

Council met in **REGULAR SESSION** on Monday, February 27, 2012, 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. 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 13, 2012, 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 Meeting held on Tuesday, February 21, 2012, 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 Tuesday, February 21, 2012, 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 January 2012, as presented. All Members voted “yea.” Motion carried.

### **PETITIONS AND CLAIMS**

The Clerk read a note from Jackie Hollenbach thanking Council for the resolution she received regarding her retirement from the Clerk of Court’s Office.

The Clerk read a note from Paul Suboticki and Family to thank Council for the resolution and the get together held in his honor. He said it was greatly appreciated.

### **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**

Mr. Larry Ashbaugh, 6002 S. Cleveland Massillon Road, New Franklin, said he is a candidate for the Summit County Council for District 7. He gave a brief summary of his credentials and stated his positions, with developing jobs and assisting with the introduction of new businesses to the area as essential.

**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. 26-2012**

**RESOLUTION NO. 26-2012. SPONSORED BY: MR. WAGNER. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – MACI DEVENPORT. A**

**RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO MACI DEVENPORT FOR HER MANY ACHIEVEMENTS IN ATV MOTOCROSS AND FOR HER MANY ACHIEVEMENTS IN SCHOOL.** 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 **RESOLUTION NO. 26-2012 BE ADOPTED.** Mr. Wagner said Maci’s accomplishments, especially for a fourteen-year-old, are astounding. He said he wants to let her know that everyone is very proud of her. Mr. McAviney, Parks Director, said he has had the opportunity to know Maci for several years. He said she is a fine young lady and definitely deserving of this commendation. Mayor Judge said winning the ATV AMA National Championship is a great accomplishment. He said knowing her father, he thought she would be the first female State Wrestler! He said her straight A’s in Middle School, her participation in clubs and sports, being active in community organizations, winning the Outstanding Barberton Citizen Student Award, her dedication, hard work, and her commitment to her community, schoolwork, and most importantly, to herself, has paid off. He said that is why we are here to recognize her today! President Maurer said it is wonderful to have young people show up in the newspaper, especially nationally, because they have done something really outstanding as Maci has done. He said nothing beats straight A’s. He said to take a good look at her because we all may be working for her some day! President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried. It was moved by Mr. Wagner, seconded by Mr. Megyes, to recess in order to present Ms. Devenport with her resolution. All Members voted “yea.” Motion carried.

Recessed: 7:47 p.m

Reconvened: 7:50 p.m.

Ms. Devenport said she thanks Council for this resolution because it is hard for people to recognize what she does because motocross is definitely a male-dominated sport. She said being a girl and doing this is great, but having people recognize her for it is even better. She said also knowing what she does at home is important too.

#### **ORDINANCE NO. 27-2012**

**ORDINANCE NO. 27-2012. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS – PARK PLAY PROGRAM. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$1,000, TO BE USED FOR PARK PLAY PROGRAM ACTIVITIES, 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. 27-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

#### **ORDINANCE NO. 28-2012**

**ORDINANCE NO. 28-2012. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST - PARKS. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$40,000, FOR THE REPLACEMENT OF THE BREITENSTINE BASKETBALL COURT AND AN UPGRADE TO THE TUSCORA PARK BASKETBALL COURT, 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. 28-2012 BE ADOPTED.** President Maurer asked if the basketball courts were going to be asphalt. Mr. McAviney, Parks Director, said the plan at Breitenstine is to make it concrete. He said looking from maintenance and longevity standpoints, it may cost a little more, but we get more years out of concrete. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

#### **RESOLUTION NO. 29-2012**

**RESOLUTION NO. 29-2012. PRESENTED BY: MR. AVANT. TITLE: INTERGOVERNMENTAL AGREEMENT – SUMMIT COUNTY – PROVIDE OFFICE SERVICES. A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF BARBERTON TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF SUMMIT, OFFICE SERVICES DIVISION, TO PROVIDE COPYING AND PRINTING SERVICES, WHEN NECESSARY, 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. 29-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

#### **ORDINANCE NO. 30-2012**

**ORDINANCE NO. 30-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PURCHASE – 898 ROBINSON AVENUE. AN ORDINANCE APPROPRIATING \$90,000 FROM THE UNAPPROPRIATED ITEM OF THE STORMWATER MANAGEMENT FUND TO THE STORMWATER MANAGEMENT FUND CAPITAL BUDGET, FOR THE PURCHASE OF THE BUILDING AND LAND AT 898 ROBINSON AVENUE, 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. 30-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

### **SECOND READING OF ORDINANCES AND RESOLUTIONS**

#### **ORDINANCE NO. 17-2012**

**ORDINANCE NO. 17-2012. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF UNSAFE EQUIPMENT AND VEHICLES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE, THE POLICE CHIEF, AND THE FIRE CHIEF TO SCRAP ANY EQUIPMENT, VEHICLES, OR PROPERTY THEY DEEM TO BE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND THEY DEEM TO BE UNFIT AND UNSAFE FOR DISPOSAL IN ANY OTHER MANNER, AND DECLARING AN EMERGENCY. *First Reading – February 13, 2012. Second Reading – February 27, 2012.*** 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, to **AMEND ORDINANCE NO. 17-2012**, by including in the Ordinance the list of items to be scrapped. The Clerk said the amended ordinance, dated 02-22-12, reads: **AN ORDINANCE AUTHORIZING THE**

**DIRECTOR OF PUBLIC SERVICE, THE POLICE CHIEF, AND THE FIRE CHIEF TO SCRAP CERTAIN EQUIPMENT, VEHICLES, OR PROPERTY THEY DEEM TO BE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND THEY DEEM TO BE UNFIT AND UNSAFE FOR DISPOSAL IN ANY OTHER MANNER, AND DECLARING AN EMERGENCY.** All Members voted “yea.” Motion carried. It was moved by Mr. Soyars, seconded by Mr. Lysenko, that **ORDINANCE NO. 17-2012 BE ADOPTED, AS AMENDED.** All Members voted “yea.” Motion carried.

### **THIRD READING OF ORDINANCES AND RESOLUTIONS**

#### **ORDINANCE NO. 7-2012**

**ORDINANCE NO. 7-2012. PRESENTED BY: MR. ENDRES TITLE: VACATION OF PORTAGE STREET. AN ORDINANCE AUTHORIZING THE PERMANENT VACATION OF A 50-FOOT SECTION OF PORTAGE STREET, LOCATED ON THE PLAYGROUND AND PARKING LOT OF PORTAGE ELEMENTARY SCHOOL, BETWEEN PARCELS #01.13729, #01.13727, AND #01.00555, AND DECLARING AN EMERGENCY. *First Reading – January 23, 2012. Second Reading – February 13, 2012. Third Reading – February 27, 2012.*** It was moved by Mr. Endres, seconded by Mr. Avant, to **AMEND ORDINANCE NO. 7-2012**, with the Ordinance dated 02-14-12. The Clerk said Ordinance No. 7-2012, dated 02-14-12 reads: **AN ORDINANCE AUTHORIZING THE PERMANENT VACATION OF A 50-FOOT SECTION OF PORTAGE STREET, LOCATED ON THE PLAYGROUND AND PARKING LOT OF PORTAGE ELEMENTARY SCHOOL, BETWEEN PARCEL #01.13729 ON ONE SIDE AND PARCELS #01.00555, #01.13727, #01.00554 AND #01.13725 ON THE OTHER SIDE OF THE RIGHT-OF-WAY, WITH STIPULATIONS REQUIRED BY THE UTILITIES DEPARTMENT, AND DECLARING AN EMERGENCY.** All Members voted “yea.” Motion carried. It was moved by Mr. Endres, seconded by Mr. Avant, that **ORDINANCE NO. 7-2012 BE ADOPTED, AS AMENDED.** President Maurer said this has to do with abandoning sewer and water lines and capping them, filling them with concrete, or crushing them. Mr. Stender, Utilities Director, said it is only a sewer line and it is left up to the contractor to choose between either crushing it or filling it with concrete. He said there is a plan in place to be passed to the school system. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

### **APPOINTMENTS**

None.

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

President Maurer said he would like to thank the members of the City Administration who came out to the gathering with Norton, Chippewa Township, Clinton, Copley, and Doylestown. He said it was a very nice affair.

Mr. Megyes said the Parks Commission will meet Thursday, at 4:30, at the Active Adult Center.

Mr. Avant said Council will be holding a question-and-answer period concerning the 2012 Budget after the Regular Meeting on March 12<sup>th</sup>, probably about 8:30 p.m.

President Maurer said there is also a meeting being held at the Active Adult Center this Thursday, March 1, regarding the New Haven parking issue at 6:00 p.m.

**COMMUNICATION FROM THE MAYOR**

Mayor Judge said he would like to thank everyone who attended Norton's Meet and Greet with some of the elected officials from the southern part of Summit County. He said Barberton was well-represented. He said Representative Lynn Slaby, Summit County Executive Russ Pry, and State Senator Frank LaRose were in attendance.

Mayor Judge said the Budget was passed out on Friday. He said there is a meeting scheduled in two weeks to discuss it. He said to please contact him or Mr. Flickinger with any questions so they can be answered ahead of time.

Mayor Judge said Friday the first *Change for Change* was held. He said he wanted to thank everyone who donated or stopped by. He said over two hundred thirty dollars was received and the money went to BACM. He said the next event will be Thursday, March 29<sup>th</sup>, at the Sun Inn, to benefit the YMCA Akron Rotary Camp.

Mayor Judge said the February Jeans Day was split between BACM and the Esther Ryan Shoe Fund, each receiving fifty two dollars and fifty cents. He said last month it was seventy three dollars apiece. He said he wanted to thank everyone for those contributions.

Mayor Judge said the Fire Department is finishing up training with other departments at the Rockwell facilities. He said this is the first time the fire department has had this type of training since 2005.

Mayor Judge said the 32<sup>nd</sup> *Annual Take Pride in Barberton Day* will be on Saturday, April 28<sup>th</sup>. He said there would be a free lunch at Tusc Park for all participants. He said to get in touch with Lisa McLean or Shane McAvinew for more details.

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

Adjourned: 8:07 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council

