

Council met in **REGULAR SESSION** on Monday, February 25, 2013, at 7:36 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Megyes, and Soyars. Mr. Wagner was absent. The Pledge of Allegiance to the Flag was led by Mr. Tristan Keeling, a Boy Scout who is about to receive his Eagle Scout. Mr. Endres 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, February 11, 2013, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Avant, seconded by Mrs. Debevec, to accept the Finance Director's Report for January 2013. 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.

President Maurer said the Second Reading of Resolution No. 11-2013, a commendation for Mr. Tristan Keeling, would be read before First Readings.

RESOLUTION NO. 11-2013

RESOLUTION NO. 11-2013. SPONSORED BY: MR. ENDRES. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – TRISTAN A. KEELING. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO TRISTAN A. KEELING FOR THE DETERMINATION AND COMMITMENT HE DEMONSTRATED TO BECOME AN EAGLE SCOUT. *First Reading – February 11, 2013. Second Reading – February 25, 2013.*

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. 11-2013 BE ADOPTED.** Mr. Endres said to Tristan that he sees much family involvement and a lot of backing behind him. He said he was also in Boy Scouts, but did not make it to the level of Eagle Scout. He said things got in his way like cars, girls, and life itself! President Maurer said, like Mr. Endres, he was also a life scout who did not take that last step; however, he is very proud to say that his son, Michael, did not make the same mistake he did by getting his Eagle. He said to all the young fellows out there wearing that uniform to remember that not getting his Eagle was

one of the biggest mistakes of his life. He said there is not a Scout Master in this world who would not love to say that every one of his boys got an Eagle. President Maurer said he cannot think of a greater, or more noble purpose, than pursuing the Eagle Award like Tristan. Mayor Judge said he would like to congratulate Tristan on his achievement and his success in reaching this rank. He said Tristan should be very proud of his success and accomplishments. He said it is a great milestone to hit and, as mentioned, not many Scouts get to that level. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried. It was moved by Mr. Endres, seconded by Mr. Avant, to recess in order to give Mr. Keeling his commendation. All Members voted “yea.” Motion carried.

Mr. Keeling said he would like to thank his family and his friends for the support they gave him. He said he was glad to be able to achieve this rank to be able to succeed in life.

Recessed: 7:43 p.m.

Reconvened: 7:45 p.m.

FIRST READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 21-2013

RESOLUTION NO. 21-2013. SPONSORED BY: MR. SOYARS. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – CAPTAIN RICHARD STORAD. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO CAPT. RICHARD STORAD FOR HIS 37 YEARS OF DEDICATED SERVICE TO THIS CITY AS A MEMBER OF THE BARBERTON FIRE DEPARTMENT. 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 **RESOLUTION NO. 21-2013 BE ADOPTED.** President Maurer said that type of experience is irreplaceable. He said he has always been a firm believer in the mentoring process. He said having someone around for 37 years like Capt. Storad to help the new firefighters in such a potentially hazardous occupation is invaluable; that type of knowledge cannot be replaced. He said saving lives is apparently one of these things that is a lifelong process and Capt. Storad is an example of that. Chief Baldwin said he wanted to thank Rick for his years of service to the Fire Department, the City, and the residents of Barberton. He said on a personal note he wanted to thank Rick for working with him. He said he learned a lot from him over the last 24 years. He said he is definitely going to be missed by him and everybody else. Chief Baldwin said almost every man in the Department owes something to Rick Storad. He said he gave something to everybody about the job and everything that goes along with it to make their jobs safer with his training. He said he was a good leader and was well respected by everyone who worked under him. He said he will be missed. Chief Baldwin said he wanted to congratulate Rick for first getting to this stage in life, and also to congratulate him for 37 years of service to the Fire Department. He said a lot of people do not understand how long that is in fire emergency service. He said it is pretty rare for someone to hit the 30-year mark, but for someone to go that much longer is extremely rare in this job because this job takes its toll on you, both emotionally and physically, over a number of years. He said Rick has had a very good career and we are proud to say that he is one of ours and that he will be remembered for a long time. Ms. Savula,

Safety Director, said she has known Rick and Jane longer than most people in this room. She said they go back to a more carefree time of high school, the German Club, and school activities ... a different time for our City when purple pride was citywide! She said she was so proud when he was hired as a firefighter and, over the years, she followed his career and promotions. Ms. Savula said she remembered how thrilling it was when he was Acting Chief in the 90's. She said it was not until her first day as a Safety Director and going to her first fire that she actually realized how dangerous his job is and how his precise command and the execution of his duties made a huge difference. She said Rick is a positive reflection of the Barberton Fire Department. She said she also realized what Jane has endured for all of these years and she thanks her for her support in his career. She said as a resident and citizen of Barberton for all of these years, she thanks him for all those times he put his life on the line for all of the citizens. She said as the Safety Director of Barberton, she thanks him for his 37 years of service. She said as Marta Savula, "Dankeschön," and "Auf wiedersehen, mein Freund." Mayor Judge said he wanted to thank Rick for all of his years of dedicated service to the City and the residents. He said after 37 years, he must have seen a lot of changes in the City, especially in the technology that his profession uses. He said he applauds his efforts and thanks him for all he has done for the City, his co-workers, and the residents. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Soyars, seconded by Mr. Lysenko, to recess in order to give Capt. Storad his resolution. All Members voted "yea." Motion carried.

Captain Storad said it has been an honor to serve the City. He said he has always felt fortunate that he could come to a job that he enjoyed. He said he knows a lot of people do not have that luck in life, but he has always enjoyed working for the City and being a member of the Fire Department. He said he has been honored to work with some fine men over the years and he is proud to say he has served with them.

Recessed: 7:55 p.m.
Reconvened: 7:57 p.m.

RESOLUTION NO. 22-2013

RESOLUTION NO. 22-2013. PRESENTED BY: MR. ENDRES. TITLE: SUBMIT GRANT APPLICATION – FEDERAL SAFE ROUTES TO SCHOOL PROGRAM – TRAFFIC SIGNAL. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO SUBMIT A GRANT APPLICATION WITH THE FEDERAL SAFE ROUTES TO SCHOOL PROGRAM, TO INSTALL A TRAFFIC SIGNAL AT THE INTERSECTION OF ROBINSON & 3RD STREET, SE, 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 **RESOLUTION NO. 22-2013 BE ADOPTED.** All Members voted "yea." Motion carried.

RESOLUTION NO. 23-2013

RESOLUTION NO. 23-2013. PRESENTED BY: MR. ENDRES. TITLE: SUBMIT GRANT APPLICATION – FEDERAL SAFE ROUTES TO SCHOOL PROGRAM – SIDEWALK. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON

AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO SUBMIT A GRANT APPLICATION WITH THE FEDERAL SAFE ROUTES TO SCHOOL PROGRAM, TO APPLY FOR INFRASTRUCTURE FUNDING FOR SIDEWALK PLACEMENT ALONG VAN BUREN AVENUE, AND DECLARING AN EMERGENCY. Mr. Endres said a change is needed in this resolution to delete “along Van Buren Avenue” and insert “in the vicinity of Elementary School East.” It was moved by Mr. Endres, seconded by Mr. Avant, to **AMEND RESOLUTION NO. 23-2013.** All Members voted “yea.” Motion carried. Resolution No. 23-2013 now reads: **A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO SUBMIT A GRANT APPLICATION WITH THE FEDERAL SAFE ROUTES TO SCHOOL PROGRAM, TO APPLY FOR INFRASTRUCTURE FUNDING FOR SIDEWALK PLACEMENT IN THE VICINITY OF ELEMENTARY SCHOOL EAST, 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 **RESOLUTION NO. 23-2013 BE ADOPTED, AS AMENDED.** All Members voted “yea.” Motion carried.

The Clerk said that changes were made to Ordinance No. 24-2013 and the new ordinance is dated 02/25/13.

ORDINANCE NO. 24-2013

ORDINANCE NO. 24-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO GRANT AGREEMENT – NEIGHBORHOOD DEVELOPMENT SERVICES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT WITH NEIGHBORHOOD DEVELOPMENT SERVICES (NDS) TO GRANT NDS UP TO \$620,000, TO BE PAYABLE OVER THE NEXT FIVE (5) YEARS, IN ORDER TO ASSIST WITH ECONOMIC DEVELOPMENT IN DOWNTOWN BARBERTON, 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. 24-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 25-2013

ORDINANCE NO. 25-2013. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS – LITTER COLLECTION PROGRAM. 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 TOWARDS A CITYWIDE LITTER COLLECTION 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. 25-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 26-2013

ORDINANCE NO. 26-2013. PRESENTED BY: MR. MEGYES. TITLE: MEMORANDUM OF AGREEMENT – MAGICAL THEATRE COMPANY. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE MAGICAL THEATRE COMPANY FOR THE PROPERTY LOCATED AT 565 W. TUSCARAWAS AVENUE, ALSO KNOWN AS THE PARK THEATER, 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. 26-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 27-2013

ORDINANCE NO. 27-2013. PRESENTED BY: MR. MEGYES. TITLE: SALE OF PROPERTY – LAKE THEATER. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO SELL THE PROPERTY LOCATED AT 588 WEST TUSCARAWAS AVENUE, ALSO KNOWN AS THE LAKE THEATER, TO NEIGHBORHOOD DEVELOPMENT SERVICES (NDS), FOR THE SUM OF \$545,000, 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. 27-2013 BE ADOPTED.** Mr. Lysenko said some wording was changed in Ordinance No. 24-2013. Mr. Lysenko said at first it was a loan, and now it is a Block Grant Agreement. He asked if someone would explain that change. Mayor Judge said that was a typo. He said it was always meant to be a grant. Mr. Lysenko asked if this is a grant they are going to pay back. Mayor Judge said, “No.” He said this is a grant that follows the regs from HUD on the usage of money. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 28-2013

ORDINANCE NO. 28-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – SAFE ROUTES TO SCHOOL PROGRAM. AN ORDINANCE APPROPRIATING \$4,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE ENGINEERING DEPARTMENT OPERATING BUDGET, TO PAY FOR PROFESSIONAL SERVICES REQUIRED TO COMPLETE A SAFE ROUTES TO SCHOOL INFRASTRUCTURE GRANT APPLICATION, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Endres, that **ORDINANCE NO. 28-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk said there was a change in the amount of the appropriation of Ordinance No. 29-2013.

ORDINANCE NO. 29-2013

ORDINANCE NO. 29-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – ODOT – WIDENING OF 31ST STREET. AN ORDINANCE

APPROPRIATING \$107,520 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND TO THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND CAPITAL BUDGET, FOR THE WIDENING OF 31ST STREET PROJECT (ODOT – PID 86923), 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. 29-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 11-2013

RESOLUTION NO. 11-2013. SPONSORED BY: MR. ENDRES. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – TRISTAN A. KEELING. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO TRISTAN A. KEELING FOR THE DETERMINATION AND COMMITMENT HE DEMONSTRATED TO BECOME AN EAGLE SCOUT. *First Reading – February 11, 2013. Second Reading – February 25, 2013.* Resolution No. 11-2013 was read before First Readings and the commendation was presented to Tristan A. Keeling.

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 7-2013

ORDINANCE NO. 7-2013. PRESENTED BY: MRS. DEBEVEC. TITLE: BARBERTON CODIFIED ORDINANCES – REPEAL CHAPTER 206 – ADOPT NEW CHAPTER 206 – WARDS AND BOUNDARIES. AN ORDINANCE REPEALING CHAPTER 206 OF THE BARBERTON CODIFIED ORDINANCES; AND ADOPTING A NEW CHAPTER 206, “WARDS AND BOUNDARIES,” DUE TO CHANGES IN THE WARD BOUNDARIES FOR THE CITY OF BARBERTON. *First Reading – January 28, 2013. Second Reading – February 11, 2013. Third Reading – February 25, 2013.* It was moved by Mrs. Debevec, seconded by Mr. Soyars, that **ORDINANCE NO. 7-2013 BE ADOPTED.** Mr. Endres said his ward was one of the wards drastically affected. He said Mr. Keltyka put a lot of time and effort into this project. He said the census information Mr. Keltyka worked with -- he also works with the Census Bureau so he knows exactly about the tracts and the census blocks -- is information from April 1, 2010. He said it is a little aged right now. Mr. Endres said he thinks it is a little late to make these changes, so he will be voting “no.” President Maurer said he would like to remind Mr. Endres that they only run a national census every ten years, so if it is not done now, it will be ten years from now. He said things will change pretty much the way they are now whether we adjust the ward boundaries or not. President Maurer called for the vote on adoption. Mr. Megyes, Mr. Avant, Mrs. Frey, Mrs. Debevec, and Mr. Soyars voted “yea.” Mr. Lysenko and Mr. Endres voted “nay.” Motion carried, 5-2.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to excuse Mr. Wagner from tonight's meeting. All Members voted "yea." Motion carried.

President Maurer said to look closely over the Budget. He said one nice thing about being in Municipal Government, the situations we generally face running a city basically dictate where the money goes. He said if anyone has any questions, check with the Mayor, Mr. Flickinger, or Mr. Palmer.

COMMUNICATION FROM THE MAYOR

Mayor Judge said he would like to remind everyone that the budget hearing will be next Monday after Council. He said if anyone has any questions, contact them and they will get the answers between now and then.

Mayor Judge said this week there is no Board of Health Meeting.

Mayor Judge said he would like to thank everyone who attended the Change for Change at David B's last week. He said over \$267 was raised for the Larry Bidlingmyer Bike Ride which will be held on Saturday, May 11th, at 10 a.m. He said it is a great event and they are trying to raise awareness for it in order to increase the number of participants.

Mayor Judge said everyone may have noticed a purple commode downstairs in the hallway. He said it is for the Destination Imagination Team. He said it spent several weeks over at the YMCA, and we will be hosting it here for everyone to drop change into it.

Mayor Judge said there will be a Job Fair on Saturday, March 23rd, at the Active Adult Center, from 10:00 a.m. to 2:00 p.m. He said they are still receiving applications from employers and they will get a press release out very soon with information.

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

Adjourned: 8:18 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council