

Council met in **REGULAR SESSION** on Monday, July 28, 2014, 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. Lysenko gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Meeting held on Monday, July 14, 2014, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Special Session held on Wednesday, July 23, 2014, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the minutes of the meeting held following the Executive Session on Wednesday, July 23, 2014, 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

The citizens addressing council are transcribed verbatim.

John Nelson, 1252 Andrus Street, Akron, Current President of the Barberton NAACP. I am here today to request that Barberton City Council take a vote of the renaming of the bridge. I know there has been some opposition to the renaming of the bridge and someone said it is about 2% of the 26,000. I have a short statement that I would like to read. January 20, 2014 the Barberton NAACP honored the memory and legacy of the late Dr. Martin Luther King Jr. memorial service which paid tribute to the memory commemorating his life and legacy. Nearly 44 years after his death America has seen some progress in equality with the first African American President, the first Hispanic Supreme Justice and the first African American Attorney General. Education opportunities have increased and workplace and political leaderships are more diverse but when we consider the facts it is very clear that we still have a long way to go in the disparities and incarnations economic empowerment and adequate healthcare. The Barberton NAACP has been working for change in the City of Barberton for more than 43 years. As a long admirer and outstanding civil rights worker that Dr. Martin Luther King was who better than to recognize the sacrifices of a falling civil rights leader made for a more grateful nation than the community that we all serve by honoring a man who was struck down by an assassin's bullet nearly 45 years ago. The Reverend Dr. Martin Luther King should be honored by renaming the bridge after him. As president of the branch of the NAACP Unit 3213 in the City of Barberton, I am requesting

that council pass the legislation and the effort regarding the name of the Robinson Avenue Bridge in honor of the late Dr. Martin Luther King as the only landmark in the City of Barberton to be named in honor of the Reverend Dr. Martin Luther King, naming the bridge connecting the east side of town to downtown - connecting Robinson Avenue to Wooster Road West and North. In neighboring cities we have Ohio 59 running from downtown Akron to the Interbelt also Ohio 59 is named Martin Luther King Boulevard. We have countries like Israel, Italy, we even have a street named after him in France, Cincinnati, Dayton, and the list goes on. I think there are over 700 cities that have names for Dr. Martin Luther King. We started this project - we started talking in October of last year with the Street Department and I think all of the councilmen know that we started talking about a street and then the City, the representatives of the City, decided that they wanted to change it to a bridge so we decided to take the route of least resistance. I don't think it was. I mean it didn't take the path of least resistance but that is the democratic way. I am a former Marine and when we pledge allegiance, we pledge allegiance to the flag so we are wrapped up in the constitution. I think City Council needs to take a stand on this vote and do what is right for all of the citizens of Barberton not just some but for all. Be inclusive in what you do because are kids are watching us. We make the decisions now but they are going to make the decisions in the future so with that I say "Thank You."

Ben Raines, 12 5th Street NE. Bridge Naming – our City has had three previous viaducts on Tuscarawas which all were nameless. The Robinson Avenue Bridge should also remain nameless. Why name after 9 years. Historically South Barberton was the first African American settlement. Please consider a granite stone with bronze plaque placed at the trailhead at Snyder Avenue. This would be an appropriate tribute to Dr. King. Many good people and friends came from the south end. I am certain they and our oldest remaining seniors who may have lived through turbulent years would be honored with this special commemoration. Thank You.

Adrienne D. Nelson, 1252 Andrus Avenue, Akron. I am the current secretary of the Barberton NAACP and I would like to quote something that I live by that Dr. King has said so often before he was assassinated. In order for evil to exist, good men have to do nothing.

Shorter Griffin, 225 Stanley Avenue, Barberton. Martin Luther King Jr. has many streets, bridges and avenues named after him from coast to coast, and even in foreign countries. The naming of the bridge after Dr. Martin Luther King would not add to or detract from his legacy. There is a petition going around for not naming the bridge after him, from people that are opposed. I respect their voice, their opinion and I will fight for their right to voice their opinion just like I am voicing my opinion. The war is not lost by losing one battle. Like Mr. Nelson said, he was a Marine, I was the U.S. Army. This is something that continues. I am asking that the naming of the bridge be dropped (the request.) We have a serious drug problem in this town. We have housing problems. We have job issues. My concern is for the living for our children and how we can improve our life today. Naming the bridge which is made out of concrete and stone for Dr. Martin Luther King, to me, is doesn't matter. His legacy would be to help people, improve relationships, job opportunities and things of that nature. We have churches in our neighborhoods, up the street from me and there is evidence of drug use in the mornings in the parking lot. There are people up there all hours of the night. These issues are more important to me. I'm not speaking for any other group or representative. I am speaking for myself as an individual tax payer of Barberton and I would appreciate it if the naming of the bridge after Dr.

Martin Luther King be shelved and just try to improve our relationship as a City. Try to bridge gaps for wages and equality. That is more important to me. Thank You.

Mrs. Sandra Gotto, 552 E. Ford Avenue, Barberton. I'm here to speak for the Citizens Against Renaming the Bridge. Listening to Mr. Nelson speak, when I first heard about them renaming the bridge, or naming the bridge (I guess it has never been named), I did a little research. Like Mr. Nelson said, there are several streets throughout the country, several different places named after Dr. Martin Luther King and this is taking nothing away from him because we are all well aware of all the accomplishments that he did while he was alive and even through his death. When I read that, I thought surely to goodness there are people in Barberton on our little town of 26,000-28,000 people that we would be able to find someone to represent our own little town. In doing some research, I researched the only policeman in Barberton who had been killed during the line of service and the only fireman who had been died in the line of service, which was several years ago I think back in 1948 was the first one. I thought I wonder how many people feel the same way that I do. So I started a petition, Steve Despot was here last week and presented almost 400 names that had been signed on the petition. So I came again this week to present another 216 names and all I want to say is that in no disrespect to Dr. Martin Luther King, I think it would do us well as our own little town to – if we name the bridge at all, like this gentleman said, we don't even have to name the bridge. Tuscarawas bridge was never named, we just always called it the viaduct. So, if we are going to name the bridge, I would like to see it named after someone in Barberton who deserves that honor because Dr. Martin Luther King has several, throughout the country, several different things named after him. Thank You.

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. 99-2014

ORDINANCE NO. 99-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – CDBG FUNDS. AN ORDINANCE APPROPRIATING \$77,848.02 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND OPERATING BUDGET IN ORDER TO CARRY OUT ELIGIBLE CDBG ACTIVITIES, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mr. Avant, that **ORDINANCE NO. 99-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 100-2014

ORDINANCE NO. 100-2104. PRESENTED BY: MR. WAGNER. TITLE: AUTHORIZE PAYMENT – KENMORE CONSTRUCTION. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO KENMORE CONSTRUCTION COMPANY, IN THE AMOUNT OF \$18,703.70, FOR AN EMERGENCY REPAIR OF WATER MAINS AND REPLACEMENT OF A VALVE,

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. 100-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 101-2014

ORDINANCE NO. 101-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – WOLF CREEK DAM PROJECT. AN ORDINANCE APPROPRIATING \$1,282,000 FROM THE UNAPPROPRIATED ITEM OF THE WATER FUND TO THE WATER FUND CAPITAL OUTLAY BUDGET FOR THE WSLA LOAN, IN SUPPORT OF THE RESERVOIR PROJECT, 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. 101-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 102-2014

ORDINANCE NO. 102-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – WOOSTER ROAD WEST. AN ORDINANCE APPROPRIATING \$169,090 FROM THE UNAPPROPRIATED ITEM OF THE WATER FUND TO THE WATER FUND CAPITAL OUTLAY BUDGET FOR THE NEW END CONNECTION ON WOOSTER ROAD WEST AT JOHNSON ROAD AND 37TH STREET, 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. 102-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 103-2014

ORDINANCE NO. 103-2014. PRESENTED BY: MR. WAGNER. TITLE: AMEND ORDINANCE NO. 97-2014 - KENMORE CONSTRUCTION. AN ORDINANCE AMENDING ORDINANCE NO. 97-2014 BY CHANGING THE WORDING IN SECTION 1 TO READ “THAT THE MAYOR, OR HIS DESIGNEE, IS HEREBY AUTHORIZED TO ENTER INTO CONTRACT, WITHOUT COMPETITIVE BIDDING AND ON AN EMERGENCY BASIS, WITH KENMORE CONSTRUCTION COMPANY, IN THE AMOUNT OF \$169,090 FOR THE WOOSTER ROAD WEST WATERLINE REPLACEMENT,” 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. 103-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 104-2014

RESOLUTION NO. 104-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – ODOT - ROBINSON AVE RESURFACING. 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 RESURFACING (PID #98362), .85 MILES OF ROBINSON AVE AND THE INSTALLATION OF ADA RAMPS, LYING WITHIN THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mr. Lysenko, that **RESOLUTION NO. 104-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 105-2014

ORDINANCE NO. 105-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – ROBINSON AVENUE RESURFACING. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE LOWEST AND/OR BEST BIDDER, FOR THE PAVING OF ROBINSON AVENUE, WITH AN AMOUNT NOT TO EXCEED \$660,000.00, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mr. Lysenko, that **ORDINANCE NO. 105-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 106-2014

ORDINANCE NO. 106-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – HUMAN RESOURCE DEPARTMENT. AN ORDINANCE APPROPRIATING \$15,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE HUMAN RESOURCE DEPARTMENT OPERATING BUDGET TO COVER SERVICES RENDERED FROM ROETZEL AND ANDRESS FOR CONTRACT NEGOTIATIONS, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 106-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 107-2014

ORDINANCE NO. 107-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION – PARKS. AN ORDINANCE APPROPRIATING \$1,800 FROM THE UNAPPROPRIATED ITEM OF THE BEAUTIFICATION OPERATING FUND TO THE BEAUTIFICATION OPERATING BUDGET, DUE TO MONIES RECEIVED FROM AN OHIO EPA LITTER CONTROL AND PREVENTION GRANT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mr. Megyes, that **ORDINANCE NO. 107-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 89-2014

ORDINANCE NO. 89-2014. PRESENTED BY: MR. LYSENKO. TITLE: BARBERTON DEVELOPMENT CODE – TEXT AMENDMENT - ADULT CARE FACILITIES AND GROUP HOMES. AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY AMENDING THE REQUIREMENTS THAT ARE ASSOCIATED WITH ADULT CARE FACILITIES AND GROUP HOMES.

First Reading July 14, 2014.

THIRD READING OF ORDINANCES AND RESOLUTIONS

The clerk stated that Resolution No. 85-2014 has been withdrawn.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer stated that the next meeting will be on September 2nd – following the August recess. He said as is always the case, we may get called in for a special meeting because you never know.

Mr. Maurer said recess is through the entire month of August and even though some of us will probably be going on vacation part of the time, we are still council people 24/7 and still the voice of the people so bare that in mind. He said, like the mayor said, check your mailboxes and if anything does come up such as a special emergency meeting, you will be notified by e-mail or we could send an officer up to your door.

President Maurer stated we just passed a resolution for the upgrading of the dam at Wolf Creek. He said the on-line test that Council member took just saved this City well over \$1,000,000. He stated it is no longer called a government grant or federal grant but it is now called federal forgiveness as Mr. Stender has told us numerous times. He said that extra little bit of effort that we talked about and coming through like you did is commendable and it has saved the citizens of Barberton a great deal of money protecting one of our most important assets.

Mr. Maurer wished everybody a good summer and everybody be safe.

Mr. Megyes stated Thursday, August 7th there is a Parks Commission Meeting at the Active Adult Center.

Mr. Megyes said he has two clean up days – Saturday, August 16th is the high school football clean-up day with the police and the Van Hying neighborhood and afterwards there is a picnic with that. Saturday, August 23rd is the middle school cleanup day and they also have a picnic after that. He stated they could use the volunteers, anyone can volunteer – get in on the fun.

Mr. Megyes stated Labor Day weekend there are 5 bands and they are good bands. He stated if you haven't seen Dark Side of the Moon which will be at the gazebo, it is worth seeing. He said the laser light show is fantastic. Mr. Megyes said there is a lot of good music over that weekend and he hopes you can enjoy it.

President Maurer stated in regards to the Nine Muses Art Gallery – he doesn't know much about art but it was a very impressive place. He said he was able to meet the “first baby” for the first time and for her first public appearance it was at an art gallery. He stated the art gallery is something different and took a different tack downtown and he thinks every member of council was there but it was quite a place and he is very impressed.

COMMUNICATION FROM THE MAYOR

Mayor Judge thanked Council for passing Resolution 104-2014 and Ordinance 105-2014 dealing with Robinson Avenue. He said since that was passed they will be able to push the repaving of Robinson Avenue from Van Buren to 5th Street a year earlier and still receive the 80% grant for that cost. He said that should be done mid to late September of this year.

Mayor Judge thanked everyone who came to the opening Kave Coffee Bar and the Nine Muses Art Gallery last week or who visited it over the weekend. He said it is really neat over there, what they have been able to do, in a short amount of time. He stated there is a lot of interest from artists as far away as Columbus, Cleveland and Canton coming into town and want to be a part of it by setting up their own studio.

Mayor Judge stated this Thursday is Change for Change at El Japeno's for the free clinic.

Mayor Judge asked Council for recess if they could get a list of streets in their ward that they have considered for 2015 OVI paving program. He said they are going to start working on that in August. He said the goal is to bid the streets in December – January so we can get a better price on asphalt/concrete and start the program a lot earlier.

Mayor Judge asked Council for the month of August to try to keep up with collecting things out of their mailboxes. He said there may be a lot of requests for legislation for early September and we do not want to ketch anyone off guard.

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