

Council met in **REGULAR SESSION** on Monday, April 13, 2009, at 7:30 P.M. in the Council Chambers with Vice-President Avant presiding. Members present: Anderson, Dippel, Judge, Megyes, Silva, Soyars, and Suboticki. President Maurer was absent. The Pledge of Allegiance to the Flag was recited and Mr. Megyes 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, March 23, 2009, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Judge, seconded by Mr. Anderson, to accept the Finance Department Report for March 2009, as presented. All Members voted "yea." Motion carried.

### **PETITIONS AND CLAIMS**

The Clerk of Council read a note of thanks from Lisa McLean from the Beautification Department thanking Council for their donation to the Beautification Endowment Fund in memory of Mr. Robert Kamenar.

### **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. 50-2009**

**RESOLUTION NO. 50-2009. PRESENTED BY: ALL OF COUNCIL. CO-SPONSORED BY: MR. SOYARS AND MR. DIPPEL. TITLE: COMMENDATION – VARSITY BOYS BASKETBALL TEAM. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO THE 2008-2009 VARSITY BOYS BASKETBALL TEAM AND COACHES FOR THEIR EXCELLENT 24-2 SEASON.** It was moved by Mr. Soyars, seconded by Mr. Dippel, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. Mr. Soyars said being a former player, he knows what it takes to make it to the Regional Finals. He said he would like to congratulate the team on an outstanding season. Mr. Dippel said he wanted to congratulate all the teams: the Varsity Team with a 24-2 record; the JV Team with a 15-4 record; and the undefeated Freshman Team, 19-0. Mr. Megyes said he wanted to thank this team for bringing back the excitement. He said he has seen a lot of basketball, and this is just about as good as he has ever seen. He said his hat is off to the coaches and the team. Mr. Silva said he, too, wanted to congratulate all the players and coaches. He said the resolution talks about hard work and commitment. He said he witnessed a good example of that hard work and commitment by watching Jacob and Josh North, who live a few houses down from him. Mr. Silva said they are *always* outside practicing -- winter, spring, summer, and fall. He said this is what the public does not see from all of these players. Mr. Palmer, Service Director, congratulated the players and the coaches. He said as the "old timer" of this bunch, he would guarantee that these players will remember this season the rest of their lives. He told them to cherish it. Mr. Judge said he also wanted to congratulate everyone. He said obviously Mr. Silva did not go out and try to learn any skills from the North boys! He said just in this little room you have many former players -- your coaches, several council members, and Mr. Palmer. Mr. Judge said you are part of a family -- not only by being from Barberton, but because of the basketball team also. He said there is a big correlation between having success in sports and being part of a team and your personal successes. He said as Mr. Palmer said, you will cherish this and remember these years the rest of your lives. Vice-President Avant said he has never been a basketball player in organized sports, not only because of lack of height, but the lack of knowledge and skills also needed, the knowledge and skills that you gentlemen showed on the court. He said everyone

appreciates how you represented our city and school district, not only because of your success, but because of your character and your actions on and off the court. He said we all thank you for the excitement that you brought to this city and to the fans every Tuesday and Friday and then into the post-season. Vice-President Avant said this is something every community should experience. He said over the years Coach Rector has brought many teams, many young men, together to provide that excitement, but this has been a special year. He said we thank you for working hard to achieve this success and for what you have brought to this community. Vice-President Avant called for the vote on suspension. All Members voted "yea." Motion carried. It was moved by Mr. Soyars, seconded by Mr. Dippel, that **RESOLUTION NO. 50-2009 BE ADOPTED.** Mayor Genet said Mr. Palmer is exactly right because thirty/forty years from now, you will remember all of these games. He said you may not be able to remember what you did yesterday, but you will remember the games against Hudson, the play against Stow, and that amazing comeback you had against Toledo St. John's! He said there is a camaraderie amongst yourselves that no matter where the future takes all of you, you will have this bond and you will be in contact with one another. Mayor Genet said you really brought this community together and that excitement is immeasurable. He said you had a police escort all the way to the JAR with five busses following, and then as the bus pulled up, you could see a line of a thousand people in purple waiting two hours before the doors even opened up to watch you gentlemen play. He said what you must have been feeling -- to see the kind of support you had. He said Coach Walker said it best earlier when he said one of the things that made this team so successful was the trust each one of you had for one another. Mayor Genet said you knew you could trust each one of your teammates. He said he has a special bond with many of these individuals since probably half of the team has been in and out of his house because his daughter is the same age. He said he does not know how many parents are here, but he wanted them to know that they raised some fine young men. Mayor Genet said as unselfish as they were on the court, they were just as unselfish off of the court. He said these are some of the finest young men we have in this community. He said this could not have happened without the support of your parents -- you need to thank them -- and without the support of your coaches. Mayor Genet said last Friday Terry Pluto was on WAKR, the Ray Horner show, and he spoke for almost ten minutes about how this fine young team came together to produce this remarkable season. He said he does not know if this team fully understands what they did for this community yet, but he assured them that it was awesome, and this resolution is just a small token. Mayor Genet said regarding Coach Rector, in addition to being named Coach of the Year, he is also the recipient of the Clem Caraboolad Award, which is an award for sportsmanship. He said it is a real honor. Coach Rector said he wanted to thank Council for recognizing these young men. He said they will continue to be honored and they are well-deserving of everything they received as far as accolades because they are an outstanding group to coach. He said they will be missed. Coach Rector said everything that was said about them tonight is true -- they are great representatives of this community, their school, and their parents. He said every coach would agree that it has been an honor to coach them. Vice-President Avant called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Dippel, seconded by Mr. Soyars, to recess in order to present the resolutions to this team.

Recessed: 7:49 p.m.

Reconvened: 7:54 p.m.

#### **RESOLUTION NO. 51-2009**

**RESOLUTION NO. 51-2009. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. SILVA. TITLE: COMMENDATION – LT. DONALD FOBEAN AND FIREFIGHTER TERRY THOMAS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO LT. DONALD FOBEAN AND FIREFIGHTER TERRY THOMAS, FOR THEIR HEROIC EFFORTS IN SAVING THE LIFE OF MR. DARRYL POWELL FROM A HOUSE FIRE THAT TOOK PLACE ON MARCH 5, 2009.** 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 to all the firefighters and paramedics here tonight that people may say this is your job. He said we may not always recognize you and the public may not always recognize you for heroism like that, but he just wants to thank our firefighters for all the day-to-day things they do for all of us, not just this incident with Mr. Powell. He said they go above and beyond. Mr. Suboticki said this is the second fire in his ward that firefighters have saved some people from fires. He said he knows the residents are really pleased with the fast actions they receive from

our fire department and paramedics. He said this is just another example of the jobs they do every day, usually without much fanfare, and we are happy when we have the opportunity to give our fire department the recognition they deserve. Chief Baldwin said he would also like to recognize Firefighter Dennis Evans who was the engineer in the truck that night and Firefighter Neal Morgan and Lt. Mike Corll and the paramedics who took Mr. Powell in and worked on him. He said to reiterate what Mr. Silva said about this being part of their job -- it is not an ordinary part of their job. He said most firemen go through a full career without ever having to be put in a situation like this. Chief Baldwin said it is very seldom when a successful rescue out of a fire such as this is made; the odds are normally against the occupant. He said because of our system and the way we operate and the aggressiveness of our fire department -- those are the reasons for this outcome. Vice-President Avant called for the vote on suspension. All Members voted "yea." Motion carried. It was moved by Mr. Silva, seconded by Mr. Anderson, that **RESOLUTION NO. 51-2009 BE ADOPTED.** Mayor Genet said the Chief had indicated that firefighters may go through a whole career without this type of response or success. He said one of the key components to prepare themselves for this is the training they do. He said they are in training all the time and they never know when they are going to be called upon to react to a particular emergency. Mayor Genet said he wanted to thank them for their efforts and on behalf of the citizens, he wanted to thank them for all they do. Vice-President Avant called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Silva, seconded by Mr. Anderson, to recess in order to present the resolutions.

Recessed: 8:00 p.m.

Reconvened: 8:03 p.m.

#### **ORDINANCE NO. 52-2009**

**ORDINANCE NO. 52-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: OUI, INC. – CRA ABATEMENT - AMENDMENT. AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, VIA THE PLANNING DIRECTOR, TO SUBMIT TO THE STATE OF OHIO, AN AMENDED "BUSINESS APPLICATION FOR TAX INCENTIVES," ON BEHALF OF OUI, INC., 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. All Members voted "yea." Motion carried. It was moved by Mr. Suboticki, seconded by Mr. Dippel, that **ORDINANCE NO. 52-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 53-2009**

**ORDINANCE NO. 53-2009. PRESENTED BY: MR. SILVA. TITLE: PURCHASE OF POLICE CRUISERS. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT FOR THE PURCHASE OF ONE (1) CROWN VICTORIA CRUISER AND ONE (1) FORD EXPEDITION FOR THE POLICE DEPARTMENT, FROM MONTROSE FORD, FOR THE TOTAL PURCHASE PRICE OF \$48,070.99, A COST BELOW THE STATE PURCHASING PRICE, 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. 53-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 54-2009**

**ORDINANCE NO. 54-2009. PRESENTED BY: MR. MEGYES. TITLE: NEIGHBORHOOD STABILIZATION PROGRAM – COUNTY APPLICATION. AN ORDINANCE AUTHORIZING THE MAYOR, VIA THE PLANNING DIRECTOR, TO SUBMIT A NEIGHBORHOOD STABILIZATION PROGRAM APPLICATION TO THE SUMMIT COUNTY DEPARTMENT OF DEVELOPMENT, 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. 54-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 55-2009**

**ORDINANCE NO. 55-2009. PRESENTED BY: MR. ANDERSON. TITLE: ENTER INTO CONTRACT – PARKS – PROGRAM/VOLUNTEER COORDINATOR. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR CONTRACT WITH THE AKRON AREA YMCA REGARDING THE SHARING OF SALARY OF THE PROGRAM/VOLUNTEER COORDINATOR POSITION, AND DECLARING AN EMERGENCY.** It was moved by Mr. Anderson, 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. Anderson, seconded by Mr. Suboticki, that **ORDINANCE NO. 55-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 56-2009**

**ORDINANCE NO. 56-2009. PRESENTED BY: MR. ANDERSON. TITLE: PURCHASE OF PROPERTY – 530 W. HOPOCAN AVENUE. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 530 W. HOPOCAN AVENUE, IN AN AMOUNT NOT TO EXCEED \$20,000 PLUS CLOSING COSTS, AND DECLARING AN EMERGENCY.** It was moved by Mr. Anderson, 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. Anderson, seconded by Mr. Megyes, that **ORDINANCE NO. 56-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 57-2009**

**ORDINANCE NO. 57-2009. PRESENTED BY: MR. AVANT. TITLE: ADOPT INDIGENT BURIAL POLICY. AN ORDINANCE TO ESTABLISH AND ADOPT AN INDIGENT BURIAL POLICY FOR THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY.** *First Reading – April 13, 2009.*

**ORDINANCE NO. 58-2009**

**ORDINANCE NO. 58-2009. PRESENTED BY: MR. JUDGE. TITLE: AMENDING ORD. NO. 92-2008 – EMPLOYEE COMPENSATION AND PAY GRADES FOR NON-BARGAINING EMPLOYEES. AN ORDINANCE AMENDING ORDINANCE NO. 92-2008 BY SHOWING “PER HOUR” AMOUNTS IN THE PAY GRADE 3 MINIMUM, MIDPOINT, AND MAXIMUM PAY SCALE INSTEAD OF “ANNUAL” AMOUNTS FOR CERTAIN POSITIONS IN PAY GRADE 3 BECAUSE OF THEIR NON-EXEMPT STATUS; AND BY DELETING THE POSITION OF “ADMINISTRATIVE ASSISTANT II PARKS” IN PAY GRADE 3, AND DECLARING AN EMERGENCY.** It was moved by Mr. Judge, 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. Judge, seconded by Mr. Anderson, that **ORDINANCE NO. 58-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 59-2009**

**ORDINANCE NO. 59-2009. PRESENTED BY: MR. JUDGE. TITLE: APPROPRIATION – CDBG FUND. AN ORDINANCE APPROPRIATING \$7,275.69 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. Judge, 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. Judge, seconded by Mr. Megyes, that **ORDINANCE NO. 59-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

None.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

**APPOINTMENTS**

**BARBERTON COMMUNITY FOUNDATION – BOARD OF DIRECTORS:**

**Mr. C. Thomas Anders** - reappointment – second three-year term  
**Mr. Scott McQuaide** - reappointment – second three-year term  
**Mrs. Mary Jo Goss** - appointment – first three-year term  
**Mr. Daniel Miller** - appointment – first three-year term

It was moved by Mr. Judge, seconded by Mr. Anderson, to confirm the appointments to the Barberton Community Foundation Board of Directors. All Members voted “yea.” Motion carried.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

The Clerk said she received the following Liquor License Transfer Request:

From: HBS Morgan Corporation, DBA International Convenient Food Mart, 290 George Street, Barberton.

To: S & S Barberton Food Corporation, DBA Sunny’s, 290 George Street, Barberton.

The Clerk said no objections were received.

Vice-President Avant requested a motion to excuse Mr. Maurer from tonight’s meeting. It was moved by Mr. Megyes, seconded by Mr. Judge. All Members voted “yea.” Motion carried.

Mr. Megyes said he has two meetings this week. He said on the 15<sup>th</sup>, the Brown Street Area Watch Group will be meeting at 7:00 p.m. at the Active Adult Center. He said Pastor Bridges from Higher Ground Worship Center will be there to talk about starting a VFW homeless shelter in the old Holy Trinity Rectory. He said Pastor Bridges came to a meeting last week at the West Side of Van Hyning Neighborhood and talked to those in attendance and he will be attending the meeting of the East Side of the Van Hyning Neighborhood. He said Saturday, Sunday, and this morning he walked around his ward and passed out approximately 1300 flyers regarding the April 16<sup>th</sup> meeting. He said while he was walking, he talked to about 38 people and conducted an interview. He said he would discuss the facts and data he got from them next week. He said he would like to thank Mr. Wildman for the use of the Active Adult Center and Tina Callahan, who has to stay late every time they have a meeting. He also thanked Sue Matuch, the Clerk of Council, for helping him out with all this work.

**COMMUNICATION FROM THE MAYOR**

Mayor Genet said he would have more specific information for everyone by the end of the week about a Foreclosure Prevention Clinic that Barberton will have sometime in May. He said it would be at the Active Adult Center. He said once the details are worked out, he would make sure Council is aware of them in order to get the word out to their constituents. He said HUD-certified counselors, attorneys, and hopefully some bankers to modify loans will be attending. He said this was done earlier in the month at Job and Family Services. He said this would not be just for Barberton; it would be for the southern region of the County.

Mayor Genet said they will be meeting with Stark State and Akron U this Thursday to finalize everything for the educational program. He said it is scheduled to be unveiled on April 28<sup>th</sup>.

Mayor Genet said the Metro Regional Transit Authority is having a public meeting on April 21<sup>st</sup> at the Library for anyone wanting to attend. He said they are looking for input to develop their five-year plan.

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

Adjourned: 8:23 P.M.

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Terry L. Avant  
Vice-President of Council

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Susan Matuch  
Clerk of Council

