

Council met in **REGULAR SESSION** on Monday, February 23, 2009, at 7:53 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. Suboticki 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, February 9, 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 January 2009, 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. 29-2009

RESOLUTION NO. 29-2009. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. SILVA. TITLE: COMMENDATION – GLENN "JEEP" DAVIS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO GLENN "JEEP" DAVIS FOR HIS MANY ACCOMPLISHMENTS AND TO EXTEND THE SYMPATHY OF THIS COUNCIL AND THE CITIZENS OF BARBERTON TO THE DAVIS FAMILY.

First Reading – February 23, 2009.

ORDINANCE NO. 30-2009

ORDINANCE NO. 30-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: AMEND ORDINANCE NO. 164-2002 – BARBERTON DEVELOPMENT CODE FEE SCHEDULE. AN ORDINANCE AMENDING ORDINANCE NO. 164-2002, "DEVELOPMENT CODE FEE SCHEDULE," BY INCREASING CERTAIN FEES AS SET FORTH IN SECTION 1320.01(6) OF THE BARBERTON DEVELOPMENT CODE.

First Reading – February 23, 2009.

ORDINANCE NO. 31-2009

ORDINANCE NO. 31-2009. PRESENTED BY: MR. DIPPEL. TITLE: "REFUSE COLLECTION AND DISPOSAL PROGRAM" – AMENDING ORD. NO. 11-2008. AN ORDINANCE AMENDING ORD. NO. 11-2008, "REFUSE COLLECTION AND DISPOSAL PROGRAM," TO REFLECT AN INCREASE IN THE TRASH HAULERS PERMIT FEE (SECTION 1060.03) AND TO REFLECT AN INCREASE IN THE MONTHLY SERVICE FEE (SECTION 1060.08), DUE TO THE CONTRACT PRICE ADJUSTMENT, 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. 31-2009 BE ADOPTED. All Members voted "yea." Motion carried.**

ORDINANCE NO. 32-2009

ORDINANCE NO. 32-2009. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO GRANT AGREEMENT – NEIGHBORHOOD DEVELOPMENT SERVICES. AN

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT AND RELATED ASSURANCES, CERTIFICATIONS AND CONTRACTS WITH NEIGHBORHOOD DEVELOPMENT SERVICES (NDS), INC., TO CARRY OUT NEIGHBORHOOD STABILIZATION PROGRAM HOUSING RELATED ACTIVITIES, 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. 32-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 33-2009

ORDINANCE NO. 33-2009. PRESENTED BY: MR. ANDERSON. TITLE: 2009 COMMUNITY RECYCLING ACCESS GRANT – PARKS. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION FOR THE 2009 COMMUNITY RECYCLING ACCESS GRANT FROM THE SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY, IN THE AMOUNT OF \$22,280.21, FOR BARBERTON’S UPCOMING RECYCLING PROGRAM, 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. 33-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 34-2009

ORDINANCE NO. 34-2009. PRESENTED BY: MR. ANDERSON. TITLE: PURCHASE OF PROPERTY – 682 W. LAKE AVENUE. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 682 W. LAKE AVENUE FOR DEMOLITION, IN AN AMOUNT NOT TO EXCEED \$14,000 PLUS CLOSING COSTS, 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. 34-2009 BE ADOPTED.** Mr. Megyes said he is very happy this property is coming down because this has been a problem house in the neighborhood. He said he has received a lot of complaints about it. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 35-2009

ORDINANCE NO. 35-2009. PRESENTED BY: MR. ANDERSON. TITLE: PURCHASE OF PROPERTY – 190 WOOSTER ROAD NORTH. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 190 WOOSTER ROAD NORTH, PARCEL #01.11116, FOR DEMOLITION, IN AN AMOUNT NOT TO EXCEED \$30,000 PLUS CLOSING COSTS, 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. President Maurer asked if this property is next to the White House Restaurant. He said he believes the first house has historical significance and there were some allowances made to protect that particular structure. Ms. Sheridan said this house is not historical; it is just old. She said you have the White House Restaurant and then the white house -- the first house in Barberton, which is not on the National Register -- then the next house is 190 Wooster Road. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Anderson, seconded by Mr. Avant, that **ORDINANCE NO. 35-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD 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 – February 23, 2009.

Because Mr. Karl was not present to receive his Resolution, the Clerk closed Third Readings. There was discussion as to whether this Resolution should be voted on this evening to follow Council Rules. It was determined by Mrs. Miller, the Law Director, that the Resolution should be voted on this evening and could then be presented at a later date. It was moved by Mr. Silva, seconded by Mr. Judge, that **RESOLUTION NO. 12-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said he mentioned at the Finance Committee Meeting that there has been a very impressive exchange of questions and ideas between Council and the Mayor on the Budget. He said this indicates that you gentlemen are doing your jobs by going through this budget with a fine-tooth comb. He said so far he has not seen anything come up that the Mayor has had any trouble defending. He said to keep up the good work.

COMMUNICATION FROM THE MAYOR

Mayor Genet said earlier today he met with some school officials and representatives from Senator Brown’s office to talk about ways the Senator can assist us to help our constituents, the schools, and the City. He said he gave them more information about the stimulus package, money funneled to the Governor that will be distributed from the Governor to us.

Mayor Genet said he has scheduled a trip to Columbus next Wednesday, March 4, to meet with Senator Coughlin, State Representative Otterman, and a couple of other individuals to express our concerns and our needs back here. He said he is in constant conversation with Congresswoman Sutton.

Mayor Genet said Stark State is coming in for a critical meeting on Thursday afternoon. He said they indicated to him that they are ready to present the program they want to start here in Barberton for Summer 2009.

Mayor Genet said since Mr. Flickinger is absent tonight, he asked if the Finance Committee still wanted to meet after this meeting to discuss the Budget. Mr. Avant said to the Mayor that he may be able to answer some questions for Council.

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

Adjourned: 8:12 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council