

Council met in **REGULAR SESSION** on Monday, November 23, 2009, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Anderson, Avant, Dippel, Judge, Megyes, Soyars, and Suboticki. Mr. Silva was absent. The Pledge of Allegiance to the Flag was recited and Mr. Judge 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, November 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 October 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. 208-2009

RESOLUTION NO. 208-2009. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. SOYARS. TITLE: COMMENDATION – MINI MAGICS – JR. VARSITY SUBURBAN LEAGUE CHAMPIONS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO COACH TONY HYDE, ASSISTANT COACHES DONNIE QUERRY AND JEFF STIEBLING, AND THE 26 FOOTBALL PLAYERS WHO PARTICIPATED IN THE MINI MAGICS JR. VARSITY FOOTBALL PROGRAM FOR WINNING THE SUBURBAN LEAGUE FOOTBALL CHAMPIONSHIP AT THE JR. VARSITY LEVEL. It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Megyes, that **RESOLUTION NO. 208-2009 BE ADOPTED.** President Maurer said he would like to congratulate everyone. He said Barberton is a city full of winners and champions. He said what you learn on a football field will serve you well the rest of your lives in anything you do. Mr. Soyars said he would like to commend the coaches for volunteering because they spent a lot of hours working with these kids. He said these kids will remember this championship for the rest of their lives. President Maurer called for the adoption.

All Members voted “yea.” Motion carried. It was moved by Mr. Soyars, seconded by Mr. Megyes, to recess to distribute the resolutions. All Members voted “yea.” Motion carried.

Recessed: 7:38 p.m.

Reconvened: 7:39 p.m.

ORDINANCE NO. 209-2009

ORDINANCE NO. 209-2009. PRESENTED BY: MR. SUBOTICKI. TITLE: ZONING MAP AMENDMENT – 420-440 S. VAN BUREN AVENUE (WASHINGTON SQUARE APARTMENTS). AN ORDINANCE AUTHORIZING THE REZONING OF 420-440 S. VAN BUREN AVENUE (WASHINGTON SQUARE APARTMENTS), FROM RS-40 (RESIDENTIAL SINGLE FAMILY) TO RM-18 (LOW DENSITY MULTI-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. 209-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 210-2009

ORDINANCE NO. 210-2009. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT – BUILDING DEPARTMENT – 1242 ½ BENTON STREET. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BUTCHER & SON EXCAVATING, INC., IN THE AMOUNT OF \$3,500, USING NSP FUNDING, FOR THE DEMOLITION OF A RESIDENTIAL STRUCTURE LOCATED AT 1242 ½ BENTON STREET, AND DECLARING AN EMERGENCY. *First Reading – November 23, 2009.*

RESOLUTION NO. 211-2009

RESOLUTION NO. 211-2009. PRESENTED BY: MR. AVANT. TITLE: ADVANCE OF LOCAL TAXES. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE ADVANCE OF LOCAL TAXES BY THE COUNTY FISCAL OFFICE FOR THE 2009 TAX YEAR, PAYABLE IN 2010, 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 **RESOLUTION NO. 211-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

It was moved by Mr. Soyars, seconded by Mr. Megyes, to invoke Council Rule 602 to suspend Council Rules 301, 306, 401, and 402 to add Resolution No. 212-2009 to the Agenda. All Members voted “yea.” Motion carried.

RESOLUTION NO. 212-2009

RESOLUTION NO. 212-2009. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. SOYARS. TITLE: NATIONAL PUBLIC HEALTH APPRECIATION DAY. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON RECOGNIZING NOVEMBER 23, 2009 AS NATIONAL PUBLIC HEALTH APPRECIATION DAY AND HEREBY COMMENDING THE BARBERTON BOARD OF HEALTH AND THE BARBERTON PUBLIC HEALTH EMPLOYEES WHO WORK TO PROTECT THE HEALTH OF THE CITIZENS OF BARBERTON. It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Megyes, that **RESOLUTION NO. 212-2009 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

President Maurer said there is a request for confirmation of an appointment to the Board of Health to unfortunately fill the vacancy of Grace Duncan due to her passing. He said she was a fantastic lady who will be missed.

BOARD OF HEALTH

Teresa Bako, R.N.

Term: Immediately to December 31, 2011

It was moved by Mr. Soyars, seconded by Mr. Megyes, to confirm the appointment of Teresa Bako to the Board of Health. President Maurer said he personally knows Mrs. Bako to be a person of fine character and extreme intelligence and she will be an outstanding addition to this Board. President Maurer called for the vote on the confirmation. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mr. Anderson said he wanted to commend Mr. Wildman for reducing his budget by \$150,000. He said at the Parks Commission Meeting last Thursday, they went into executive session to discuss the elimination of two positions. He said on January 1st two parks employees will no longer be employed by the City. He said they were good employees. He said it had to do with the budget cuts. He said Andy carried a heavy weight because of this situation and he wanted to thank him.

President Maurer said Mr. Wildman’s report was very thorough and professional and he appreciates the hard work put into it. He said he did not envy Andy having to eliminate positions

and having to tell employees they would not be working here after the first of the year. He said this is not something anyone takes lightly. He said Andy did the heavy lifting, and every member of this Council appreciates what he went through and is sympathetic with the people who have lost their positions.

President Maurer said next Monday is the fifth Monday of the month and there will be no regular session. He said Council will have the specially-scheduled Finance Committee Meeting to review the budget.

It was moved by Mr. Megyes, seconded by Mr. Dippel, to excuse Mr. Silva from this evening's meeting. All Members voted "yea." Motion carried.

COMMUNICATION FROM THE MAYOR

Mayor Genet said they continue to work on the 2010 Budget and they are slowly getting to the point of making some progress. He said, as indicated earlier, the \$1.3 million they were looking at seems to have grown. He said revenues continue to decrease, so obviously there is more carving out needed. He said he wants to commend the Parks Commission on the decision made. He said he knows it still weighs heavily on Andy; however, he believes it was the right decision, so that in the long term, it will make the Parks stronger in the future.

Mayor Genet said a year or so ago they applied for, and were awarded, a Safe Routes To School Sidewalk Program. He said the intent, along with the school's intent to expand Johnson, was to put sidewalks in that area. He said with the change of course and the new 700-student West Side elementary campus to be built at Highland Field, a large portion of those funds will go towards putting sidewalks on the south side of Shannon Avenue, from 26th Street to 31st Street. He said he feels that is going to work out well in that area.

Mayor Genet said last Thursday the Barberton Community Foundation voted to confirm the appointment of Mr. Marty Bodnar as the new Executive Director of the Barberton Community Foundation to replace Chuck Sandstrom.

Mayor Genet said he would like Council to go into executive session in the Jury Room to discuss a pending lawsuit. He said the Law Director would like to speak to all of Council.

EXECUTIVE SESSION:

A motion was made by President Maurer to adjourn into executive session to discuss the City's pending lawsuit. It was moved by Mr. Avant, seconded by Mr. Dippel, to adjourn into executive session. Mr. Anderson, Mr. Avant, Mr. Dippel, Mr. Judge, Mr. Megyes, Mr. Soyars, and Mr. Suboticki voted "yea." Mr. Silva was absent. Motion carried.

Adjourned into Executive Session to the Jury Room at 7:56 p.m.

In addition to the seven Council Members and President Maurer, Mayor Genet and Mrs. Okolish Miller, the Law Director, were also present.

The Council Members, Mayor Genet, and Mrs. Miller returned to Council Chambers at 8:11 p.m.

It was moved by Mr. Anderson, seconded by Mr. Dippel, to adjourn the Executive Session at 8:11 p.m. and to continue with the Regular Legislative Meeting. All Members voted "yea." Motion carried.

Executive Session adjourned: 8:11 p.m.

It was moved by Mr. Judge, seconded by Mr. Dippel, to adjourn the Regular Legislative Meeting. All Members voted "yea." Motion carried.

Adjourned: 8:12 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council