

Council met in **REGULAR SESSION** on Monday, January 26, 2009, at 7:43 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. Judge 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, January 12, 2009, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Avant, seconded by Mr. Judge, to accept the Finance Department Report for December 2008, 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. 12-2009

RESOLUTION NO. 12-2009. PRESENTED BY: ALL OF COUNCIL. CO-SPONSORED BY: MR. MAURER AND MR. SILVA. TITLE: COMMENDATION – BRANDON KARL. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO BRANDON KARL FOR THE DETERMINATION AND COMMITMENT HE DEMONSTRATED TO BECOME AN EAGLE SCOUT. *First Reading – January 26, 2009.*

ORDINANCE NO. 13-2009

ORDINANCE NO. 13-2009. PRESENTED BY: MR. SILVA. TITLE: ENTER INTO CONTRACT – LAW DEPARTMENT – AKRON LEGAL DEFENDER'S OFFICE. AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A ONE-YEAR CONTRACT WITH THE AKRON LEGAL DEFENDER'S OFFICE, TO PROVIDE LEGAL REPRESENTATION TO INDIGENT PERSONS, AND DECLARING AN EMERGENCY. It was moved by Mr. Silva, 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. Silva, seconded by Mr. Anderson, that **ORDINANCE NO. 13-2009 BE ADOPTED.** Mr. Judge asked if the cost of one hundred sixty dollars (\$160.00) per case has gone up in the last few years or stayed the same. Mrs. Miller, Law Director, said it has not gone up the last few years; however, it did go up ten dollars (\$10.00) this year. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried.

ORDINANCE NO. 14-2009

ORDINANCE NO. 14-2009. PRESENTED BY: MR. SILVA. TITLE: PURCHASE OF WARD DIESEL NO SMOKE UNITS – FIRE DEPARTMENT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO PURCHASE 8 WARD DIESEL NO SMOKE UNITS FROM WARD DIESEL FILTER SYSTEMS, INC., WITHOUT COMPETITIVE BIDDING BEING A SOLE SOURCE PROVIDER, FOR \$68,592, AND DECLARING AN EMERGENCY. It was moved by Mr. Silva, 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. Silva, seconded by

Mr. Anderson, that **ORDINANCE NO. 14-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 15-2009

ORDINANCE NO. 15-2009. PRESENTED BY: MR. SILVA. TITLE: ENTER INTO MUTUAL AID AGREEMENT – AREA SWAT TEAMS. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A THREE-YEAR MUTUAL AID AGREEMENT WITH SPECIAL WEAPONS AND TACTICS (SWAT) TEAMS FROM THE SUMMIT COUNTY SHERIFF’S OFFICE, CITY OF AKRON, CITY OF CUYAHOGA FALLS, THE UNIVERSITY OF AKRON, METRO SWAT, AND SUMMIT COUNTY TO PROVIDE MUTUAL ASSISTANCE AMONG THE VARIOUS COMMUNITIES FOR THE USE OF THEIR SWAT TEAMS UPON REQUEST, AND DECLARING AN EMERGENCY. It was moved by Mr. Silva, 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. Silva, seconded by Mr. Anderson, that **ORDINANCE NO. 15-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 16-2009

ORDINANCE NO. 16-2009. PRESENTED BY: MR. JUDGE. TITLE: 2009 STREET RESURFACING PROGRAM – PREPARATION OF PLANS. AN ORDINANCE AUTHORIZING AND DIRECTING THE ENGINEER TO PREPARE PLANS, SPECIFICATIONS, AND AN ESTIMATION OF COST FOR THE 2009 STREET RESURFACING 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. 16-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 17-2009

ORDINANCE NO. 17-2009. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PLANNING – ODOT GRANT. AN ORDINANCE APPROPRIATING \$18,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PLANNING DEPARTMENT OPERATING BUDGET, DUE TO A GRANT FROM THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), TO FACILITATE THE DEVELOPMENT OF A “SAFE ROUTE TO SCHOOL PLAN,” 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. 17-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 18-2009

ORDINANCE NO. 18-2009. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CDBG FUND. AN ORDINANCE APPROPRIATING \$4,196.01 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE COMMUNITY DEVELOPMENT BLOCK GRANT 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. 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. 18-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 19-2009

ORDINANCE NO. 19-2009. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FIRE DEPARTMENT. AN ORDINANCE APPROPRIATING A TOTAL AMOUNT OF \$68,592.00, \$58,516.20 OF SAID AMOUNT FROM THE UNAPPROPRIATED ITEM OF THE FEMA FUND TO THE FEMA FUND CAPITAL BUDGET, DUE TO THE 2008 ASSISTANCE TO FIREFIGHTERS GRANT, AND \$10,075.80 OF SAID AMOUNT FROM THE UNAPPROPRIATED ITEM OF THE FIRE CAPITAL LEVY FUND TO THE FIRE CAPITAL LEVY FUND CAPITAL BUDGET,

TO PURCHASE EIGHT (8) WARD DIESEL NO SMOKE UNITS, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Silva, that **ORDINANCE NO. 19-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 20-2009

ORDINANCE NO. 20-2009. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – CT CONSULTANTS. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO CT CONSULTANTS, IN THE AMOUNT OF \$4,118.48, FOR THEIR SERVICES IN EVALUATING STREETS FOR THE 2009 PAVING PROGRAM, 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. 20-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

It was moved by Mr. Dippel, seconded by Mr. Silva, to invoke Council Rule 602 to suspend Council Rules 301, 306, and 401 in order to add Resolution 21-2009 to the Agenda. All Members voted “yea.” Motion carried.

RESOLUTION NO. 21-2009

RESOLUTION NO. 21-2009. PRESENTED BY: MR. DIPPEL. TITLE: WATER RESOURCE RESTORATION SPONSOR PROGRAM (WRRSP). A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON RECOGNIZING THE IMPORTANCE OF AND SUPPORTING THE CONSERVATION AND ENHANCEMENT OF NATURAL RESOURCES, SUCH AS THE SPRING HILL WETLANDS WATER RESOURCE RESTORATION SPONSOR PROGRAM (WRRSP) PROJECT LOCATED IN THE CITY OF AURORA, AND DECLARING AN EMERGENCY. It was moved by Mr. Dippel, 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. Dippel, seconded by Mr. Silva, that **RESOLUTION NO. 21-2009 BE ADOPTED.** President Maurer said this sponsorship program is a conservation project to help protect wetlands. He said a municipality has to sponsor one of these projects. He said the City of Barberton bears no true financial liability, but we are a mechanism to allow for the funding. President Maurer said we are helping someone else, and it is not really going to hurt us. 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

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer asked Mr. Judge if he would like to comment on his trip to Washington, D.C. Mr. Judge said he had the honor and pleasure to attend several of the inaugural events in D.C. for our 44th President. He said there was a lot of enthusiasm, a lot of excitement, and positive energy there. He said the estimate was 4 million people attending. He said with all that enthusiasm and excitement, President Obama has a tough job in front of him, not only dealing with the things we read about in the paper, but a lot of hopes and dreams resting on his back. He said many of the people commented they have not seen this much excitement since President Kennedy was elected. He said we look for some good things to come and to be filtered into hard-working communities like Barberton. He said the inaugural events were superb ... very exciting ... and very emotional for many, and he was glad to be a part of it.

COMMUNICATION FROM THE MAYOR

Mayor Genet said he met with President O'Donnell and his group from Stark State and The University of Akron. He said the Hospital was also there because healthcare is a big proponent of this program. He said this is going a bit slower than anticipated; however, it is still moving forward. He said it was very coincidental that later in the afternoon he received a call from Karen Doty from the Board of Regents wanting to know the progress of this program. He said in talking with her, this seems to be Chancellor Fingerhut's little pet project too. He said this is one of the first projects when they are bringing Stark State into a service area of another university to be able to offer courses. He said President O'Donnell assured him that the Fall of 2009 is definitely attainable, and he seems to think that we can do this for the Summer of 2009.

Mayor Genet said he has asked and received appropriation request forms from Senator Brown, Senator Voinovich's office, and Congresswoman Sutton's office. He said he has had them disbursed to department heads in order to put together all the requests to be incorporated in the appropriations budget for this year. He said he has stressed to the department heads that this needs to be a priority within the next two weeks so the requests can be submitted to the appropriate elected officials.

Mayor Genet said tomorrow is the Summit County Mayor's Association Meeting and they will be having a conference call with Congresswoman Sutton. He said she is going to talk to the members about the stimulus package being put together and how it would be implemented in the County. He said Congresswoman Sutton's office has been in constant conversation with him as to how they can help out. He said they are very aware of the needs of this community. He said hopefully our city will be a recipient of some of these grants down the road.

Mayor Genet said he got a call last week from Congresswoman Sutton's office indicating to him that the City of Barberton did get a \$296,000 grant. He said it is not for Grand Boulevard or Summit waterlines or for police cruisers. He said it is for a heavy rescue vehicle for the Fire Department to replace a 1982 vehicle that was bought in 2000 or 2001. He said it is still good news, even though it is not for assistance in other areas.

Mayor Genet said the budget is a struggle. He said he appreciates the support he is getting from council members. He said they will be going back to department heads again. He said they will again be looking at the operating budget, and the next meeting they will look at the capital budget. He said he was trying to avoid the capital budget because of the need to address some of the items that have been neglected over the years, like police cruisers and other vehicles. He said we need to establish a priority because the last thing we want to do is cut into personnel. He said, however, we have a responsibility to the citizens of the community to be able to take care of it and that will require a capital budget. He said he will have a budget to Council by the middle of February.

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

Adjourned: 8:09 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council