

Council met in **REGULAR SESSION** on Monday, January 12, 2009, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Anderson, Avant, Dippel, Judge, Megyes, Silva, Soyars, and Suboticki. The Pledge of Allegiance to the Flag was recited and Mr. Maurer gave the Invocation.

It was moved by Mr. Judge, seconded by Mr. Dippel, to approve the Minutes of the Regular Legislative Session held on Monday, December 8, 2008, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Judge, seconded by Mr. Dippel, to approve the Minutes of the Special Meeting held on Monday, December 15, 2008, as presented. All Members voted "yea." Motion carried.

PETITIONS AND CLAIMS

The Clerk read a letter from Brian G. Williams, our State Representative, regarding Resolution No. 218-2008, "Silver Alert Program." He thanked Council for sending the resolution to him and he said he intends to look into this issue.

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. 1-2009

RESOLUTION NO. 1-2009. PRESENTED BY: ALL OF COUNCIL. CO-SPONSORED BY: MR. MAURER AND MR. SUBOTICKI. TITLE: COMMENDATION – ALI JOSEPH ALHERIMI. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO ALI JOSEPH ALHERIMI FOR THE DETERMINATION AND COMMITMENT HE DEMONSTRATED TO BECOME AN EAGLE SCOUT. It was moved by Mr. Suboticki, seconded by Mr. Dippel, 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. Dippel, that **RESOLUTION NO. 1-2009 BE ADOPTED.** Mr. Suboticki said it is always a special time when we bring into Council young people such as Ali, whether it be for sports, scouting, or other things in the community, to say thank you for the example you are setting for other young people in the community. President Maurer said being a past participant in the scouting program, up to and including being an Assistant Scoutmaster, less than 1% of young men who start the scouting program ever achieve the rank of Eagle. He said it is a statement of commitment, maturity, outstanding values, and citizenship -- building blocks of a man's character. He said it is fitting that this should be the first ordinance being passed by Council in 2009. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Suboticki, seconded by Mr. Dippel, to recess to present Mr. Alherimi with his resolution.

Recessed: 7:38 p.m.

Reconvened: 7:40 p.m.

RESOLUTION NO. 2-2009

RESOLUTION NO. 2-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: SUBMIT GRANT APPLICATION – CLEAN OHIO REVITALIZATION FUND. A RESOLUTION AUTHORIZING THE CITY OF BARBERTON TO FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO REVITALIZATION

FUND (CORF) FOR THE 888 WOOSTER ROAD REDEVELOPMENT PROJECT; AND AUTHORIZING THE CITY PLANNING DIRECTOR, DIANE SHERIDAN, AS THE OFFICIAL REPRESENTATIVE, AND DECLARING AN EMERGENCY. It was moved by Mr. Suboticki, seconded by Mr. Dippel, 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. Dippel, that **RESOLUTION NO. 2-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 3-2009

ORDINANCE NO. 3-2009. PRESENTED BY: MR. ANDERSON. TITLE: PURCHASE OF VARIOUS PROPERTIES – CDBG FUNDS. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE FOLLOWING FIVE PROPERTIES USING CDBG FUNDS: 309 LUCAS STREET, 303 VAN STREET, 327 WUNDERLICH AVENUE, 303 NEWELL STREET, AND 123 7TH STREET, AND DECLARING AN EMERGENCY. It was moved by Mr. Anderson, 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. Anderson, seconded by Mr. Megyes, that **ORDINANCE NO. 3-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 4-2009

ORDINANCE NO. 4-2009. PRESENTED BY: MR. JUDGE. CO-SPONSORED BY: MR. SILVA. TITLE: BIDS AND CONTRACTS – YEAR’S REQUIREMENTS FOR MATERIALS AND SERVICES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OR THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE FOR BIDS AND/OR ENTER INTO CONTRACTS COVERING THE YEAR’S REQUIREMENTS FOR MATERIALS AND SERVICES USED IN THE ORDINARY AND DAILY OPERATION OF THE MUNICIPAL DEPARTMENTS IN THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY. It was moved by Mr. Judge, seconded by Mr. Silva, 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. Silva, that **ORDINANCE NO. 4-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 5-2009

ORDINANCE NO. 5-2009. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT - METLIFE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A TWO-YEAR CONTRACT WITH METLIFE FOR THE CITY’S DENTAL PLAN TO COVER POLICE, FIRE, AND NON-BARGAINING EMPLOYEES, BEGINNING JANUARY 1, 2009 THROUGH DECEMBER 31, 2010, 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. 5-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 6-2009

ORDINANCE NO. 6-2009. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – MEDICAL MUTUAL. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH MEDICAL MUTUAL OF OHIO FOR 2009 FOR THE ADMINISTRATION OF THE AGGREGATE MINIMUM PREMIUM CONTRACT FOR MEDICAL COVERAGE FOR ALL FULL-TIME CITY OF BARBERTON EMPLOYEES, WHICH WILL ALSO INCLUDE VISION COVERAGE FOR POLICE, FIRE, AND NON-BARGAINING EMPLOYEES, BEGINNING JANUARY 1, 2009 THROUGH DECEMBER 31, 2009, 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. 6-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 7-2009

ORDINANCE NO. 7-2009. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PLANNING – OHIO AND ERIE CANALWAY COALITION GRANT. AN ORDINANCE APPROPRIATING \$25,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PLANNING DEPARTMENT OPERATING BUDGET, DUE TO A GRANT FROM THE OHIO AND ERIE CANALWAY COALITION, TO BE USED ON THE DOWNTOWN TOWPATH TRAILHEAD PROJECT, 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. All Members voted “yea.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Suboticki, that **ORDINANCE NO. 7-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 8-2009

ORDINANCE NO. 8-2009. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PLANNING – OHIO AND ERIE CANALWAY ASSOCIATION GRANT. AN ORDINANCE APPROPRIATING \$68,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PLANNING DEPARTMENT OPERATING BUDGET, DUE TO A GRANT FROM THE OHIO AND ERIE CANALWAY ASSOCIATION (OECA), 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. All Members voted “yea.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Suboticki, that **ORDINANCE NO. 8-2009 BE ADOPTED.** Mr. Suboticki said he would just like to thank Diane Sheridan and the Planning Department for getting these last two grants. He said hopefully there will be more in the works. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 9-2009

ORDINANCE NO. 9-2009. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PLANNING – USEPA/BROWNFIELD GRANT FUNDS. AN ORDINANCE APPROPRIATING \$11,085 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PLANNING DEPARTMENT OPERATING BUDGET, DUE TO USEPA/BROWNFIELD GRANTS, 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. All Members voted “yea.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Suboticki, that **ORDINANCE NO. 9-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 10-2009

ORDINANCE NO. 10-2009. PRESENTED BY: MR. AVANT. TITLE: CHANGE ORDER – UTILITIES – WWTP UPGRADE. AN ORDINANCE AUTHORIZING A CHANGE ORDER WITH CT CONSULTANTS TO CONTINUE AND COMPLETE THE DESIGN ENGINEERING FOR THE WWTP UPGRADE, IN THE AMOUNT OF \$167,000, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. Dippel, 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. Dippel, that **ORDINANCE NO. 10-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 11-2009

ORDINANCE NO. 11-2009. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – UTILITIES – WWTP UPGRADE. AN ORDINANCE APPROPRIATING \$167,000 FROM THE UNAPPROPRIATED ITEM OF THE SEWER IMPROVEMENT RESERVE FUND TO THE SEWER IMPROVEMENT RESERVE FUND CAPITAL BUDGET, TO CONTINUE AND COMPLETE THE DESIGN ENGINEERING FOR THE WWTP UPGRADE, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, seconded by Mr. Dippel, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. President Maurer asked how the project was going. Mr. Stender, Utilities Director, said it is an EPA-driven project to be in compliance, and everything is on schedule. He said this is the first major upgrade we have had there in twenty-five years. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Dippel, that **ORDINANCE NO. 11-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

PARKS AND RECREATION COMMISSION:

Mr. Dan Miller - appointment Immediately – December 31, 2013

It was moved by Mr. Anderson, seconded by Mr. Avant, to confirm the appointment of Mr. Dan Miller to fill the vacancy on the Parks and Recreation Commission. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mrs. Matuch, Clerk of Council, asked all council members to turn in any 2008 tape recordings or agendas they might still have.

President Maurer said Martin Luther King’s birthday is being celebrated on Monday, January 19th, so next week’s meeting will be held on Tuesday, January 20th.

President Maurer said everyone should have received a copy of the letter he wrote to Mayor Genet regarding the work session. He said all corrections or additions are welcome. He said to talk to the committee chairman of the respective committee to address any issues. He said we need to work with the Administration. He said the Mayor’s open door policy has been very successful in the last year. He said if you have any other concerns, please feel free to address them to him, the committee chairman, or the Mayor. He said he would like to periodically review the Mayor’s list with Council’s. He said so often good projects get started, but they sometimes get pushed to the back burner. He said he would like to be more aggressive on some of these problems to make sure they go away.

Mr. Megyes said on Sunday METRO opened up a new transit center on Broadway. He said they changed all the schedules on the bussing and they have added service to the Euclid bus route in Barberton and extended Barberton’s Route 8 into Norton. He said the bus stop on the corner of Fourth and Norton has been taken around the corner; it is now on Fourth and Harrington.

COMMUNICATION FROM THE MAYOR

Mayor Genet said in addition to the comments and goals set forth from the work session, on your desk is a list of goals he feels should be adhered to. He said to take a look at those and see if we can work hand-in-hand to be able to make them come to fruition.

Mayor Genet said also on your desk is an article from Saturday’s *Beacon Journal* about the Lorain County Community College and The University of Akron opening up a facility in Brunswick. He said 75 people signed up for courses for the Lorain County Community College; no one signed up for Akron U. He said the difference is the cost. He said if you are a resident of Lorain County, the cost is \$92 per credit hour or \$111 if not a resident. He said for Akron U, it is \$212. He said that has been his argument all along in talking with Akron U and Stark State.

Mayor Genet said Dan Rice from the Ohio and Erie Canalway Coalition asked for a representative to sit on that Board. He said he called Mr. Megyes and Mr. Megyes agreed to be a representative.

Mayor Genet said he was also looking for a Barberton representative on the AMATS Citizen Advisory Board. He said AMATS is a funding source used quite a bit for infrastructure improvements. He said finding out that Mr. Suboticki is now retired, he asked Mr. Suboticki and Mr. Suboticki also agreed to be the representative.

Mayor Genet said his goal is to have the budget to Council sometime in the beginning or middle of February so Council will have plenty of time to look it over, dissect it, and ultimately pass it in the early part of March.

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

Adjourned: 8:04 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council