

Council met in **REGULAR SESSION** on Monday, May 9, 2011, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Anderson, Avant, Judge, Lysenko, Megyes, Soyars, Suboticki. Mr. Wagner was absent. The Pledge of Allegiance to the Flag was recited and Mr. Anderson gave the Invocation.

It was moved by Mr. Judge, seconded by Mr. Suboticki, to approve the Minutes of the Public Hearing held on Monday, April 25, 2011, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Regular Legislative Session held on Monday, April 25, 2011, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Avant, seconded by Mr. Anderson, to accept the Finance Department Report for April 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

RESOLUTION NO. 47-2011

RESOLUTION NO. 47-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: FILE APPLICATION – COAF – SEIBERLING INDUSTRIAL PROPERTY PROJECT. A RESOLUTION OF THE COUNCIL AUTHORIZING THE CITY OF BARBERTON TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND (COAF), FOR THE FORMER SEIBERLING INDUSTRIAL PROPERTY PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mr. Suboticki, seconded by Mr. Avant, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. Mr. Lysenko asked if we had applied for some other grant for this project. Mr. Suboticki said it was a CORF Grant for asbestos removal. Mr. Lysenko asked if we got that grant. Mayor Genet said he believed the meeting for that grant got backed up to June 29th. He said this COAF application is a backup in the event we do not get the CORF funding. He said if we get the CORF funding in June then this part of COAF will not be needed. President Maurer called for the vote on suspension. All Members voted "yea." Motion carried.

It was moved by Mr. Suboticki, seconded by Mr. Avant, that **RESOLUTION NO. 47-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

RESOLUTION NO. 48-2011

RESOLUTION NO. 48-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: FILE APPLICATION – COAF – SEIBERLING OFFICE REDEVELOPMENT PROJECT. A RESOLUTION OF THE COUNCIL AUTHORIZING THE CITY OF BARBERTON TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND (COAF), FOR THE FORMER SEIBERLING OFFICE REDEVELOPMENT PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mr. Suboticki, 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. Suboticki, seconded by Mr. Avant, that **RESOLUTION NO. 48-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 49-2011

ORDINANCE NO. 49-2011. PRESENTED BY: MR. LYSENKO. TITLE: CDBG FY2011 ANNUAL ACTION PLAN. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY2011 ANNUAL ACTION PLAN DOCUMENT AND PROGRAM, AND DECLARING AN EMERGENCY. It was moved by Mr. Lysenko, 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. Lysenko, seconded by Mr. Soyars, that **ORDINANCE NO. 49-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 50-2011

ORDINANCE NO. 50-2011. PRESENTED BY: MR. LYSENKO. TITLE: FY2011 ANNUAL ACTION PLAN – SUBMIT TO HUD. AN ORDINANCE APPROVING THE SUBMISSION OF THE FY 2011 ANNUAL ACTION PLAN TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), AND DECLARING AN EMERGENCY. It was moved by Mr. Lysenko, 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. Lysenko, seconded by Mr. Soyars, that **ORDINANCE NO. 50-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 51-2011

ORDINANCE NO. 51-2011. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT - HUD. AN ORDINANCE ALLOWING THE MAYOR, VIA THE PLANNING DIRECTOR, TO ENTER INTO CONTRACT WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), IN THE AMOUNT OF \$683,000, OR AN AMOUNT TO BE DETERMINED AT A LATER DATE BY HUD, IN ORDER TO CARRY OUT ELIGIBLE CDBG ACTIVITIES, AND DECLARING AN EMERGENCY. It was moved by Mr. Lysenko, 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. Lysenko, seconded by Mr. Soyars, that **ORDINANCE NO. 51-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 52-2011

ORDINANCE NO. 52-2011. PRESENTED BY: MR. LYSENKO. TITLE: PURCHASE OF PROPERTY – 284 14TH STREET, NW. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 284 14TH STREET, NW, FOR \$5,000, PLUS CLOSING COSTS, USING CDBG FUNDS, AND DECLARING AN EMERGENCY. It was moved by Mr. Lysenko, 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. Lysenko, seconded by Mr. Soyars, that **ORDINANCE NO. 52-2011 BE ADOPTED.** President Maurer asked if this was a buildable lot. Ms. Sheridan, Planning Director, said it is a buildable lot, 43 x 140. President Maurer asked what the minimum square footage is. Mr. Bauschlinger, Building Commissioner, said that particular zoning is 4500 square feet. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 53-2011

ORDINANCE NO. 53-2011. PRESENTED BY: MR. SOYARS. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – ICE CREAM VENDORS. AN ORDINANCE AMENDING CERTAIN SECTIONS OF SECTION 660.08 OF THE BARBERTON CODIFIED ORDINANCES, “REGULATIONS FOR ICE CREAM VENDORS,” 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. 53-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 54-2011

ORDINANCE NO. 54-2011. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO MUTUAL AID AGREEMENT – SUMMIT COUNTY CRASH RESPONSE TEAM. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY AND / OR CHIEF OF POLICE TO ENTER INTO A MUTUAL AID AGREEMENT, ALONG WITH OTHER SUMMIT COUNTY COMMUNITIES, TO PARTICIPATE IN THE SUMMIT COUNTY CRASH RESPONSE TEAM, 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. 54-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 55-2011

ORDINANCE NO. 55-2011. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT – BURGESS & NIPLE – PHASE 2 STUDY – WATER STORAGE TANK IMPROVEMENTS PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE, IN AN AMOUNT NOT TO EXCEED \$166,000, FOR THE PHASE 2 STUDY OF THE WATER STORAGE TANK IMPROVEMENTS PROJECT, FOR DESIGN AND

BID SERVICES, 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. 55-2011 BE ADOPTED.** President Maurer asked Mr. Stender, Utilities Superintendent, if we are looking to replace some of these standpipes. Mr. Stender said yes. President Maurer asked if we were going with the one with the elevated spiral on top or a big cylinder again like we have in the past. Mr. Stender said we are going to bid both, then make an educated decision. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 56-2011

ORDINANCE NO. 56-2011. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT – FLOYD BROWNE GROUP – WATERLINE PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH FLOYD BROWNE GROUP, IN AN AMOUNT NOT TO EXCEED \$140,000, FOR AN ENGINEERING EVALUATION OF THE WATERLINE PROJECT ON 31ST STREET NW / CLEVELAND-MASSILLON ROAD IN NORTON, 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. 56-2011 BE ADOPTED.** President Maurer asked Mr. Stender the age of that line. Mr. Stender said he did not know. President Maurer said he thought it was about eighty-five or ninety-years-old. Mr. Stender said he did not believe the line to be that old; however, they have had valve problems with that line. He said they do not know where the valves are and there are not enough of them. He said it has been paved over many times. He said he did want to say that this is \$140,000, but it is a shared cost with the City of Norton that would be split. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 57-2011

ORDINANCE NO. 57-2011. PRESENTED BY: MR. ANDERSON. TITLE: TRANSFER OF PROPERTY – SUMMIT COUNTY – BRIDGE REPLACEMENT PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A “QUIT CLAIM DEED” FOR SUMMIT COUNTY TO TAKE OWNERSHIP OF 0.0959 ACRES LOCATED ON THE EAST SIDE OF VAN BUREN AVENUE, SOUTH OF THE TUSCARAWAS RIVER, FOR ONE DOLLAR (\$1.00), FOR THE SUMMIT COUNTY BRIDGE REPLACEMENT PROJECT (SUM CR60-4.63), AND DECLARING AN EMERGENCY. It was moved by Mr. Anderson, 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. Anderson, seconded by Mr. Judge, that **ORDINANCE NO. 57-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 58-2011

ORDINANCE NO. 58-2011. PRESENTED BY: MR. ANDERSON. TITLE: PERMANENT EASEMENT – SUMMIT COUNTY – BRIDGE REPLACEMENT PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A

PERMANENT EASEMENT OF 0.0466 ACRES ON THE EAST SIDE OF VAN BUREN AVENUE, SOUTH OF THE TUSCARAWAS RIVER, TO SUMMIT COUNTY, FOR THE SUMMIT COUNTY BRIDGE REPLACEMENT PROJECT (SUM CR60 - 4.63), AND DECLARING AN EMERGENCY. It was moved by Mr. Anderson, 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. Anderson, seconded by Mr. Judge, that **ORDINANCE NO. 58-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 59-2011

ORDINANCE NO. 59-2011. PRESENTED BY: MR. ANDERSON. TITLE: TEMPORARY EASEMENT – SUMMIT COUNTY – BRIDGE REPLACEMENT PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A TEMPORARY EASEMENT OF 0.0402 ACRES ON THE EAST SIDE OF VAN BUREN AVENUE, SOUTH OF THE TUSCARAWAS RIVER, TO SUMMIT COUNTY, FOR THE DURATION OF THE SUMMIT COUNTY BRIDGE REPLACEMENT PROJECT (SUM CR60 - 4.63), AND DECLARING AN EMERGENCY. It was moved by Mr. Anderson, 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. Anderson, seconded by Mr. Judge, that **ORDINANCE NO. 59-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 60-2011

ORDINANCE NO. 60-2011. PRESENTED BY: MR. AVANT. TITLE: AMENDING ORD. NO. 17-2007 – COMPENSATION FOR ELECTED OFFICIALS. AN ORDINANCE AMENDING ORDINANCE NO. 17-2007 TO ESTABLISH THE COMPENSATION FOR CERTAIN ELECTED OFFICIALS; AND TO INCLUDE THE PRESIDENT OF COUNCIL AND MEMBERS OF COUNCIL IN THIS ORDINANCE, AND DECLARING AN EMERGENCY. *First Reading – May 9, 2011.*

ORDINANCE NO. 61-2011

ORDINANCE NO. 61-2011. PRESENTED BY: MR. AVANT. TITLE: AMENDING ORD. NO. 204-2010 – EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES. AN ORDINANCE AMENDING ORDINANCE NO. 204-2010, “EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES,” BY DELETING THE PRESIDENT OF COUNCIL AND MEMBERS OF COUNCIL FROM THIS ORDINANCE IN ORDER TO INCLUDE THOSE ELECTED POSITIONS IN ORDINANCE NO. 60-2011 WITH OTHER ELECTED OFFICIALS, AND DECLARING AN EMERGENCY. *First Reading – May 9, 2011.*

ORDINANCE NO. 62-2011

ORDINANCE NO. 62-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – STREET LIGHTS. AN ORDINANCE APPROPRIATING \$6,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE SERVICE DIRECTOR’S OPERATING BUDGET, TO PAY FOR STREET LIGHTS THAT HAVE

BEEN REPLACED AND LIGHTS THAT ARE IN NEED OF REPAIR, 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. 62-2011 BE ADOPTED.** Mr. Palmer, Service Director, said he would just like Council to know that we have a lot of decorative lights throughout Downtown. He said when someone knocks down a light, we normally have the police department come out and make a report, then we send that over to First Energy and First Energy will try to go after that person’s insurance to pay for it. He said this winter was a bad winter; we had a number of lights hit. He said we had only one recorded and, other than that, they were hit/skips. He said we are required to take care of those. Mr. Judge asked if those were insured in any way. President Maurer said they are not our property. Mr. Palmer said we have an ESIP contract that states we are required to take care of them. President Maurer said the way that contract works is that they provide routine maintenance, but impact damage requiring replacement or installation is on the back of the city. He said Edison takes them back over; it is their property. He said they maintain them in perpetuity and the contract includes operating, the power, and maintaining them. He said those lights are made out of fiberglass -- terribly expensive -- and they do not take hits very well. Mr. Todd asked if the city is responsible for telephone poles getting knocked down. President Maurer said that is a different contract all together. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD 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 – May 9, 2011.* It was moved by Mr. Suboticki, seconded by Mr. Avant, that **ORDINANCE NO. 32-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

It was moved by Mr. Judge, seconded by Mr. Soyars, to excuse Mr. Wagner from this evening’s meeting. All Members voted “yea.” Motion carried.

President Maurer said to all department heads that May has five Mondays, so our last meeting this month will be on May 23rd. He said we will not have a meeting on May 30th.

Mr. Megyes said next Monday, May 16th, they will have a Special Utilities Meeting in the Small Court Room at 5:30 p.m. He said hopefully they will be meeting with members of the Barberton School Board to talk about purchasing the old Oakdale School property.

Mr. Megyes said on June 11th, between 10:00 a.m. and 2:00 p.m., at the Water Garage, there will be a rabies vaccine put on by the Summit County Health Department. He said you can get your animals vaccinated for \$5.00, which is a really good deal.

Mr. Keltyka said he would be holding a meeting on the recent flooding we had in Barberton on Wednesday, May 18th, at the Active Adult Center, from 7:00 to 9:00 p.m. He said to give him a call at 330 861 7299 if anyone has any questions.

COMMUNICATION FROM THE MAYOR

Mayor Genet said last Friday he and his wife had the opportunity to go to the Akron Summit Action facility at 678 Exchange Street for a reception for the AmeriCorp Volunteers and all the volunteers that helped with the Volunteer Income Tax Assessment Program. He said the returns for Barberton were down a little bit, but they still did about one hundred returns, averaging about \$1,700 per return. He said about \$47,000 of Earned Income Tax Credit was returned and there was about \$40,000 of income savings for tax preparation. He said this program is good because it puts money in the pockets of those who need the money the most.

Mayor Genet said as a member of the executive committee for the Summit County Mayor's Association, they established quarterly meetings with our Summit County delegation. He said they met with Senator Sawyer, Senator LaRose, Kristina Roegner, and Todd McKenney last week. He said if anyone has any questions for that delegation, let him know. He said he is in constant contact with our Representative Milkovich and Senator LaRose.

Mayor Genet said he is still looking for two individuals to serve on the Board of Health, so if you know of anyone in your ward willing to serve, please let him know.

Mayor Genet said there is great news for the City of Barberton that Summa Barberton Hospital received the full approval for more than a \$17 million expansion to the ER. He said the history of what created the expansion was the sale of that eight acres. He said without the ability to expand, they would not have a guarantee that we would have an acute care facility here. He said it has come into fruition and it is exciting news for the City of Barberton. He said the current emergency room is not designed for the amount of volume they are taking in and this new expansion will be great for the clients and for the community.

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

Adjourned: 8:08 P.M.

Frederick S. Maurer

Susan Matuch

President of Council

Clerk of Council