

Council met in **REGULAR SESSION** on Monday, June 13, 2011, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Anderson, Avant, Judge, Lysenko, Megyes, Soyars, Suboticki, and Wagner. Mr. Jacob Alhermini, a candidate for Eagle Scout, lead the Pledge of Allegiance to the Flag and Mr. Judge 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, May 23, 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 May 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. 73-2011**

**RESOLUTION NO. 73-2011. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. MEGYES. TITLE: COMMENDATION – ROBERT S. LILLY. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO ROBERT S. LILLY FOR 28 YEARS OF DEDICATED SERVICE TO THE CITY AND TO THIS COMMUNITY.** 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. Mr. Palmer, Director of Public Service, said it does not surprise him that neither Mr. Lilly nor Mr. Nerone is in attendance this evening. He said they are very quiet individuals. He said we do appreciate everything they have done for the "team." He said they were model employees ... great to be around ... and true professionals. He said Mr. Lilly came into his office every day and gave him a reason to smile; he was a jokester. He said he appreciates everything Mr. Lilly has done for the City and he hopes he is enjoying retirement. Mr. Lawson, President of AFSCME Local #265, said he would like to thank City Council for recognizing these two employees. He said they were both great employees and he is sure they appreciate this recognition. Mr. Suboticki would like to thank Mr. Lilly personally, a resident of his Ward. He said any time he ever called on Mr. Lilly for help, he was able to do it and he never had any bad comments from Bob over the years. He said he was a model employee. President Maurer called

for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Megyes, seconded by Mr. Lysenko, that **RESOLUTION NO. 73-2011 BE ADOPTED.** President Maurer said we were very fortunate to have a fine man like Mr. Lilly working for us for twenty-eight years. He said the city will always be in his debt. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

#### **RESOLUTION NO. 74-2011**

**RESOLUTION NO. 74-2011. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. MEGYES TITLE: COMMENDATION – MICHAEL J. NERONE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO MICHAEL J. NERONE FOR 25 YEARS OF DEDICATED SERVICE TO THE CITY AND TO THIS COMMUNITY.** 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 **RESOLUTION NO. 74-2011 BE ADOPTED.** President Maurer said everything said for Mr. Lilly certainly goes for Mr. Nerone as well. He said his understanding is that Mr. Nerone was an amazing mechanic. He said anyone who puts in that kind of time and dedication to the City deserves our respect, admiration, and gratitude. Mr. Palmer said it took him a long time to understand if Mr. Nerone was a “Chevy man” or a “Ford man!” He said Mr. Nerone was a *true* mechanic. He said he knew those machines and he could make anything work. Mr. Palmer said he kept our fleet rolling and he is sure the Police Department appreciates all the things he did for them. Mr. Lawson said again he would like to thank Council for these resolutions. He said they were both fine employees. Chief Morber said Mike took care of our fleet for years. He did a great job and we miss him. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

#### **ORDINANCE NO. 75-2011**

**ORDINANCE NO. 75-2011. PRESENTED BY: MR. SOYARS. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – BANNING THE SALE OF “BATH SALTS.” AN ORDINANCE AMENDING CHAPTER 624 OF THE BARBERTON CODIFIED ORDINANCES, ENTITLED “DRUGS,” BY ADDING A SECTION BANNING THE SALE OF METHYLENEDIOXYPYROVALERONE (MDPV) AND MEPHADRONES, COMMONLY REFERRED TO AS “BATH SALTS” AND/OR ANY DERIVATIVES THEREOF; AND PROVIDING FOR ENFORCEMENT OF THESE PROVISIONS, INCLUDING PENALTIES FOR VIOLATIONS, 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. 75-2011 BE ADOPTED.** President Maurer said he would like to thank the Safety Committee for taking the point on this issue, an enforcement nightmare for our Police Department. He said this has to be done because it is a serious problem. He said coming from law enforcement, he never believed there was any such thing as a “recreational” drug. He said he understands that Barberton is the first to pass any control on this. Chief Morber said it is his understanding that we are the first in Ohio. He said he wanted to thank Mrs. Miller, the Law Director, and Chief Baldwin, our Fire Chief also. Mayor Genet said he too would like to thank the Chiefs for bringing this to our attention. He said he learned more about “bath salts” within the last few weeks than he ever

thought he would. He said the products we are talking about today cannot be purchased at Bed Bath and Beyond or K-Mart. He said this is nothing more than a drug similar to cocaine that causes hallucinations and paranoia. Mayor Genet said being the community that bans the sale of it will hopefully deter some of the instances that our police officers and citizens are exposed to today. He said our State Representative is here and maybe he can take this issue to Columbus to pursue it. He said hopefully we are making our community safer by doing this. Mr. Judge said he would like to thank the Safety Committee and the two Chiefs. He said this is a relatively new product in the area and we have been reading the reports of what these do and the predicament it puts our officers in. He said he would like to thank them for being pro-active in this area. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

#### **ORDINANCE NO. 76-2011**

**ORDINANCE NO. 76-2011. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACTS – FY 2011 CDBG ANNUAL ACTION PLAN. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO GRANT AGREEMENTS AND RELATED ASSURANCES, CERTIFICATIONS, AND CONTRACTS WITH FAIR HOUSING ADVOCATES ASSOCIATION (FHAA), NEIGHBORHOOD DEVELOPMENT SERVICES (NDS), BARBERTON COMMUNITY DEVELOPMENT CORPORATION (BCDC), AND THE VICTIM ASSISTANCE PROGRAM, TO CARRY OUT THE FY2011 CDBG ANNUAL ACTION PLAN, 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. 76-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

#### **ORDINANCE NO. 77-2011**

**ORDINANCE NO. 77-2011. PRESENTED BY: MR. LYSENKO. TITLE: TRANSFER OF PROPERTY – SC BOARD OF DD. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A “QUIT CLAIM DEED” FOR THE COUNTY OF SUMMIT BOARD OF DEVELOPMENTAL DISABILITIES TO TAKE OWNERSHIP OF THE PROPERTY LOCATED AT THIRD STREET, NW, AND HOPOCAN AVENUE, FOR ONE DOLLAR (\$1.00), TO CONSTRUCT A PARK HONORING VETERANS ON THE PROPERTY, 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. 77-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

#### **ORDINANCE NO. 78-2011**

**ORDINANCE NO. 78-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: CHANGE OF USE – FULLER STREET AND 4<sup>TH</sup> STREET NW INTERSECTION. AN ORDINANCE AUTHORIZING THE CHANGE OF USE FOR THE FULLER STREET AND 4<sup>TH</sup> STREET, NW, INTERSECTION, TO BE CLOSED TO THRU TRAFFIC AND TO ALLOW EMERGENCY TRAFFIC ONLY, DUE TO ANTICIPATED TRAFFIC CONDITIONS AT THE NEW MIDDLE SCHOOL.** It was moved by Mr. Suboticki, 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. Suboticki, seconded by Mr. Wagner, that **ORDINANCE NO. 78-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 79-2011**

**RESOLUTION NO. 79-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: TAX INCENTIVE REVIEW COUNCIL – PPG INDUSTRIES, INC. A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL REGARDING THE ENTERPRISE ZONE AGREEMENT WITHIN THE CITY OF BARBERTON FOR PPG INDUSTRIES, INC., AND DECLARING AN EMERGENCY.** It was moved by Mr. Suboticki, 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. Suboticki, seconded by Mr. Wagner, that **RESOLUTION NO. 79-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 80-2011**

**ORDINANCE NO. 80-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: B & C RESEARCH, INC. – CRA ABATEMENT. AN ORDINANCE AUTHORIZING THE MAYOR, VIA THE PLANNING DIRECTOR, TO SUBMIT TO THE STATE OF OHIO, A “BUSINESS APPLICATION FOR TAX INCENTIVES,” ON BEHALF OF B & C RESEARCH, INC., AND DECLARING AN EMERGENCY.** It was moved by Mr. Suboticki, 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. Suboticki, seconded by Mr. Wagner, that **ORDINANCE NO. 80-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 81-2011**

**ORDINANCE NO. 81-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PARKS – LABOR DAY FIREWORKS. AN ORDINANCE APPROPRIATING \$8,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PARKS RECREATION PROGRAMS OPERATING BUDGET, FOR THE 2011 LABOR DAY FIREWORKS DISPLAY, DUE TO DONATIONS RECEIVED FROM IBEW LOCAL #306, AFSCME LOCAL #265, AND OTHER TRADE ORGANIZATIONS, 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. 81-2011 BE ADOPTED.** Mr. McAviney, Parks Director, said he would like to thank Mr. Wagner for his hard work on doing this, Mr. Lawson and the rest of the trade organizations, and the Mayor for the support for this. President Maurer told Mr. McAviney to take a bow for himself too. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 82-2011**

**ORDINANCE NO. 82-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FY2011 CDBG FUND. AN ORDINANCE APPROPRIATING \$685,063 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY**

**DEVELOPMENT BLOCK GRANT FUND TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND OPERATING BUDGET, IN ORDER TO CARRY OUT ELIGIBLE FY2011 CDBG ACTIVITIES, AND DECLARING AN EMERGENCY.** It was moved by Mr. Avant, 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. Avant, seconded by Mr. Lysenko, that **ORDINANCE NO. 82-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 83-2011**

**ORDINANCE NO. 83-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – UTILITIES – WATER TANKS PROJECT. AN ORDINANCE APPROPRIATING \$166,000 FROM THE UNAPPROPRIATED ITEM OF THE WATER IMPROVEMENT RESERVE FUND TO THE WATER IMPROVEMENT RESERVE FUND CAPITAL BUDGET, FOR THE WATER TANKS PROJECT, 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. 83-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 84-2011**

**ORDINANCE NO. 84-2011. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – UTILITIES – 31<sup>ST</sup> STREET NW WATERLINE PROJECT. AN ORDINANCE TRANSFERRING \$140,000 FROM THE WATER FUND CAPITAL BUDGET TO THE WATER FUND OPERATING BUDGET, FOR AN EVALUATION / STUDY OF THE 31<sup>ST</sup> STREET NW WATERLINE PROJECT, 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. 84-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 85-2011**

**ORDINANCE NO. 85-2011. PRESENTED BY: MR. AVANT. TITLE: CHANGE ORDER – SUMMIT ROAD / GLENN STREET PROJECT. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$160,219, WITH KENMORE CONSTRUCTION COMPANY, FROM \$1,508,049 TO \$1,668,268, TO INCLUDE THE RECONSTRUCTION OF GLENN STREET TO THE SCOPE OF WORK AND TO ADD 60 CALENDAR DAYS TO COMPLETE THE ADDITIONAL WORK, FOR THE SUMMIT ROAD / GLENN STREET WATER MAIN REPLACEMENT 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. Mr. Anderson said he will be voting “no” on these three ordinances. He said he understands the scope of the work became greater on Glenn Street and that it is an emergency. He said when he found out that we were not going to assess for the new road, he could not accept that because in a couple of months he is going to vote to assess everyone else in the City who will be getting a new road. Mr. Anderson said he agrees the work needs done, but he cannot support assessing one street when Glenn Street is probably going to be the best street

in town and the residents will not have to pay a dime. President Maurer called for the vote on suspension. Mr. Judge, Mr. Soyars, Mr. Megyes, Mr. Lysenko, Mr. Avant, Mr. Anderson, and Mr. Wagner voted “yea.” Mr. Suboticki voted “abstain.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Judge, that **ORDINANCE NO. 85-2011 BE ADOPTED.** Mr. Wagner, Mr. Avant, Mr. Lysenko, Mr. Megyes, Mr. Soyars, and Mr. Judge voted “yea.” Mr. Suboticki voted “abstain.” Mr. Anderson voted “nay.” Motion carried, 6-1-1.

**ORDINANCE NO. 86-2011**

**ORDINANCE NO. 86-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – STORMWATER DRAINAGE SYSTEM – SUMMIT ROAD / GLENN STREET PROJECT. AN ORDINANCE APPROPRIATING \$80,000 FROM THE UNAPPROPRIATED ITEM OF THE STORMWATER MANAGEMENT FUND TO THE STORMWATER MANAGEMENT FUND CAPITAL BUDGET, TO PROVIDE A STORMWATER DRAINAGE SYSTEM FOR THE SUMMIT ROAD / GLENN STREET WATER MAIN REPLACEMENT 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. Mr. Soyars, Mr. Lysenko, Mr. Judge, Mr. Wagner, Mr. Avant, Mr. Megyes, and Mr. Anderson voted “yea.” Mr. Suboticki voted “abstain.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Judge, that **ORDINANCE NO. 86-2011 BE ADOPTED.** Mr. Megyes, Mr. Avant, Mr. Wagner, Mr. Judge, Mr. Lysenko, and Mr. Soyars voted “yea.” Mr. Suboticki voted “abstain.” Mr. Anderson voted “nay.” Motion carried, 6-1-1.

**ORDINANCE NO. 87-2011**

**ORDINANCE NO. 87-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – SUMMIT ROAD / GLENN STREET PROJECT. AN ORDINANCE APPROPRIATING \$32,000 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE RESERVE FUND TO THE INFRASTRUCTURE RESERVE FUND CAPITAL BUDGET, FOR THE ENGINEERING, SURVEYING, AND CONSTRUCTION COSTS OF THE SUMMIT ROAD / GLENN STREET WATER MAIN REPLACEMENT 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. Mr. Avant, Mr. Judge, Mr. Lysenko, Mr. Soyars, Mr. Wagner, Mr. Anderson, and Mr. Megyes voted “yea.” Mr. Suboticki voted “abstain.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Judge, that **ORDINANCE NO. 87-2011 BE ADOPTED.** Mr. Megyes, Mr. Wagner, Mr. Soyars, Mr. Lysenko, Mr. Judge, and Mr. Avant voted “yea.” Mr. Suboticki voted “abstain.” Mr. Anderson voted “nay.” Motion carried, 6-1-1.

**ORDINANCE NO. 88-2011**

**ORDINANCE NO. 88-2011. PRESENTED BY: MR. MEGYES. TITLE: AMEND ORDINANCE NO. 64-2011 – PURCHASE OF FORMER OAKDALE SCHOOL PROPERTY – WAIVE ONE-HALF WATER AND SANITARY SEWER FEES. AN ORDINANCE AMENDING ORDINANCE NO. 64-2011 TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE EIGHT PARCELS OF THE FORMER OAKDALE SCHOOL PROPERTY FROM THE BARBERTON BOARD OF EDUCATION, IN THE AMOUNT OF \$1.00, TO CONTINUE**

**WITH THE “WATER STORAGE TANK IMPROVEMENTS 2011” PROJECT; AND TO WAIVE ONE-HALF OF CERTAIN WATER AND SANITARY SEWER FEES FOR ALL SCHOOL FACILITIES UNDER CONSTRUCTION AND CURRENTLY IN THE MODERNIZATION PROGRAM, 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. 88-2011 BE ADOPTED.** President Maurer said it was brought up recently about the waiving of these tap-in fees. He said our tap-in policies, as a whole, have been under review by the Utilities Department for some time. He said in this particular case, for helping us build a much-needed water tower, the reason that the tap-in fees were requested to be waived was because they thought it would be much easier to develop the property if the tap-in fees were waived due to the current topography and bedrock’s close proximity to surface. He said there was a mutual benefit here, so that was basically the logic behind it. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

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

#### **ORDINANCE NO. 67-2011**

**ORDINANCE NO. 67-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: AMENDING BARBERTON DEVELOPMENT CODE – SECTION 1250.07 – “FENCES.” AN ORDINANCE AMENDING CERTAIN PARTS OF SECTION 1250.07 OF THE BARBERTON DEVELOPMENT CODE ENTITLED “FENCES.”**

***First Reading – May 23, 2011. Second Reading – June 13, 2011.***

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

#### **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. Second Reading, AMENDED – May 23, 2011. Third Reading – June 13, 2011.*** It was moved by Mr. Avant, seconded by Mr. Anderson, to **AMEND ORDINANCE NO. 60-2011.** Mr. Avant said this is an amendment presented by Mr. Megyes to keep the current salaries the Mayor, Finance Director, and Law Director are receiving at the 2009 level through the years 2012 and 2013 and increase it by 2% in 2014 and 2015, with all council members staying the same. He said it was presented, voted, and approved on June 6<sup>th</sup> in the Finance Committee Meeting. President Maurer said the three office holders in general, as you know, have had an ordinance in play for some time. He said the Council reductions are going to stay in place and the Mayor, Finance Director, and Law Director will be frozen for the next two years -- which is basically a four-year wage freeze -- with a two-year 2% increase the second half of the term. The Clerk said Council will be voting on the amendment presented in Ordinance No. 60-2011, dated 06-07-11. Mr. Anderson and Mr.

Avant voted "yea." Mr. Suboticki, Mr. Judge, Mr. Megyes, Mr. Wagner, Mr. Soyars, and Mr. Lysenko. Motion to **AMEND, FAILED**, 2-6. The Clerk said Council will now be voting on Ordinance No. 60-2011, dated 5-17-11, for the Third Reading. Mr. Lysenko said the proposal that would have saved the City the most money by his calculations, \$21,463, did not come out of committee because the Finance Committee voted 3-1 not to call for that. He said the amended version today would save, by his calculations, approximately \$18,185. He said Mr. Avant's original proposal which we are going to vote on now would have the City spending an additional \$6,245. He said those numbers should speak for themselves as to how this Council should be voting in this economic climate. Mr. Avant said Mr. Judge's first proposal did not get turned down 3-1. He said it did not get a second (in the Finance Committee Meeting), so it did not even have a chance to get voted on. He said the idea is not basically to save money or cut costs; the fact is that we have to set salaries. He said that is what this is all about -- not saving money, not cutting the budget, or anything like that. Mr. Avant said we discussed for a long period of time what this was all about. He said he tried to bring it up last August, but everyone wanted to wait until this year. He said then they did not want to vote on it in April or May, as he wished, because they wanted to see what the negotiations would be and what the budget was like. He said we are getting to the last minute. He said this is set by State Law and by our Charter. Mr. Avant said it was set this way because we asked bargaining and non-bargaining units to take cuts and we would like to take cuts. He said because there was not a lot of response, he took it upon himself to make a proposal of what we would do. He said he wants to thank Marilyn Miller for her article in the *Beacon Journal*. He said people who read that article came up to him and told him that they completely understood where he was coming from and what was happening with this ordinance. Mr. Avant said the three full-time elected officials stopped their salary increases back in 2009 and he took it upon himself to propose that we should compensate them before freezing their salaries for four more years. He said that was apparently not understood by too many council persons. He said we are looking at numbers and we are saving this much, but the purpose was not to do that, but to set the salaries in a fair and just way. He said we had three proposals submitted for amendments, with one by Mr. Judge, to freeze the three salaries all the way through for another four years at the 2009 level. He said that would make seven years that they would be making the same salaries. He said it did not receive a second to bring it to the table for a vote. Mr. Avant said Mr. Judge sent a second proposal with a \$500 increase for the four years. He said he was the Chairperson and he felt it was an insignificant change to the first one and he decided not to bring it to the table, which is his prerogative and his right to do so. He said the third one came from Mr. Megyes to freeze their current salaries -- not salaries *allowed* to receive by ordinance, but what they chose to receive for another two years -- with a small increase the final two years, which he thought was very fair. He said nobody else sent him a letter saying he did not want his salary cut at all -- although there was some verbal talk. Mr. Avant asked, "Where are we today?" He said right now we are at the original proposal because no one sent in anything to come to the table. He said this is frustrating that we had a lot of complaints and bickering, mainly because no one sent in anything that could be recommended and represented of what everyone really wanted. Mr. Avant said if this fails, which it is obviously going to fail, we will have a special committee meeting next Monday at 5:30 p.m. and we are going to sit down and throw it on the table to have something to call for Monday and to vote on it the following Monday. It was moved by Mr. Avant, seconded by Mr. Anderson, that **ORDINANCE NO. 60-2011 BE ADOPTED**. Mr. Judge said he wanted to reiterate that, if this goes the way everyone is leaning -- or seems to be leaning -- it is going to fail. He said he is



going to be voting “no.” He said he thinks that we are in leadership positions as elected officials. He said, “Kudos to Council!” for arguing over us taking a pay cut and freezing it for four years. Mr. Judge said that is his main objection because we should lead by example. He said in this economic climate, anything we do, we have to look at costs -- and it has to be a cost-cutting measure. He said maybe that is one of the reasons we cannot meet Minimum Fund Balance ... maybe a small reason, but maybe not. Mr. Judge said we are asking bargaining and non-bargaining units to take pay cuts and pay reductions and we have contracts with them and MOUs and those can get re-opened and things can change. He said it is the unknown that is the fear. He said if we are going to give a 2% raise after two or three years to elected officials at that time, and if things get worse, he knows we are going to say that our hands are tied by State Law. Mr. Judge said we are at the fork in the road right now. He said we need to make a decision right now and lead by example. Mr. Avant said he would just like to thank the three, full-time elected officials for giving up their wages for that time. He said he thinks we are forgetting that they did do something. President Maurer said the pay cuts have already been in effect for two years for them, so let us make sure we get that on the table as well. President Maurer called for the vote on adoption. Mr. Avant voted “yea.” Mr. Anderson, Mr. Suboticki, Mr. Judge, Mr. Megyes, Mr. Wagner, Mr. Soyars, and Mr. Lysenko voted “nay.” Motion **FAILED**, 1-7.

#### **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 INCREASING THE SALARY OF THE PART TIME JUVENILE DIVERSION SPECIALIST DUE TO A GRANT, AND DECLARING AN EMERGENCY. *First Reading – May 9, 2011. Second Reading, AMENDED – May 23, 2011. Third Reading – June 13, 2011.*** The Clerk said she did not believe this Ordinance could be passed because Ordinance No. 60-2011 failed. She said passage would be deleting all council members from this ordinance and there would be no ordinance to put them since Ordinance No. 60 failed. Mr. Avant moved to table this ordinance. Mr. Lysenko said he wondered if we should sever the Juvenile Diversion Specialist from this particular ordinance to act on it separately. Mr. Avant said the increase for that position is not needed until September. After discussion, it was decided that Ordinance No. 61-2011 should be withdrawn. It was moved by Mr. Avant, seconded by Mr. Anderson, that **ORDINANCE NO. 61-2011 BE WITHDRAWN**. All Members voted “yea.” Motion carried.

#### **APPOINTMENTS**

None.

#### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mr. Soyars said he had a “Clean Up Tusc Park” on Saturday. He said he would like to thank Ms. Sheridan, Shane McAviney, and Mr. Palmer and the Parks Department for allowing him to have it. He said the Cancer Center is right there and Tuscora Park is one of the main parks in the City.

Mr. Wagner said they had a very successful Pet Vaccination Clinic. He said he wanted to thank the Mayor, Mr. Stender, Mr. Palmer, and the city workers for being there. He said several Summit County Health Department employees were there also. He said there were a lot of animals vaccinated.

Mr. Wagner said he took part in a ceremony in Medina County, celebrating Flag Day. He said it was a tremendous event with about 400 people in attendance. He said members of the Armed Forces were there; the Boy Scouts were there; the Medina County Band played; and he was “fortunate” enough to be asked to be the keynote speaker. He said he shared the podium with Speaker of the House William Batchelder. He said it would be nice to be able to do something like this in the City of Barberton and he will be working on it.

Mr. Suboticki said Design Review Board for tomorrow night has been cancelled. He said Wednesday at 5:30 p.m., Planning Commission will take place in Council Chambers and Board of Zoning Appeals is scheduled for Thursday at 6:00 p.m.

Mr. Suboticki said he hoped everyone received the flyer for the NDS Open House at 106 W. State Street, on June 17<sup>th</sup> from 11:00 a.m. to 2:00 p.m. He said it has been completely rehabbed and it is up for sale now. He said it is really nice.

President Maurer said going forward, July 4<sup>th</sup> is a Monday. He said we will be meeting on Tuesday, July 5<sup>th</sup>.

### **COMMUNICATION FROM THE MAYOR**

Mayor Genet said he would like to share in thanking Mr. Wagner and the Building Trades and the various other trades for donating for the fireworks. He said the fireworks are moved back to Sunday evening for Labor Day. He said it is true and so fitting that labor actually donated the money for those fireworks.

Mayor Genet said the State Budget is out of the Senate and is now in Conference Committee. He said hopefully they will be able to iron out their differences. He said as it is unveiled, he will make sure to get the information to City Council as to how it is going to affect the community.

Mayor Genet said when we talked about the water tanks and waiving half of the tap-in fees, one of the most important points is that we have a great working relationship with the schools. He said it is all public money. He said the schools are funded publicly and we are funded publicly. He said it is a great relationship and he thinks the schools need to be commended too for working with us and to be able to provide this opportunity to improve the quality of life for the people who live here in this community.

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

Adjourned: 8:35 P.M.

Frederick S. Maurer  
President of Council

Susan Matuch  
Clerk of Council