 61-2013 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 62-2013

ORDINANCE NO. 62-2013. PRESENTED BY: MR. MEGYES. TITLE: VACATION OF WEST TUSCARAWAS ALLEY. AN ORDINANCE AUTHORIZING THE VACATION OF A 50 FOOT BY 16 FOOT SECTION OF THE WEST TUSCARAWAS ALLEY.

First Reading Only.

ORDINANCE NO. 63-2013

ORDINANCE NO. 63-2013. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – LAW DEPARTMENT. AN ORDINANCE AUTHORIZING A TRANSFER OF AN APPROPRIATION OF \$2,600 FROM THE LAW DEPARTMENT’S OPERATING COST BUDGET TO THE LAW DEPARTMENT’S PERSONAL SERVICES BUDGET, 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 Mr. Debevec, that **ORDINANCE NO. 63-2013 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 64-2013

ORDINANCE NO. 64-2013. PRESENTED BY: MR. AVANT. TITLE: AMENDING ORDINANCE NO. 9-2013 – EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES. AN ORDINANCE AMENDING ORDINANCE NO. 9-2013, “EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES,” IN ORDER TO ADD THE POSITION OF TEMPORARY CLERK OF COUNCIL AND TO ADD

FOUR LEVELS OF INTERNSHIPS TO MISCELLANEOUS 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. Mr. Lysenko asked why this needs to be an emergency. Mayor Judge responded that this is due to the fact that college students will need to start these positions fairly quickly. All Members voted “yea.” Motion carried. It was moved by Mr. Avant, seconded by Mrs. Debevec, that **ORDINANCE NO. 64-2013 BE ADOPTED.** Mrs. Debevec, Mr. Avant, Mr. Endres, Mrs. Frey, Mr. Wagner, Mr. Soyars, Mr. Megyes voted “yea.” Mr. Lysenko voted “nay.” Motion carried.

ORDINANCE NO. 65-2013

ORDINANCE NO. 65-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PARKS. AN ORDINANCE APPROPRIATING \$11,100 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PARKS IMPROVEMENT CAPITAL OUTLAY BUDGET, IN ORDER TO CONTINUE TO MAKE IMPROVEMENTS TO THE PARKS, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Megyes, that **ORDINANCE NO. 65-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

CLERK OF COUNCIL

Renee Fox

appointment

May 1, 2013

It was moved by Mr. Avant, seconded by Mr. Soyars, to appoint Renee Fox as Clerk of Council. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

Ms. Matuch stated that a letter was passed out to all council members from the Summit County Board of Elections to all council members asking if they have any precinct voting areas or buildings in their wards. She has not received any replies and wondered if they have any suggestions that she could send to the election board. Mrs. Frey asked if they are not still using the school or if they are looking for alternatives. Mrs. Miller approached the council and stated what they are trying to do is not be in the schools. She said they are looking for other locations like churches or any other civic organizations that is handicap accessible. Mr. Maurer asked if trying to get out away from the schools is a security issue. Mrs. Miller stated it is. Ms. Matuch said they she will need this information by the 29th of April.

Mr. Maurer wanted to congratulate and welcome Renee.

Mr. Megyes said that on April 23rd he has a ward meeting at 6:30 at the Active Adult Center. The Mayor, Mr. Stefan, department heads, Dave Vaughn from NDS all will be attending. Mr. Megyes said that he passed out a notice to all residents in his ward. With this notice he also gave a 4 page survey. If the residents complete the survey and come to the meeting, they get a \$10 gift card to Giant Eagle.

Mr. Megyes said that when he walked the ward to give the notice he feels that the outdoor feeding ban is working. He thinks there is a 60%-70% reduction in food.

Mr. Megyes stated that the bricks for the gazebo are still for sale. The cost is \$60 for a 4 x 8 brick and \$100 for a 8 x 8 brick.

Mr. Maurer said to take notice of the water bills. He said this past month they mentioned about rabies prevention.

Mr. Avant said he wanted to reinforce to the council members to buy a brick for the gazebo.

Mr. Wagner wanted to take this opportunity to thank Mrs. Matuch for her 15 years of service with the City of Barberton.

Mrs. Debevec wanted to congratulate the Barberton School's destination imagination 3 teams that are going to Globals in Knoxville, TN.

Mr. Bauschlinger wanted to mention that a few weeks ago the Mayor had sent something around regarding a website on Fox News about voting for Barberton as a "Cool School." He stated that Barberton won and that Fox News came to Barberton High and made a video of the kids. It was played on Fox News.

Mrs. Frey wanted to say how proud she is that Durbin's Magic Freeze is in her ward and that they have been in business for 60 years. She said that Mr. Durbin is thrilled that he received this proclamation. He wanted everyone in the City to know how proud he is to have his business in the City of Barberton.

COMMUNICATION FROM THE MAYOR

Mayor Judge congratulated Renee's appointment to Council.

Mayor Judge also congratulated the Durbin family on 60 years of success. He also wishes them luck in the next 60 years as well.

Mayor Judge would like to thank Mr. Avant for having his ward meeting last week and for inviting him and department heads to come answer questions for the residents.

Mayor Judge said everyone should have received the new class schedule for Stark State. He stated that if you have any ward meetings or anyone in your ward that needs one to let his office know.

Mayor Judge said the Change for Change this month will be held at 4:00 on Thursday, April 25th, at the Green Diamond for the Barberton School Levy.

Mayor Judge said that same night there would be an open house at the Lake Theatre for the City Employees at 5:00. The regular opening will be on Friday, April 26th. He stated they have a list of the movies that will be showing. There are 8 screens with 3 of them being 3D compatible.

Mayor Judge said we are transitioning into spring and with that some of the things he would like to point out in the Mayor's Corner and on the next water bill is the rule on fires in people's back yards. He also wanted to mention the mowing the grass and blowing it into the street. He stated this clogs our sewer systems.

Mayor Judge stated that with the City having extra lots, because of the homes that are being torn down, they are having an excess number of people dumping tires. He stated that if you see this being done try to write down the license plate number or the description of the vehicle.

Adjourned: 8:01 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council