

Council met in **REGULAR SESSION** on Monday, March 9, 2009, at 7:33 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. Soyars gave the Invocation.

It was moved by Mr. Judge, seconded by Mr. Dippel, to approve the Minutes of the Public Hearing held on Monday, February 23, 2009, 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, February 23, 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 February 2009, as presented. All Members voted "yea." Motion carried.

### **PETITIONS AND CLAIMS**

The Clerk read a note from the Barberton Athletic Sports Boosters thanking Council for their donation to the BASB in memory of Mr. Mike Suboticki, father of Councilman Paul Suboticki.

### **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.

Before the First Reading of Ordinances and Resolutions, President Maurer requested the reading of **Resolution No. 12, 2009, "Commendation – Brandon Karl,"** passed by Barberton City Council on February 23, 2009. President Maurer said he had the honor and privilege of sitting on Mr. Karl's Board of Review. He said only one out of one hundred young men ever actually finish the Eagle program. He said Mr. Karl showed true leadership in his troop and in his community and he is well deserving of this recognition. It was moved by Mr. Silva, seconded by Mr. Judge, that Council recess in order to present the Resolution to Mr. Karl. All Members voted "yea." Motion carried.

Recessed: 7:40 p.m.

Reconvened: 7:42 p.m.

**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. 36-2009**

**ORDINANCE NO. 36-2009. PRESENTED BY: MR. SILVA. TITLE: ENTER INTO CONTRACT – ORIANA HOUSE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE (1) YEAR CONTRACT WITH ORIANA HOUSE INCORPORATED FOR THE 2009 COMMUNITY CORRECTIONS SERVICES.** 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. 36-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 37-2009**

**ORDINANCE NO. 37-2009. PRESENTED BY: MR. SILVA. TITLE: ENTER INTO CONTRACT – SAFETY – B & C COMMUNICATIONS. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A FIVE-YEAR CONTRACT WITH B & C COMMUNICATIONS, WITHOUT COMPETITIVE**

**BIDDING BEING A SOLE SOURCE PROVIDER, IN THE AMOUNT OF \$22,200 PER YEAR, TO CONTINUE TO MAINTAIN THE CITY'S SERVICE, POLICE, AND FIRE RADIO SYSTEMS FROM MAY 1, 2009 THROUGH APRIL 30, 2014.** 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. Mr. Silva said there was a previous five-year contract with B & C and he just wanted everyone to know that this company did not raise any fees for the next five-year contract with them. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Silva, seconded by Mr. Anderson, that **ORDINANCE NO. 37-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 38-2009**

**ORDINANCE NO. 38-2009. PRESENTED BY: MR. JUDGE. TITLE: FEMA GRANT REQUEST – 14<sup>TH</sup> STREET FLOODING. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PUBLIC SERVICE TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), IN THE AMOUNT OF \$200,000, DUE TO THE FLOODING ISSUES ON 14<sup>TH</sup> STREET, 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. 38-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

**RESOLUTION NO. 39-2009**

**RESOLUTION NO. 39-2009. PRESENTED BY: MR. JUDGE. TITLE: GRAND BOULEVARD STORM SEWER AND ROADWAY RESTORATION – ISSUE I. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON DECLARING THE NECESSITY TO IMPROVE CERTAIN SECTIONS OF GRAND BOULEVARD AND A PORTION OF BROADVIEW AVENUE, BY INSTALLING STORM SEWERS, PARTIAL CURBING, CERTAIN DRIVEWAY APPROACHES, AND STREET RESURFACING, 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 **RESOLUTION NO. 39-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 40-2009**

**ORDINANCE NO. 40-2009. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – HUMAN RESOURCES – EMPLOYEE LIFE INSURANCE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A TWO-YEAR CONTRACT WITH LINCOLN FINANCIAL, THE LOWEST AND/OR BEST BIDDER, IN THE AMOUNT OF \$74,204 PER YEAR, FOR LIFE INSURANCE FOR CITY EMPLOYEES, 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. 40-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

Before reading Ordinance No. 41-2009, the Clerk read the Fiscal Officer's Certificate in its entirety from Mr. Raymond E. Flickinger, Jr., Director of Finance, dated March 9, 2009

**ORDINANCE NO. 41-2009**

**ORDINANCE NO. 41-2009. PRESENTED BY: MR. AVANT. TITLE: NOTE ORDINANCE – WATERWORKS SYSTEM PROJECTS AND SANITARY SEWER SYSTEM PROJECTS. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,090,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE WATERWORKS SYSTEM AND THE SEWER SYSTEM OF THE CITY BY (i) ACQUIRING, CONSTRUCTING, INSTALLING AND EQUIPPING AN AUTOMATIC METER READING SYSTEM, INCLUDING WATER METERS, AUTOMATIC READING DEVICES AND DATA CONCENTRATORS, (ii) ACQUIRING AND INSTALLING ELECTRICAL GENERATING EQUIPMENT AT THE WATER TREATMENT PLANT,**

(iii) INSTALLING AN 18-INCH DIAMETER SANITARY SEWER FROM 31<sup>ST</sup> STREET, SW AND NOBLE AVENUE TO THE HUDSON RUN TRUNK SEWER AT VALLEY AVENUE, (iv) INSTALLING AND REPLACING WATER MAINS IN NORTON AVENUE BETWEEN CERTAIN TERMINI AND (v) RENOVATING, EQUIPPING AND OTHERWISE IMPROVING THE WATER TREATMENT PLANT, INCLUDING ENGINEERING, EACH ALL TOGETHER WITH NECESSARY APPURTENANCES THERETO, 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. 41-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND 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. Second Reading – March 9, 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. Second Reading – March 9, 2009.**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

**APPOINTMENTS**

None.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

The Clerk read the following liquor license requests.

New Liquor License Request:

Kapolis Corp. 2, DBA Thanos’s Family Restaurant, 71 5<sup>th</sup> Street, SE, Barberton.

Amended Liquor License Transfer Request:

From: Hayer Corporation, DBA Lo Boy Gas Station 2, 134 E. Tuscarawas Ave., Barberton.

To: ADLEAH, Inc., DBA Lo Boy Gas Station 2, 134 E. Tuscarawas Ave., Barberton.

The Clerk said no objections were received for either of these two requests.

President Maurer said it is going to be a very difficult economic time for a lot of individuals. He said people are going to lose their jobs; people are going to have to tighten their belts and it will have a ripple effect on the economy. He said, however, the stimulus program passed in Washington may divert some money to the city to help update our facilities which have been languishing for the lack of funding. He said it is a pretty dark cloud out there, but hopefully this stimulus package might be a bit of a silver lining.

**COMMUNICATION FROM THE MAYOR**

Mayor Genet said he went to Columbus with Larry Lallo and Gary Hartman to meet with State Senators Tom Sawyer and Kevin Coughlin and State Representative John Otterman. He said they met with each of those individuals and were able to explain what exactly is happening in Barberton so that when the stimulus money is available, they will know how it can impact our City. He said it was a good afternoon spent there.

Mayor Genet said he had the opportunity to join Rich Killian and Rich Bauer from B & W and PPG respectively, Congresswoman Sutton, and BCDC on a tour of the city. He said they spent about two hours together and showed them exactly what BCDC has done to help facilitate job creation in Barberton. He said obviously Congresswoman Sutton knows Barberton very well, but she was able to talk first hand with these business leaders. He said after the tour, she had time to spend with B & W and PPG.

Mayor Genet said Mr. Megyes brought up a good point in the Finance Committee Meeting about checking with the Jaycees about the eight thousand dollars needed in order to still have the fireworks display. He said the request is going to be taken to their meeting on the 19<sup>th</sup>. He said Mr. Anderson suggested that maybe the eight thousand dollars should be put into some of the other programs we have that are being shorted this year. He said everything is getting cut back - - the concert series, the flower beds, etc. He said all businesses are cutting back. He said it is good that we can work together and throw ideas out to be able to try to provide the same services.

Mayor Genet said he will not be attending the council meeting next week; he will be in D.C. for a couple of days.

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

Adjourned: 8:03 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council