

Council met in **REGULAR SESSION** on Monday, September 27, 2010, at 7:39 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. Wagner gave the Invocation.

Ms. Matuch, Clerk of Council, said corrections were made to the Minutes of the two Public Hearings in the "Members Present" sections.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Public Hearing regarding certain Wooster Road North parcels, held on Tuesday, September 7, 2010, as corrected. All Members voted "yea." Motion carried.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Public Hearing regarding 727 Wooster Road West, held on Tuesday, September 7, 2010, as corrected. 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, September 13, 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**

President Maurer said he was allowing Mr. Roemer to address Council this evening to introduce himself -- not to give a political speech.

Mr. Bill Roemer, 3616 Southern Road, Richfield, said he is a candidate for Summit County Council and he is visiting all thirty-one municipalities in Summit County. He said he is a retired CPA, so he feels he will be able to address the financial and economic development issues taking place in every community. He said he will be donating half of his salary to charity until Summit County can balance its budget and he will not be receiving Summit County health benefits.

**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. 136-2010**

**ORDINANCE NO. 136-2010. PRESENTED BY: MR. SUBOTICKI. TITLE: AMEND ORD. NO. 172-2009 – ENTER INTO GRANT AGREEMENTS. AN ORDINANCE AMENDING ORDINANCE NO. 172-2009 TO MAKE CHANGES IN THE GRANT AGREEMENT WITH MALCOLM PIRNIE INC. (MPI), RELATED TO THE \$200,000 USEPA BROWNFIELD CLEANUP GRANT FOR THE FORMER PETE'S SUNOCO SITE, 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. 136-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 137-2010**

**ORDINANCE NO. 137-2010. PRESENTED BY: MR. SUBOTICKI. TITLE: ENTER INTO CONTRACT – RAY BERTOLINI TRUCKING – PETE'S SUNOCO PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH RAY BERTOLINI TRUCKING, THE LOWEST AND/OR BEST BIDDER, IN THE AMOUNT OF \$82,000, USING USEPA FUNDING, FOR THE CLEANUP OF THE**

**PETE'S SUNOCO REDEVELOPMENT PROJECT, 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. 137-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 138-2010**

**ORDINANCE NO. 138-2010. PRESENTED BY: MR. LYSENKO. TITLE: PURCHASE OF PROPERTY – 31 16<sup>TH</sup> STREET, NW. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 31 16<sup>TH</sup> STREET, NW, FOR \$11,000, PLUS CLOSING COSTS, USING CDBG FUNDS, 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. 138-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 139-2010**

**ORDINANCE NO. 139-2010. PRESENTED BY: MR. SOYARS. TITLE: PURCHASE OF CRUISERS – POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE MAYOR TO PARTICIPATE IN THE COMMUNITY-UNIVERSITY AND EDUCATIONAL COOPERATIVE AND PURCHASING PROGRAM (CUE) TO PURCHASE THREE (3) VEHICLES FROM MONTROSE FORD, FOR A TOTAL AMOUNT OF \$59,597.90, 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. 139-2010 BE ADOPTED.** President Maurer asked Mr. Todd if the money used to purchase these cruisers is the result of a seizure of "ill gotten gain?" Mr. Todd said that it was. President Maurer said this is a little extra influx to the City's coffer for law enforcement ... a pretty good thing. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried.

**ORDINANCE NO. 140-2010**

**ORDINANCE NO. 140-2010. PRESENTED BY: MR. MEGYES. TITLE: APPROVAL OF CONTRACT – CITY OF BARBERTON / ENVIROCLEAN SERVICES. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON APPROVING THE CONTRACT BETWEEN THE CITY OF BARBERTON AND ENVIROCLEAN SERVICES, WHEREBY THE CITY WILL PERFORM LEACHATE TREATMENTS AT THE WASTEWATER PLANT FOR A SPECIFIC COST, AND DECLARING AN EMERGENCY.** It was moved by Mr. Megyes, seconded by Mr. Lysenko, 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. Megyes, seconded by Mr. Lysenko, that **ORDINANCE NO. 140-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 141-2010**

**ORDINANCE NO. 141-2010. PRESENTED BY: MR. MEGYES. TITLE: APPROVAL OF CONTRACT – CITY OF BARBERTON / BACKFLOW SOLUTIONS. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON APPROVING THE CONTRACT BETWEEN THE CITY OF BARBERTON AND BACKFLOW SOLUTIONS, INC., IN THE AMOUNT OF \$495 PER YEAR, FOR A PROGRAM TO MANAGE THE PREVENTION PROTECTION PLAN FOR OUR WATER SYSTEM, AS MANDATED BY OHIO EPA, AND DECLARING AN EMERGENCY.** It was moved by Mr. Megyes, seconded by Mr. Lysenko, 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. Megyes, seconded by Mr. Lysenko, that **ORDINANCE NO. 141-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 142-2010**

**ORDINANCE NO. 142-2010. PRESENTED BY: MR. ANDERSON. TITLE: DONATION OF PROPERTY – 1306 AUBURN AVENUE. AN ORDINANCE AUTHORIZING THE MAYOR TO DONATE THE PROPERTY AT 1306 AUBURN**

**AVENUE TO HABITAT FOR HUMANITY OF SUMMIT COUNTY, FOR NEW CONSTRUCTION, 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. 142-2010 BE ADOPTED.** President Maurer said it is nice that we have an opportunity to help people who are willing to help themselves through the Habitat for Humanity Program. He said the City should be commended for those efforts. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 143-2010**

**ORDINANCE NO. 143-2010. PRESENTED BY: MR. ANDERSON. TITLE: DONATION OF PROPERTY – 281 – 14<sup>TH</sup> STREET, NW. AN ORDINANCE AUTHORIZING THE MAYOR TO DONATE THE PROPERTY AT 281 – 14<sup>TH</sup> STREET, NW, TO HABITAT FOR HUMANITY OF SUMMIT COUNTY, FOR NEW CONSTRUCTION, 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. 143-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 144-2010**

**RESOLUTION NO. 144-2010. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – ODOT – REPLACE AND REMOVE SIGNS – SR76. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO REPLACE AND REMOVE SIGNS ON IR76 WITHIN THE CITY LIMITS, AND DECLARING AN EMERGENCY.**

*First Reading – September 27, 2010.*

**RESOLUTION NO. 145-2010**

**RESOLUTION NO. 145-2010. PRESENTED BY: MR. AVANT. TITLE: HEALTH FAIR / HEALTH RISK ASSESSMENT – HUMAN RESOURCES DEPARTMENT. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO ALLOW CITY OF BARBERTON EMPLOYEES WHO PARTICIPATE IN THE 2010 CITY OF BARBERTON HEALTH FAIR ON OCTOBER 27<sup>TH</sup> AND WHO COMPLETE A REQUIRED HEALTH RISK ASSESSMENT TO RECEIVE RELIEF OF UP TO \$50 FROM EMPLOYEE HEALTH CONTRIBUTIONS, 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. 145-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 146-2010**

**WITHDRAWN – September 27, 2010.**

**ORDINANCE NO. 147-2010**

**ORDINANCE NO. 147-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – POLICE DEPARTMENT – PURCHASE OF CRUISERS. AN ORDINANCE APPROPRIATING \$67,697.90 FROM THE UNAPPROPRIATED ITEM OF THE LAW ENFORCEMENT TRUST FUND TO THE POLICE DEPARTMENT CAPITAL BUDGET, TO PURCHASE THREE (3) VEHICLES FOR THE POLICE DEPARTMENT, 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. 147-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 148-2010**

**ORDINANCE NO. 148-2010. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – UTILITIES – KENMORE CONSTRUCTION. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO KENMORE CONSTRUCTION COMPANY, IN THE AMOUNT OF \$22,693.53, FOR EMERGENCY SERVICES PERFORMED THE MONTH OF JUNE 2010, AND**

**DECLARING AN EMERGENCY.** It was moved by Mr. Avant, 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. Avant, seconded by Mr. Megyes, that **ORDINANCE NO. 148-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**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. Second Reading – September 27, 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. Second Reading – September 27, 2010.*

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

**APPOINTMENTS**

**SUMMIT COUNTY GENERAL HEALTH DISTRICT BOARD**

**Mr. Leon Ricks**            appointment            Immediately – December 31, 2010  
(thereafter, four-year terms)

It was moved by Mr. Wagner, seconded by Mr. Avant, to confirm the appointment of Mr. Leon Ricks to the Summit County General Health District Board. President Maurer said after working with Mr. Ricks for "a million years," he cannot think of a better person to represent our City on a County Board. All Members voted "yea." Motion carried.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

President Maurer said he was very pleased with the number of City Council members who helped at the Mum Fest this past weekend. He said he wants to give special recognition to Lisa McLean and Shane McAvinew. He said Mr. Palmer did a wonderful job, as did the endless number of volunteers. He said Marty Bidlingmyer did a great job in coordinating all those volunteers. He said 5,020 mum plants were sold. He said the City looked really great!

**COMMUNICATION FROM THE MAYOR**

Mayor Genet said this past weekend was a great opportunity to showcase the City once again with the Mum Fest. He said it was incredible. He said the crowds were big both Saturday and Sunday. He said he even met some people from Australia who were visiting people in Akron, and he told them about the web cam. He said Lisa McLean does an outstanding job on this festival, but it could not happen without the countless hours that volunteers put in, including the guarding of the mums. He said he wants to thank everyone.

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

Adjourned: 8:09 P.M.

Frederick S. Maurer  
President of Council

Susan Matuch  
Clerk of Council