

Council met in **REGULAR SESSION** on Monday, October 22, 2012, at 7:38 P.M. in the Council Chambers with Vice President Avant presiding. Members present: Debevec, Endres, Frey, Lysenko, Megyes, Soyars, and Wagner. President Maurer was absent this evening. The Pledge of Allegiance to the Flag was recited and Mrs. Frey 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, October 8, 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.

**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. 169-2012**

**ORDINANCE NO. 169-2012. PRESENTED BY: MR. LYSENKO. TITLE: INCREASE OF CONTRACT – MID OHIO CONCRETE – STORMWATER FUND. AN ORDINANCE AUTHORIZING AN INCREASE IN THE AMOUNT OF THE CONTRACT WITH MID OHIO CONCRETE, IN THE AMOUNT OF \$20,000, FOR ADDITIONAL CONCRETE WORK TO MINIMIZE STORMWATER RUNOFF FROM CITY STREETS ONTO PROPERTIES ON PERRY AND AUBURN AVENUES, 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. 169-2012 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 170-2012**

**ORDINANCE NO. 170-2012. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – KENMORE CONSTRUCTION – 31<sup>ST</sup> STREET NW / CLEVELAND MASSILLON ROAD WATERLINE REPLACEMENT PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH KENMORE CONSTRUCTION COMPANY, IN THE AMOUNT OF \$1,821,930,**

**FOR THE 31<sup>ST</sup> STREET NW / CLEVELAND MASSILLON ROAD WATERLINE REPLACEMENT PROJECT, 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. 170-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 171-2012**

**ORDINANCE NO. 171-2012. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – QCI – 31<sup>ST</sup> STREET NW / CLEVELAND MASSILLON ROAD WATERLINE REPLACEMENT PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH QUALITY CONTROL INSPECTION (QCI), IN THE AMOUNT OF \$142,840, FOR CONSTRUCTION ENGINEERING MANAGEMENT FOR THE 31<sup>ST</sup> STREET NW / CLEVELAND MASSILLON ROAD WATERLINE REPLACEMENT PROJECT, 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. 171-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 172-2012**

**ORDINANCE NO. 172-2012. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – RATH BUILDERS SUPPLY – 31<sup>ST</sup> STREET NW / CLEVELAND MASSILLON ROAD WATERLINE REPLACEMENT PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH RATH BUILDERS SUPPLY, IN THE AMOUNT OF \$77,767, FOR THE 31<sup>ST</sup> STREET NW / CLEVELAND MASSILLON ROAD WATERLINE REPLACEMENT PROJECT, 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. 172-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 173-2012**

**ORDINANCE NO. 173-2012. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – PROTECTOPLAS COMPANY – WATER TREATMENT PLANT. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH PROTECTOPLAS COMPANY, IN THE TOTAL AMOUNT OF \$24,360.75, TO PURCHASE A TANK LINER AND A NEW “POST DAY TANK” FOR THE WATER TREATMENT PLANT, 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. 173-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 174-2012**

**ORDINANCE NO. 174-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: CREATE NEW FUND – MUNICIPAL COURT – “COURT SPECIAL PROJECTS OPERATING FUND.” AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE A NEW FUND, THE “COURT SPECIAL PROJECTS OPERATING FUND,” TO PAY FOR SPECIAL PROJECTS OF THE COURT, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mrs. Frey, that **ORDINANCE NO. 174-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 175-2012**

**ORDINANCE NO. 175-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: CREATE NEW FUND – PROBATION – “PROBATION SERVICES FUND.” AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE A NEW FUND, THE “PROBATION SERVICES FUND,” TO ACCOUNT FOR REVENUES AND EXPENDITURES RELATED TO PROBATION SERVICES, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mrs. Frey, that **ORDINANCE NO. 175-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 176-2012**

**ORDINANCE NO. 176-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION – MUNICIPAL COURT – COURT SPECIAL PROJECTS FUND. AN ORDINANCE APPROPRIATING \$17,000 FROM THE UNAPPROPRIATED ITEM OF THE COURT SPECIAL PROJECTS FUND TO THE COURT SPECIAL PROJECTS FUND PERSONAL SERVICES BUDGET; AND APPROPRIATING \$58,000 FROM THE UNAPPROPRIATED ITEM OF THE COURT SPECIAL PROJECTS FUND TO THE COURT SPECIAL PROJECTS FUND OPERATING BUDGET, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mrs. Frey, that **ORDINANCE NO. 176-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 177-2012**

**ORDINANCE NO. 177-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: TRANSFER OF FUNDS – MUNICIPAL COURT – COURT COMPUTER FUND. AN ORDINANCE TRANSFERRING \$4,671.14 FROM THE COURT COMPUTER FUND CAPITAL BUDGET TO THE COURT COMPUTER FUND OPERATING BUDGET, TO PAY FOR CURRENT AND FUTURE PURCHASES FOR THE MUNICIPAL COURT, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mrs. Frey, that **ORDINANCE NO. 177-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 178-2012**

**ORDINANCE NO. 178-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION – POLICE DEPARTMENT. AN ORDINANCE APPROPRIATING \$1,000 FROM THE UNAPPROPRIATED ITEM OF THE CITY GRANT FUND TO THE CITY GRANT FUND OPERATING BUDGET, DUE TO A GRANT FROM THE BARBERTON COMMUNITY FOUNDATION, TO BE USED TO ASSIST IN THE PAYMENT OF THE ERIC HIPPLE SUICIDE AWARENESS PROGRAM, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mrs. Frey, that **ORDINANCE NO. 178-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 179-2012**

**ORDINANCE NO. 179-2012. PRESENTED BY: MRS. DEBEVEC. TITLE: AUTHORIZE PAYMENT – OHIO EDISON. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO OHIO EDISON, IN THE AMOUNT OF \$7,258.33, FOR AN EMERGENCY REPAIR BY OHIO EDISON AT THE WATER TREATMENT PLANT SUBSTATION, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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. Debevec, seconded by Mr. Wagner, that **ORDINANCE NO. 179-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk said the Finance Committee voted to include Resolution No. 180-2012 to this evening’s Agenda.

**RESOLUTION NO. 180-2012**

**RESOLUTION NO. 180-2012. PRESENTED BY : ALL OF COUNCIL. SPONSORED BY: MR. AVANT. TITLE: SUPPORT FOR SUMMIT COUNTY CHILDREN SERVICES – RENEWAL LEVY. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO SUPPORT ISSUE #73, THE SUMMIT COUNTY CHILDREN SERVICES RENEWAL LEVY, ON THE NOVEMBER 6<sup>TH</sup> GENERAL ELECTION BALLOT, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, 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 Mrs. Debevec, seconded by Mrs. Frey, that **RESOLUTION NO. 180-2012 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**

Mr. Wagner said he would like to remind everyone that in two weeks Burgess & Niple, the City's engineering firm, will be giving a presentation in Council Chambers regarding flooding issues and some of the things they are doing throughout the City to alleviate that problem.

Mr. Megyes said last Thursday he went to the ribbon cutting ceremonies for Elementary East and West and he was very impressed with both buildings. He said he and Mr. Avant watched a demonstration of a "Smart Board" -- a new-age blackboard. He said he wished everybody would have gone through those schools. He said if they had, they would vote "yes" for that levy.

Mr. Megyes said the latest issue of the *Herald* said he had a ward meeting a couple of weeks ago. He said it was actually a Van Hying Meeting he scheduled to educate the people about the group home requested in their area. He said Mr. Stefan handled that issue really well.

Mr. Megyes said he is having a ward meeting on November 1st at 7:00 p.m. at the Active Adult Center. He said he is going to have Congressman Tim Ryan and Mayor Judge attend, and Mr. Stefan will be there to talk about the School Levy. Vice President Avant asked if the ward meeting was open to everyone. Mr. Megyes said that it was.

Mr. Megyes said also on November 1<sup>st</sup>, there is a Parks & Recreation Commission Meeting at the Active Adult Center at 4:30 p.m.

Vice President Avant said his first act as a Temporary President is to give everyone next Monday off! He said it is a fifth Monday, so there is no meeting next week.

Vice President Avant requested a motion to excuse President Maurer from tonight's meeting. It was moved by Mr. Megyes, seconded by Mr. Soyars, that President Maurer be excused from this evening's meeting. All Members voted "yea." Motion carried.

## **COMMUNICATION FROM THE MAYOR**

Mayor Judge said he was also very impressed with the schools. He said they have come a long way since he was in school. He agrees with Mr. Megyes that if the voters saw those schools, they would vote for the levy.

Mayor Judge said the VFW on Tusc is doing some fund raising by having local mayors come in at different times for "celebrity bartending." He said he would be there tomorrow from 4:30 p.m. to 7:00 p.m.

Mayor Judge said a second Flood Action public meeting will be held on Wednesday at 6:00 p.m. at the Sokol Center. He said it is open to the public. He said they will be discussing what the City has been doing since the first of the year and to see where the program is going.

Mayor Judge said this Thursday the City has its Health Fair at the Active Adult Center during the afternoon, and he encourages everyone to attend.

Mayor Judge said on Friday at 4:30 p.m. we will be convening at Lake Anna for a Magic March to show our support for the School Levy. He said we will be walking around the Lake and then to the football stadium for the last football game.

Mayor Judge said on Friday there will be a “Change for Change” at Hodge’s Café with all proceeds benefiting the Youth in Action Fund.

Mayor Judge said the leaf pickup season is starting this week. He said signs have been posted when the leaves will be picked up.

Mayor Judge said we are starting the budget process. He said department heads will be coming in over the next few weeks to review the budgets submitted. He said his goal is to have the budget passed this year.

Mayor Judge said he attended an ODOT meeting in Hudson today. He said they laid out their plans for the next several years -- some that incorporate 224 and State Route 619. He said these are things they are hoping to do, but it all comes down to funding because a lot of the projects are unfunded from the government right now. He said there are a lot of other intangible things they are doing at the State level that we were made aware of at the meeting. He said he will bring these issues before department heads and Council as he gets more information.

Mayor Judge said he would like Council to let him know of goals and objectives council members have -- from each member personally or from the committees -- for 2013 and beyond. He said we are working on the budget now, so it is a good idea to get some goals and objectives of things that you want to see done. He said, if possible, he would like to have a brainstorming session with Council, if not this year, then soon after the first of the year.

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

Adjourned: 8:10 P.M.

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Terry L. Avant  
Vice President of Council

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Susan Matuch  
Clerk of Council