

Council met in **SPECIAL SESSION** on Tuesday, September 7, 2010, at 7:40 p.m. in the Council Chambers with President Maurer presiding. Following the Pledge of Allegiance, the roll call was taken. Members present: Anderson, Avant, Judge, Lysenko, Megyes, Soyars, Suboticki, and Wagner. President Maurer asked the Clerk to read the call. The Clerk read the letter dated August 30, 2010, from Mrs. Lisa Okolish Miller, Law Director: Pursuant to rules of Council, a Special Meeting has been called by Mayor Genet for Tuesday, September 7, 2010 at 7:30 p.m., in the Council Chambers regarding the First Reading of Ordinance No. 111-2010, "Contract for Health Services – City of Barberton / Summit County Health District," Ordinance No. 112-2010, "Enter into Employment Agreement – City of Barberton / Summit County Health District," and Ordinance No. 113-2010, "Lease Agreement – 571 W. Tuscarawas Avenue."

President Maurer said two people signed in to speak at this Special Meeting:

Mr. Joe Harrison, 36 37<sup>th</sup> Street, S.W., Barberton, said he is here tonight representing the committee to keep our Health Department, which is a Political Action Committee that was formed to put the issue of the abolishment of the Barberton Health Department in contracting with Summit County on the ballot for the people to decide. He said abolishment of an entire department is a major event in any community. He said the people who receive the services are the ones who should be deciding how those services should be provided. He said this has not happened in this situation where the people are going to be allowed to vote on this issue. He said looking at Ordinances 111, 112, and 113, he sees that there is an emergency clause on all of the ordinances. He said first of all this is not an emergency. He said if it is passed with the emergency clause, the way he reads the Charter, the ordinance becomes effective with the signing of the Mayor. He said also the people have the right to pass a referendum petition where they have sixty days to put any issue that City Council would pass on the ballot for the people to vote. He said having an immediate effect of the ordinance would allow Mayor Genet to transfer \$700,000 in grant and fee money that our Health Department gets over to the County and would allow Mayor Genet to transfer some or all of the employees to Summit County before that sixty-day period would elapse. He said he is asking City Council to remove the emergency language in these ordinances and replace it with language to allow the ordinance to take effect sixty days after the passage and signing by the Mayor. He said this will ensure that there is no conflict between the two sections of the Charter that says we have sixty days to file a petition or whether the ordinance becomes effective immediately. He said he is urging Council to vote "no" on these ordinances and not deny the people of Barberton their right to vote on this important issue.

President Maurer said one point he would like to make is that this is not an *abolishment* of our health services; this is a *replacement*. Mr. Harrison said in reply that this is an abolishment of our Barberton Health Department.

Mr. Tom Harnden, 904 Meadowood, Barberton, said he is here tonight to speak in favor of those same ordinances. He said he feels it is a win/win for the City. He said all cities have health districts, but you (Council) -- the legislative authority of the City -- can contract with the County. He said that is what is being done. He said this allows the City -- not the Mayor, but the City -- to transfer our health services to the County. He said we are going to save a lot of money ... about \$300,000 in direct outflow from the City to help fund the health district and we are going to save on utilities, because in this agreement, the Summit County Health District picks up all utilities for the Weigand Building and that also is an outlay from the City coffers. He said as amended, all the employees are going to have jobs. He said he wants to commend all those who were involved in the revisions regarding the Employee Agreement. He said on the go forward basis with the City and our current financial status, he is not too sure what kind of guarantees we have. He said but here (with Summit County), they are all going to be guaranteed jobs and we are going to have a branch of a Summit County Health District in Barberton, Ohio. He said he views that as very positive. He said when he was on the Summit County United Way Board, he was asked to be co-chair of the Finance Forum for Jim McCarthy's Summit County 2011 Quality of Life. He said one of the reasons he agreed to that is because he is a firm believer that Barberton has to get out of its mode of sitting here by itself. He said we have to join the County because we cannot afford to do things as we have in the past. He said this allows us to move forward to provide health services, not just for Barberton, but for all of southwest Summit County, which he thinks is a very, very good thing for the City. He said he is urging everyone to vote for these three ordinances tonight.

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.

**ORDINANCE NO. 111-2010**

**ORDINANCE NO. 111-2010. PRESENTED BY: MR. WAGNER. TITLE: CONTRACT FOR HEALTH SERVICES – CITY OF BARBERTON / SUMMIT COUNTY HEALTH DISTRICT. AN ORDINANCE APPROVING AND AUTHORIZING THE UNION OF THE CITY'S HEALTH DISTRICT WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT UNDER OHIO REVISED CODE 3709.07, AND DECLARING AN EMERGENCY.**

*First Reading – September 7, 2010.*

**ORDINANCE NO. 112-2010**

**ORDINANCE NO. 112-2010. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO EMPLOYMENT AGREEMENT – CITY OF BARBERTON – SUMMIT COUNTY HEALTH DISTRICT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EMPLOYMENT AGREEMENT WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT, WHEREBY CERTAIN BARBERTON HEALTH DEPARTMENT EMPLOYEES WILL BE HIRED BY THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT, AND DECLARING AN EMERGENCY.**

*First Reading – September 7, 2010.*

**ORDINANCE NO. 113-2010**

**ORDINANCE NO. 113-2010. PRESENTED BY: MR. ANDERSON. TITLE: LEASE AGREEMENT – 571 W. TUSCARAWAS AVENUE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A THREE (3) YEAR LEASE AGREEMENT WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT FOR THE LEASE OF 571 W. TUSCARAWAS AVENUE (THE WEIGAND BUILDING), AND DECLARING AN EMERGENCY.**

*First Reading – September 7, 2010.*

Mr. Anderson said the City Properties and Parks Committee would like to schedule a Special Parks Committee Meeting on September 13 to ask some questions before the vote next week. He said they would like the Mayor and Law Director to attend.

Mr. Wagner said he wants to thank everybody involved in hammering out this agreement this evening. He said we spent a lot of time and effort to get to this point. He said we wanted this to mirror the agreement the City of Akron had and we wanted all of our employees to have jobs and we wanted them all to be treated equally. He said it was not easy; it took a lot of effort and a lot of fortitude with a lot of people getting involved. He said it has been in the last couple of hours that we were able to get this worked out. He said the agreement had a clause stating that our people would be treated as new hires; that was stricken out of the agreement. He said we have the amended Employment Agreement that is now part of this ordinance and he thinks that this is probably the best deal that could be negotiated.

Mayor Genet said it was the work of a lot of people. He said he was thankful to get everyone together in the eleventh hour to handle all the concerns that were in front of them. He said they were able to secure employment of every individual currently working at the Health Department. He said that is definitely a win. He said this issue has been before us long before Mr. Wagner even came on City Council. He said hopefully by next Monday Council will support these ordinances and this will take place effective October 1<sup>st</sup>. He said this particular ordinance has been endorsed by AFSCME. He said he will not speak for AFSCME, but they were at the table and agreed with the changes made to the agreement. He said he would hope that Council would take a look at these and if there are any questions, get them to him, so they can be answered so we are not coming in Monday with more questions. He said he will definitely be at the special committee meeting, but hopefully any questions will be answered throughout the week. He said he would expect nothing less than the council members to call him if they have any concerns.

A motion was made by Mr. Judge, seconded by Mr. Soyars, to adjourn. All Members voted "yea." Motion carried.

President Maurer closed the Special Meeting.

Adjourned 7:57 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council