

Council met in **REGULAR SESSION** on Monday, September 12, 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. The Pledge of Allegiance to the Flag was recited and Mr. Wagner gave the Invocation. President Maurer requested a Moment of Silence for all the people who lost their lives ten years ago yesterday, September 11, 2001.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Special Meeting held on Monday, July 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, July 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 July 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 August 2011, as presented. All Members voted "yea." Motion carried.

PETITIONS AND CLAIMS

The Clerk read a thank you note from Mr. Donald Nott, thanking Council for the Resolution he received at the July 25th Council Meeting.

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

Ms. Joyce Anderson, 308 Van Street, Barberton, said she is coordinating a citizens group to apply for funding through the Army Corps of Engineers for a number of needs for the City. She said a meeting will take place Thursday, September 15, at the Norton Community Center and on Friday the Army Corps of Engineers requested to see Norton's and Barberton's Watersheds.

President Maurer said he realizes that topic is not on the Agenda tonight; however, the Army Corps of Engineers requested that she let people know about the meeting.

Mr. Chuck Fowler, 1136 Wilbur Avenue, Norton, said he would like to speak tonight regarding Ordinance No. 131-2011, the use of the rental registration money. He said in the first meetings with the Mayor and Council, they were originally told that this money was to be used for hiring a rental inspector and maybe a secretary in the Building Department. He said then it was changed several times. He said he has no problem with what the money is to be used for -- all worthy causes. He said he has a problem with the fact that, at the time of this rental registration, the landlords were painted as the "bad guys" of the community and a lot of the problems were because of the bad maintenance of their properties. He said the money has been collected and now the money is to be disbursed in a completely different manner than they were originally told. He said if the City is collecting money from rental properties, then he feels the money should be used for fixing up rental

properties. He said he put in almost three thousand dollars and he feels he should have been allowed some input on how that money should be disbursed. He said he does not feel that his money should be used, for example, for the paint rebate program. He said as far as he knows, someone in Austin Estates could use that money to paint his house because there are no restrictions on that money. He said he feels that it is unfair the way the money is taken from the landlords and being paid out. He said to vote against this and then sit down and put the money where it is supposed to go -- for rental programs. He said you are asking the landlords to subsidize all the other problems in the city and that is totally wrong.

President Maurer said the money collected has its own line item so it does not go into the General Fund. He said it is intended for neighborhood improvement.

FIRST READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 122-2011

RESOLUTION NO. 122-2011. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. SOYARS. TITLE: COMMENDATION – LT. LYNN L. FRESHLY. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO LT. LYNN L. FRESHLY FOR HIS 27 1/2 YEARS OF DEDICATED SERVICE TO THE BARBERTON POLICE DEPARTMENT AND TO THIS COMMUNITY. 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 **RESOLUTION NO. 122-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 123-2011

ORDINANCE NO. 123-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: SPECIAL ASSESSMENTS – DEMOLITIONS, BOARD-UPS, AND WEED / GRASS CUTTINGS. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR, SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTIES LOCATED WITHIN THE CITY FOR THE COST OF ORDERED DEMOLITIONS, LIEN SEARCHES, EMERGENCY BOARD-UPS AND WEED/GRASS CUTTINGS WHICH TOOK PLACE FROM SEPTEMBER 2010 THROUGH AUGUST 2011, 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. 123-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 124-2011

ORDINANCE NO. 124-2011. PRESENTED BY: MR. LYSENKO. TITLE: AMENDING ORD. NO. 77-2011 – TRANSFER OF PROPERTY – SUMMIT HOUSING DEVELOPMENT CORPORATION. AN ORDINANCE AMENDING ORDINANCE NO. 77-2011 AUTHORIZING THE MAYOR TO EXECUTE A “QUIT CLAIM DEED” FOR THE SUMMIT HOUSING DEVELOPMENT CORPORATION, RATHER THAN 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. 124-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 125-2011

ORDINANCE NO. 125-2011. PRESENTED BY: MR. MEGYES. TITLE: PURCHASE OF EXCAVATOR / TRAILER - UTILITIES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH OHIO CAT, TO PURCHASE A NEW EXCAVATOR AND TRAILER FOR THE COST OF \$95,909.32, THROUGH THE OHIO STATE COOPERATIVE PURCHASING PROGRAM, PURSUANT TO ORDINANCE NO. 42-1995, 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. 125-2011 BE ADOPTED.** President Maurer asked if the City has ever had an excavator. Mr. Stender, Utilities Director, said the City has not. He said they took three years to evaluate the need and practicality of having an excavator. He said they rented a machine, identical to what they are buying, to test it out and the decision was made that it was worthwhile. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 126-2011

ORDINANCE NO. 126-2011. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – EBERHARDT LANDSCAPING. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH EBERHARDT LANDSCAPING, IN THE AMOUNT OF \$23,000, TO CONSTRUCT A SIDEWALK CURB ALONG A PORTION OF 901 ROBINSON AVENUE AND TO RESTORE DAMAGED LANDSCAPE, 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 **ORDINANCE NO. 126-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 127-2011

ORDINANCE NO. 127-2011. PRESENTED BY: MR. JUDGE. TITLE: SPECIAL ASSESSMENTS – 2010 SIDEWALK REPLACEMENT PROGRAM. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTIES LOCATED WITHIN THE CITY, UNDER THE 2010 SIDEWALK REPLACEMENT PROGRAM, 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 **ORDINANCE NO. 127-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk read the **Fiscal Officer’s Certificate** from Raymond E. Flickinger, Director of Finance:

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your

proposed issue of \$120,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying the City's portion of the cost of improving Fifth Street, S.E., between certain termini by widening, curbing, constructing sidewalks and driveway approaches, street resurfacing, storm sewers, adding street lighting and street trees, together with all necessary appurtenances thereto:

1. The estimated life or usefulness of the improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20, Ohio Revised Code, is 20 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds, thus the maximum maturity of the Bonds is 15 years.

3. The maximum maturity of the Notes is December 20, 2021, which is 20 years from December 20, 2001, the date of the original note issued for this purpose.

ORDINANCE NO. 128-2011

ORDINANCE NO. 128-2011. PRESENTED BY: MR. AVANT. TITLE: NOTE ORDINANCE – FIFTH STREET IMPROVEMENT PROJECT. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$120,000 OF AGGREGATE PRINCIPAL AMOUNT OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE CITY’S PORTION OF THE COST OF IMPROVING FIFTH STREET, S.E. BETWEEN CERTAIN TERMINI BY WIDENING, CURBING, CONSTRUCTING SIDEWALKS AND DRIVEWAY APPROACHES, STREET RESURFACING, STORM SEWERS, ADDING STREET LIGHTING AND STREET TREES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, 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. 128-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk read the **Fiscal Officer’s Certificate** from Raymond E. Flickinger, Director of Finance:

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of \$125,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying the City's cost of improving Robinson Avenue, between certain termini, by reconstructing approximately 5,200 feet of street, sidewalk/pedestrian ways, curbs, waterline and inlets, together with all necessary appurtenances thereto:

1. The estimated life or usefulness of the improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20, Ohio Revised Code, is 20 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds, thus the maximum maturity of the Bonds is 16 years.

3. The maximum maturity of the Notes is December 5, 2022, which is 20 years from December 5, 2002, the date of the original note issued for this purpose.

ORDINANCE NO. 129-2011

ORDINANCE NO. 129-2011. PRESENTED BY: MR. AVANT. TITLE: NOTE ORDINANCE – ROBINSON AVENUE IMPROVEMENT PROJECT. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$125,000 OF AGGREGATE PRINCIPAL AMOUNT OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE CITY’S PORTION OF THE COST OF IMPROVING ROBINSON AVENUE BETWEEN CERTAIN TERMINI, BY RECONSTRUCTING APPROXIMATELY 5,200 FEET OF STREET, SIDEWALK/PEDESTRIAN WAYS, CURBS, WATERLINE AND INLETS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, 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. 129-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk read the **Fiscal Officer’s Certificate** from Raymond E. Flickinger, Director of Finance:
To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of \$320,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of improving the municipal water system by paying the City's portion of the cost of replacing portions of the water mains in Summit Street and Grand Boulevard, both between certain termini, together with all necessary appurtenances thereto:

1. The estimated life or usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is October 14, 2030, which date is 20 years from October 14, 2010, the date of the original note issued for this purpose.

ORDINANCE NO. 130-2011

ORDINANCE NO. 130-2011. PRESENTED BY: MR. AVANT. TITLE: NOTE ORDINANCE – WATER MAIN IMPROVEMENT PROJECTS. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$320,000 OF AGGREGATE PRINCIPAL AMOUNT OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE MUNICIPAL WATER SYSTEM BY PAYING THE CITY’S PORTION OF THE COST OF REPLACING PORTIONS OF THE WATER MAINS IN SUMMIT STREET AND GRAND BOULEVARD, BOTH BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, 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. 130-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 131-2011

ORDINANCE NO. 131-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – RENTAL REGISTRATION FUND. AN ORDINANCE APPROPRIATING \$45,000 FROM

THE UNAPPROPRIATED ITEM OF THE RENTAL REGISTRATION FUND TO THE BUILDING DEPARTMENT OPERATING BUDGET, TO BE USED FOR THE FOLLOWING PROJECTS: DEMOLITION, TRASH REMOVAL, WEED AND BRUSH REMOVAL, AND THE PAINT REBATE PROGRAM, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. Suboticki, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. Mr. Avant, Mr. Judge, Mr. Soyars, Mr. Megyes, and Mr. Suboticki voted “yea.” Mr. Lysenko, Mr. Wagner, and Mr. Anderson voted “nay.” The Clerk called upon President Maurer. President Maurer voted “yea.” Motion carried, 6-3. It was moved by Mr. Avant, seconded by Mr. Suboticki, that **ORDINANCE NO. 131-2011 BE ADOPTED.** Mr. Wagner said he knows Mr. Fowler and he is a very responsible landlord. He said he was not on City Council when the original legislation was passed. He said he feels he has to support this ordinance, but he would have liked to have seen it placed on time so they could have had further discussion on this. He said he thinks that the money is being spent on basically beautifying our city. Mr. Wagner said he knows it may not be being spent for the exact purposes that it might have been intended, however, he does believe it does go a long way towards helping our city portray a better image by cleaning up a lot of problem spots that need to be cleaned. He said he would support the legislation and he wanted to make that clear in his reasoning. Mr. Anderson said he also will support this ordinance because we have already gone so far with the Paint Program, telling people it is out there to give them rebates. He said he feels that Chuck (Fowler) did bring up a good point that, in the future, when looking at rental registration monies, the landlords be brought in so that maybe we could do a better job in helping with what the landlords need done. Mr. Avant said he recalls a lot of discussion when this was formulated on using these funds to improve the neighborhoods and the community in various ways. He said that was part of the reasoning for this as well as to improve the rental properties that were a problem. He said we know there were many that were not a problem, but we know that many were. He said it was to give general improvement to our community. Mr. Lysenko said he agrees with Mr. Fowler that these are worthy causes and he agrees with what Mr. Wagner said about beautifying our city. He said he was not here when this issue came through Council, but he was here when Council had a large discussion in the Finance Committee on making a line item for the rental registration fund. He said we did not think it should be in the general fund where it could be used for any number of different things not related to rental properties. He said someone distributed, and he assumes it was the Building Department, the itemization of what these funds would be used for. Mr. Lysenko said the letter quotes the ordinance that says: Money collected under this ordinance shall be used exclusively for the improvement of the housing infrastructure and administration within the City. He said he likes the idea for spending money on these things, but when he looks at the ordinance, he sees that it can be spent on those things under the ordinance, but also a longer list of other things that do not have anything to do with rental properties or beautification. He said improvement of housing and infrastructure ... that is such a broad category. He said if we are going to use the money for these things, then the original ordinance should be amended to specify exactly what we are going to use it for. Mr. Lysenko said the impression he got was that these funds were going to be geared toward rental properties. He said if these seven demolitions -- which he feels are badly needed -- were all rental properties, he would say, “Great.” He said if all the paint being rebated was for rental properties, he would say, “Great.” He said he does not think a lot of these things were accurately representative of the public when the rental registration came through Council. Mr. Lysenko said if we had this big discussion on moving it from the general fund, why did we bother if we had such broad language in the original ordinance? He said having made a line item for it, we should give more clarity to this ordinance. He said he does not agree with the fact that rental registration funds are for beautification of the city. Mr. Anderson said the main reason we put it under a line item was to be able to tell the residents we represent where that money went. He said if

it was in the general fund, we would not get an account of that. He said we do have an account of the monies that are coming out, so we know where the money is going and not just being spent out of the general fund. President Maurer said in going over the history of the entire rental registration program, the primary objective was to register properties that were bought. He said there is quite a big difference when you are dealing with a rental property as opposed to dealing with someone's private home. He said the reality is that we had a lot of absentee landlords and we had a lot of problem properties. He said Mr. Fowler was never an offender, and it is unfortunate that a lot of rental and owner-occupied properties are. President Maurer said the main thrust of the entire issue was to get a registration program off the ground in order to get a handle on it. He said at that time the money was put in the general fund. He said we did not intend that the money would be used to buy police cruiser tires or fire-fighting equipment, etc. -- that would have come out of the general fund. He said it was to be used by the Building Department to limit where the money would go. President Maurer said the money Mr. Bauschlinger is requesting in this ordinance is pretty much in the spirit of what we tried to do. He said if the overall condition of the city is improved, then the overall property values -- be it rental or owner-occupied -- will improve as well. He said this is a new process. Mr. Lysenko said he thinks that is a good point. He said he sees that this work is "in the spirit" of that, but it does not mean that will be so in the future. He said he is not saying every penny has to be justified, but when it is the public paying for these things, he thinks that maybe more clarity is needed. Mr. Suboticki said Mr. Anderson brought up the Paint Rebate Program in committee several times. He said he asked council if they had any other suggestions on how to use these funds. He said that was the only suggestion he ever received from City Council. He said he thinks we forget what the original intent was -- to register all rental properties within the city to find out who actually owns these properties because a lot of them we did not know and we were having a lot of problems with maintenance issues. Mr. Suboticki said the Building Department was spending a tremendous amount of money looking after some of these properties. He said there are a lot of people renting in the City and not taking care of them. He said this was a way to help address those issues. He said if you are boarding up a house, tearing down a house, or cutting the grass next to your property, is that not good? Mr. Suboticki said it helps the community as a whole ... whether it is a private home or a rental property. He said we need to start taking care of our community and this is one small step in that direction. President Maurer called for the vote on adoption. Mr. Suboticki, Mr. Megyes, Mr. Anderson, Mr. Wagner, Mr. Soyars, Mr. Judge, and Mr. Avant voted "yea." Mr. Lysenko voted "nay." Motion carried 7-1.

ORDINANCE NO. 132-2011

ORDINANCE NO. 132-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CDBG FUND. AN ORDINANCE APPROPRIATING \$2,994.60 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND OPERATING BUDGET, DUE TO FAÇADE LOAN PAYMENTS, IN ORDER TO CARRY OUT ELIGIBLE 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. 132-2011 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 133-2011

ORDINANCE NO. 133-2011. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – POLICE DEPARTMENT. AN ORDINANCE TRANSFERRING \$16,838.30 FROM THE POLICE DEPARTMENT PERSONAL SERVICES BUDGET TO THE

POLICE DEPARTMENT OPERATING BUDGET, TO OUTFIT AND EQUIP NEW HIRES, 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. 133-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 134-2011

ORDINANCE NO. 134-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – STORMWATER FUND. AN ORDINANCE APPROPRIATING \$23,000 FROM THE UNAPPROPRIATED ITEM OF THE STORMWATER FUND TO THE STORMWATER CAPITAL BUDGET, TO PAY EBERHARDT LANDSCAPING TO CONSTRUCT A SIDEWALK CURB ALONG A PORTION OF 901 ROBINSON AVENUE AND TO RESTORE DAMAGED LANDSCAPE, 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. 134-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

METRO REGIONAL TRANSIT AUTHORITY

3-year Term

Craig Megyes

Appointment

September 11, 2011 - August 31, 2014

It was moved by Mr. Lysenko, seconded by Mr. Avant, to approve the appointment of Mr. Megyes to the Metro Regional Transit Authority. All Members voted “yea.” Motion carried.

BARBERTON BOARD OF HEALTH

5-year Term

Sandra Baker

Appointment

Immediately - December 31, 2012

(to replace Dr. Rodney Ison)

Dr. Frank Lazzerini

Appointment

Immediately - December 31, 2013

(to replace Dr. James Kennedy)

It was moved by Mr. Wagner, seconded by Mr. Avant, to approve the appointments of Sandra Baker and Dr. Frank Lazzerini to the Barberton Board of Health. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

Liquor License Transfer

From: Bessemer Group LLC, 193 Wooster Road, Basement Suite 7, Barberton, OH 44203

To: Magic City Lanes LLC, 193 Wooster Road, Basement Suite 7, Barberton, OH 44203

The Clerk said no objections have been received.

President Maurer said tomorrow is Election Day. He asked everyone to do their civic duty by going out to vote.

COMMUNICATION FROM THE MAYOR

Mayor Genet said on Thursday probably the most significant program to assist entrepreneurs and startup companies was launched through a partnership with Jump Start. He said several council members were there, Ray Leach, the executive director of Jump Start, was there, as were numerous entrepreneurs. He said six entrepreneurs stayed to get more information about the program from him and Scott Wagner. He said since then, they have gotten calls from people getting on the website to find out about this program. He said Barberton is the only city in Summit County partnered with Jump Start and we are one of three cities in northeastern Ohio. He said it is something that the City of Barberton will greatly benefit ... to be able to offer opportunities for entrepreneurs and new high-growth companies into Barberton. President Maurer said this morning on the radio they mentioned the Jump Start Program and some of the activities they will be doing in Washington. He said he feels we have partnered up with a real good group. He said this could be an opportunity to be on the bottom floor of something really outstanding in the re-development of the City.

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

Adjourned: 8:26 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council

