

Council met in **REGULAR SESSION** on Monday, November 28, 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. Judge gave the Invocation.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Public Hearing held on Monday, November 14, 2011, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Regular Legislative Session held on Monday, November 14, 2011, as presented. All Members voted “yea.” Motion carried.

PETITIONS AND CLAIMS

The Clerk read a note of thanks from Mr. and Mrs. James Stender thanking Council for their expression of support in the recent passing of his stepfather.

The Clerk read a note of thanks from Mr. Eric Hummel thanking Council for the resolution he received at the November 14th meeting.

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. 176-2011

ORDINANCE NO. 176-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: 2012 RESIDENTIAL DEMOLITION PROGRAM – ENTER INTO CONTRACT – BUTCHER & SON. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH BUTCHER & SON EXCAVATING, INC., THE LOWEST AND/OR BEST BIDDER, FOR THE 2012 RESIDENTIAL DEMOLITION PROGRAM, IN THE AMOUNT OF \$3,446 PER DWELLING FOR THE DEMOLITION OF 25, MORE OR LESS, RESIDENTIAL STRUCTURES, USING CDBG AND/OR GENERAL FUNDS, AND DECLARING AN EMERGENCY. 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. 176-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 177-2011

ORDINANCE NO. 177-2011. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT – LAW DEPARTMENT – LEGAL DEFENDER’S OFFICE – S.C. AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A ONE-YEAR CONTRACT WITH THE LEGAL DEFENDER’S OFFICE OF SUMMIT COUNTY, TO PROVIDE LEGAL REPRESENTATION TO INDIGENT PERSONS, AND DECLARING AN EMERGENCY. 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 **ORDINANCE NO. 177-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 178-2011

ORDINANCE NO. 178-2011. PRESENTED BY: MR. ANDERSON. TITLE: SUBMIT A GRANT APPLICATION – PARKS – O.D.N.R. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WATERCRAFT, FOR A BOATER SAFETY EDUCATION GRANT, IN THE AMOUNT OF \$5,383, 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. 178-2011 BE ADOPTED.** Mr. Anderson said Ohio Law requires everyone born on or before 1982 to go through this safety program. He said we have been blessed by doing this program for nine years because it has elevated our summer youth program. He said this grant paid for the jet skis, a lot of the equipment, life preservers, the gas, etc. Mr. Anderson said this grant has helped our city in many ways by giving entertainment to our children. He said this speaks highly of our Parks and Recreation Department to receive this grant for nine years. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 179-2011

ORDINANCE NO. 179-2011. PRESENTED BY: MR. ANDERSON. TITLE: FOUNDATION GRANT REQUEST – PARKS – YOUTH PROGRAM – FIGHTING OBESITY THROUGH SPORTS. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$2,000, FOR THE YOUTH PROGRAM – FIGHTING OBESITY THROUGH SPORTS, 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. 179-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 180-2011

ORDINANCE NO. 180-2011. PRESENTED BY: MR. ANDERSON. TITLE: FOUNDATION GRANT REQUEST – PARKS – YOUTH PROGRAM – TEACHING OUR YOUTH TO GARDEN. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$1,000, FOR THE YOUTH PROGRAM – TEACHING OUR YOUTH TO GARDEN, 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. 180-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 181-2011

ORDINANCE NO. 181-2011. PRESENTED BY: MR. ANDERSON. TITLE: FOUNDATION GRANT REQUEST – PARKS – 2012 LAKE ANNA ENTERTAINMENT SERIES – CONCERT AND FIREWORKS. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$15,000, FOR THE 2012 LAKE ANNA ENTERTAINMENT SERIES – CONCERT AND FIREWORKS, 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. 181-2011 BE ADOPTED.** Mr. Anderson said we had three ordinances asking for money from the Foundation. He said that just tells you how much we depend on the Parks Department to get these grants to do all that we do in the Parks Department. Mr. Lysenko asked if there would be any allocation on how much of this grant would be spent on fireworks and how much on concerts. Mr. McAviney, Parks Director, said the anticipation is \$10,000/\$5,000 -- based on one-third going towards fireworks and two-thirds going towards the concerts. He said that would be the approximate breakdown. He said if they are given less, he would break it down to the same ratio. Mr. Lysenko asked how the fireworks were paid last year. Mr. McAviney said thanks to Mr. Wagner, there were donations from the labor organizations – AFSCME, the electrician and steelworker unions, and police. He said last year the fireworks cost nine thousand dollars. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

RESOLUTION NO. 182-2011

RESOLUTION NO. 182-2011. 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 2011 TAX YEAR, PAYABLE IN 2012, 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 **RESOLUTION NO. 182-2011 BE ADOPTED.** President Maurer said this is an exercise we go through every year in order to get our monies back from the County that collects the property taxes. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 183-2011

ORDINANCE NO. 183-2011. PRESENTED BY: MR. AVANT. TITLE: AMENDING ORD. NO. 98-2011 – EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES. AN ORDINANCE AMENDING ORDINANCE NO. 98-2011, “EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES,” BY INCREASING THE HOURLY RATES OF PART-TIME DISPATCHERS AND RESERVE POLICE OFFICERS; BY INCREASING THE RANGE OF CERTAIN PARKS AND RECREATION AND SEASONAL EMPLOYEES TO REFLECT THE RAISE IN MINIMUM WAGE BEGINNING JANUARY 1, 2012; AND TO AMEND SECTION 2 REGARDING THE SALARIES OF THE DIRECTOR OF PUBLIC SERVICE, CLERK OF COUNCIL, AND DIRECTOR OF PUBLIC SAFETY AS STATED IN ORDINANCE NO. 204-2010, 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. 183-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 184-2011

ORDINANCE NO. 184-2011. PRESENTED BY: MR. AVANT. TITLE: MEMORANDUM OF UNDERSTANDING – FOREST CITY BARBERTON – NEW HAVEN DEVELOPMENT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH FOREST CITY BARBERTON, LLC, TO ALLOW FOR THE SALE OF ADDITIONAL LOTS IN THE NEW HAVEN DEVELOPMENT BY EXTENDING THE MEMORANDUM OF UNDERSTANDING UNTIL JULY 1, 2012, 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. 184-2011 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 Council will only be having meetings on three Mondays the month of December. He said on December 5th, we will have the Committee of the Whole Meeting, and on the 12th, we will have the Legislative Session followed by another Committee of the Whole Meeting. He said the final Legislative Meeting will be December 19th. He said Council will then be in recess for the 26th in observance of the Christmas holiday.

COMMUNICATION FROM THE MAYOR

Mayor Genet said he hoped everyone had a good Thanksgiving. He said we all have a lot to be thankful for in this community. He said he would like to thank all the volunteers and business owners that participated in the Christmas Walk this past Saturday. He said the weather was great and the crowds were good. He said he deferred plugging in the Christmas lights to Mr. Pat Madden, our cleaning person. He said it made his day!

Mayor Genet said they are moving forward on the welding center. He said he met recently with engineers from Lincoln Electric Architect – Stark State. He said realistically it will be open for the Fall of 2012.

EXECUTIVE SESSION

It was moved by Mr. Avant, seconded by Mr. Anderson, to adjourn into executive session to receive an update on AFSCME contract negotiations. All Members voted “yea.” Motion carried.

Adjourned into Executive Session in Council Chambers at 7:56 p.m.

President Maurer, Mr. Anderson, Mr. Avant, Mr. Judge, Mr. Lysenko, Mr. Megyes, Mr. Soyars, Mr. Suboticki, and Mr. Wagner were present. In addition to all Council Members, Mayor Genet and Mr. Todd (Human Resources Director) were also present.

President Maurer said the Executive Session was adjourned at 8:24 p.m.

A motion was made by Mr. Judge, seconded by Mr. Soyars, to adjourn the Regular Legislative Meeting. All Members voted “yea.” Motion carried.

Adjourned: 8:25 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council

