

Council met in **REGULAR SESSION** on Monday, March 23, 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, Mr. Silva gave the Invocation, and a Moment of Silence was observed for a former member of council, Mr. Robert Kamenar, who passed away March 23, 2009.

It was moved by Mr. Judge, seconded by Mr. Dippel, to approve the Minutes of the Regular Legislative Session held on Monday, March 9, 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

ORDINANCE NO. 42-2009

ORDINANCE NO. 42-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: AMENDING ORD. NO. 59-2006 – APPOINTMENTS – TAX INCENTIVE REVIEW COUNCIL. AN ORDINANCE AMENDING ORDINANCE NO. 59-2006, "APPOINTMENTS - BARBERTON/SUMMIT COUNTY TAX INCENTIVE REVIEW COUNCIL," BY MAKING THE FOLLOWING CHANGES TO THE TIRC APPOINTMENTS: DIANE SHERIDAN'S POSITION TO PLANNING DIRECTOR AND THE APPOINTMENT OF MAYOR ROBERT GENET, AS ALTERNATE, 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. Mr. Silva, Mr. Avant, Mr. Soyars, Mr. Dippel, Mr. Suboticki, Mr. Megyes, Mr. Anderson voted "yea." Mr. Judge voted "abstain." Motion carried. It was moved by Mr. Suboticki, seconded by Mr. Dippel, that **ORDINANCE NO. 42-2009 BE ADOPTED.** Mr. Anderson, Mr. Megyes, Mr. Suboticki, Mr. Dippel, Mr. Soyars, Mr. Avant, and Mr. Silva voted "yea." Mr. Judge voted "abstain." Motion carried.

ORDINANCE NO. 43-2009

ORDINANCE NO. 43-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: ZONING MAP AMENDMENT – 527 W. LAKE AVENUE. AN ORDINANCE AUTHORIZING THE REZONING OF 527 W. LAKE AVENUE, PARCEL #01.12849, FROM RM 30 (RESIDENTIAL MULTI-FAMILY) TO O1 (NEIGHBORHOOD OFFICE). 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. 43-2009 BE ADOPTED.** Mr. Megyes said he went through this house to see what Mr. Liddle is doing. He said as an owner of a house around Lake Anna, he realizes that you can put a lot of money into these homes, and Mr. Liddle is going to put a lot of money into it. He said he is going to save this house. Mr. Megyes said what Mr. Liddle is doing, his hat is off to him. Mr. Suboticki said he would like to second what Mr. Megyes said because he also had the opportunity to go through the property with Ms. Sheridan and Mr. Stefan. He said these homes are quite large, and to have a single family come in and redo one of those homes is asking a lot. He said many of the properties have turned into four or five or six rentals in one home. He said this issue is something we are going to grapple with in the near future. Mr. Suboticki said they are looking into ways of doing a separate zoning around Lake Anna to give them some guidance as to how to handle these situations. He said he does not know if there is really a right or wrong answer, but go with what you feel is the best decision at the time that these decisions are made. He said he is

not against having it all single family, but at this point in time, he does not think it is possible. Mr. Avant said the aesthetics, historical value, and historical features of the Lake Anna Park area do not just belong to the people who rent or live there. He said it really belongs to the whole city -- everybody who enjoys the park and all the properties around it. He said for someone to come in and make an improvement like that is good for everybody. Mr. Avant said he commends anybody who does that in the proper way, using proper procedures with a zoning change. He said we want to see the whole park look good and neat and more historical. He said he commends Mr. Liddle for the efforts he is taking. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried.

ORDINANCE NO. 44-2009

ORDINANCE NO. 44-2009. PRESENTED BY: MR. SILVA. TITLE: BARBERTON CODIFIED ORDINANCES – AMENDING SECTION 290.03 – PARKING FINE SCHEDULE. AN ORDINANCE AMENDING SECTION 290.03 OF THE BARBERTON CODIFIED ORDINANCES ENTITLED “PARKING FINE SCHEDULE,” BY INCREASING CERTAIN FEES, 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. 44-2009 BE ADOPTED.** Mr. Judge said he wanted to commend the Clerk of Courts and the Safety Committee for discussing this, bringing it up, and making the changes. He said it was upsetting that the former ordinance did not even list "handicap parking," but the new one does, and it changes some of the fees. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried.

RESOLUTION NO. 45-2009

RESOLUTION NO. 45-2009. PRESENTED BY: MR. MEGYES. TITLE: SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO SUPPORT THE CREATION OF AMERICAN JOBS AND RESTORE ECONOMIC GROWTH AND OPPORTUNITY BY SPENDING ECONOMIC RECOVERY PLAN FUNDS ON PRODUCTS AND SERVICES THAT BOTH CREATE JOBS AND HELP KEEP AMERICANS EMPLOYED WHENEVER AND WHEREVER POSSIBLE. 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 **RESOLUTION NO. 45-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 46-2009

ORDINANCE NO. 46-2009. PRESENTED BY: MR. ANDERSON. TITLE: GROUND LEASE AGREEMENT – 529 BRADY AVENUE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A “GROUND LEASE,” WITH AN OPTION TO PURCHASE, WITH THE BARBERTON CITY SCHOOL DISTRICT BOARD OF EDUCATION, FOR THE PROPERTY LOCATED AT 529 BRADY AVENUE, FORMERLY KNOWN AS “A-1 CAR CARE,” FOR THREE (3) YEARS, 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. 46-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 47-2009

ORDINANCE NO. 47-2009. PRESENTED BY: MR. ANDERSON. TITLE: ENTER INTO CONTRACT – PARKS – YOUTH EMPLOYMENT FOR SUCCESS PROGRAM. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH SUMMIT COUNTY FOR THE YOUTH EMPLOYMENT FOR SUCCESS 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. 47-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 48-2009

ORDINANCE NO. 48-2009. PRESENTED BY: MR. AVANT. TITLE: 2009 BUDGET. AN ORDINANCE ADOPTING A BUDGET FOR VARIOUS FUNDS OF THE CITY OF BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2009, AND PROVIDING FOR THE ADMINISTRATION THEREOF, AND DECLARING IT AN EMERGENCY.

It was moved by Mr. Avant, 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. Avant, seconded by Mr. Anderson, that **ORDINANCE NO. 48-2009 BE ADOPTED.** Mr. Judge said he would be voting “no” on both of these budgets. He said he thinks the state of the economy is forcing us to choose between the difference of what we want and what we need as a city. He said it is time to be fiscally more conservative and socially more liberal. He said we are in uncharted waters these days and he does not think these budgets reflect the changes that are needed. Mr. Judge said before he stated, and he was sadly mistaken, that this economy is not hitting Barberton as much as it is the rest of the country because a lot of our factories closed down in the late seventies and early eighties. He said he was wrong. He said for January and February the unemployment rate was 12.1% and 12.6% respectfully. Mr. Judge said you can trace that all the way back to the late seventies and early eighties, so we are right back to where we were at that time. He said he thinks the city is moving forward and there are a lot of things going in our favor; but he does not agree with these two budgets. Mr. Soyars said he will be voting “yes” on both of these, but he feels that \$300,000 in overtime for the firemen is totally too much. He said he hopes the Chief will look into this issue and try to decrease that total. He said Mayor Genet has his total backing if the Chief can not work it out. President Maurer called for the vote on adoption. Mr. Megyes, Mr. Dippel, Mr. Silva, Mr. Anderson, Mr. Avant, Mr. Suboticki, and Mr. Soyars voted “yea.” Mr. Judge voted “nay.” Motion carried.

ORDINANCE NO. 49-2009

ORDINANCE NO. 49-2009. PRESENTED BY: MR. AVANT. TITLE: 2009 CAPITAL BUDGET. AN ORDINANCE ADOPTING AN ANNUAL CAPITAL BUDGET FOR VARIOUS FUNDS OF THE CITY OF BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2009, AND PROVIDING FOR THE ADMINISTRATION THEREOF, AND DECLARING IT AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Anderson, that **ORDINANCE NO. 49-2009 BE ADOPTED.** Mr. Avant, Mr. Anderson, Mr. Suboticki, Mr. Dippel, Mr. Megyes, Mr. Silva, and Mr. Soyars voted “yea.” Mr. Judge voted “nay.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD 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. Third Reading – March 23, 2009.* It was moved by Mr. Silva, seconded by Mr. Anderson, that **RESOLUTION NO. 29-2009 BE ADOPTED.** Mr. Silva said Mrs. Davis could not be here this evening because of an injury due to a fall shortly after “Jeep” passed away. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

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 – March 23, 2009. It was moved by Mr. Suboticki, seconded by Mr. Dippel, that **ORDINANCE NO. 30-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Maurer said the Summit County MRDD is planning a groundbreaking for their new community service center and gift gallery store on April 16th at 10:00 a.m. at the Hopocan/Wunderlich site. He said they will be welcome here and he is sure they will be quite an asset to the community.

Mr. Bauschlinger, Building Commissioner, said everyone received a draft of the latest Rental Registration. He said changes in incremented relief or reduction of the fees are down to a flat 30% reduction to continue as long as the property remained in compliance. He said everyone will receive a sheet on that tomorrow. He said changes were also made to the verbiage that City Council is the only body that could increase the fees and changes were made regarding the transfer of a property due to a death in a family. He said they would not be obligated to re-apply for registration. He said there was one more change, but he could not remember it. He said this draft will be presented to the committee in two weeks. He said if there are any questions, just give him a call.

Mr. Silva said he wanted to commend the Administration and the department heads for working on the budget. He said many people fail to realize that the city is like a business. He said if there is no money coming in, it is hard to justify what we need and what we do not need. He said he respects Mr. Judge’s comment that we need to look at certain things. He said as the Mayor has stated before, it is very tough working with the budget he was given. He said over the past year, we lost businesses and we are being affected very hard by the economy. He said he would again like to commend the department heads for working with the little amounts they did have.

Mr. Maurer said we have a lot of neighboring communities that do not offer the services that we offer. He said, for example, the City of Fairlawn does not have trash pickup -- they take it to the compactor or they hire a private hauler. He said there are a lot of services that we have maintained over the years. He said with the financial picture, the next major step -- and this may be what Mr. Judge is referring -- could be seriously looking at curtailing some of these services that we have taken for granted for literally decades. He said the question is how much are people going to be willing to put up with to keep the taxes lower. He said there are not a lot of bright clouds on the horizon. He said to the Mayor that he did a good job putting this budget together.

COMMUNICATION FROM THE MAYOR

Mayor Genet said he would like to thank Council for the support on this budget. He said he made Council aware that it was not going to be an easy budget to put together. He said he went twice to each department head and requested they cut their budget and then it was up to him. He said about the time he was handed that task, there was 1.3 million to cut out. He said he was committed to having a capital budget -- he was not going to sit back and have nothing but an operating budget because that was done in the past. He said even after carving out the amount of money he had to, there was still money for two police vehicles and more money for resurfacing than they had anticipated originally, which is still not enough. He said if you talk to your constituents, he guarantees that with every one of them, their number one complaint is going to be streets. He said the \$360,000 to \$370,000 for residential is not near enough of what is needed; however, he was not going to eliminate that just to put money into the Reserve Fund or to have more of an end-of-the-year balance. He said he appreciates that many of the council members not only called and had questions, but also offered suggestions that they were able to incorporate where they could. He said that is the kind of relationship he appreciates with this Council -- you offer suggestions instead of just saying you can not do that. He said he commends Mr. Anderson on one of the items. He said Mr. Anderson brought up the issue about

the fireworks, so he sent a text message about this to Teri Dwyer of the Jaycees and the Jaycees are probably going to sponsor the fireworks for Labor Day. He said when you work together, you can do good projects within the community. He said Massillon cut out their concert series. He said we could have saved \$20,000 if we would have, but that was not what we wanted to do. He said a \$20,000 budget is a third of what we normally spend on the concerts, but we are going to provide them because they bring people downtown. He said the same is true with the fireworks. He said they could have nixed that, but that is one of the biggest weekends downtown. He said we are in poor economic times, and he agrees with Mr. Judge, but we just need to be more responsive, and he feels we are doing that. He said we were able to meet the Minimum Fund Balance in all three accounts -- water, sewer, and the general fund; however, we are still deficit spending. He said that is a concern of his and it should be a concern of everyone. He said a week or so ago he met with the leaders of the various labor organizations to try to get input. He said we are actually asking for ways to be able to save money. He said if things do not turn around, 2010 will be even more difficult.

Mayor Genet said he was in DC last week with Larry Lallo to attend the International Economic Development Council Conference that targeted the stimulus package. He said the regulations will be written by the first of May, but the money has to be out by the seventeenth of July. He said hopefully we will receive some of those funds. He said he and Larry Lallo, with the help of Congresswoman Sutton's office, will put together two meetings -- one for non-profits and one for businesses -- to explain the process of these stimulus packages sometime in April.

Mayor Genet said they were able to spend about an hour-and-a-half with Congresswoman Sutton and stopped in to see Senator Voinovich and Senator Brown. He said they are scheduled to meet with Senator Brown on April 10th to put together an income tax credit coalition in Summit County -- which will also target Barberton -- to make sure people are filling out their taxes and taking advantage of the earned credit part of their taxes.

Mayor Genet said he would like to introduce Mr. Jim Sawyer, our new City Engineer. He said they went through a Charter change to get to this point and a very extensive resume search and interview process. He said they are very confident that Mr. Sawyer will be able to fill the needs of our City. Mr. Sawyer said he looks forward to being a part of the team here and being able to contribute to the betterment of Barberton. He said he is looking forward to building a strong relationship with everyone.

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

Adjourned: 8:02 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council