

Council met in **REGULAR SESSION** on Monday, February 9, 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. Dippel gave the Invocation.

It was moved by Mr. Judge, seconded by Mr. Dippel, to approve the Minutes of the Public Hearing held on Monday, January 26, 2009 regarding a zoning map amendment, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Judge, seconded by Mr. Dippel, to approve the Minutes of the Public Hearing held on Monday, January 26, 2009 regarding a text amendment, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Judge, seconded by Mr. Dippel, to approve the Minutes of the Regular Legislative Session held on Monday, January 26, 2009, as presented. All Members voted “yea.” Motion carried.

PETITIONS AND CLAIMS

The Clerk said she received two letters from the Barberton Community Foundation thanking Council for their donations sent in memory of Mr. Larry Bidlingmyer for the Barberton Beautification Endowment and in memory of Mr. Glenn “Jeep” Davis for the Olympic Hopeful Fund.

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

ORDINANCE NO. 22-2009

ORDINANCE NO. 22-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: AMENDING TABLE 1130I – BARBERTON DEVELOPMENT CODE. AN ORDINANCE AMENDING TABLE 1130I, “AREAWIDE BUSINESS USE GROUPS - USE GROUP 16C, SPECIAL HIGHWAY COMMERCIAL USES,” OF THE BARBERTON DEVELOPMENT CODE, TO INCLUDE COSMETIC/TATTOO SALONS AND BODY PIERCING ESTABLISHMENTS. 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 **ORDINANCE NO. 22-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 23-2009

ORDINANCE NO. 23-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: ZONING MAP AMENDMENT – 546 SNYDER AVENUE. AN ORDINANCE AUTHORIZING THE REZONING OF 546 SNYDER AVENUE, PARCEL #01.11935, FROM C-1 (CONVENIENCE COMMERCIAL) TO C-2 (NEIGHBORHOOD COMMERCIAL). 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 **ORDINANCE NO. 23-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 24-2009

RESOLUTION NO. 24-2009. PRESENTED BY: MR. SOYARS. TITLE: “2009 – THE YEAR OF THE RIVER.” A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO SHOW SUPPORT FOR THE WORK BEING DONE BY THE SUMMIT SOIL & WATER CONSERVATION DISTRICT AND OTHER ORGANIZATIONS THAT RESTORE AND PROTECT OUR NATURAL RESOURCES BY PROMOTING THE YEAR 2009 AS BEING “THE YEAR OF THE RIVER,” 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 **RESOLUTION NO. 24-2009 BE ADOPTED.** President Maurer said we have watched a lot of things happen in our lifetime, everything from the Cuyahoga River catching fire to phosphate bans. He said there have been a lot of issues confronting our environment. He said a good reasonable approach to industrial development and still protecting our environment is a good way to go. He said it is a good resolution to get behind. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 25-2009

ORDINANCE NO. 25-2009. PRESENTED BY: MR. DIPPEN. TITLE: ENTER INTO CONTRACT – GINOSKO – WWTP ANALYTICAL SERVICE CONTRACT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A THREE-YEAR ONGOING CONTRACT WITH GINOSKO, THE LOWEST AND/OR BEST BIDDER, IN AN AMOUNT NOT TO EXCEED \$40,000 PER YEAR, TO PROVIDE PROFESSIONAL ANALYTICAL SERVICES FOR INDUSTRIAL PRETREATMENT AT THE WASTEWATER TREATMENT PLANT, 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 **ORDINANCE NO. 25-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 26-2009

ORDINANCE NO. 26-2009. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT – NEIGHBORHOOD STABILIZATION PROGRAM. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS IN THE AMOUNT OF \$1,212,098, IN ORDER FOR THE PLANNING DEPARTMENT TO CARRY OUT THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP), AND DECLARING AN EMERGENCY. It was moved by Mr. Megyes, 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. Megyes, seconded by Mr. Soyars, that **ORDINANCE NO. 26-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 27-2009

ORDINANCE NO. 27-2009. PRESENTED BY: MR. ANDERSON. TITLE: ENTER INTO CONTRACT – PARKS - ODNR. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), FOR \$8,418.32, TO PURCHASE EQUIPMENT AND TO ADVERTISE FOR THE SOUTHERN SUMMIT COUNTY WATER EXPLORATION CAMP, AND DECLARING AN EMERGENCY. It was moved by Mr. Anderson, 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. Anderson, seconded by Mr. Avant, that **ORDINANCE NO. 27-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 28-2009

ORDINANCE NO. 28-2009. PRESENTED BY: MR. AVANT. TITLE: CREATE NEW FUND – APPROPRIATION – NEIGHBORHOOD STABILIZATION PROGRAM FUND (NSP FUND). AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE A NEW FUND, THE NEIGHBORHOOD STABILIZATION PROGRAM FUND; AND APPROPRIATING \$1,212,098 FROM THE UNAPPROPRIATED ITEM OF

THE NEIGHBORHOOD STABILIZATION PROGRAM FUND TO THE NEIGHBORHOOD STABILIZATION PROGRAM BUDGET, DUE TO A GRANT FROM THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS, TO CARRY OUT ELIGIBLE NSP 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. 28-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND 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. Second Reading – February 9, 2009.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

The Clerk read the following Liquor License Transfer request:

From: Hayer Corp., DBA Lo Boy Gas Station 2, 134 E. Tuscarawas Avenue, Barberton.

To: A.D. Lealh, Inc., 134 E. Tuscarawas Avenue, Barberton.

The Clerk said no objections have been received.

COMMUNICATION FROM THE MAYOR

Mayor Genet said he is continuing to work on the budget with the Finance Director. He said he is very confident that he will have the budget in mailboxes by Friday, or definitely Monday night.

Mayor Genet said the ward and at-large councilmen need to keep their eyes on their neighborhoods. He said many of the foreclosed or abandoned homes have been identified and there may be notices on the windows; however, there are some with no signs at all. He said they are getting into the hands of investors and we need to be cautious about that. He said to please notify Mr. Bauschlinger or Ms. Sheridan if they see any abandoned homes to make sure they are on that list. He said he feels it is imperative to monitor this situation.

Mayor Genet said last Wednesday there was a meeting at the Hungarian Club about the rental program. He said he heard that Mr. Anderson did a very good job presenting the information. He said he expects that Council should be getting a draft relatively soon so that we can work with the landlords to be able to get something formalized in order to move forward.

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

Adjourned: 7:50 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council