

Council met in **REGULAR SESSION** on Monday, May 23, 2011, 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, May 9, 2011 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. Bill Roemer, 3616 Southern Blvd., Richfield, said one of his commitments when he was elected Summit County Council At-Large was that he was going to continue to travel around the County to be aware of the issues. He said he is merely here to listen and learn.

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.

Before the First Reading of Ordinances and Resolutions, President Maurer said the Finance & Personnel Committee suspended Council Rules and voted to add Ordinance Nos. 70-2011, 71-2011, and 72-2011 to the Agenda this evening. He said Ordinance Nos. 60-2011 and 61-2011 may need to be amended. He said the *draft* of Ordinance No. 63-2011 was changed, so the ordinance to be voted on this evening is dated 05-23-11.

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 63-2011

ORDINANCE NO. 63-2011. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO AGREEMENT – OHIO EPA – WSRLA LOAN. AN ORDINANCE AUTHORIZING THE MAYOR, ROBERT J. GENET, TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT (WSRLA) AGREEMENT IN AN AMOUNT NOT TO EXCEED \$4,000,000.00, WITH 20% PRINCIPAL FORGIVENESS, ON BEHALF OF THE CITY OF BARBERTON FOR PLANNING, DESIGN, AND CONSTRUCTION OF WATER FACILITIES AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, 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. 63-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 64-2011

ORDINANCE NO. 64-2011. PRESENTED BY: MR. MEGYES. TITLE: PURCHASE OF PROPERTY – FORMER OAKDALE SCHOOL PROPERTY. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE EIGHT (8) PARCELS OF THE FORMER OAKDALE SCHOOL PROPERTY FROM THE BARBERTON BOARD OF EDUCATION, IN THE AMOUNT OF \$1.00, TO CONTINUE WITH THE “WATER STORAGE TANK IMPROVEMENTS 2011” 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. 64-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 65-2011

ORDINANCE NO. 65-2011. PRESENTED BY: MR. LYSENKO. TITLE: TRANSFER OF PROPERTY – 43 BROWN STREET. AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A “QUIT CLAIM DEED” FOR HABITAT FOR HUMANITY TO TAKE OWNERSHIP OF THE PROPERTY LOCATED AT 43 BROWN STREET, FOR ONE DOLLAR (\$1.00), 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. 65-2011 BE ADOPTED**. President Maurer asked if the building has already been razed and this is just a lot. Mr. Bauschlinger, Building Commissioner, said the building was razed and it is just the lot being transferred. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 66-2011

ORDINANCE NO. 66-2011. PRESENTED BY: MR. LYSENKO. TITLE: ADOPT THE 2011 SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING; AND ENTER INTO AGREEMENT. AN ORDINANCE TO ADOPT THE “2011 SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING”; AND AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE COUNTY OF SUMMIT AND THE COMMUNITIES THAT ARE SIGNATORIES TO THE ATTACHED AGREEMENT ENTITLED “SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING FOR JOB CREATION AND RETENTION AND TAX REVENUE SHARING,” EXPRESSING A MUTUAL DESIRE TO RETAIN AND ATTRACT BUSINESSES AND JOBS AS OUTLINED IN SAID AGREEMENT, 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. 66-2011 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 67-2011

ORDINANCE NO. 67-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: AMENDING BARBERTON DEVELOPMENT CODE – SECTION 1250.07 – “FENCES.” AN ORDINANCE AMENDING CERTAIN PARTS OF SECTION 1250.07 OF THE BARBERTON DEVELOPMENT CODE ENTITLED “FENCES.”

First Reading – May 23, 2011.

ORDINANCE NO. 68-2011

ORDINANCE NO. 68-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – CDBG FUND. AN ORDINANCE APPROPRIATING \$4,709.51 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. 68-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 69-2011

ORDINANCE NO. 69-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – SWINEHART AVENUE BRIDGE REPLACEMENT. AN ORDINANCE APPROPRIATING \$40,000 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND TO THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND OPERATING BUDGET, TO COVER HALF OF THE ENVIRONMENTAL, DESIGN, AND RIGHT OF WAY COSTS FOR THE SWINEHART AVENUE BRIDGE REPLACEMENT, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Judge, that **ORDINANCE NO. 69-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 70-2011

ORDINANCE NO. 70-2011. PRESENTED BY: MR. AVANT. TITLE: ADOPTING THE OPBA SERGEANTS / LIEUTENANTS AGREEMENT. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON ADOPTING AND APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BARBERTON AND THE OPBA SERGEANTS AND LIEUTENANTS, EFFECTIVE JANUARY 1, 2011 THROUGH DECEMBER 31, 2013, 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. Mayor Genet said he would like to offer his sincere appreciation for the leadership in these three respective bargaining units. He said with the economy the way it is today, these negotiation sessions have been very difficult -- not only for the leaders, but also for the members. He said never once has he discounted the value they offer this community. He said we probably have one of the best, if not *the* best, police forces in the area, and he is proud to say that. Mayor Genet said he would like to commend them for their

leadership roles, for the difficulty in taking issues back to their members and convincing them. He said he values everything that was done to reach this agreement to move on. He said hopefully, if this economy turns around, we will be able to put money in their pockets because right now, the first years, there is a zero percent increase. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Anderson, that **ORDINANCE NO. 70-2011 BE ADOPTED.** Mr. Judge said he would also like to show his appreciation for what they have done as a unit ... not just sacrificing pay ... but everything else they have sacrificed. He said we take for granted our safety forces until we need them. He said he appreciates being able to get this done and into our hands in order to move forward. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 71-2011

ORDINANCE NO. 71-2011. PRESENTED BY: MR. AVANT. TITLE: ADOPTING THE OPBA POLICE OFFICERS AGREEMENT. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON ADOPTING AND APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BARBERTON AND THE OPBA POLICE OFFICERS, EFFECTIVE FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2013, 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. 71-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 72-2011

ORDINANCE NO. 72-2011. PRESENTED BY: MR. AVANT. TITLE: DISPATCHER / JAILOR LABOR CONTRACT. AN ORDINANCE ACCEPTING THE AGREEMENT BETWEEN THE CITY OF BARBERTON AND THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION (OPBA) AS THE REPRESENTATIVE FOR THE DISPATCHER / JAILOR BARGAINING UNIT, EFFECTIVE FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2013, 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. 72-2011 BE ADOPTED.** Mr. Avant said he would like to give his gratitude to Mr. Todd (Human Resources Director), to Chief Morber, to all the union leaders, and everyone else who was involved in these negotiations. He said as the Mayor said, we do have the best police department in the area and in the State of Ohio. He said you look at the police log, and they are busy with so many issues. He said they risk their lives to answer each call. Mr. Avant said Dispatch has always been very helpful and kind whenever he has called on them for anything; they do a great job. He said when we grow up we take on jobs and we expect progress, progress, progress. He said we have been taken out of that mode. Mr. Avant said he thanks them for recognizing that and making the decisions they made. President Maurer said an observation he has made is that he cannot think of any place in private industry where the union and the management have cooperated so well. He said we are seeing layoffs and unemployment in private industry. He said Barberton has done very well as far as keeping our services up and our labor costs in line. President Maurer said we have done a

very good job when we do lose an employee. He said it is through attrition, with a few very notable exceptions. He said because of the cooperation of the outstanding men and women of our police department and the Administration really caring about their people, he does not think it could have gone any better. He said he wanted to congratulate everyone involved. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 60-2011

ORDINANCE NO. 60-2011. 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, AND DECLARING AN EMERGENCY. *First Reading – May 9, 2011. Second Reading – May 23, 2011.* It was moved by Mr. Avant, seconded by Mr. Anderson, to **AMEND ORDINANCE NO. 60-2011.** Mr. Avant said the amendment (dated 05-17-11) adds the salaries for the current year for all elected officials and clarifies the legislation for the people reading this ordinance to let them know what direction everyone is going. President Maurer called for the vote on the amendment. All Members voted “yea.” Motion carried.

ORDINANCE NO. 61-2011

ORDINANCE NO. 61-2011. PRESENTED BY: MR. AVANT. TITLE: AMENDING ORD. NO. 204-2010 – EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES. AN ORDINANCE AMENDING ORDINANCE NO. 204-2010, “EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES,” BY DELETING THE PRESIDENT OF COUNCIL AND MEMBERS OF COUNCIL FROM THIS ORDINANCE IN ORDER TO INCLUDE THOSE ELECTED POSITIONS IN ORDINANCE NO. 60-2011 WITH OTHER ELECTED OFFICIALS, AND DECLARING AN EMERGENCY. *First Reading – May 9, 2011. Second Reading – May 23, 2011.* It was moved by Mr. Avant, seconded by Mr. Anderson, to **AMEND ORDINANCE NO. 61-2011** to modify the hourly rate of the Part Time Juvenile Diversion Officer from \$11.50 to \$14.00 per hour based upon an annual grant. Ordinance No. 61-2011 (dated 05-17-11) now reads: **AN ORDINANCE AMENDING ORDINANCE NO. 204-2010, “EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES,” BY DELETING THE PRESIDENT OF COUNCIL AND MEMBERS OF COUNCIL FROM THIS ORDINANCE IN ORDER TO INCLUDE THOSE ELECTED POSITIONS IN ORDINANCE NO. 60-2011 WITH OTHER ELECTED OFFICIALS; AND INCREASING THE SALARY OF THE PART TIME JUVENILE DIVERSION OFFICER DUE TO A GRANT, AND DECLARING AN EMERGENCY.** President Maurer called for the vote on the amendment. All Members voted “yea.” Motion carried.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

The Clerk said she received the following new Liquor License Requests:

To: Snyder Place, LLC, 546 Snyder Avenue, Barberton, OH 44203.

To: C.S. Ross Company, DBA Big Lots 389, 161 Wooster Road, N., Barberton OH 44203.

The Clerk said no objections were received.

President Maurer said as a reminder, next Monday is Memorial Day. He hopes everyone will have a very safe weekend. He said not to forget why we are here. He said the price was paid by some very fantastic people who made this the land of opportunity and the greatest place to live in the world.

President Maurer said the holiday is the fifth Monday of the month, so there will be no meeting on the 31st as well. He said the next meeting will be on June 6th, D-Day.

Mr. Megyes said the first week of June is Neighbors Work Week. He said this group will be building a park on the corner of Third and Hopocan, right across from the MRDD building, in four hours. He said it is being sponsored by NDS and it is being built from a \$25,000 donation through the Home Depot. He said the County will own the land and they will maintain it. He said NDS is sponsoring it and they are looking for 40 volunteers to build it on June 2nd from 10:00 a.m. to 2:00 p.m. He said it is going to have a World War I theme because the memorial at the Lake starts at World War II. He said the park will actually be dedicated to a Barberton Naval Officer. He said on Veterans Day this year they will be dedicating the cannon. He said there are only four of those cannons in the whole world! He said the cannon was originally dedicated to a nurse, Nurse Thesing, from Barberton who was killed in action.

COMMUNICATION FROM THE MAYOR

Mayor Genet said last Wednesday a meeting was held at the Active Adult Center to discuss flooding issues with some residents. He said there was a decent turnout. He said Mr. Keltyka, Mr. Stender, and Mr. Palmer did a good job explaining some of the flooding issues we have. He said he feels that all those individuals in attendance left with more information than they had when they got there. He said he also wants to commend County Council Representative Tim Crawford who was there also, and who was able to add some valuable input.

Mayor Genet said this past weekend was the Cherry Blossom Festival and he would like to thank whoever ordered the weather. He said normally it rains on Cherry Blossom. He said the Chief said we had only a few incidences, so it was a good weekend for all.

Mayor Genet said the passage of Ordinance No. 66-2011, the income tax sharing agreement, makes the second year we have had this agreement. He said he and Mayor Plusquellic had conversations prior to this going into place when the Mayor made him aware of a business from Barberton moving to Akron. He said the two of them talked about putting this together. He said they went to Russ Pry and were able to get it through the Summit County Mayor's Association and through the County. He said it does work. He said we have been recipients of a couple of

checks on this revenue sharing. He said not all communities in Summit County signed on. He said he did not believe Norton or Green did, along with a few others. He said the mindset of the majority of Mayors in the Summit County Mayor's Association is that economic development is regional effort. He said it is something that is good for the City and good for the County. He said with Goodyear staying in Akron, it is good for Barberton because we have about eighty families that work at Goodyear. He said we are the only county with a tax revenue sharing agreement -- non-poaching agreement -- and other counties across the State are looking at this. He said Mayors throughout the county need to be commended for *not* looking at it with a "what's in it for me" type attitude and more of a "what's good for the County" attitude.

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

Adjourned: 8:04 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council