

Council met in **REGULAR SESSION** on Monday, April 25, 2011, at 7:36 P.M. in the Council Chambers with President Maurer presiding. Members present: Anderson, Avant, Judge, Lysenko, Megyes, Soyars, Suboticki, and Wagner. The Pledge of Allegiance to the Flag was recited and Mr. Avant gave the Invocation.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Regular Legislative Session held on Monday, April 11, 2011, 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. 35-2011

ORDINANCE NO. 35-2011. PRESENTED BY: MR. SOYARS. TITLE: PURCHASE OF CRUISERS – POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH MONTROSE FORD TO PURCHASE TWO (2) 2011 CROWN VICTORIA VEHICLES, FOR THE COST OF \$44,199.08, THROUGH THE OHIO STATE COOPERATIVE PURCHASING PROGRAM, PURSUANT TO ORDINANCE NO. 42-1995, AND DECLARING AN EMERGENCY. It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Megyes, that **ORDINANCE NO. 35-2011 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 36-2011

ORDINANCE NO. 36-2011. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT – MWH – WATER TREATMENT PLANT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MWH (MONTGOMERY WATSON HARZA), IN AN AMOUNT NOT TO EXCEED \$95,000, FOR AN ENGINEERING EVALUATION OF THE WATER TREATMENT PLANT PROCESS DESIGN, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, 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. Megyes, seconded by Mr. Lysenko, that **ORDINANCE NO. 36-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 37-2011

ORDINANCE NO. 37-2011. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT – CT CONSULTANTS – UTILITIES DEPARTMENT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CT CONSULTANTS, IN AN AMOUNT NOT TO EXCEED \$10,000, FOR ENGINEERING SERVICES FOR THE YEAR 2011 ON AN AS-NEEDED BASIS, AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, 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. Megyes, seconded by Mr. Lysenko, that **ORDINANCE NO. 37-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

RESOLUTION NO. 38-2011

RESOLUTION NO. 38-2011. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – ODOT – I-76 / WOOSTER ROAD (SR 619) PROJECT. 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 THE I-76 / WOOSTER ROAD (SR619) PROJECT (PID 90310), AND DECLARING AN EMERGENCY. It was moved by Mr. Judge, seconded by Mr. Suboticki, 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. Judge, seconded by Mr. Suboticki, that **RESOLUTION NO. 38-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 39-2011

ORDINANCE NO. 39-2011. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – SCHINDLER ELEVATOR. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO SCHINDLER ELEVATOR, IN THE AMOUNT OF \$4,542.66, FOR PREVENTIVE MAINTENANCE OF THE MUNICIPAL BUILDING AND WEIGAND BUILDING ELEVATORS, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. Anderson, 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. Anderson, that **ORDINANCE NO. 39-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 40-2011

ORDINANCE NO. 40-2011. PRESENTED BY: MR. AVANT. TITLE: TRANSFER / APPROPRIATION OF FUNDS – WEIGAND BUILDING RENOVATION. AN ORDINANCE TRANSFERRING A TOTAL AMOUNT OF \$206,607.45 FROM THE HEALTH DISTRICT FUND, WIC FUND, AND PRENATAL FUND TO THE GENERAL FUND AND APPROPRIATING SAID AMOUNT FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE MUNICIPAL BUILDING ANNEX IMPROVEMENT CAPITAL BUDGET, AND DECLARING AN EMERGENCY. It was

moved by Mr. Avant, 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 Mr. Avant, seconded by Mr. Wagner, that **ORDINANCE NO. 40-2011 BE ADOPTED**. President Maurer asked if these services were still going to be funded through the County. Mr. Wagner said they still partially are, but this is the residual amount of monies left over that will be put into the building renovation. President Maurer said as long as those programs are covered. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 41-2011

ORDINANCE NO. 41-2011. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – POLICE DEPARTMENT – TAC COMPUTER SYSTEMS. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO TAC COMPUTER SYSTEMS, IN THE AMOUNT OF \$15,000, FOR THE INSTALLATION OF A RECORDS MANAGEMENT SYSTEM, 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. 41-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 42-2011

ORDINANCE NO. 42-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – POLICE DEPARTMENT – SAFETY TOWN / CHILDREN’S PROGRAMS. AN ORDINANCE APPROPRIATING \$1,329.04 FROM THE UNAPPROPRIATED ITEM OF THE DRUG PREVENTION AND EDUCATION FUND TO THE DRUG PREVENTION AND EDUCATION FUND OPERATING BUDGET, TO PURCHASE EQUIPMENT AND SUPPLIES FOR SAFETY TOWN AND OTHER CHILDREN’S PROGRAMS, 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. 42-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 43-2011

ORDINANCE NO. 43-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – 31ST STREET CORRIDOR PROJECT. AN ORDINANCE APPROPRIATING \$150,000 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND TO THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND OPERATING BUDGET, FOR ENGINEERING SERVICES FOR THE 31ST STREET CORRIDOR PROJECT (PID 86923), AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. Judge, 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. Judge, that **ORDINANCE NO. 43-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 44-2011

ORDINANCE NO. 44-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – I-76 / WOOSTER ROAD (SR 619) PROJECT. AN ORDINANCE APPROPRIATING \$110,000 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND TO THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND OPERATING BUDGET, FOR ENGINEERING SERVICES FOR THE I-76 / WOOSTER ROAD (SR619) PROJECT (PID 90310), AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. Judge, 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. Judge, that **ORDINANCE NO. 44-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 45-2011

ORDINANCE NO. 45-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – 15TH STREET BRIDGE PROJECT. AN ORDINANCE APPROPRIATING \$4,793.71 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND TO THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND CAPITAL BUDGET, FOR THE 15TH STREET BRIDGE PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. Judge, 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. Judge, that **ORDINANCE NO. 45-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 46-2011

ORDINANCE NO. 46-2011. PRESENTED BY: MR. AVANT. TITLE: CHANGE ORDER – CT CONSULTANTS – WWTP IMPROVEMENT PROJECT. AN ORDINANCE AUTHORIZING A CHANGE ORDER WITH CT CONSULTANTS FOR THE WWTP IMPROVEMENT PROJECT, IN THE AMOUNT OF \$150,000, 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. 46-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 32-2011

ORDINANCE NO. 32-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: AMENDING CHAPTER 1422 OF THE BARBERTON CODIFIED ORDINANCES. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1422 OF THE BARBERTON CODIFIED ORDINANCES, “REGISTRATION IN GENERAL,” TO REQUIRE REGISTRATION FOR GENERAL CONTRACTORS, TO ADJUST CERTAIN FEES, AND TO CLARIFY CERTAIN SECTIONS, AND DECLARING AN EMERGENCY.

First Reading – April 11, 2011. Second Reading – April 25, 2011.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Avant said he would like to thank the “crew” here for the card, the basket, and the prayers and concern, and the calls and e-mails he received. He said he did get to enjoy the banana and orange, but he did not know who ate all the muffins. He said he really appreciates the friendship and concern. He said he would also like to thank the Law Department for the card they sent.

Mr. Megyes said he had a meeting on Tuesday with the Van Hyning Neighborhood Watch Group. He said he would like to thank Mr. Stefan for coming. He said Mr. Soyars was also there. He said everyone else missed out on the pizza that night.

Mr. Megyes said on Thursday he had another meeting for the Fourth Ward. He said a week before, as he walked around the ward putting leaflets in everyone’s doors, he got some calls. He said one of the calls was from a lady on Lloyd Street who asked if her daughter could talk at the meeting. He said Shannon Linton works for the Akron Urban League and is involved in a program called Connect Your Community. He said she is teaching a computer class at the Active Adult Center. He said if you take the class and complete it, you get a free computer. He said she was a real popular person at the end of the meeting, getting about fifteen people to sign up! He said he would like to thank Joe Stefan for coming to that meeting also. He said when Joe comes, he carries two hats and you can ask him a lot of different questions. He said the Mayor and Scott Wagner were there discussing jobs and other things. He said Dave Vaughan was also there from NDS talking about low interest loans and some of the grants they have. He said he would also like to thank Sue (Matuch) for all the work she does for him. He said he really, really appreciates it. Ms. Matuch said to Mr. Megyes that he does a lot in his Ward ... and she hopes he signed up for one of those free computers!

Mr. Wagner said Rick Kepler was here tonight to talk about the SB5 meeting at the Green Diamond. He said they are having one on Thursday evening at their place, 720 Wolf Ledges. He said they would probably be training 300 people that night on the circulation of petitions for SB5.

Mr. Wagner said he wanted to remind everybody that Wednesday night at 5:30 p.m. there is a Health Board Meeting in Council Chambers.

COMMUNICATION FROM THE MAYOR

Mayor Genet said he would like to commend Mr. Megyes for his ward meeting on Thursday. He said Connect the Community Program is a Federal program designed to get those individuals who are unfamiliar with computers to be able to get connected. He said information will be put

on the Mayor's Corner this week. He said he thinks you would get a desk top computer or a voucher to go towards a lap top if you so choose. He said that program ends May 2012.

Mayor Genet said the Volunteer Income Tax Assistance Program had roughly one hundred income tax returns this year, amounting to about \$200,000 worth of tax returns. He said that money goes into people's pockets who need it the most -- those who qualify for the Earned Income Tax Credit. He said it was down a little bit this year and they are not sure why.

Mayor Genet said this Thursday the House Finance and Appropriations Committee shall present their version of the State Budget that could be voted on as early as the beginning of the week. He said the Ohio Municipal League will send him the summary Friday morning and he will share that with City Council.

Mayor Genet said he has been asked to participate in a forum with other Mayors and County Executive Russ Pry on Thursday morning at the John S. Knight Center. He was asked to be one of the speakers at the round table session with some of our elected officials, state representatives, and state senators. He said we have talked a little about some of these projects, like the ODOT projects. He said with a tight budget with the State, he would not be surprised if some of those projects slated to be funded through ODOT are pushed back or shelved for a little while. He said he thinks they will be pushing more responsibilities on to the local governments without them claiming to raise taxes. He said it will be a bigger burden on local governments. He said as that comes forward, he will definitely share with City Council.

Mayor Genet said on a lighter note, Saturday was the Easter Egg Hunt. He would like to thank Shane McAviney, Kara Roy, and Lisa McLean and all the other employees who helped put that event together. He said it is like a human vacuum cleaner. He said it started at 11:00 and at 11:03, it was over. He said it was well-attended and enjoyed by all.

Mayor Genet said he then went to the Piggery. He said they moved the cannon from the Street Garage to Robinson Avenue where the Historical Society will begin the restoration project. He said he would like to thank Mr. Anderson for his efforts regarding the cannon. He said he feels it is in the best place right now.

A motion was made by Mr. Judge, seconded by Mr. Soyars, to adjourn.

Adjourned: 8:07 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council

