

Council met in **REGULAR SESSION** on Monday, November 14, 2011, at 7:30 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. Maurer 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, October 24, 2011 as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Avant, seconded by Mr. Anderson, to accept the Finance Department Report for October 2011, as presented. All Members voted "yea." Motion carried.

PETITIONS AND CLAIMS

The Clerk read a note of thanks to Council and the Administration from the Paul Suboticki Family for remembering their mother, Mrs. Gladys Suboticki.

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

Mr. Tom Berry said he would like to thank the Council, the Staff, and the Citizens of Barberton for passing the Summit DD Levy which will keep everything going for another six years.

Mr. Pat Betts, 222 16th Street, N.W., said he would like as many people as possible to attend the meeting on Wednesday with the Army Corps of Engineers at the Norton Community Center at 9:00 a.m.

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. 161-2011

RESOLUTION NO. 161-2011. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. ANDERSON. TITLE: COMMENDATION – DAVID MACKO. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO DAVID MACKO FOR BEING CHOSEN THE 2011 AMERICAN LEGION BUCKEYE BOYS STATE REPRESENTATIVE FROM BARBERTON HIGH SCHOOL. 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 **RESOLUTION NO. 161-2011 BE ADOPTED.** All Members voted "yea." Motion carried.

RESOLUTION NO. 162-2011

RESOLUTION NO. 162-2011. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. WAGNER. TITLE: COMMENDATION – ERIC HUMMEL. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO ERIC HUMMEL FOR BEING CHOSEN THE 2011 AMERICAN LEGION BUCKEYE BOYS STATE REPRESENTATIVE FROM BARBERTON HIGH SCHOOL. It was moved by Mr. Wagner, 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. Wagner, seconded by Mr. Avant, that **RESOLUTION NO. 162-2011 BE ADOPTED.** Mr. Soyars said he had the privilege of coaching Eric when he was in the fifth grade through eighth grade. He said it does not surprise him that Eric received this honor. He said he is a very good basketball player, he works very hard in school, and he has great parents! Mr. Wagner said what an amazing job Eric has done, both scholastically and in his athletic abilities. He said he has made the entire city very proud of his accomplishments and he is sure his parents are very proud of him too. He said to Eric to set his goals high because he believes he will get to wherever he wants to go. Mayor Genet said it is a pleasure to present this commendation to Eric. He said he has known Eric and his parents for quite a while. He said he had the pleasure of being Assistant Track Coach when Eric was in the third grade and he hopes those experiences were not the reasons why he does not run high school track! Mayor Genet said earning twelve letters in sports and being able to carry that GPA is very commendable. He said Eric represents his family and the City well. He said it has been great to see him grow into such a fine young man. President Maurer said it is great to honor fine men like Eric. He said every city has things to be proud of, and nothing is more important than being able to hand over the city to fine young men like him. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried. It was moved by Mr. Wagner, seconded by Mr. Avant to recess to present the resolution. Mr. Hummel said he would like to thank everyone for this recognition. He said it was a great experience meeting and working with kids he never met before and learning about government.

Recessed: 7:43 p.m.

Reconvened: 7:46 p.m

RESOLUTION NO. 163-2011

RESOLUTION NO. 163-2011. PRESENTED BY: MR. JUDGE. TITLE: APPLICATION FOR STP FUNDS – 31ST STREET WIDENING AND RECONSTRUCTION PROJECT. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS AND FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO WIDEN AND RECONSTRUCT 31ST STREET, 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 **RESOLUTION NO. 163-2011 BE ADOPTED.** Mr. Palmer said the next six pieces of legislation are a direct result of a lot of time and luck. He said the City of Barberton is in a position to get a lot of work done, amounting to millions of dollars, for a small amount of

investment on our own. He said this is an example of being in the right place at the right time and making the right contacts. Mr. Palmer said the City stands a very good chance of making all of these projects come true. He said we should know within the next few days about the funding. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

RESOLUTION NO. 164-2011

RESOLUTION NO. 164-2011. PRESENTED BY: MR. JUDGE. TITLE: APPLICATION FOR STP FUNDS – SR 619 / I-76 INTERCHANGE. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS AND FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE THE SR 619 / I-76 INTERCHANGE, 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 **RESOLUTION NO. 164-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 165-2011

RESOLUTION NO. 165-2011. PRESENTED BY: MR. JUDGE. TITLE: APPLICATION FOR STP FUNDS – WOOSTER ROAD WEST RESURFACING 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 WOOSTER ROAD WEST, 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 **RESOLUTION NO. 165-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 166-2011

RESOLUTION NO. 166-2011. PRESENTED BY: MR. JUDGE. TITLE: APPLICATION FOR STP FUNDS – WOOSTER ROAD NORTH RESURFACING 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 WOOSTER ROAD NORTH, 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 **RESOLUTION NO. 166-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 167-2011

RESOLUTION NO. 167-2011. PRESENTED BY: MR. JUDGE. TITLE: APPLICATION FOR STP FUNDS – STATE STREET (NORTH) 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 STATE STREET (NORTH), 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 **RESOLUTION NO. 167-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 168-2011

RESOLUTION NO. 168-2011. PRESENTED BY: MR. JUDGE. TITLE: APPLICATION FOR STP FUNDS – STATE STREET (SOUTH) 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 STATE STREET (SOUTH), 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 **RESOLUTION NO. 168-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 169-2011

RESOLUTION NO. 169-2011. PRESENTED BY: MR. JUDGE. TITLE: APPLICATION FOR STP FUNDS – EASTERN ROAD CORRIDOR STUDY. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO STUDY THE CONSTRUCTION OF AN IMPROVED ROADWAY (EASTERN ROAD) TO CONNECT SR 619 TO SR 21/ SR 585, 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 **RESOLUTION NO. 169-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 170-2011

ORDINANCE NO. 170-2011. PRESENTED BY: MR. ANDERSON. TITLE: TRANSFER OF PROPERTY – RUSSELL AVENUE LANDFILL. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A “QUIT CLAIM DEED” FOR THE BARBERTON LAND IMPROVEMENT COMPANY (BLIC), A WHOLLY-OWNED SUBSIDIARY OF THE BARBERTON COMMUNITY DEVELOPMENT CORPORATION, TO TAKE OWNERSHIP OF THE FOUR (4) PARCELS FORMERLY KNOWN AS RUSSELL AVENUE LANDFILL, FOR ONE DOLLAR (\$1.00), FOR FURTHER DEVELOPMENT, 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. President Maurer asked if environmental studies have been done on this property. Mr. Stefan said it was done. President Maurer said as he recalls nothing was found of any consequence. Mr. Stefan said there were no problems. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was

moved by Mr. Anderson, seconded by Mr. Judge, that **ORDINANCE NO. 170-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 171-2011

RESOLUTION NO. 171-2011. PRESENTED BY: MR. LYSENKO. TITLE: SUPPORT FOR CONTINUED FEDERAL FUNDING. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON URGING THE MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES AND THE UNITED STATES SENATE TO CONTINUE TO FUND THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) AND THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) AT A SUSTAINABLE LEVEL NECESSARY TO COMPLETE AND CONTINUE THE COMMUNITY HOUSING IMPROVEMENT AND COMMUNITY INVESTMENT STRATEGIES DEVELOPED FOR EVERY SMALL CITY AND ENTITLEMENT CITY IN THE UNITED STATES OF AMERICA, 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 **RESOLUTION NO. 171-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk said two changes were made to Ordinance No. 172-2011. She said the new ordinance is dated 11-14-11.

ORDINANCE NO. 172-2011

ORDINANCE NO. 172-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: BARBERTON DEVELOPMENT CODE AMENDMENT – “ALTERNATIVE ENERGY SYSTEMS.” AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY ADDING SECTION 1250.10, ENTITLED “ALTERNATIVE ENERGY SYSTEMS.” It was moved by Mr. Suboticki, seconded by Mr. Wagner, 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. Wagner, that **ORDINANCE NO. 172-2011 BE ADOPTED.** President Maurer said, “Well done!” and thanked Mr. Bauschlinger and Mr. Stefan for working so hard on this ordinance. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 173-2011

ORDINANCE NO. 173-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – ADVERTISING FUND. AN ORDINANCE APPROPRIATING \$1,500 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE GENERAL FUND MISCELLANEOUS OPERATING BUDGET, TO BE USED FOR ADVERTISING FOR CITY EMPLOYMENT OPPORTUNITIES, 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. 173-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 174-2011

ORDINANCE NO. 174-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – COAF SEIBERLING OFFICE ABATEMENT. AN ORDINANCE APPROPRIATING \$387,626 FROM THE UNAPPROPRIATED ITEM OF THE CITY GRANT FUND TO THE CITY GRANT FUND OPERATING BUDGET, DUE TO A GRANT FROM THE OHIO DEPARTMENT OF DEVELOPMENT’S OFFICE OF REDEVELOPMENT, FOR THE COAF SEIBERLING OFFICE ABATEMENT, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Suboticki, that **ORDINANCE NO. 174-2011 BE ADOPTED.** Mr. Avant said he wanted to commend everyone involved for getting this grand old building back on its feet. He said The Seiberling Tire and Rubber Company office building is huge and it has a lot of potential to bring something good to that part of the city and to Barberton. He said he commends BCDC for putting together the Barberton Growth Fund to bring businesses into Barberton. He said he hopes that comes to life in the near future. President Maurer said if we expect a re-birth in the City, we have to secure the facilities to make that re-birth possible. Mayor Genet said we were turned down on a CORF Fund earlier this year. He said Mr. Matthew from the State said we were one of the first, if not the only community, to get turned down one day and re-apply for another fund the next day. He said he wants to commend Brownfield Restoration Group, the environmental consultant for this facility, for doing an outstanding job. He said they took what was documented as an identified area in the office building, which would have necessitated a Phase II, and explained to the State that they did not believe it was an identified area. Mayor Genet said the State agreed with them and we did not need a Phase II, so we are further along in the process. He said now we are able to go right into cleanup and, with this grant, we will be able to remediate the asbestos and some of the other environmental issues. He said there is nothing real significant in the office building; however, they are onsite removing some of the underground storage tanks, some with liquid still in them. Mayor Genet said he is very pleased that we are in the process to remediate a site. He said if we did not do it, our kids and grandkids would have to do it. He said it will be a good, developable site when completed. He said he had the North Canton Hoover site envisioned for this facility, with multiple tenants and many types of businesses under one roof. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 175-2011

ORDINANCE NO. 175-2011. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – STORMWATER FUND. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO KENMORE CONSTRUCTION, IN THE AMOUNT OF \$16,954.84, FOR EMERGENCY REPLACEMENT OF STORM SEWER LINES ACROSS VAN BUREN AT FRANKLIN AVENUE, 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. 175-2011 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

Mr. Suboticki said there is no Planning Commission Meeting this week because of the emergency meeting held last week. He said there is also no Board of Zoning Appeals Meeting.

Mr. Megyes said Wednesday at 6:30 at the Active Adult Center he will have a Brown Street Thanksgiving Dinner. He said it is their fourth year. He said on Thursday at 6:30 he will have the Van Hyning Neighborhood Watch Group Thanksgiving Dinner for their fourth year. He said everyone is welcome to come.

Mr. Avant said on November 17th the Salvation Army Kettle Kickoff will be held from 5:00 to 7:30 at David B's. He said this is very important for the Salvation Army because the red kettles are their main source of income.

Mr. Wagner said the former President of Summit County Council, Nick Kostandaras, lost his daughter on Saturday. President Maurer said he lost his wife several months ago also.

COMMUNICATION FROM THE MAYOR

Mayor Genet said he had the opportunity to attend three Veteran Day events at Portage, at the high school, and at the Military Honor Roll. He said Gary Nickol, a Vietnam veteran, spoke at the high school. He said it is good that the schools are actively engaged in Veterans Day because when Gary came back from Vietnam, there was no welcome. He said it was good that the veterans attending were recognized. He said if there are any veterans here in the audience, we want to thank you for serving.

Mayor Genet said he went to the Celebration of Life Open House for Walt Ritzman yesterday. He said there was a guy who not only “talked the talk, but walked the walk.” He said he had the resources to impact the quality of life for the people in Barberton and he never wanted recognition for all he did. He said the City was a better place because of his generosity and compassion for people. He said it was a pleasure knowing him and he will be missed. President Maurer said Walt was a fine man. He said his pharmacy was there on the East Side. He said he knew every kid and he had a nickname for all of them. He said he was a good man through and through.

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

Adjourned: 8:23 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council

