

Council met in **REGULAR SESSION** on Monday, September 13, 2010, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Anderson, Avant, Judge, Lysenko, Megyes, Soyars, and Suboticki. Mr. Wagner was absent. The Pledge of Allegiance to the Flag was recited and Mr. Megyes gave the Invocation. President Maurer said we lost Chief Michael Kallai a few weeks ago and now his son, Michael Jr., serving in the United States Air Force, unfortunately passed away also. He said to keep Chief Kallai's family in our prayers.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Regular Legislative Session held on Monday, July 26, 2010, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Special Session held on Tuesday, September 7, 2010, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Avant, seconded by Mr. Anderson, to accept the Finance Department Reports for July and August 2010, as presented. All Members voted "yea." Motion carried.

PETITIONS AND CLAIMS

The Clerk read a note from Jennifer Kallai thanking Council for the generous donation to Victim Assistance in memory of her husband, Chief Michael Kallai.

The Clerk read a letter from Mr. John Wagner, Ward Three Councilman, stating that he was unable to attend tonight's meeting due to the fact that it was necessary for him to attend the AFL-CIO Convention. He said he wished to express his support for Ordinances 111, 112, and 113-2010 regarding the Health District. He said he believes that this Agreement provides the opportunity for all of our employees to be treated in a just manner.

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. 114-2010

RESOLUTION NO. 114-2010. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. SOYARS. TITLE: COMMENDATION – CHIEF MICHAEL C. KALLAI. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO CHIEF MICHAEL C. KALLAI FOR 32 YEARS OF DEDICATED SERVICE TO THE BARBERTON POLICE DEPARTMENT AND TO THIS COMMUNITY, AND TO EXTEND SYMPATHY TO THE KALLAI FAMILY FOR THEIR LOSS. 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 **RESOLUTION NO. 114-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 115-2010

ORDINANCE NO. 115-2010. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – SPECIALIZED CONSTRUCTION – 2010 CRACK SEALING PROJECT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH SPECIALIZED CONSTRUCTION, THE ONLY BIDDER, IN THE AMOUNT OF \$49,500, FOR THE 2010 CRACK SEALING PROJECT, 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 **ORDINANCE NO. 115-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 116-2010

ORDINANCE NO. 116-2010. PRESENTED BY: MR. JUDGE. TITLE: LEVY SPECIAL ASSESSMENTS – 2009 RESIDENTIAL STREET RESURFACING PROGRAM. AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT IN THE CITY OF CERTAIN STREETS THROUGH THE 2009 RESIDENTIAL STREET RESURFACING PROGRAM, 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 **ORDINANCE NO. 116-2010 BE ADOPTED.** Mr. Judge, Mr. Lysenko, Mr. Suboticki, Mr. Avant, Mr. Soyars, and Mr. Anderson voted “yea.” Mr. Megyes voted “nay.” Motion carried.

ORDINANCE NO. 117-2010

ORDINANCE NO. 117-2010. PRESENTED BY: MR. JUDGE. TITLE: AMEND ORD. NO. 203-2008 – STORMWATER DRAINAGE SYSTEM. AN ORDINANCE AMENDING ORDINANCE NO. 203-2008 BY CHANGING THE PROFESSIONAL SERVICES CONTRACT WITH CT CONSULTANTS, IN THE AMOUNT OF \$65,000, TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF A STORMWATER DRAINAGE SYSTEM TO IMPROVE THE 5TH STREET NE CORRIDOR DRAINAGE FROM PAIGE AVENUE TO FAIRVIEW AVENUE, 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 **ORDINANCE NO. 117-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 118-2010

ORDINANCE NO. 118-2010. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – GPD GROUP – STORMWATER DESIGN SERVICES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH GPD GROUP, IN THE AMOUNT OF \$40,000, FOR ADDITIONAL STORMWATER DESIGN SERVICES THROUGHOUT THE CITY, 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 **ORDINANCE NO. 118-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 119-2010

ORDINANCE NO. 119-2010. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – CT CONSULTANTS – GIS MAPPING UPDATES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH CT CONSULTANTS, IN THE AMOUNT OF \$30,000, FOR UPDATES OF THE GIS BASE MAP AND THE 2010 GIS STORM SEWER MAPPING UPDATE PROGRAM, 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 **ORDINANCE NO. 119-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 120-2010

ORDINANCE NO. 120-2010. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – WASTE MANAGEMENT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH WASTE MANAGEMENT, IN THE AMOUNT OF \$7,500, TO CONTINUE THE DISPOSAL PROGRAM FOR STREET SWEEPINGS TO A SOLID WASTE LANDFILL, 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 **ORDINANCE NO. 120-2010 BE ADOPTED.** President Maurer said to Mr. Palmer and Mr. Keltyka that they have been doing outstanding work playing catch-up football in doing so much with very little

money available. He said it does not go unnoticed; their efforts are appreciated. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 121-2010

ORDINANCE NO. 121-2010. PRESENTED BY: MR. ANDERSON. TITLE: ENTER INTO CONTRACT – SJA PROPERTIES – NEWTON PARK PAVILION. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH SJA PROPERTIES, LLC, THE LOWEST AND/OR BEST BIDDER, IN THE AMOUNT OF \$99,000, TO CONSTRUCT A PAVILION AT NEWTON PARK, 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. 121-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 122-2010

ORDINANCE NO. 122-2010. PRESENTED BY: MR. LYSENKO. TITLE: PURCHASE OF PROPERTY – 203–8TH STREET, NW. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 203 8TH STREET, NW, USING CDBG FUNDS, FOR \$12,000, PLUS ALL CLOSING COSTS, 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. 122-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 123-2010

ORDINANCE NO. 123-2010. PRESENTED BY: MR. SUBOTICKI. TITLE: SPECIAL ASSESSMENTS – DEMOLITIONS, BOARD-UPS AND WEED/GRASS CUTTINGS. AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR, SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTIES LOCATED WITHIN THE CITY FOR THE COST OF ORDERED DEMOLITIONS, LIEN SEARCHES, EMERGENCY BOARD-UPS AND WEED/GRASS CUTTINGS WHICH TOOK PLACE FROM SEPTEMBER 2009 THROUGH AUGUST 2010, AND DECLARING AN EMERGENCY. It was moved by Mr. Suboticki, 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. Suboticki, seconded by Mr. Avant, that **ORDINANCE NO. 123-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 124-2010

ORDINANCE NO. 124-2010. PRESENTED BY: MR. SUBOTICKI. TITLE: AMEND ORDINANCE NO. 216-2009 – MALCOLM PIRNIE CONTRACT. AN ORDINANCE AMENDING ORDINANCE NO. 216-2009 BY REDUCING THE AMOUNT OF THE CONTRACT WITH MALCOLM PIRNIE FOR THE 888 WOOSTER ROAD WEST CLEAN OHIO REVITALIZATION FUND (CORF) PROJECT TO \$813,392.17, AND DECLARING AN EMERGENCY. It was moved by Mr. Suboticki, 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. Suboticki, seconded by Mr. Avant, that **ORDINANCE NO. 124-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

Before the First Reading of Ordinance No. 125-2010, the Clerk read the Fiscal Officer’s Certificate dated September 7, 2010 from Mr. Raymond Flickinger, Finance Director:

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of not to exceed \$500,000 notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of improving the municipal water system by paying the City’s portion of the cost of replacing portions of the water mains in Summit Street and Grand Boulevard, both between certain termini, together with all necessary appurtenances thereto:

1. The estimated life or usefulness of the improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 240 months from the date of the issuance of the Notes.

ORDINANCE NO. 125-2010

ORDINANCE NO. 125-2010. PRESENTED BY: MR. AVANT. TITLE: NOTE ORDINANCE – WATER MAIN IMPROVEMENT PROJECTS. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$500,000 OF AGGREGATE PRINCIPAL AMOUNT OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE MUNICIPAL WATER SYSTEM BY PAYING THE CITY’S PORTION OF THE COST OF REPLACING PORTIONS OF THE WATER MAINS IN SUMMIT STREET AND GRAND BOULEVARD, BOTH BETWEEN CERTAIN TERMINI, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, 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. 125-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 126-2010

ORDINANCE NO. 126-2010. PRESENTED BY: MR. AVANT. TITLE: AMENDING ORD. NO. 243-2009 – EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES. AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 243-2009 REGARDING EMPLOYEES WHO ARE NOT INCLUDED IN THE NON-BARGAINING EMPLOYEES PAY GRADE ORDINANCE BY DELETING PRESIDENT OF COUNCIL AND MEMBERS OF COUNCIL IN THIS ORDINANCE AND INCLUDING THEM IN ORDINANCE NO. 127-2010 WITH OTHER ELECTED OFFICIALS. *First Reading – September 13, 2010.*

ORDINANCE NO. 127-2010

ORDINANCE NO. 127-2010. PRESENTED BY: MR. AVANT. TITLE: AMENDING ORD. NO. 17-2007 – COMPENSATION FOR ELECTED OFFICIALS. AN ORDINANCE AMENDING ORDINANCE NO. 17-2007 TO ESTABLISH THE COMPENSATION FOR CERTAIN ELECTED OFFICIALS; AND TO INCLUDE THE PRESIDENT OF COUNCIL AND MEMBERS OF COUNCIL IN THIS ORDINANCE. *First Reading – September 13, 2010.*

ORDINANCE NO. 128-2010

ORDINANCE NO. 128-2010. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – HUMAN RESOURCES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A THREE (3) YEAR PROFESSIONAL SERVICES CONTRACT WITH EMPLOYEE BENEFITS INTERNATIONAL, INC., TO PROVIDE HEALTH CARE CONSULTANT SERVICES FOR THE CITY OF BARBERTON, 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. 128-2010 BE ADOPTED.** President Maurer asked if this agency was used before. Mr. Todd, Human Resources Director, said they have. President Maurer asked if he was satisfied with them and if they saved the city money. Mr. Todd said, “Yes” to both questions. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 129-2010

ORDINANCE NO. 129-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PARKS – COPIER CONTRACT. AN ORDINANCE APPROPRIATING \$10,849.69 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PARKS DEPARTMENT OPERATING BUDGET, IN ORDER TO PAY OFF THE EXISTING COPIER CONTRACT, 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. 129-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 130-2010

ORDINANCE NO. 130-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – GPD GROUP – STORMWATER DESIGN SERVICES. AN ORDINANCE APPROPRIATING \$40,000 FROM THE UNAPPROPRIATED ITEM OF THE STORMWATER FUND TO THE STORMWATER FUND CAPITAL BUDGET, IN ORDER TO PAY GPD GROUP FOR STORMWATER DESIGN SERVICES THROUGHOUT THE CITY, 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. 130-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 131-2010

ORDINANCE NO. 131-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CT CONSULTANTS – GIS MAPPING UPDATES. AN ORDINANCE APPROPRIATING A TOTAL AMOUNT OF \$30,000 TO PAY CT CONSULTANTS, \$22,000 FROM THE UNAPPROPRIATED ITEM OF THE STORMWATER FUND TO THE STORMWATER FUND CAPITAL BUDGET FOR THE BASE MAP UPDATE AND \$8,000 FROM THE UNAPPROPRIATED ITEM OF THE STORMWATER FUND TO THE STORMWATER FUND OPERATING BUDGET FOR THE 2010 STORM SEWER MAPPING UPDATE PROGRAM, 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. 131-2010 BE ADOPTED.** President Maurer asked Mr. Keltyka how long this project would take. Mr. Keltyka, Stormwater Engineer, said they plan to start working on the mapping update for Robinson Bridge within the next two to three weeks and the update of the utility line will be an ongoing process. President Maurer said Mr. Keltyka mentioned something about using aircraft for flyovers. Mr. Keltyka said the County has a system where every so many years they take aerial photographs which he uses on the County Assessor’s map. He said this was the year they had it done again so they are going to be using as much of the County information as they can get. He said unfortunately most of the County information ends at the city limits. He said within the city limits we have to do all the water, utility, and storm sewer lines. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 132-2010

ORDINANCE NO. 132-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – WASTE MANAGEMENT – STORMWATER FUND. AN ORDINANCE APPROPRIATING \$7,500 FROM THE UNAPPROPRIATED ITEM OF THE STORMWATER FUND TO THE STORMWATER FUND OPERATING BUDGET, IN ORDER TO PAY WASTE MANAGEMENT TO CONTINUE THE DISPOSAL PROGRAM FOR STREET SWEEPINGS, 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. 132-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 133-2010

ORDINANCE NO. 133-2010. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – STORMWATER FUND – UTILITY DEPARTMENT PERSONNEL. AN ORDINANCE TRANSFERRING \$15,000 FROM THE STORMWATER CAPITAL BUDGET TO THE STORMWATER PERSONAL SERVICES BUDGET TO PAY BARBERTON UTILITY DEPARTMENT PERSONNEL TO AID IN THE CONSTRUCTION OF SMALL STORMWATER IMPROVEMENT PROJECTS, 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. 133-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 134-2010

ORDINANCE NO. 134-2010. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – STORMWATER FUND – HEALTH DISTRICT PERSONNEL. AN ORDINANCE TRANSFERRING \$4,000 FROM THE STORMWATER OPERATING BUDGET TO THE STORMWATER PERSONAL SERVICES BUDGET TO PAY BARBERTON HEALTH DISTRICT PERSONNEL TO AID IN THE TESTING AND ELIMINATION OF ILLEGAL SANITARY SEWER CONNECTIONS TO THE STORM SEWER SYSTEM, 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. 134-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 135-2010

ORDINANCE NO. 135-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – GRAND BOULEVARD ROADWAY IMPROVEMENTS. AN ORDINANCE APPROPRIATING \$21,250 FROM THE UNAPPROPRIATED ITEM OF THE PERMISSIVE LICENSE TAX FUND TO THE PERMISSIVE LICENSE TAX FUND OPERATING BUDGET, TO BE USED FOR ENGINEERING SERVICES FOR THE GRAND BOULEVARD ROADWAY IMPROVEMENTS, 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. 135-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

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. Second Reading – September 13, 2010.* 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. 111-2010 BE ADOPTED.** Mr. Judge said a lot has happened over the last year-and-a-half to come to where we are now regarding these three pieces of legislation. He said this reminds him of the LeBron James situation where you understand the “why things have happened,” but the way it was handled and carried out, could have used some cleaning up. He said we are looking in the future for some savings and the same or better service for our residents and employees. Mr. Lysenko said he will be voting “no” on this. He said it is not necessarily with regard to the economic benefits or disadvantage that the arrangement will result in. He said several months ago he read from this Charter Section 6.04 of the Barberton City Charter which states: The Board (of Health) shall make all necessary rules and regulations for safeguarding the public health and shall enforce all health and sanitary regulations. He said when our Charter, which is the constitution for our city and what he considers to be the constitution of our City, states that the Board shall enforce all health and sanitary regulations, he feels bound to vote against a contract with some other agency for those enforcement duties. He said he is happy that all the positions will be transferred initially. He said this same arrangement could be done with any other city department and he thinks this charter should be changed before anything like that is done. He said he certainly respects everyone’s opinion on this matter and again he is happy that employees will have their positions there at least at the onset. President Maurer said this has been a long, arduous task and he thinks that everyone has conducted themselves professionally. He said this has been a very difficult situation. He said he respects Mr. Lysenko’s position. He said if there were not a lot of dissenting positions, chances are we would not have been able to save the jobs

of all of our people, which is of absolute, paramount importance. President Maurer called for the vote on adoption. Mr. Suboticki, Mr. Megyes, Mr. Anderson, Mr. Soyars, Mr. Judge, and Mr. Avant voted “yea.” Mr. Lysenko voted “nay.” Motion carried, 6-1.

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. Second Reading – September 13, 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. Mr. Megyes, Mr. Anderson, Mr. Soyars, Mr. Avant, Mr. Suboticki, and Mr. Judge voted “yea.” Mr. Lysenko voted “nay.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Anderson, that **ORDINANCE NO. 112-2010 BE ADOPTED.** Mr. Judge, Mr. Suboticki, Mr. Avant, Mr. Soyars, Mr. Anderson, and Mr. Megyes voted “yea.” Mr. Lysenko voted “nay.” Motion carried.

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. Second Reading – September 13, 2010.*

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. Mr. Suboticki, Mr. Anderson, Mr. Judge, Mr. Megyes, Mr. Soyars, and Mr. Avant voted “yea.” Mr. Lysenko voted “nay.” Motion carried. It was moved by Mr. Anderson, seconded by Mr. Judge, that **ORDINANCE NO. 113-2010 BE ADOPTED.** Mr. Avant, Mr. Soyars, Mr. Megyes, Mr. Judge, Mr. Anderson, and Mr. Suboticki voted “yea.” Mr. Lysenko voted “nay.” Motion carried.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

It was moved by Mr. Judge, seconded by Mr. Soyars, to excuse Mr. Wagner from this evening’s meeting.

President Maurer said if you want to help out at the Mum Fest and have not yet signed up, please let Mrs. Bidlingmyer know.

Mr. Megyes said this Thursday at 7:00 p.m. at the Active Adult Center he will have a Van Hying Neighborhood Watch Group meeting. He said Shelly Leach from NCS will be there to talk about weatherization of your house. He said on Saturday he will be hosting the 3rd Annual Van Hying Neighborhood Cleanup Day. He said they will be meeting at 8:00 a.m. at the Discover Club Preschool Building Parking Lot. He said everyone is welcome to attend. He said they will then be having a picnic dinner at the Adult Center at 5:00 p.m.

COMMUNICATION FROM THE MAYOR

Mayor Genet said the last three ordinances Council voted on might be historic. He said this is something that really shows we can move forward ... that we can regionalize in this town ... and we can be fiscally responsible to the residents we serve. He said within these ordinances there is a lot of documentation and there is also some trust built into this. He said he is assured that the

County is committed to providing services here in the City. He said as far as the Employee Agreement, a lot of credit needs to be going out to John Wagner, Eddie Lawson, Nick Kostandaras, Lou Maholic, Russ Pry, and Gene Nixon. He said we met last week and it was because of all these individuals coming together that this Employee Agreement was modified to take all the employees. He said he thinks all the employees are indebted to those individuals. He said he stated right from the beginning that his goals were to be fiscally responsible to the residents, to provide public health services, and to ensure employment for all employees. He said he never wavered from those three items. He said to Mr. Judge that it has been a long time and the picture was not perfect, but it withstood the court proceedings and Judge Stormer's ruling that we could proceed. He said when that came to fruition, Mr. Wagner was committed to seeing this through. He said of course it had to be done in a manner that he accepted. He said he really wants to thank City Council for having the courage for moving forward. He said the savings in just the last quarter alone will be about \$70,000, and that is significant. He said hopefully moving forward we will be able to realize significant savings and still provide the services that the residents need and deserve.

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

Adjourned: 8:34 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council