

Council met in **REGULAR SESSION** on Tuesday, May 28, 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. Maurer 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, May 13, 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. 75-2013

ORDINANCE NO. 75-2013. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – MID OHIO CONCRETE. AN ORDINANCE AUTHORIZING THE MAY, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH MID OHIO CONCRETE, THE LOWEST AND/OR BEST BIDDER, FOR THE 2013 SIDEWALK REPLACEMENT CONTRACT FOR AN AMOUNT NOT TO EXCEED \$60,000.00, 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. 75-2013 BE ADOPTED.** Mr. Maurer stated that he would like to make the observation that this is a wonderful program and has done a lot to our City and it has more good things to come. All Members voted "yea." Motion carried.

ORDINANCE NO. 76-2013

ORDINANCE NO. 76-2013. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – PERRIN ASPHALT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH PERRIN ASPHALT, THE LOWEST AND/OR BEST BIDDER, FOR THE 2013 ROAD RESURFACING

CONTRACT FOR AN AMOUNT NOT TO EXCEED \$225,000.00, 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. 76-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 77-2013

ORDINANCE NO. 77-2013. PRESENTED BY: MR. SOYARS. TITLE: AMEND ORDINANCE NO. 142-2012 TO INCLUDE ITEMS THAT WERE NOT PRESENT AT THE TIME OF THE ORIGINAL AGREEMENT. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER AN AMENDMENT TO AN AGREEMENT TO CREATE A JOINT DISPATCH CENTER WITH THE CITY OF NORTON AND COPLEY TOWNSHIP, 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. 77-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 78-2013

ORDINANCE NO. 78-2013. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF UNSAFE VEHICLES – POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP/SALVAGE TWENTY (20) VEHICLES DEEMED TO BE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND UNFIT AND UNSAFE FOR DISPOSAL IN ANY OTHER MANNER, 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. 78-2013 BE ADOPTED.** Mr. Maurer asked Chief Morber if these vehicles are of scrape value – per pound, or are they stripped out of anything useful. Chief Morber answered that they are scraped out per pound, whoever has the highest deal at the time. He also stated that some of them go to salvage as well, and may be used for City vehicles because they still have running value. All Members voted “yea.” Motion carried.

ORDINANCE NO. 79-2013

ORDINANCE NO. 79-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – POLICE DEPARTMENT – CITY GRANT FUND. AN ORDINANCE APPROPRIATING \$736.00 FROM THE UNAPPROPRIATED ITEM OF THE CITY GRANT FUND TO THE CONTINUING PROFESSIONAL TRAINING, 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. 79-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 80-2013

ORDINANCE NO. 80-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: FY 2012 ANNUAL ACTION PLAN. AN ORDINANCE APPROVING THE AMENDED FY2012 CDBG ANNUAL ACTION PLAN BUDGET, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, 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. Debevec, seconded by Mr. Soyars, that **ORDINANCE NO. 80-2013 BE ADOPTED.** Mr. Lysenko asked if the reason for this amendment was due to the sale of Lake Theater? Ms. Sheridan stated it is from budgeted Section 108 low funds from fiscal year 12 and that they will be using those funds for Columbia Heights Streets, Downtown Beautification Planters, and the fencing at Decker Park. All Members voted “yea.” Motion carried.

RESOLUTION NO. 81-2013

RESOLUTION NO. 81-2013. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – ANNE KING. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON HONORING AND GIVING PUBLIC RECOGNITION TO ANNE KING AS SHE CELEBRATES HER 100TH BIRTHDAY ON JUNE 7, 2013. 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. 81-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION. 82-2013

RESOLUTION NO. 82-2013. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – MAGIC CITY KIWANIS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO MAGIC CITY KIWANIS FOR THEIR ROLE IN THE RECENT UPGRADES TO THE LAKE ANNA GAZEBO. 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. 82-2013 BE ADOPTED.** Mr. Maurer said that it is a wonderful thing that the Kiwanis has done for the City. He said they built the Gazebo originally and that it is quite an asset to the City. He stated that on any given Saturday or Sunday you can see a wedding going on there, and then to take on the responsibility of maintaining, it’s a wonderful thing. All Members voted “yea.” Motion carried.

ORDINANCE NO. 83-2013

ORDINANCE NO. 83-2013. PRESENTED BY: MR. MEGYES. TITLE: DISPOSAL OF CITY LAND BANK PROPERTIES. AN ORDINANCE AUTHORIZING THE CITY OF

BARBERTON TO DISPOSE OF FIVE (5) CITY OWNED PROPERTIES, AND DECLARING AN EMERGENCY.

First Reading Only

ORDINANCE NO. 84-2013

ORDINANCE NO. 84-2013. PRESENTED BY: MR. AVANT. TITLE: AMEND ORDINANCE 137-2011. AN ORDINANCE AMENDING ORDINANCE 137-2011 TO CREATE THE POSITION OF STORMWATER MANAGER, 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. 84-2013 BE ADOPTED.** Mr. Lysenko asked if filling this position will help us comply with some EPA program. He stated that the memo that was attached to the request for legislation states that Barberton is seeking to fill a position for compliance of the City’s Municipal Separate Storm Sewer System, and he would like to know why. Mr. Keltyka stated that what it is that they have to have yearly report to the EPA on 6 measures and that the stormwater position is responsible for enforcing and complying with the requirements of our permit. He stated that the yearly report goes to EPA plus it is also responsible for the audits that it performed by EPA and the numerous requirements that EPA requests over time. Mr. Lysenko then asked that if the EPA does not specifically require a status position, if they just require that these things to be done? Mr. Keltyka said that was correct. Mr. Lysenko then stated that he does not think this is a bad idea, especially considering that this salary will be paid from the stormwater funds but he does think that the City should fill the position, before this position, that is required by the Charter that we have not had for several years. He said that position is the City Engineer. He stated that is a department head. He stated he thinks what we are doing is filling a position that does not have a department head and that should be addressed and that we should find a City Engineer that could fulfill these duties as well. He stated it is not a bad idea but thinks we should do something else. Mrs. Debevec, Mr. Avant, Mr. Endres, Mrs. Frey, Mr. Wagner, Mr. Soyars, Mr. Megyes voted “yea.” Mr. Lysenko voted “nay.” Vote 7-1. Motion carried.

ORDINANCE NO. 85-2013

ORDINANCE NO. 85-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – MUNICIPAL COURT SPECIAL PROJECTS OPERATING FUND. AN ORDINANCE APPROPRIATING \$200,000.00 FROM THE UNAPPROPRIATED ITEM OF THE COURT SPECIAL PROJECTS OPERATING PROJECTS FUND TO THE OPERATING 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 Mrs. Debevec, that **ORDINANCE NO. 85-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 86-2013

ORDINANCE NO. 86-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – MUNICIPAL COURT LEGAL RESEARCH FUND. AN ORDINANCE APPROPRIATING \$5,000 FROM THE UNAPPROPRIATED ITEM OF THE LEGAL RESEARCH FUND TO THE OPERATING 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 Mrs. Debevec, that **ORDINANCE NO. 86-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 87-2013

ORDINANCE NO. 87-2013. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – ENVIRONMENTAL DESIGN GROUP - MUNICIPAL PARKING LOT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH ENVIRONMENTAL DESIGN GROUP, IN THE TOTAL AMOUNT OF \$32,000.00, TO IMPROVE THE QUALITY OF STORMWATER RUNOFF TO AREA WATERWAYS AND TO REDUCE GROUND LEVEL FLOODING OF THE MUNICIPAL BUILDING, 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. 87-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

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. It was moved by Mr. Megyes, seconded by Mr. Endres, that **ORDINANCE NO. 62-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Maurer said that if you were fortunate enough to make it down to the Memorial Day Observance at the Military Honor Roll, he took a rough count and came up with about 450 people not including the band. He said we had a real nice turnout. One of our middle school

math teachers is a Lt. Colonel in the Marine Corp. and he gave very nice and very moving speech. He said it was a very nice observance/tribute to the men and women who have served this Nation. Mr. Maurer said the nice thing about the Honor Roll is a lot of people came home to read their own names. He said it is not really a memorial. He stated that everyone who did pay the price is also listed with a special designation. He said it is very hard to keep a dry eye when they fire the salute over the lake and play taps.

Mr. Maurer said that those on the East Side received their trash cans today. He stated that Mr. Palmer said they all should be distributed by the end of the week.

Mr. Megyes said that Friday will be Art At The Farm, at the O.C. Barber Pig Barn. The time is 5:00 – 8:00 pm. He said that Rich Mueller will have a few pieces as well as himself.

Mr. Megyes said that Saturday, June 1st is Day of Play. It will be at Tuscarawas, Edgewood, and Avilee Parks from 12:00 – 3:00.

Mr. Stefan would also like to congratulate Mrs. Debevec's DI team. He said that 5th place is great when you are talking about out of the world, however, it is more important that they are teaching the kids how to give back. Mrs. Debevec's team was the first team, since they came out with the new challenge to take this on in Barberton. He stated that her and her husband do a fantastic job with it. It said what it is that they raise money and they raise food for the people of our community that need it. The accolades are great, the medals are great, and the experience for the kids are great but more so than that is the great leaders like Carla and her husband and the rest of their team. The parents that participate are the ones that are giving back to our community and are teaching the kids how to do that. Mr. Stefan said he would again like to say how great a job they do and it is more than just a competition thing, it's the showing the kids exactly what we should do and that is take care of our community and those that need it.

Mr. Maurer then said it is quite accurate. He said if you do teach the kids young to be civically responsible, that they will be the rest of their lives.

COMMUNICATION FROM THE MAYOR

Mr. Judge introduced Mr. Michael Kimble, our new HR/Safety Director. He stated that today was his first day so if you have any questions or concerns you can contact him.

Mr. Judge reported that the DI Teams that went to Tennessee; 3rd grade team took 12th in the world out of 55 teams, 8th grade team was 5th out of 70 teams. He also said he would like to thank everyone especially Carla for all of the work that she puts into it. He said this shows what our kids our capable of. Carla stated the other team had a little problem but they worked through it and finished their task.

Mr. Judge said that they received confirmation back on two grants that were applied for. The first one is the Action Community's Grant, which is the Van Buren/Snyder Avenue new bridge and the 2nd Street area of the tow path. Out of 10 applications to AMATS, we were number 1. We will receive about \$50,000.00 to conduct a study. He stated that the nice thing about this is

once AMATS funds a grant study they are more than likely to reapply for funds to carry that study through to get everything going.

Mr. Judge also said we heard back from the State on Mr. Stefan's and the Planning Commission's/Planning Department's Safe Route for Schools grant. He stated they applied for \$500,000.00 and that we received \$226,000.00. He said they only funded 1/3 of the applications, so this is great news. This will go toward a new traffic light on Robinson Avenue.

Mr. Judge said that last week we had our change for change for the month of May. We received over \$460.00 for the free clinic. He thanked everyone who showed up.

Mr. Judge said on Saturday, May 25th, we had the charity basketball game against Alcoa. He said that once again we beat them so the trophy comes back home where it belongs. He said they raised over \$4,400 for the Valor House which is a non-profit improvised housing for veterans in Summit County.

Mr. Judge said that the roof project for the Weigand and Magical Theatre will start tomorrow so parking will be limited.

Mr. Judge stated that he would like to thank the Kiwanis and everyone that was involved with the Gazebo project. It has been since 1982 that a construction of this size/magnitude has taken place. Mr. Avant, Mr. Mueller, Shane, Mr. Carpenter and anyone that has been involved – Mr. Judge would like to thank. He stated that if you haven't seen it you need to stop down. He said that Mr. Maurer brought up weddings – they had their 1st wedding Saturday.

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

Adjourned: 8:07 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council