

Council met in **REGULAR SESSION** on Monday, October 8, 2012, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Megyes, Soyars, and Wagner. Mr. Lysenko was absent. The Pledge of Allegiance to the Flag was recited and Mr. Avant 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, September 24, 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 September 2012, 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.

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 160-2012

ORDINANCE NO. 160-2012. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS – WINTER YOUTH ADVENTURE CAMP. 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 WINTER YOUTH ADVENTURE CAMP FIELD TRIPS, 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. 160-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 161-2012

ORDINANCE NO. 161-2012. PRESENTED BY: MRS. FREY. TITLE: INCREASE OF CONTRACT – MID OHIO CONCRETE. AN ORDINANCE AUTHORIZING AN INCREASE IN THE AMOUNT OF THE CONTRACT WITH MID OHIO CONCRETE FOR THE SIDEWALK REPLACEMENT PROGRAM, IN THE AMOUNT OF \$15,000, DUE TO THE ADDITION OF THE SIDEWALKS ON NORMAN STREET AND CERTAIN UNSAFE CITY SIDEWALKS, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, 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. Frey, seconded by Mr. Soyars, that **ORDINANCE NO. 161-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 162-2012

ORDINANCE NO. 162-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FOREST CITY LAND DEVELOPMENT - NEW HAVEN DEVELOPMENT. AN ORDINANCE APPROPRIATING \$100,000 FROM THE UNAPPROPRIATED ITEM OF THE F C BARBERTON IMPROVEMENT FUND TO THE F C BARBERTON IMPROVEMENT FUND OPERATING BUDGET, TO BE USED FOR THE NEW HAVEN DEVELOPMENT, 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. 162-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 163-2012

RESOLUTION NO. 163-2012. PRESENTED BY: COUNCIL. SPONSORED BY: MR. AVANT. TITLE: SCHOOL LEVY ENDORSEMENT. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON ENDORSING THE BARBERTON CITY SCHOOLS FIVE-YEAR, 8.52 MILL EMERGENCY OPERATING LEVY, KNOWN AS ISSUE #63, ON THE NOVEMBER 6, 2012, GENERAL ELECTION BALLOT, 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. 163-2012 BE ADOPTED.** Mrs. Frey, Mr. Wagner, Mr. Megyes, Mrs. Debevec, Mr. Avant, and Mr. Soyars voted “yea.” Mr. Endres voted “nay.” Motion carried.

RESOLUTION NO. 164-2012

RESOLUTION NO. 164-2012. PRESENTED BY: MR. AVANT. TITLE: CERTIFYING PROPERTY TAX RATES. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES OF PROPERTY TAX AS DETERMINED BY THE BUDGET COMMISSION OF SUMMIT COUNTY, AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY AUDITOR FOR THE YEAR 2013, 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. 164-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 165-2012

ORDINANCE NO. 165-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PARKS – 2012/2013 AFTER SCHOOL PROGRAM. AN ORDINANCE APPROPRIATING \$5,000 FROM THE UNAPPROPRIATED ITEM OF THE PARKS REVOLVING FUND TO THE PARKS REVOLVING FUND OPERATING BUDGET, TO BE USED TO ASSIST IN PROVIDING FOR AN ELEMENTARY AND MIDDLE SCHOOL “AFTER SCHOOL PROGRAM” FOR THE 2012/2013 SCHOOL YEAR, DUE TO THE YOUTH IN ACTION FUND, 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.

Megyesh, that **ORDINANCE NO. 165-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 166-2012

ORDINANCE NO. 166-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FIRE DEPARTMENT. AN ORDINANCE APPROPRIATING \$9,500 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE FIRE DEPARTMENT OPERATING BUDGET, TO COVER UNFORESEEN OPERATING EXPENSES FOR THE REMAINDER OF THE YEAR, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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 Mr. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 166-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 167-2012

ORDINANCE NO. 167-2012. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – FIRE DEPARTMENT – JOINT DISPATCH PROJECT. AN ORDINANCE TRANSFERRING AN APPROPRIATION OF \$70,000 FROM THE FIRE DEPARTMENT CAPITAL BUDGET TO THE FIRE DEPARTMENT OPERATING BUDGET, TO COVER THE CITY’S SHARE OF THE JOINT DISPATCH PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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 Mr. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 167-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 168-2012

ORDINANCE NO. 168-2012. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – STREETS – PURCHASE OF STREET REPAIR MATERIALS. AN ORDINANCE APPROPRIATING \$10,000 FROM THE UNAPPROPRIATED ITEM OF THE STREET OPERATING FUND TO THE STREET OPERATING FUND OPERATING BUDGET, TO BE USED TO PURCHASE HYGRADE COLD MIX FOR THE REPAIR OF POTHOLES, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mrs. Frey, that **ORDINANCE NO. 168-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

Liquor License Transfer:

From: Adam Husein's, Inc., DBA Magic Mart & Drive Thru, 618 Wooster Road W., Barberton.

To: A.A.A.O. LLC, DBA Magic Mart & Drive Thru, 618 Wooster Road, W., Barberton.

The Clerk said Chief Morber has requested a Hearing in Columbus on this transfer.

It was moved by Mr. Wagner, seconded by Mr. Endres, to excuse Mr. Lysenko from the meeting this evening. All Members voted "yea." Motion carried.

President Maurer said there is a fifth Monday in October. He said any legislation for November will be delayed one week.

President Maurer said Trick or Treat will be October 27th.

Mr. Megyes said he is having a ward meeting tomorrow, October 9th, at the Active Adult Center for the Van Hyning Neighborhood Watch Group. He said Mr. Stefan and Officers Mike Green and Marty Eberhart will be there to address some concerns in that neighborhood.

Mr. Wagner said he has visited the Seiberling project and he wanted to bring Council up-to-date. He said his biggest fear came true -- the workforce is from south of the border and there are men and women on the project. He said the guy stood right here and told us how he bid this job -- how he missed the duct work and some other things. He said #1, there is no power out there. He said the spec stated you had to provide generators to provide the power. He said he threw a fit over generators because he did not want to provide them -- he wanted the City to pay for power to come into the plant. He did not get it. He said the other issue was no water. He said you have to come in to fill out a permit, tap onto a fire hydrant, etc. He said the water cannot be turned on out there because there are probably so many leaks it would be like a sprinkling system. He said he is also very concerned with the way they are abating the asbestos. He said that is all he can say at this point.

President Maurer said he appreciates Mr. Wagner's observations because Mr. Wagner has an eye for these things. He said he hopes it does not become a serious problem, although it sounds as if there are already problems. He said working for the power company, he knows that it takes weeks to get electric power. Mr. Wagner said if he had read the spec, he would have known that he had to provide generators.

COMMUNICATION FROM THE MAYOR

Mayor Judge said he would first like to thank Council for supporting the School Levy. He said he respects everyone's opinion with that issue. He said schools are one of the most important factors in the success of a city, especially in a small city like Barberton.

Mayor Judge said he would also like to thank Council for passing the \$100,000 appropriation for New Haven Development. He said putting those funds into a special account will allow them to have a better oversight over the money and to be even more transparent to the public of how that money will be spent.

Mayor Judge said this Saturday the Barberton Community Foundation is having a retreat in Akron. He said he will be there, along with President Maurer and Mr. Avant.

Mayor Judge said the Barberton Community Foundation has a new website that it is pretty nice. He said everyone should check it out.

Mayor Judge said the Health Fair is October 25th for city employees at the Active Adult Center (YMCA). He said to stop in at the Human Resources Department if anyone needs more information or has any questions.

Mayor Judge said they played Alcoa in softball this past Saturday for charity. He said over \$2,500 was raised for diabetes. He said the City again beat Alcoa! He said they would be playing Alcoa in flag football with the donations going to Toys for Tots in December.

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

Adjourned: 7:57 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council