

Council met in **REGULAR SESSION** on Monday, September 14, 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. Silva 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, July 27, 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 Special Meeting held on Wednesday, August 19, 2009, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Avant, seconded by Mr. Judge, to accept the Finance Department Reports for July 2009 and August 2009, as presented. All Members voted "yea." Motion carried.

### **PETITIONS AND CLAIMS**

The Clerk read a note from Mrs. Barbara Adamson, wife of Lt. Don Adamson, thanking Council for their donation to the Hope Lodge in memory of Don.

### **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. 137-2009**

**ORDINANCE NO. 137-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: ENTER INTO CONTRACT – BUILDING DEPARTMENT – EMERALD ENVIRONMENTAL, INC. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH EMERALD ENVIRONMENTAL, INC., IN THE AMOUNT OF \$12,745, TO PERFORM ENVIRONMENTAL ASSESSMENTS OF CERTAIN PROPERTIES, 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. 137-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 138-2009**

**ORDINANCE NO. 138-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: ENTER INTO CONTRACT – BUILDING DEPARTMENT – BUTCHER & SON EXCAVATING. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BUTCHER & SON EXCAVATING, INC., IN THE TOTAL AMOUNT OF \$21,185, FOR THE DEMOLITION OF THE FOLLOWING STRUCTURES: 88 W. STATE STREET (THE NORTH END FIRE STATION), 327 WUNDERLICH AVENUE, 399 WUNDERLICH AVENUE, 242 14<sup>TH</sup> STREET NW, AND 1256 DOUGLASS AVENUE, 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. 138-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 139-2009**

**ORDINANCE NO. 139-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: SPECIAL ASSESSMENTS – DEMOLITIONS, BOARD-UPS, AND WEED/GRASS CUTTING. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR, SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTIES LOCATED WITHIN THE CITY FOR THE COST OF ORDERED DEMOLITIONS, LIEN SEARCHES, EMERGENCY BOARD-UPS AND WEED/GRASS CUTTING WHICH TOOK PLACE FROM SEPTEMBER 2008 THROUGH AUGUST 2009, 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. 139-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 140-2009**

**ORDINANCE NO. 140-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: ZONING MAP AMENDMENT – VARIOUS 30<sup>TH</sup> STREET, NW, PARCELS. AN ORDINANCE AUTHORIZING THE REZONING OF VARIOUS 30<sup>TH</sup> STREET, NW, PARCELS FROM C2 (NEIGHBORHOOD COMMERCIAL) TO RS40 (RESIDENTIAL SINGLE FAMILY).** 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. 140-2009 BE ADOPTED.** Mr. Avant said he would like to thank the Planning Director, Ms. Sheridan, and the Planning Commission for their help in getting everything in proper order to change this zoning for the people in that area. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 141-2009**

**ORDINANCE NO. 141-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: BOUNDARY ADJUSTMENT – CITY OF BARBERTON / CITY OF NORTON. AN ORDINANCE DETERMINING TO CHANGE THE BOUNDARY LINE SEPARATING THE CITY OF BARBERTON AND THE CITY OF NORTON BY MUTUAL AGREEMENT OF THE CITY OF BARBERTON AND THE CITY OF NORTON, PURSUANT TO SECTION 709.37 OF THE REVISED CODE.** Mr. Anderson said he has some concerns about this ordinance. He said it is incomplete because he believes the Mayor needs Council approval to waive the tap-in fees. He said he would like the answers to how much, how many, and how long, and he would also like that to go to Utilities. He said this ordinance does not mention anything about Barberton City Schools paying the related costs for this, so he would like that information stated in the ordinance if at all possible. Mrs. Miller, Law Director, said the City of Barberton and the City of Norton have agreed all fees and costs of filing and reporting of the transcripts shall be paid by the City of Barberton. She said the agreement is that the City will then bill the Schools for reimbursement because the Schools are not a party to a boundary adjustment agreement. She said the only two parties that can agree are the two cities. Mr. Anderson said being that there will be an agreement between the City of Barberton and Barberton Schools to do that, he would like to see a legal agreement. Mayor Genet said it would be up to our Law Director to determine if a legal agreement would be necessary. He said he would get a letter in writing of all the costs incurred. He said the City will be sending the Schools the invoices and they will reimburse us. Mayor Genet said we are on the same page on this issue. ***First Reading Only – September 14, 2009.***

**ORDINANCE NO. 142-2009**

**ORDINANCE NO. 142-2009. PRESENTED BY: MR. SILVA. TITLE: ENTER INTO CONTRACT – DIRECT INDICTMENT SERVICES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE (1) YEAR CONTRACT WITH THE COUNTY OF SUMMIT AND THE SUMMIT COUNTY PROSECUTOR’S OFFICE, FOR THE DIRECT INDICTMENT SERVICES PROGRAM, IN AN AMOUNT NOT TO EXCEED \$27,000, 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. 142-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 143-2009**

**ORDINANCE NO. 143-2009. PRESENTED BY: MR. SILVA. TITLE: ENTER INTO CONTRACT – SIGNALIZATION PROJECT – STATE STREET & FIFTH STREET FIRE STATION. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH SIGNAL SERVICE, THE LOWEST AND/OR BEST BIDDER, IN THE AMOUNT OF \$76,681.94, FOR THE TRAFFIC SIGNALIZATION PROJECT FOR STATE STREET AND THE FIFTH STREET FIRE STATION, 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. President Maurer asked if this signalization project was going to control the intersection only when there is fire activity at the station or was this going to be an ongoing issue. Mr. Palmer, Director of Public Service, said it is going to be an ongoing traffic light. He said the consultant from URS said a traffic light was warranted to be used as a normal traffic light. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Silva, seconded by Mr. Anderson, that **ORDINANCE NO. 143-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 144-2009**

**ORDINANCE NO. 144-2009. PRESENTED BY: MR. SILVA. TITLE: AMENDING ORD. NO. 247-2001 – POSTING PLACES. AN ORDINANCE AMENDING ORDINANCE NO. 247-2001 DESIGNATING SIX POSTING PLACES USED FOR PUBLIC NOTICE FOR ALL RESOLUTIONS AND ORDINANCES FOR THE CITY OF BARBERTON, 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. 144-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 145-2009**

**ORDINANCE NO. 145-2009. PRESENTED BY: MR. SILVA. TITLE: REPEAL OF CHAPTER 856 – TAXICABS – BARBERTON CODIFIED ORDINANCES – ADOPT NEW CHAPTER. AN ORDINANCE ADOPTING A NEW CHAPTER 856, TAXICABS, OF THE BARBERTON CODIFIED ORDINANCES; AND REPEALING CHAPTER 856 OF THE BARBERTON CODIFIED ORDINANCES, 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. Mr. Silva said it was discussed last week to possibly add another paragraph regarding background checks, but as our Law Director said, we really do not have a purpose as a City for a background check. He said as far as liability for the taxi cab company, it would be to their benefit not to hire someone who is going to be a problem for them because it would cost them in the long run. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Silva, seconded by Mr. Anderson, that **ORDINANCE NO. 145-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 146-2009**

**WITHDRAWN – September 14, 2009.**

**ORDINANCE NO. 147-2009**

**ORDINANCE NO. 147-2009. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO GRANT AGREEMENTS – NDS – COUNTY NSP ACTIVITIES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO GRANT AGREEMENTS AND RELATED ASSURANCES, CERTIFICATIONS, AND CONTRACTS WITH NEIGHBORHOOD DEVELOPMENT SERVICES, INC. (NDS), TO CARRY OUT COUNTY NSP LAND BANKING 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. 147-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 148-2009**

**ORDINANCE NO. 148-2009. PRESENTED BY: MR. ANDERSON. TITLE: TRANSFER OF PROPERTY – OLD WEST SIDE FIRE STATION. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A “QUIT CLAIM DEED” FOR HABITAT FOR HUMANITY TO TAKE OWNERSHIP OF THE PROPERTY LOCATED ON ONE(1) PARCEL (TWO LOTS) OF THE OLD WEST SIDE FIRE STATION ON 24<sup>TH</sup> STREET, NW, FOR ONE DOLLAR (\$1.00), 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. Mr. Anderson said he is tickled pink that both of the old fire stations are coming down. He said people wanted to buy them, but they are old buildings and he thinks the right decision was made in tearing these buildings down. He said he talked to the neighbors along the West Side Fire Station and they are really glad that it is just not sitting vacant and a house is being built on that property. He said he wanted to thank the Planning Department for finding the money to get these fire stations down. 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. 148-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 149-2009**

**ORDINANCE NO. 149-2009. PRESENTED BY: MR. ANDERSON. TITLE: AUTHORIZING CITY VEHICLE AUCTION. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE, THE POLICE CHIEF, AND THE FIRE CHIEF TO DISPOSE OF VARIOUS VEHICLES NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY PUBLIC AUCTION, TO TAKE PLACE ON SEPTEMBER 26, 2009, AT 9:30 A.M., AT THE STREET DEPARTMENT GARAGE, 677 BRADY AVENUE, 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. 149-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 150-2009**

**WITHDRAWN – September 14, 2009.**

**ORDINANCE NO. 151-2009**

**ORDINANCE NO. 151-2009. PRESENTED BY: MR. ANDERSON. TITLE: PURCHASE OF PROPERTY – 637 W. HOPOCAN AVENUE. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 637 W. HOPOCAN AVENUE (HARDMAN’S), USING STATE NSP FUNDS, FOR \$15,984, PLUS ALL 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. 151-2009 BE ADOPTED.** Mr. Judge said the police log indicated that some kids were in there over the weekend, so he requested that this property be boarded up as soon as possible if this ordinance passes tonight. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 152-2009**

**ORDINANCE NO. 152-2009. PRESENTED BY: MR. ANDERSON. TITLE: PURCHASE OF PROPERTY – 430/432 4<sup>TH</sup> STREET, NW. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 430/432 4<sup>TH</sup> STREET, NW, USING CDBG FUNDS, IN AN AMOUNT NOT TO EXCEED \$10,500, 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. Mr. Megyes, Mr. Suboticki, Mr. Judge, Mr. Soyars, Mr. Avant, Mr. Anderson, Mr. Dippel voted “yea.” Mr. Silva voted “abstain.” Motion carried. It was moved by Mr. Anderson, seconded by Mr. Megyes, that **ORDINANCE NO. 152-2009 BE ADOPTED.** Mr. Judge said he is going to vote “no” on this piece of legislation. He said the committee brought it out with the reduced price from \$19,000 to \$10,500. He said he respects their opinions in doing that. He said this piece of property was appraised at \$8,500. Mr. Judge said we sometimes do give a little more than the appraised value, but those properties are more livable than this one. He said the owner

of this property purchased it with one goal in mind ... to flip it and make money. He said no permits were pulled, and there is no heating or no pipes. He said there is really no reason to give an incentive, or set a precedent, for other investors to come in and buy dilapidated homes anticipating that the City is going to give them a few thousand more dollars than they paid. Mr. Judge said he respects the committee's judgment on reducing the amount to offer this owner, but he will be voting "no" because he feels that the appraised value of \$8,500 should be offered. Mr. Anderson said he respects Mr. Judge's thoughts and comments. He said both committees talked in length about the price on this property. He said he argued that they should give \$10,500 for this property because it is a corridor to the city and we need to start purchasing properties on that street and getting the unlivable properties down. Mr. Anderson said he believes that is a fair price, regardless of the interior of the house. He said we do not base a lot of that appraisal on the interior of the house; he believes we have to go by what it looks like. He said whether it is livable or not should not come into question. He said he does not think \$10,500 is unreasonable because there have been other houses that we have gone over the appraised value, for example, that big yellow house on 4<sup>th</sup> Street. Mr. Anderson said he does not feel we are out of line and he does not feel we have gone beyond the appraisal that much. He said if you are talking \$15,000-\$18,000, that would have been out of line. President Maurer said he believes the Building Department or one of our people went through this building, but we did not have any justification to go in to confirm whether all the plumbing and heating systems were missing. Mr. Vinay, Building Inspector, said as far as he knew, the only people who went in were the members of the acquisition committee. Mr. Soyars said he will also be voting "no." He said he feels that we should just give the appraisal price on this property and he feels that we should do that on all city properties we purchase. He said we will be setting a precedent for people to buy properties to flip. President Maurer called for the vote on adoption. Mr. Dippel, Mr. Anderson, Mr. Avant, Mr. Suboticki, and Mr. Megyes voted "yea." Mr. Soyars and Mr. Judge voted "nay." Mr. Silva voted "abstain." The Clerk said the vote is 5-2-1. President Maurer voted "yea." Motion carried, 6-2-1.

**ORDINANCE NO. 153-2009**

**ORDINANCE NO. 153-2009. PRESENTED BY: MR. JUDGE. TITLE: INTENTION TO PROCEED – 2009 RESIDENTIAL STREET RESURFACING PROGRAM. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON STATING THE INTENTION TO PROCEED WITH THE 2009 RESIDENTIAL STREET RESURFACING PROGRAM, AND DECLARING AN EMERGENCY.**

***First Reading Only – September 14, 2009.***

**ORDINANCE NO. 154-2009**

**ORDINANCE NO. 154-2009. PRESENTED BY: MR. JUDGE. TITLE: SPECIAL ASSESSMENTS – 2008 SIDEWALK REPLACEMENT PROGRAM. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTIES LOCATED WITHIN THE CITY, UNDER THE 2008 SIDEWALK REPLACEMENT PROGRAM, 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. 154-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 155-2009**

**ORDINANCE NO. 155-2009. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CDBG FUND. AN ORDINANCE APPROPRIATING \$1,836.46 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND OPERATING BUDGET, DUE TO FAÇADE LOAN PAYMENTS, IN ORDER TO CARRY OUT ELIGIBLE CDBG 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. 155-2009 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 156-2009**

**ORDINANCE NO. 156-2009. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – POLICE DEPARTMENT – JAG GRANT. AN ORDINANCE APPROPRIATING \$35,514 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE POLICE DEPARTMENT CAPITAL BUDGET, DUE TO THE 2009 RECOVERY ACT – JUSTICE ASSISTANCE GRANT (JAG), TO PURCHASE A POLICE CRUISER, MOBILE COMPUTERS, AND RADIO UPGRADES, AND DECLARING AN EMERGENCY.** It was moved by Mr. Avant, 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. Avant, seconded by Mr. Silva, that **ORDINANCE NO. 156-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 157-2009**

**ORDINANCE NO. 157-2009. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – POLICE DEPARTMENT – LAW ENFORCEMENT TRUST FUND. AN ORDINANCE APPROPRIATING \$17,000 FROM THE UNAPPROPRIATED ITEM OF THE LAW ENFORCEMENT TRUST FUND TO THE POLICE DEPARTMENT OPERATING BUDGET, TO COVER SHORTAGES IN THE POLICE TRAINING ACCOUNT, AND DECLARING AN EMERGENCY.** It was moved by Mr. Avant, 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. Avant, seconded by Mr. Silva, that **ORDINANCE NO. 157-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 158-2009**

**ORDINANCE NO. 158-2009. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – POLICE DEPARTMENT – COPS HIRING AND RECOVERY ACT. AN ORDINANCE APPROPRIATING \$33,372 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE POLICE DEPARTMENT OPERATING BUDGET, DUE TO THE COPS HIRING AND RECOVERY ACT, TO COVER THE HIRING OF TWO OFFICERS FOR THE MONTHS OF OCTOBER, NOVEMBER AND DECEMBER, AND DECLARING AN EMERGENCY.** It was moved by Mr. Avant, 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. Avant, seconded by Mr. Silva, that **ORDINANCE NO. 158-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 159-2009**

**ORDINANCE NO. 159-2009. PRESENTED BY: MR. AVANT. TITLE: CHANGE ORDER – UTILITIES – WWTP UPGRADE. AN ORDINANCE AUTHORIZING A CHANGE ORDER WITH CT CONSULTANTS TO CONTINUE AND COMPLETE THE DESIGN ENGINEERING FOR THE WWTP UPGRADE, IN THE AMOUNT OF \$332,000, AND DECLARING AN EMERGENCY.** It was moved by Mr. Avant, 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. Avant, seconded by Mr. Dippel, that **ORDINANCE NO. 159-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

None.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

**APPOINTMENTS**

None.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

President Maurer said he is very proud to announce that we have a new board member for the Barberton Community Health Clinic, sometimes known as the “Free Clinic.” He said for the next three years Mr. Megyes, among his other duties, will be serving us on that Board.

President Maurer said the Streets Committee has been talking about a new process called “motor paving.” He said if you actually want to see it, it is on 28<sup>th</sup> Street and Liberty and in that area. He said it is halfway between the hard asphalt and tar-and-chip. He said it is a very nice looking street, and for the secondary streets, he feels this is working out very well.

Mr. Wildman, Parks Director, said he and Mr. Suboticki will be hosting a meeting to involve the First Ward with some of the plans going on with Newton Park and the soccer project.

Mr. Wildman said Family Fun Night will take place on Saturday, October 3, from 5:00 p.m. to 8:00 p.m. at the Barberton Community Foundation Sports Complex.

Mr. Suboticki said the Board of Zoning Appeals will be meeting this Thursday, September 17<sup>th</sup>, at 7:30 p.m.

### **COMMUNICATION FROM THE MAYOR**

Mayor Genet said he has had some compliments from the residents about the motor paving. He said they told him the street had not looked like that for many, many years.

Mayor Genet said the house on 7<sup>th</sup> and Park was deeded over to NDS. He said they have been working on the outside, and they have a lot of work on the inside, but it is turning out nice.

Mayor Genet said Mr. Anderson asked him about the gas aggregation. He said we have until the 17<sup>th</sup> to lock in. He said he does not know exactly what the rate is going to be, but he will know this week. He said it should be less than \$7.00.

Mayor Genet said the Foundation is meeting this week and, just like everyone else, a lot of non-profits are hurting. He said the Foundation has the ability to grant a little bit of money, but it is going to go to some of the non-profits, basically for food and necessities. He said it is a good sign that the Foundation is recovering a bit.

Mayor Genet said he was notified today of the passing of Mr. Kevin McQuaide. He said to please keep him and the family in your prayers. He said Kevin was Vice-President of the Hospital at one time and was a very active member of this community. He said he lost a courageous battle to cancer.

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

Adjourned: 8:20 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council