

Council met in **REGULAR SESSION** on Monday, March 8, 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. Lysenko 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, February 22, 2010, as presented. All Members voted "yea." Motion carried.

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

PETITIONS AND CLAIMS

President Maurer said he would like to give his personal thanks to Council and the Administration for their kind words due to the passing of his grandmother last week.

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. 28-2010

ORDINANCE NO. 28-2010. 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. 28-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 29-2010

ORDINANCE NO. 29-2010. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – GCS INDUSTRIAL SERVICES – ENVIRONMENTAL ABATEMENT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH GCS INDUSTRIAL SERVICES, LTD, THE LOWEST AND/OR BEST BIDDER, IN THE AMOUNT OF \$72,820, USING CDBG AND/OR NSP FUNDS, FOR THE ENVIRONMENTAL ABATEMENT OF SEVEN (7) CITY OWNED RESIDENTIAL STRUCTURES, 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. 29-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 30-2010

ORDINANCE NO. 30-2010. PRESENTED BY: MR. WAGNER. TITLE: CANCELLATION OF CONTRACT – BARBERTON BOARD OF HEALTH / CITY OF BARBERTON. AN ORDINANCE AUTHORIZING THE MAYOR TO CANCEL THE CURRENT CONTRACT BETWEEN THE BARBERTON BOARD OF HEALTH AND THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY.

First Reading – March 8, 2010

ORDINANCE NO. 31-2010

ORDINANCE NO. 31-2010. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT - UTILITIES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO AGRI-SLUDGE, INC., IN THE AMOUNT OF \$12,740, FOR HAULING SERVICES DURING THE MONTH OF JANUARY, 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. 31-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 32-2010

ORDINANCE NO. 32-2010. PRESENTED BY: MR. AVANT. TITLE: AMENDING THE CODE OF REGULATIONS OF THE BARBERTON COMMUNITY FOUNDATION. AN ORDINANCE AMENDING ARTICLE III, SECTIONS 1 AND 2, OF THE CODE OF REGULATIONS OF THE BARBERTON COMMUNITY FOUNDATION BY ADDING TO THE BOARD OF DIRECTORS AN EX-OFFICIO DIRECTOR, APPOINTED BY THE BARBERTON SCHOOL BOARD, TO ENSURE THE MAJORITY OF THE MEMBERS OF THE FOUNDATION’S BOARD OF DIRECTORS ARE APPOINTED BY SUPPORTING ORGANIZATIONS, 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. 32-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

BARBERTON COMMUNITY FOUNDATION – BOARD OF DIRECTORS - three-year terms

Phil Canfora Melissa Macko Kim Morgan Richard Wiley Ryan Pendleton

President Maurer said this slate of candidates has been submitted for City Council approval. He said he and Mayor Genet have worked with everyone except for Mr. Pendleton, and they are all, in his opinion, outstanding people with outstanding character and ability. He said he knows Mr. Pendleton from other issues, and he, too, is an outstanding choice. He said he gives them all his recommendation. Mr. Suboticki said he asked about possibly voting on these candidates individually, but he was told by Mr. Flickinger that it was not possible due to something passed back in 2004. Mr. Flickinger, Finance Director, said that relates to the issue with changing the Code, initiated from a problem in 2004 when we changed the way appointments were approved by City Council to avoid problems with the State Auditor’s Office. He said at that time, the Law Director stated they would be approved in total. Mr. Suboticki said he probably would not have voted for one of the individuals on this list, but he will not hold up the appointments of all these people due to the fact that we are voting on them as a group. He said, however, going forward, he hoped not only the Foundation, but the City, would be a little more careful in the way we present ourselves to the public. He said there has been a lot of controversy over the Bodnar nomination ... how much money he was going to be given. Mr. Suboticki said he is not saying Mr. Bodnar is not worth that much, but given the circumstances that the City finds itself in and the Foundation not giving out grants, he feels that it was a bit imprudent to put that big of an advance on his salary. He said going forward he hopes that we look at that more closely. Mr. Lysenko said he agrees with Mr. Suboticki and he will vote to approve all of these people, especially keeping in mind they are volunteering on this Board and have done so for quite a while. He said regarding the ordinance passed tonight, he asked if that would affect the appointments now or if anything was going to have to be done differently at a later date. President Maurer said he did not know of any conflicts and he called on Mr. Harnden, Interim Executive Director of the Barberton Community Foundation, to answer. Mr. Harnden said since Council passed the previous ordinance, in his opinion, those four individuals will be approved by City Council; they will be part of the five. He said we will be in good shape because individuals have been formally approved by City Council prior to 2004.

President Maurer called for the vote on these candidates. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer thanked Mr. Avant for standing in for him last Monday while he and his family were busy with the funeral arrangements for his grandmother.

President Maurer asked council members to keep a list of potholes and complaints for damage to property possibly due to snow plows. He said to also keep a list of any street lights that are not working.

President Maurer said Mrs. Kline and a representative from the EPA will have a presentation regarding stormwater management in April.

President Maurer said Mr. Avant has requested a budget forum next week. He said to make notes on the budget.

Mr. Megyes said he would like names from everyone for appointments to the Utility Board. He asked that they be turned in by next Monday.

President Maurer asked Mr. Palmer for information on the Federal help we are going to be getting for the Summit Road Watermain. Mr. Palmer said it is a \$500,000 grant coming out of Ohio Public Works funds, and that project should be ready to go by mid-summer. He said the Grand Avenue Project will also be starting in mid-summer and the 15th Street Bridge Project should be starting in April.

COMMUNICATION FROM THE MAYOR

Mayor Genet said he would like to thank everyone who attended the Health Department meeting last week. He said it was informative for those in attendance and hopefully we will continue to move forward.

Mayor Genet said the Rental Registration Program is underway. He said nobody knows their wards better than councilmen. He said if there are rentals in your ward, especially the single-family homes converted into rentals, be sure to get those addresses to Mr. Bauschlinger to enter into our database. He said the sooner we compile an accurate database, the sooner we can address the issues.

Mayor Genet said Mr. Avant has requested to have a budget hearing next Monday after Council, so if anyone has any questions or wants additional information to be presented for Monday, please let him know and he will comply.

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

Adjourned: 7:51 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council