

Council met in **REGULAR SESSION** on Monday, February 28, 2011, 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. Suboticki 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, February 14, 2011, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Suboticki, seconded by Mr. Wagner, to approve the Minutes of the Public Hearing held on Tuesday, February 22, 2011, 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**

Ms. Rhonda Kotnik, 4260 Jupiter Road, Green, said she is here to introduce herself as a candidate for Judge and is asking for Council support for Judge Macko's open seat.

**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. 16-2011**

**RESOLUTION NO. 16-2011. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. LYSENKO. TITLE: COMMENDATION – PAUL DILWORTH. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO PAUL DILWORTH FOR THE DETERMINATION AND COMMITMENT HE DEMONSTRATED TO BECOME AN EAGLE SCOUT AT THE AGE OF 14.** 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. All Members voted "yea." Motion carried. It was moved by Mr. Lysenko, seconded by Mr. Soyars, that **RESOLUTION NO. 16-2011 BE ADOPTED.** President Maurer said it is a remarkable thing to see a young man make Eagle Scout by the age of eighteen, let alone fourteen! He said less than 1% of young men who start in the scouting program ever complete an Eagle Award. President Maurer said this is really an auspicious occasion because this is the 100<sup>th</sup> year of scouting in this country. He said he is sure Paul made his parents and scout leaders very proud because he has made his City very proud. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Lysenko, seconded by Mr. Suboticki, to recess in order to present the resolution to Mr. Dilworth.

Mr. Dilworth said it was very kind of everyone to do this for him.

Recessed: 7:45 p.m.

Reconvened: 7:48 p.m.

#### **ORDINANCE NO. 17-2011**

**ORDINANCE NO. 17-2011. PRESENTED BY: MR. LYSENKO. TITLE: PURCHASE OF PROPERTY – 190 15<sup>TH</sup> STREET, NW. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 190 15<sup>TH</sup> STREET, NW, IN AN AMOUNT NOT TO EXCEED \$7,900, PLUS CLOSING COSTS, USING CDBG FUNDS, 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. All Members voted “yea.” Motion carried. It was moved by Mr. Lysenko, seconded by Mr. Soyars, that **ORDINANCE NO. 17-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

#### **ORDINANCE NO. 18-2011**

**ORDINANCE NO. 18-2011. PRESENTED BY: MR. ANDERSON. TITLE: 2011 COMMUNITY RECYCLING ACCESS GRANT. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION FOR THE 2011 COMMUNITY RECYCLING ACCESS GRANT FROM THE SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY, IN THE AMOUNT OF \$24,316.04, FOR BARBERTON’S UPCOMING RECYCLING PROGRAM, 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. 18-2011 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 the Barberton Community Foundation retreat was well-attended. He said what is really encouraging is that the members of the Board are very enthusiastic in viewing Barberton in its re-development and re-growth. He said they have done a wonderful job helping the schools become an up-to-date school system with an “Excellent” rating by the State. He said now a big thrust will be put forth with economic development. He said there is a lot of discussion about the five sites we have for industrial re-development being targeted. He said he has said it before and he will continue to say ... that Barberton is a City teetering on greatness. He said once the momentum starts, we are going to be the city of choice in Summit County like we were. He said he absolutely believes that and every member of the Foundation believes it ... just as City Council believes it.

#### **COMMUNICATION FROM THE MAYOR**

Mayor Genet said you may be receiving calls about the trash pickup today. He said Waste Management had some flooding issues with their offices and trucks. He said they did send some trucks down from Cleveland to pick up as much as they could today, but hopefully tomorrow they will pick up the remainder of the trash.

Mayor Genet said the snow and the 2” of rain we received this morning has created some flooding situations in Wards Five and Six and the South End in Ward Three. Mr. Keltyka, the Stormwater Engineer, said Hudson Run decreased about two feet from this morning to this afternoon; the Tusc River increased about a foot to a foot-and-a-half from this morning to this afternoon; and Wolf Creek increased up to about 1.3 feet. He said Tusc River and Wolf Creek will probably continue to rise overnight.

Mayor Genet said all Board Members attended the Barberton Community Foundation’s retreat over the weekend. He said hopefully we will come out of this with a Strategic Plan for the BCF within the next sixty days. He said this is something that really needed to be updated.

Mayor Genet said a Board of Health Meeting was held today and the Board of Health voted that Baker, Dublikar, Beck, Wiley & Mathews, the law firm that filed an appeal on the court ruling, withdraw that appeal. He said that was at the request of our outside legal counsel and confirmed by our Law Director.

Mayor Genet said there are two vacancies on the Board of Health, so if anyone has any recommendations, please forward their names to him. He said also the Board of Health discussed Norton's Health Advisory Committee. He said they would like to know what the Advisory Committee is doing in Norton to see if they can implement it or modify it to serve the residents of Barberton. He said the Board of Health believes they can still play a major role in public health in the City of Barberton.

Mayor Genet said he has some photographs, thanks to our Inspectors, Charlie (Ries) and Tammy (Frost), of personal residences of some Barberton landlords who live in homes ranging in cost from \$350,000 to \$600,000 located in Jackson, Medina, etc. He said these same landlords have "dwellings" if you want to call them that -- or investments -- here in Barberton that are repulsive! He said we are dealing with them; they are going to be going before the judges. He said his point is that we have a lot of people who do not visit their Barberton properties, and when they realize they have been torn down, they are calling the Law Director. He said cleaning up these neighborhoods is something that we are adamantly and aggressively pursuing.

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

Adjourned: 7:58 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council