

Council met in **REGULAR SESSION** on Monday, October 25, 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, October 11, 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

Mr. Norm Kendall, 893 Norton Avenue, asked why the front of the old Barber Office was not knocked down along with the rest of the Midwest Factory. Mr. Bauschlinger, Building Commissioner, said originally the Historical Society made a request for the stairs, but he did not know whether that was still happening. He said he is holding up his official report to Summit County because they have not yet pulled a permit.

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. 163-2010

RESOLUTION NO. 163-2010. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. WAGNER. TITLE: COMMENDATION – NICHOLE FISHER. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO NICHOLE FISHER FOR BEING CHOSEN THE 2010 AMERICAN LEGION BUCKEYE GIRLS STATE REPRESENTATIVE FROM BARBERTON HIGH SCHOOL. It was moved by Mr. Wagner, 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. Wagner, seconded by Mr. Avant, that **RESOLUTION NO. 163-2010 BE ADOPTED.** President Maurer said Nichole has a very impressive resume. He said when we all get up to congratulate Ms. Fisher, we had better be very nice because we may end up working for her one day! He said it reflects well on the City of Barberton when our young adults do some very impressive things scholastically. He said it is leadership in the making. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Wagner, seconded by Mr. Avant, to recess in order to present the Resolution to Ms. Fisher. All Members voted "yea." Motion carried.

Recessed: 7:39 p.m.

Reconvened: 7:42 p.m.

Ms. Fisher said she had to go through a campaign to be elected Deputy Sheriff at Girls State. She said the whole experience taught her a lot about government.

RESOLUTION NO. 164-2010

RESOLUTION NO. 164-2010. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. WAGNER. TITLE: COMMENDATION – IAN MC CARTHY. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO IAN MC CARTHY FOR BEING CHOSEN THE 2010 AMERICAN LEGION BUCKEYE BOYS STATE REPRESENTATIVE FROM BARBERTON HIGH SCHOOL. It was moved by Mr. Wagner, 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. Wagner, seconded by Mr. Avant, that **RESOLUTION NO. 164-2010 BE ADOPTED.** President Maurer said Ian is our Council

Clerk's nephew and she is very proud of him. He said we have a fine young man with an outstanding grade-point average who is a credit to this community. He said he has stepped-up and he is being recognized. Mayor Genet said having a daughter the same age as Nichole and Ian, he had the opportunity to know these individuals when they were very young. He said to see what they have achieved and to see them grow into the young adults they are today makes him and the City very proud. He said looking over their achievements in these commendations obviously describes their character, and he can tell everyone on a personal note, they are everything in the resolutions and then some. Mayor Genet said the City of Barberton and the Barberton School District are very proud to have them as part of this community. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Wagner, seconded by Mr. Avant, to recess in order to present the Resolution to Mr. McCarthy. All Members voted "yea." Motion carried.

Recessed; 7:47 p.m.
Reconvened: 7:49 p.m.

Mr. McCarthy said he made a lot of good friends at Boys State and he learned a lot about our government. He said he is really glad he went and he would recommend the experience to anyone who gets selected in the future.

RESOLUTION NO. 165-2010

RESOLUTION NO. 165-2010. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. MEGYES. TITLE: COMMENDATION – VANJA RADUKA. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO VANJA RADUKA FOR BEING CHOSEN THE 2010 AMERICAN LEGION BUCKEYE GIRLS STATE REPRESENTATIVE FROM BARBERTON HIGH SCHOOL. Mr. Megyes said Ms. Raduka was sorry she was unable to attend tonight because she had a prior commitment with the concert band. He said when you maintain a 4.6 GPA, you are one very busy person. It was moved by Mr. Megyes, 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. Megyes, seconded by Mr. Soyars, that **RESOLUTION NO. 165-2010 BE ADOPTED.** Mr. Bauschlinger, Building Commissioner, said he personally knows Vanja, having coached her for the last four years in soccer. He said she is an incredible young lady who was a pleasure to be around. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried.

ORDINANCE NO. 166-2010

ORDINANCE NO. 166-2010. PRESENTED BY: MR. AVANT. TITLE: CREATE NEW FUND – "RENTAL REGISTRATION PROGRAM FUND." AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE A NEW FUND, THE "RENTAL REGISTRATION PROGRAM FUND," TO ACCOUNT FOR THE MONIES COLLECTED FROM THE RENTAL REGISTRATION PROGRAM, AND DECLARING AN EMERGENCY. 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. 166-2010 BE ADOPTED.** Mr. Anderson asked if anyone knows what percentage of collections we are at right now. Mr. Bauschlinger said it is really hard to judge until we get a couple of years into it. He said there was an imaginary number out there and we registered "this" number, so next year we will compare them. He said he feels they have a pretty good percentage. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried.

ORDINANCE NO. 167-2010

ORDINANCE NO. 167-2010. PRESENTED BY: MR. LYSENKO. TITLE: PURCHASE OF PROPERTY – 69-15TH STREET, NW. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 69-15TH STREET, NW, IN THE AMOUNT OF \$9,900, PLUS CLOSING COSTS, USING CDBG FUNDING, 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. 167-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 168-2010

ORDINANCE NO. 168-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FUND 251. AN ORDINANCE APPROPRIATING \$2,000 FROM THE UNAPPROPRIATED ITEM OF THE RENTAL REHABILITATION FUND (FUND 251) TO THE RENTAL REHABILITATION FUND OPERATING COSTS, DUE TO A GRANT FROM THE OHIO DEPARTMENT OF DEVELOPMENT, TO BE USED BY THE BUILDING DEPARTMENT, 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. 168-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 169-2010

ORDINANCE NO. 169-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – PARKS DEPARTMENT. AN ORDINANCE APPROPRIATING \$16,660 FROM THE UNAPPROPRIATED ITEM OF THE PARKS CAPITAL IMPROVEMENT FUND TO THE PARKS IMPROVEMENT CAPITAL OUTLAY BUDGET, IN ORDER TO REMOVE THE EXISTING WADING POOLS FROM THE PARKS, 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. 169-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 170-2010

ORDINANCE NO. 170-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION - PARKS. AN ORDINANCE APPROPRIATING \$2,055.47 FROM THE UNAPPROPRIATED ITEM OF THE PARKS CAPITAL IMPROVEMENT FUND TO THE PARKS IMPROVEMENT CAPITAL OUTLAY BUDGET, IN ORDER TO COMPLETE THE CRISMAN PLAYGROUND PROJECT, 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. 170-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

The Finance Committee voted to POSTPONE the Third Reading of Ord. No. 126-2010 and Ord. No. 127-2010 until November 22, 2010.

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

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

EXECUTIVE SESSION:

President Maurer said he would entertain a motion to adjourn into Executive Session to discuss the City's pending litigation as requested by our Law Director, Lisa Okolish Miller. It was moved by Mr. Judge, seconded by Mr. Soyars, to adjourn into Executive Session to discuss pending litigation. President Maurer called for the roll call. Mr. Judge, Mr. Soyars, Mr. Megyes, Mr. Suboticki, Mr. Lysenko, Mr. Avant, Mr. Anderson, Mr. Wagner voted "yea." Motion carried. In addition to President Maurer and the eight Council Members, Mayor Genet, Mrs. Okolish Miller, Law Director, and Mr. Todd, Director of Human Resources/Safety, were also present.

Adjourned into Executive Session at 8:04 p.m.

It was moved by Mr. Judge, seconded by Mr. Soyars, to adjourn the Executive Session. All Members voted "yea." Motion carried.

Executive Session was Adjourned at 8:35 p.m.

Regular Legislative Meeting was Reconvened at 8:35 p.m.

MISCELLANEOUS AND UNFINISHED BUSINESS (continued)

President Maurer said this upcoming Saturday is the citywide Trick or Treat, being held from 5:00 p.m. to 7:00 p.m.

Mr. Soyars said on November 6th, there will be a fund raiser dinner at the Moose for U.S. Marine Tim Conner, from 4:00 p.m. to 9:00 p.m. He said all proceeds will benefit Tim and his Family.

Mr. Megyes said there will be a tour of the Wastewater Treatment Plant tomorrow at 3:30. He said he knows everyone wants to be there.

Mr. Megyes said on Wednesday he will be hosting a Ward Meeting with Betty Sutton in attendance.

President Maurer said as a reminder, everything discussed in the Executive Session never leaves this room.

COMMUNICATION FROM THE MAYOR

None.

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

Adjourned: 8:40 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council

