

Council met in **REGULAR SESSION** on Monday, January 25, 2010, at 7:35 P.M. in the Council Chambers with President Maurer presiding. Members present: Anderson, Avant, Judge, Lysenko, Megyes, Soyars, Suboticki, and Wagner. The Pledge of Allegiance to the Flag was recited and Mr. Judge gave the Invocation.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Regular Legislative Session held on Monday, January 11, 2010, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Special Meeting held on Tuesday, January 19, 2010, 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. 5-2010

RESOLUTION NO. 5-2010. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. AVANT. TITLE: COMMENDATION – VICKI MITCHELL. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO VICKI MITCHELL FOR HER TEN YEARS OF DEDICATED SERVICE TO THE CITY OF BARBERTON AS ADMINISTRATIVE ASSISTANT TO THE DIRECTOR OF PUBLIC SERVICE. 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. Mr. Palmer, Service Director, said he would like to take this opportunity to thank Vicki for ten great years. He said no one truly understands what it takes to be a good customer service person. He said his motto is that you treat everyone who comes through the door as the most important person in the world. Mr. Palmer said Vicki got it! He said it is a tough job because you are dealing with so many different things. He said Vicki did an outstanding job in managing that front office. Mr. Palmer said the customer service people he has talked to all love and respect Vicki and they will miss her. He said he and Vicki have watched each other raise their kids, so this is a sad day for him. He said he sees some great things in her future because she is a great

person. Mr. Anderson said Vicki always handled his complaints very efficiently and they had wonderful conversations. He said one thing that remains the same is that the candy dish is still full and he will always remember her when he sees that. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Anderson, that **RESOLUTION NO. 5-2010 BE ADOPTED.** Mr. Suboticki said he would also like to thank Vicki for all of her hard work. He said he is sure she will miss the many pieces of paper he handed her every other day! Mr. Avant said this is not an easy resolution to give because we are going to miss Vicki. He said he knows she will not miss him, coming in again and again to see if certain streets were done. He said she always met him with a smile and was never too busy to talk to him and help him. Mr. Avant said he hopes Vicki will be back when the City gets back on its feet; however, if she is going to Florida, more power to her! President Maurer said he cannot tell Vicki how much this stinks. He said we do not know what is going to happen down the road, but he sincerely hopes that she will be making a reappearance in our ranks. He said this just goes to show you how difficult times are, here in the City, when you have to lose someone like Vicki, a quality employee. President Maurer said we are going to miss her ... a lot. Mayor Genet said what makes this even more difficult is that Vicki has been a friend of his since she began working here in the city ten years ago. He said when people would be down for one reason or another, you could go into Vicki’s office, and she was always very pleasant. He said people would call her and she was always there for them, forwarding the jobs and complaints, in a very positive manner. Mayor Genet said Vicki was the first person to greet the citizens when they entered the office. He said she represented the City, and she represented it very well. He said the City is going to miss her. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Anderson, to recess in order to give Mrs. Mitchell her resolution.

Recessed: 7:47 p.m.

Reconvened: 7:50 p.m.

Mrs. Mitchell said she would like to thank everyone for this commendation. She said the last ten years have been very special to her. She said the experiences that she has been able to share and the friendships she has formed will not stop; she will take them with her. She said she enjoyed working in the Service Department, talking to the senior citizens, many of them just wanting to talk. She said it has been an exciting ten years and she has some wonderful memories.

ORDINANCE NO. 6-2010

ORDINANCE NO. 6-2010. PRESENTED BY: MR. LYSENKO. TITLE: PURCHASE OF PROPERTY – 402 NEWELL STREET. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 402 NEWELL STREET, FOR \$17,000, PLUS CLOSING COSTS, USING NSP AND CDBG FUNDING, AND DECLARING AN EMERGENCY. It was moved by Mr. Lysenko, seconded by Mr. Soyars, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. He said these are two parcels adjacent to one another so it is very important for the City to purchase them. He said an appraisal was done which was \$17,500. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried.

It was moved by Mr. Lysenko, seconded by Mr. Soyars, that **ORDINANCE NO. 6-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 7-2010

ORDINANCE NO. 7-2010. PRESENTED BY: MR. ANDERSON. TITLE: ENTER INTO CONTRACT – PARKS - ODNR. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), FOR \$3,705, TO BE USED FOR STAFF TRAINING, TO PURCHASE SUPPLIES, AND FOR ADVERTISING THE BOATING PROGRAMS, AND DECLARING AN EMERGENCY. It was moved by Mr. Anderson, 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. Anderson, seconded by Mr. Judge, that **ORDINANCE NO. 7-2010 BE ADOPTED.** Mr. Anderson said ODNR has given this grant to the City of Barberton for almost twelve years. He said that says something for Andy (Wildman) and his crew, doing such a fine job with the boating program. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 8-2010

ORDINANCE NO. 8-2010. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT - 31ST STREET NW ROADWAY IMPROVEMENT PROJECT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE GPD GROUP, IN THE AMOUNT OF \$40,000, FOR ENGINEERING AND DESIGN WORK FOR THE 31ST STREET NW ROADWAY IMPROVEMENT PROJECT, 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. 8-2010 BE ADOPTED.** Mr. Avant asked how much time transpires between the application and the time we actually receive any funds. Mr. Palmer said it is a long process. He said this whole project is scheduled for 2013. He said this particular application is for the engineering of the project. He said before we apply for any of the other grants, the engineering has to be in place. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

RESOLUTION NO. 9-2010

RESOLUTION NO. 9-2010. PRESENTED BY: MR. JUDGE. TITLE: APPLICATION FOR FEDERAL STP FUNDS – BARBERTON ROADWAY IMPROVEMENT PROJECT. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE CERTAIN STREETS LISTED IN THE BARBERTON ROADWAY IMPROVEMENT PROJECT, 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. Mr. Palmer said these are just a few of the streets we applied for and were accepted.

He said one of the streets not accepted was Ninth Street, a street we all know is in need of work. He said he does not know why that street was turned down, but he will try to get the answers for the next committee meeting. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Judge, seconded by Mr. Suboticki, that **RESOLUTION NO. 9-2010 BE ADOPTED.** Mr. Judge said he is glad we are applying for this money because it is over twenty million dollars. He said when it comes to infrastructure and streets, you are talking grant funds. He said cities these days do not have money to repair streets and infrastructure to this level. President Maurer said when many of our streets were put in, the engineering at that time did not allow for drainage, etc. He said since that time, it has gotten a lot more sophisticated, which is one of the reasons we apply for engineering funds. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 10-2010

ORDINANCE NO. 10-2010. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – COURTS – PITNEY BOWES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO PITNEY BOWES, IN THE AMOUNT OF \$7,764.93, FOR POSTAGE COSTS INCURRED BY THE MUNICIPAL COURT FROM SEPTEMBER 2009, AND DECLARING 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. 10-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 11-2010

ORDINANCE NO. 11-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – 31ST STREET NW ROADWAY IMPROVEMENT PROJECT. AN ORDINANCE APPROPRIATING \$40,000 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE RESERVE FUND TO THE INFRASTRUCTURE RESERVE FUND OPERATING BUDGET FOR THE 31ST STREET NW ROADWAY IMPROVEMENT PROJECT, 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. 11-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 12-2010

ORDINANCE NO. 12-2010. PRESENTED BY: MR. AVANT. TITLE: CREATE NEW FUND – APPROPRIATION – WASTEWATER TREATMENT PLANT CONSTRUCTION FUND. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE A NEW FUND, THE “WASTEWATER TREATMENT PLANT CONSTRUCTION FUND,” AND TO APPROPRIATE \$4,960,661 FROM THE UNAPPROPRIATED ITEM OF THE WASTEWATER TREATMENT PLANT CONSTRUCTION FUND TO THE SEWER PLANT CONSTRUCTION FUND CAPITAL BUDGET, 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. 12-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 13-2010

ORDINANCE NO. 13-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FIRE DEPARTMENT. AN ORDINANCE APPROPRIATING \$5,125 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE FIRE DEPARTMENT OPERATING BUDGET, DUE TO A GRANT FROM THE TUSCORA PARK HEALTH AND WELLNESS FOUNDATION, TO COMPLETE THE FIRE DEPARTMENT BARIATRIC AMBULANCE PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 13-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

DESIGN REVIEW BOARD

Kevin D. Murphy

appointment

3-year Term

Immediately - December 31, 2012

It was moved by Mr. Suboticki, seconded by Mr. Wagner, to confirm the appointment of Kevin D. Murphy for the Design Review Board. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said Financial Disclosure Statements from the Ethics Commission are due on April 15th.

President Maurer said he would like to schedule a retreat to get a handle on our situation, to do some brainstorming, and to let the Administration know where we, as a Council, want to take the City in the upcoming years, especially in light of the unfortunate financial news coming on the horizon.

President Maurer said we are going to be called on for a lot more things because we are losing some very valuable people, with Mrs. Mitchell being a classic example. He said we may not get the quick responses we are used to getting. He said we need to step up to the plate and be the good ambassadors to the City that we have always been.

COMMUNICATION FROM THE MAYOR

Mayor Genet said he would like to thank Mr. Anderson for bringing to his attention Kevin Murphy, an individual who has wanted to get involved in the City for quite awhile. He said he feels it was a good selection and that he will do a good job on the Design Review Board.

Mayor Genet said the Mayor Corps of Volunteers is in town for the Income Tax Assistance Program. He said he is amazed by these young adults, ranging in age from 18 to 24. He said these individuals sign up for this AmeriCorps Program to help pay for college tuition. He said he wants to thank Phil Canfora for giving these individuals forty movie passes and Jeremy Clemetson from East of Chicago Pizza for providing them with some pizzas. He said he is reaching out to the business owners in the area to help this group in any way we can and to welcome them to the City of Barberton.

Mayor Genet said everyone should have received an editorial that was written last Friday (regarding the health department). He said it was a case in point that he believes in and one that we can make happen to enhance the services to the residents of this community while spending the taxpayers' dollars efficiently.

Mayor Genet said they continue to work on the budget and it continues to be a challenge. He said each department has been asked to cut its budget. He said in order to get the Minimum Fund Balance Policy, almost 1.8 million dollars has to be cut. He said getting to the "no deficit spending" is a lot less; however, it does not leave a lot for the end of the year balance, which is not healthy for the city.

Mayor Genet said he would like to meet with the Health Committee briefly in the Jury Room after the meeting.

Mayor Genet said before this meeting is adjourned, he would like Council to go into executive session to give an update on contract negotiations.

EXECUTIVE SESSION:

President Maurer said he would entertain a motion to adjourn into Executive Session to discuss the update of contract negotiations. It was moved by Mr. Avant, seconded by Mr. Judge, to adjourn into Executive Session. Mr. Anderson, Mr. Avant, Mr. Judge, Mr. Lysenko, Mr. Megyes, Mr. Soyars, Mr. Suboticki, and Mr. Wagner voted "yea." Motion carried.

Adjourned into Executive Session at 8:16 p.m.

It was moved by Mr. Avant, seconded by Mr. Judge, to adjourn the Executive Session and to continue with the Regular Legislative Meeting. All Members voted "yea." Motion carried.

Executive Session adjourned: 8:44 p.m.
Regular Legislative Session reconvened: 8:44 p.m.

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

Regular Legislative Session Adjourned: 8:44 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council