

Council met in **REGULAR SESSION** on Monday, June 28, 2010, 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. Soyars 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, June 14, 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. 85-2010**

**RESOLUTION NO. 85-2010. PRESENTED BY: MR. JUDGE. TITLE: STREET RESURFACING PROGRAMS – 2010 AND 2011 – PREPARATIONS OF PLANS. A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO HAVE PLANS, SPECIFICATIONS, AND ESTIMATES OF COST PREPARED FOR THE 2010 AND 2011 PERMISSIVE AND NON-PERMISSIVE STREET RESURFACING PROGRAMS, 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. 85-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

##### **ORDINANCE NO. 86-2010**

**ORDINANCE NO. 86-2010. PRESENTED BY: MR. ANDERSON. TITLE: ENTER INTO CONTRACT – GAME TIME – CRISMAN PARK EQUIPMENT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH GAME TIME TO INSTALL NEW PLAYGROUND EQUIPMENT AT CRISMAN PARK, FOR THE COST OF \$44,895.72, THROUGH THE US COMMUNITIES PROGRAM, PURSUANT TO ORC 9.48(B)(2), 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. 86-2010 BE ADOPTED.** Mr. Suboticki said he wanted to thank the Parks and hopefully City Council for passing this legislation tonight. He said being without that playground equipment at Crisman has been a hardship on the children in that area. President Maurer asked how long it would take to complete this project. Mr. McAviney, Interim Parks Director, said after Council and the Board of Control, thirty days would be needed for shipment of the equipment. He said it should be complete by mid-August. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried.

##### **ORDINANCE NO. 87-2010**

**ORDINANCE NO. 87-2010. PRESENTED BY: MR. SOYARS. TITLE: FOUNDATION GRANT REQUEST – POLICE DEPARTMENT. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PUBLIC SAFETY TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$2,124, TO UPDATE THE COMPUTER FOR THE SPEED MONITORING AWARENESS TRAILER (SMART), 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. 87-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 88-2010**

**ORDINANCE NO. 88-2010. PRESENTED BY: MR. LYSENKO. TITLE: SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION, RETENTION, AND TAX INCENTIVE. AN ORDINANCE TO ENTER INTO CONTRACT WITH THE COUNTY OF SUMMIT AND THE COMMUNITIES THAT ARE SIGNATORIES TO THE ATTACHED UPDATED AGREEMENT ENTITLED “SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX INCENTIVE,” EXPRESSING A MUTUAL DESIRE TO RETAIN AND ATTRACT BUSINESSES AND JOBS AS OUTLINED IN SAID AGREEMENT, 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. 88-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 89-2010**

**ORDINANCE NO. 89-2010. PRESENTED BY: MR. AVANT. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – CHAPTER 880 – EARNED INCOME TAX. AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 880, “EARNED INCOME TAX,” IN ORDER TO BE IN COMPLIANCE WITH STATE LAW AND/OR CENTRAL COLLECTION AGENCY REGULATIONS, 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. 89-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 90-2010**

**ORDINANCE NO. 90-2010. PRESENTED BY: MR. AVANT. TITLE: TRANSFER/APPROPRIATION – FIRE DEPARTMENT – SIGNAL SERVICE COMPANY. AN ORDINANCE TRANSFERRING \$36,167.36 FROM THE FIRE STATION CONSTRUCTION FUND TO THE GENERAL BOND RETIREMENT FUND, REDUCING THE TRANSFER FROM THE FIRE CAPITAL LEVY FUND TO THE GENERAL BOND RETIREMENT FUND BY \$36,167.36; AND APPROPRIATING \$36,167.36 FROM THE UNAPPROPRIATED ITEM OF THE FIRE CAPITAL LEVY FUND TO THE CAPITAL BUDGET TO PAY SIGNAL SERVICE COMPANY FOR THE TRAFFIC SIGNALIZATION 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. 90-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 84-2010**

**ORDINANCE NO. 84-2010. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – INSURANCE COVERAGE – PROPERTY/VEHICLE/LIABILITY. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT, WITHOUT COMPETITIVE BIDDING, WITH WICHERT INSURANCE COMPANY, CONSTITUTING A ONE YEAR EXTENSION OF THE CURRENT CONTRACT FOR THE CITY’S PROPERTY/VEHICLE/LIABILITY INSURANCE COVERAGE, AND DECLARING AN EMERGENCY. *First Reading – June 14, 2010. Second Reading – June 28, 2010.*** 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. 84-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

## THIRD READING OF ORDINANCES AND RESOLUTIONS

### **ORDINANCE NO. 65-2010**

**ORDINANCE NO. 65-2010. PRESENTED BY: MR. SOYARS. TITLE: REPEAL CHAPTER 836 – ADOPT NEW CHAPTER – BARBERTON CODIFIED ORDINANCES – “AMUSEMENT DEVICES, SKILL-BASED AMUSEMENT MACHINES, AND ARCADES.” AN ORDINANCE REPEALING CHAPTER 836, “AMUSEMENT DEVICES, SKILL-BASED AMUSEMENT MACHINES, AND ARCADES,” OF THE BARBERTON CODIFIED ORDINANCES; AND ADOPTING A NEW CHAPTER 836 OF THE BARBERTON CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY. *First Reading – May 10, 2010. Second Reading – May 24, 2010. Third Reading – June 28, 2010.*** It was moved by Mr. Soyars, seconded by Mr. Megyes, to amend Section III(A) of Ordinance No. 65-2010 to read: “No license shall be granted to an entertainment device arcade that will conduct its business at a location that is within one thousand feet (instead of 500 feet) from the boundaries of a parcel of real estate having situated on it a school, public library, public playground, or any establishment that has been issued a liquor permit by the State of Ohio.” All Members voted “yea.” Motion carried. It was moved by Mr. Soyars, seconded by Mr. Megyes, that **ORDINANCE NO. 65-2010 BE ADOPTED, AS AMENDED.** Mr. Anderson said he is going to be voting “no” on this ordinance because there are a lot of places in town that have three and four machines and he believes their goal is just to survive with these machines. He said he thinks the basis of this ordinance is to get the amusement people who solely survive on these and not go after the other businesses in town. He said he feels this should have been a sole ordinance for people who do just that. President Maurer asked Mrs. Miller if the annual fee on those establishments was reduced in this ordinance. Mrs. Miller, Law Director, said this ordinance is modeled after the Akron ordinance that was just upheld in the Ninth District. President Maurer called for the vote on adoption. Mr. Avant, Mr. Soyars, Mr. Megyes, Mr. Lysenko, Mr. Judge, and Mr. Suboticki voted “yea.” Mr. Wagner and Mr. Anderson voted “nay.” Motion carried, 6-2.

### APPOINTMENTS

None.

### MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said there is going to be a Special Meeting of Council on Saturday, July 10, in the Mayor’s Conference Room, to meet as a body regarding the proposed charter amendments. He said if attendance is large, we can move to Council Chambers. He said everyone should have the information on the charter amendments, so bring your comments and questions.

President Maurer said next week begins the month of July and Council will be in recess the month of August. He said we have four weeks to get everything off of the table. He said hopefully we will not have to have any special meetings in August.

### COMMUNICATION FROM THE MAYOR

Mayor Genet said there is a Special Board of Health Meeting this Wednesday at 6:30 p.m. He said there are two items on the agenda: 1) to appeal Judge Stormer’s ruling; and 2) to cancel the contract with the City. He said the Board will have those decisions to make on Wednesday. He said hopefully we will be able to move forward.

Mayor Genet said this Friday at 4:30 p.m. there is a special Planning Commission Meeting in Council Chambers.

Mayor Genet said tomorrow he is traveling with Mr. Lallo, Mr. Harnden, and others to Columbus to make a presentation for the Job Ready Site Grant for 3.5 million dollars. He said hopefully we will be able to add that to the 1.6 million dollar EDA grant that we received last week for the Trucen Property. He said hopefully we can keep this good news rolling to get this project underway. He said it would be 1.6 million EDA, 1.5 from the Foundation loan, and then go after this 3.5 million dollar grant.

Mayor Genet said Mr. Stender will be our representative to go to Chicago on Wednesday for a meeting on the acceptance of the EDA grant. He said Mr. Stender will be coming back with a lot more information.

Mayor Genet said our building inspectors have completed Wards 1 and 2. He said it has gone rather well. He said people should notice some improvement already just by letters going out or by the wards the inspectors are in. He said we have received numerous phone calls, but at the end of the day, he thinks everybody realizes that we all need to take part in improving the quality of our neighborhoods and the City.

Mayor Genet said Lake Anna was treated awhile ago to kill the seaweed. He said normally it would come up, go to the shore, and it would be raked out. He said this was a large growth, so we had to have a seaweed cutter this year at Lake. He said there were about 40 truckloads of seaweed taken out already. He said other parks are experiencing the same issue. He said we are at the point where we can see the beauty of the Lake once again.

Mayor Genet said we all have issues. He said the City has issues -- whether it is the seaweed or housing. He said it all becomes very overshadowed when you read about the injury of a 2009 high school graduate serving in the Marines. He said that really puts everything into proper perspective. He said every other week in the Invocation we are remembering the men and women who are fighting to protect our freedom and when this hits home, it is very humbling. He said he talked to Dave Connor, the father of Lance Corporal Tim Connor, and he said Tim just underwent his sixth surgery last week. He said he has a long road to recovery, but his prognosis is good. He said to keep Tim in your prayers. He said we will have an over-sized card for people to sign to send to Tim.

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

Adjourned: 7:56 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council