

Council met in **REGULAR SESSION** on Monday, May 10, 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. Anderson 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, April 26, 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 April 2010, as presented. All Members voted "yea." Motion carried.

### **PETITIONS AND CLAIMS**

The Clerk read two letters, one from Mr. Steve Underation and the other from Ms. Lauren Ondecker, Drama Club Director, thanking council members for their generous donation to the St. Augustine School's Drama Club. The donation will be used towards the purchase of new microphones.

### **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. 58-2010**

**ORDINANCE NO. 58-2010. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – BARBERTON TOWPATH PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE FLOYD BROWNE GROUP, IN THE AMOUNT OF \$37,250, TO PERFORM THE DESIGN PHASE OF THE BARBERTON TOWPATH PROJECT, DUE TO A GRANT FROM THE OHIO ERIE CANALWAY ASSOCIATION, 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. 58-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 59-2010**

**ORDINANCE NO. 59-2010. PRESENTED BY: MR. LYSENKO. TITLE: CDBG FY 2010 ANNUAL ACTION PLAN. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY 2010 ANNUAL ACTION PLAN DOCUMENT AND PROGRAM, 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. 59-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 60-2010**

**ORDINANCE NO. 60-2010. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT - HUD. AN ORDINANCE ALLOWING THE MAYOR, VIA THE PLANNING DIRECTOR, TO ENTER INTO CONTRACT WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), IN THE AMOUNT OF \$818,059, IN ORDER TO CARRY OUT ELIGIBLE CDBG ACTIVITIES, 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. 60-2010 BE ADOPTED**. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 61-2010**

**ORDINANCE NO. 61-2010. PRESENTED BY: MR. LYSENKO. TITLE: PURCHASE OF PROPERTY – 527 W. HOPOCAN AVE. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 527 W. HOPOCAN AVENUE, USING STATE NSP FUNDS, IN AN AMOUNT NOT TO EXCEED \$19,500, PLUS 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. 61-2010 BE ADOPTED**. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 62-2010**

**ORDINANCE NO. 62-2010. PRESENTED BY: MR. LYSENKO. TITLE: ENTER INTO CONTRACT – PLANNING – USEPA. AN ORDINANCE AUTHORIZING THE MAYOR, VIA THE PLANNING DIRECTOR, TO ENTER INTO CONTRACT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) FOR \$400,000, TO BE USED ON A CITYWIDE BASIS, FOR CERTAIN BROWNFIELD SITES AND PROPERTY ASSESSMENTS, SAMPLING PLANS, AND COMMUNITY OUTREACH/EDUCATION, 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. 62-2010 BE ADOPTED**. President Maurer said as he recalled, these funds were going to be split for special projects. Ms. Sheridan, Planning Director, said \$200,000 is to be used for petro sites and \$200,000 is for hazardous substance sites. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 63-2010**

**ORDINANCE NO. 63-2010. PRESENTED BY: MR. SOYARS. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – SECTION 660.20 – “OPEN BURNING.” AN ORDINANCE AMENDING SECTION 660.20 OF THE BARBERTON CODIFIED ORDINANCES ENTITLED “OPEN BURNING,” 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. 63-2010 BE ADOPTED**. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 64-2010**

**ORDINANCE NO. 64-2010. PRESENTED BY: MR. SOYARS. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – OHIO & NATIONAL FIRE CODES – CHAPTER 1604. AN ORDINANCE AMENDING CHAPTER 1604, “OHIO & NATIONAL FIRE CODES,” BY ADDING A SECTION TO INCLUDE THAT CERTAIN STRUCTURES BE REQUIRED TO HAVE RAPID ENTRY KEY LOCK BOXES ON THEIR BUILDINGS FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.** *First Reading – May 10, 2010.*

**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.*

**ORDINANCE NO. 66-2010**

**ORDINANCE NO. 66-2010. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT – GRAND BLVD. WATERLINE PROJECT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A**

**PROFESSIONAL SERVICES CONTRACT WITH FLOYD BROWNE GROUP, IN THE AMOUNT OF \$43,000, FOR CONSTRUCTION ADMINISTRATION OF THE GRAND BOULEVARD WATERLINE PROJECT, 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. 66-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 67-2010**

**ORDINANCE NO. 67-2010. PRESENTED BY: MR. MEGYES. TITLE: CITY SANITARY SEWERS – ASSESSMENT FOR NEW LINES. AN ORDINANCE ESTABLISHING ASSESSMENTS FOR PROPERTY OWNERS WITH NO CITY SANITARY SEWERS AND NO SEWER LINES ON THEIR STREETS, AND DECLARING AN EMERGENCY. *First Reading – May 10, 2010.***

**ORDINANCE NO. 68-2010**

**ORDINANCE NO. 68-2010. PRESENTED BY: MR. MEGYES. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – SECTION 1040.10 – “UTILITY BILLING REVIEW BOARD.” AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON AMENDING SECTION 1040.10 OF THE BARBERTON CODIFIED ORDINANCES, “UTILITY BILLING REVIEW BOARD,” AND DECLARING AN EMERGENCY. *First Reading – May 10, 2010.***

**ORDINANCE NO. 69-2010**

**ORDINANCE NO. 69-2010. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – GPD GROUP. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GPD GROUP, IN THE AMOUNT OF \$22,000, TO OVERSEE THE 2010 STREET RESURFACING PROGRAM, THE SIDEWALK AND CURB PROGRAM, AND ADDITIONAL ENGINEERING SERVICES, AS NEEDED, 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. 69-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 70-2010**

**ORDINANCE NO. 70-2010. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – GPD GROUP – STORMWATER ENGINEERING REVIEWS. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH GPD GROUP, IN THE AMOUNT OF \$4,000, FOR STORMWATER ENGINEERING REVIEWS, 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. President Maurer asked if these additional engineering costs were due to the fact that the City does not have a city engineer right now. Mr. Palmer, Director of Public Service, said that is partly correct. He said they thought it would be appropriate to have consultants come in and take over some of those duties. He said these funds are a direct result of what has been budgeted in the line item. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Judge, seconded by Mr. Suboticki, that **ORDINANCE NO. 70-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 71-2010**

**ORDINANCE NO. 71-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CRISMAN PARK PROJECT. AN ORDINANCE APPROPRIATING \$5,000 FROM THE UNAPPROPRIATED ITEM OF THE PARKS AND RECREATION IMPROVEMENT FUND TO THE PARKS AND RECREATION IMPROVEMENT FUND CAPITAL BUDGET, TO UTILIZE INSURANCE SETTLEMENT FUNDS FOR THE PLAYGROUND RECONSTRUCTION PROJECT AT CRISMAN PARK, 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. 71-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 72-2010**

**ORDINANCE NO. 72-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – USEPA GRANT. AN ORDINANCE APPROPRIATING A TOTAL AMOUNT OF \$400,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PLANNING DEPARTMENT OPERATING BUDGET, DUE TO A GRANT FROM THE USEPA, TO CONDUCT ENVIRONMENTAL ASSESSMENTS ON POTENTIALLY CONTAMINATED PROPERTIES, AND DECLARING AN EMERGENCY.** It was moved by Mr. Avant, 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. Avant, seconded by Mr. Lysenko, that **ORDINANCE NO. 72-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 73-2010**

**ORDINANCE NO. 73-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CDBG FUND – FAÇADE LOAN PAYMENTS. AN ORDINANCE APPROPRIATING \$31,318.53 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND OPERATING BUDGET, DUE TO FAÇADE LOAN PAYMENTS, IN ORDER TO CARRY OUT ELIGIBLE CDBG ACTIVITIES, AND DECLARING AN EMERGENCY.** It was moved by Mr. Avant, 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. Avant, seconded by Mr. Lysenko, that **ORDINANCE NO. 73-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 74-2010**

**ORDINANCE NO. 74-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION CDBG FUND. AN ORDINANCE APPROPRIATING \$78.00 FROM THE UNAPPROPRIATED ITEM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND OPERATING BUDGET, DUE TO AN OVERPAYMENT FOR THE PROPERTY ACQUISITION OF 1306 AUBURN AVENUE, AND DECLARING AN EMERGENCY.** It was moved by Mr. Avant, 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. Avant, seconded by Mr. Lysenko, that **ORDINANCE NO. 74-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 75-2010**

**ORDINANCE NO. 75-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – POLICE DEPARTMENT. AN ORDINANCE APPROPRIATING \$2,500 FROM THE UNAPPROPRIATED ITEM OF THE DRUG PREVENTION AND EDUCATION FUND TO THE DRUG PREVENTION AND EDUCATION FUND OPERATING BUDGET, TO PURCHASE SUPPLIES NEEDED FOR SAFETY TOWN AND OTHER PREVENTION PROGRAMS, 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. 75-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

None.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

**THIRD READING POSTPONED UNTIL JUNE 7<sup>TH</sup>:**

**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. Second Reading – March 22, 2010.*

**APPOINTMENTS**

None.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

President Maurer said two Boy Scouts and their troop leader from Troop #105 are in the gallery this evening. He said they are working on their Citizenship in the Community Merit Badges.

President Maurer said this is Police Memorial Week. He said Barberton tragically lost an officer, Officer Vincent Gerek, back in 1948 on Christmas Eve, and we have had a number of officers injured while protecting this community. He said it is not often we get to give all of our officers a fine farewell as we did to Officer Adair two weeks ago. He asked that we keep the officers -- not only those who have given their lives in the line of duty, but those who are protecting us to this day -- and their families in our prayers.

**COMMUNICATION FROM THE MAYOR**

None.

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

Adjourned: 8:01 P.M.

---

Frederick S. Maurer  
President of Council

---

Susan Matuch  
Clerk of Council