

Council met in **REGULAR SESSION** on Monday, November 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. Maurer 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 25, 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 Monday, November 1, 2010, as presented. All Members voted "yea." Motion carried.

PETITIONS AND CLAIMS

The Clerk said a note was received from Ian McCarthy, the 2010 BHS Boys State Representative, thanking Council for taking the time to present him with a resolution for being selected to Boys State this year.

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. 172-2010

ORDINANCE NO. 172-2010. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO AGREEMENT – OHIO PUBLIC WORKS COMMISSION – GRAND BOULEVARD WATERLINE PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LOAN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION, DISTRICT 8, IN THE AMOUNT OF \$250,000, FOR 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. 172-2010 BE ADOPTED.** Mr. Suboticki, Mr. Megyes, Mr. Anderson, Mr. Wagner, Mr. Soyars, Mr. Judge, and Mr. Avant voted "yea." Mr. Lysenko voted "nay." Motion carried.

ORDINANCE NO. 173-2010

ORDINANCE NO. 173-2010. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT – WASTE MANAGEMENT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH WASTE MANAGEMENT, EXTENDING THE CURRENT CONTRACT FOR THE SECOND-YEAR OPTION, FOR RESIDENTIAL CURBSIDE GARBAGE/RECYCLE COLLECTION IN THE CITY OF BARBERTON, 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. 173-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 174-2010

ORDINANCE NO. 174-2010. PRESENTED BY: MR. MEGYES. TITLE: "REFUSE COLLECTION AND DISPOSAL PROGRAM" – AMENDING ORD. NO. 203-2009. AN ORDINANCE AMENDING ORD. NO. 203-2009, "REFUSE COLLECTION AND DISPOSAL PROGRAM," TO REFLECT AN INCREASE IN THE MONTHLY

SERVICE FEE (SECTION 1060.08), DUE TO THE CONTRACT PRICE ADJUSTMENT FOR THE SECOND-YEAR OPTION OF THE CURRENT CONTRACT, 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. 174-2010 BE ADOPTED.** President Maurer asked Mr. Stender if there was a re-opening clause in this contract. Mr. Stender said he was not up-to-date on the contract terms; however, Mr. Palmer, who was absent this evening, handles that directly. President Maurer called for the vote on adoption. Mr. Avant, Mr. Soyars, Mr. Megyes, Mr. Lysenko, Mr. Wagner, Mr. Anderson, and Mr. Suboticki voted “yea.” Mr. Judge voted “nay.” Motion carried.

RESOLUTION NO. 175-2010

RESOLUTION NO. 175-2010. PRESENTED BY: MR. SUBOTICKI. TITLE: NATIONAL LEAD POISONING PREVENTION WEEK. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO SUPPORT “NATIONAL LEAD POISONING PREVENTION WEEK,” TO INCREASE AWARENESS OF THE IMPORTANCE OF A LEAD FREE HOME ENVIRONMENT THAT IS SAFE FOR CHILDREN, 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 **RESOLUTION NO. 175-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 176-2010

ORDINANCE NO. 176-2010. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT – LAW DEPARTMENT – LEGAL DEFENDER’S OFFICE – SUMMIT COUNTY. AN ORDINANCE AUTHORIZING THE MAYOR 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. 176-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 177-2010

ORDINANCE NO. 177-2010. PRESENTED BY: MR. AVANT. TITLE: TRANSFER OF FUNDS – RENTAL REGISTRATION PROGRAM FUND. AN ORDINANCE TRANSFERRING \$72,975 FROM THE GENERAL FUND TO THE RENTAL REGISTRATION PROGRAM FUND, TO COMPLY WITH SECTION VIII(I) OF ORDINANCE NO. 65-2009, 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. 177-2010 BE ADOPTED.** Mr. Anderson said this money was in the General Fund. He said when he voted on Ordinance No. 65-2009, he believed the money was going to go into a special fund. He said he is glad Council looked at this ordinance a second time and the money is in the new fund. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

The Clerk said the Finance Committee voted in Committee to add the following emergency legislation to the Agenda tonight:

ORDINANCE NO. 178-2010

ORDINANCE NO. 178-2010. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – LAW DEPARTMENT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH BROUSE MC DOWELL, IN THE AMOUNT OF \$118,000, FOR PROFESSIONAL SERVICES, 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. 178-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

The Clerk said the Third Reading for the following two ordinances has been Postponed 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

BARBERTON COMMUNITY FOUNDATION

Mr. Michael Chisnell Board of Directors

It was moved by Mr. Avant, seconded by Mr. Anderson, that the appointment of Mr. Michael Chisnell to the Barberton Community Foundation’s Board of Director be confirmed, with his term beginning immediately to April 2012. President Maurer said Mr. Chisnell fits a pattern of progression that we are trying establish to give stability to the Foundation Board. He said Mr. Chisnell is an excellent choice and he gives him his strongest recommendation. President Maurer called for the vote on confirmation. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said Mr. Shane McAvinew is our new Parks Director. He said Mr. McAvinew has a lot of experience under his belt. He said he was an excellent choice because he has done a great job as Director of our Community Center -- overseeing the demolition of our old one and the construction of the new one. He said it was quite advantageous for the City to capitalize on that much experience. Mr. McAvinew said he would like to thank Mr. Anderson who has been behind him. He said he is happy to work with the Mayor, Mr. Flickinger, and Council and he appreciates all of the support. He said his office door will always be open.

President Maurer said for those in our gallery who come to council meetings, November has five Mondays, so we will not be meeting on November 29th. He said we reconvene on December 6th. He said to also remember the Christmas break -- no meeting that last week in December.

President Maurer said it seems that we are doing a really good job this year on leaf removal. He said it may be because of the additional equipment that was purchased.

Mr. Avant said he and Mr. Lysenko are on the Salvation Army Board and next Tuesday is the County Kettle Kickoff. He said there will be an open house next Thursday, November 18th, at David B’s, from 5:00 p.m. to 7:30 p.m. He said you can enjoy some hors d’oeuvres as you put your check in the kettle! He said they do a great job.

COMMUNICATION FROM THE MAYOR

Mayor Genet said he would like to congratulate Shane also. He said he is going to do a great job. He said he has been with the City many years and he definitely knows the system.

Mayor Genet said there was a fund raiser on Saturday for the Wounded Warriors Organization, more importantly, for Tim Conner. He said he is not quite sure how many people attended, but it was very successful. He said he really wants to thank the police officers and the fire department for hosting this event. He said it was definitely for a great cause.

Mayor Genet said to remember this Thursday, Veterans Day, with services at the Military Honor Roll at 11:00 a.m.

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

Adjourned: 7:54 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council