

Council met in **REGULAR SESSION** on Monday, July 11, 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. Suboticki 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, June 27, 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**

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. 103-2011**

**ORDINANCE NO. 103-2011. PRESENTED BY: MR. JUDGE. TITLE: REPEAL OF ORDINANCE NO. 86-2011 – "APPROPRIATION – STORMWATER DRAINAGE SYSTEM – SUMMIT ROAD / GLENN STREET PROJECT." AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON REPEALING ORDINANCE NO. 86-2011, "APPROPRIATION – STORMWATER DRAINAGE SYSTEM – SUMMIT ROAD / GLENN STREET PROJECT," 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. 103-2011 BE ADOPTED.** All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 104-2011**

**ORDINANCE NO. 104-2011. PRESENTED BY: MR. JUDGE. TITLE: AMEND ORD. NO. 200-2010 – "2011 BIDS AND CONTRACTS – YEAR'S REQUIREMENTS FOR MATERIALS AND SERVICES." AN ORDINANCE AMENDING ORDINANCE NO. 200-2010, "2011 BIDS AND CONTRACTS – YEAR'S REQUIREMENTS FOR MATERIALS AND SERVICES," THAT AUTHORIZES THE DIRECTOR OF PUBLIC SERVICE OR THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE FOR BIDS AND/OR ENTER INTO CONTRACTS IN 2011, BY DELETING CERTAIN MATERIALS AND SERVICES FROM THIS ORDINANCE, 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. 104-2011 BE ADOPTED.** Mr. Lysenko asked why this ordinance was being amended. Mr. Judge said our Law Director said that the list was compiled years ago. He said based on the ordinance, we would have to go out to bid to purchase everything on this list. He said it is costly to bid for those items. Mr. Judge said the threshold for bidding was moved up to twenty-five thousand dollars several years ago and we may spend only a few hundred dollars to several thousand dollars a year on a lot of these items. He said this just lessens the number of materials that we actually have to bid. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

#### **ORDINANCE NO. 105-2011**

**ORDINANCE NO. 105-2011. PRESENTED BY: MR. ANDERSON. TITLE: FOUNDATION GRANT REQUEST – PARKS – 2011 MUM FESTIVAL. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$20,000, FOR THE 2011 MUM FESTIVAL, AND DECLARING AN EMERGENCY.** It was moved by Mr. Anderson, 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. Anderson, seconded by Mr. Judge, that **ORDINANCE NO. 105-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

#### **ORDINANCE NO. 106-2011**

**ORDINANCE NO. 106-2011. PRESENTED BY: MR. ANDERSON. TITLE: FOUNDATION GRANT REQUEST – PARKS – LAKE ANNA FOUNTAIN PROJECT. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$20,000, FOR THE LAKE ANNA FOUNTAIN PROJECT, AND DECLARING AN EMERGENCY.** It was moved by Mr. Anderson, seconded by Mr. Judge, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. Mr. Megyes said he would be voting “no” on this. He said it has been said that this would add to the beauty to the Lake, but he disagrees. He said one of the most beautiful times to see the Lake is when it is perfectly still and calm ... to get a mirror image. He said when the fountain is always on, it creates a ripple effect and eliminates that whole possibility. Mr. Megyes said he questions who will maintain it and who will pay for the electricity. He said there were also a lot of problems with the last one we had. President Maurer asked if the fountain would be running 24/7. Mr. McAviney, Parks Director, said the system they are looking at now would be on a timer. He said it could be set to run for 2 hours or 24 hours in order to regulate electricity use. Mr. Lysenko asked if anyone knew the projected electrical costs. Mr. McAviney said it would be a variable cost because of the timer. He said the company said the cost could be as low as \$2,000 per year if run on a short time basis or the amount could triple, or be as high as \$8,000-\$10,000 per year, if it was run 24 hours a day. He said realistically it could run from 10:00 a.m. to 7:00 p.m. or 3:00 p.m. to 8:00 p.m. if something was going on at the Lake. President Maurer asked what the horsepower of the pump would be. Mr. McAviney said it is two motors running simultaneously at 7.5 horsepower. He said he had

the company do the calculations on rough estimates of what it would cost to operate and the numbers came in at \$4,000-\$5,000 if it was run fourteen hours per day, seven days a week. President Maurer asked if that was the only three-phase service we have at the park. Mr. McAviney said he did not believe it would be three-phase; however, part of this project would be an electrical upgrade at the Visitor's Center. Mr. Anderson said to keep in mind that this ordinance is only authorizing the grant submission. He said there is fund raising going on, so if this is approved, the money would be held until all the money needed for this project is available. He said it may take two to three years. He said if the Foundation approves this, it is just guaranteeing that we would have \$20,000 to start the project. Mr. Wagner said he feels the fountain would add a lot of aesthetic value to the Lake. He said he thinks it is a beautiful project that would enhance our "gem" in the center of our City. He said it is not going to run 24 hours a day. He said mechanically, the pumps will be on shore, so we are not talking about submersible pumps out in the water like before. Mr. Wagner said that is where the problem arose with the amperage drop between shore and the pump. He said those kinds of problems would not be encountered again because everything would be on shore. He said he and Mr. Anderson have met with some folks and the Mayor and the people who would be installing the fountain. He said they have done a lot of other work on the side as well, trying to raise money for the project. Mr. Wagner said they also talked to many of the crafts people -- even the bricklayer -- who say they are willing to volunteer their help. President Maurer said there is no replacement for serenity; it is breathtaking. He said with a low profile, we could have a little bit of both. President Maurer called for the vote on suspension. All Members voted "yea." Motion carried. It was moved by Mr. Anderson, seconded by Mr. Judge, that **ORDINANCE NO. 106-2011 BE ADOPTED**. Mr. Wagner, Mr. Suboticki, Mr. Soyars, Mr. Judge, Mr. Avant, and Mr. Anderson voted "yea." Mr. Megyes and Mr. Lysenko voted "nay." Motion carried, 6-2.

#### **ORDINANCE NO. 107-2011**

**ORDINANCE NO. 107-2011. PRESENTED BY: MR. ANDERSON. TITLE: FOUNDATION GRANT REQUEST – PARKS – 2011 LAKE ANNA HOLIDAY LIGHTING. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$10,000, FOR THE 2011 LAKE ANNA HOLIDAY LIGHTING, AND DECLARING AN EMERGENCY.** It was moved by Mr. Anderson, 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. Anderson, seconded by Mr. Judge, that **ORDINANCE NO. 107-2011 BE ADOPTED**. Mr. Lysenko asked how the \$10,000 would be used. Mr. McAviney said it is a combination of items. He said electric costs are \$4,000-\$5,000, depending on how much and how long you run the lights. He said he is hoping a larger portion would be used for replacement fixtures. Mr. McAviney said they want to get to the point where more LEDs are involved because they are more energy efficient. He said the grant would be used for the replacement of light bulbs, the replacement of fixtures, and some electrical costs. Mr. Lysenko asked if the grant was received last year. Mr. McAviney said the Foundation did not give *anyone* grants last year, but the previous years the lights have been at the Lake, they were granted between \$5,000-\$10,000 every year. President Maurer called for the vote on adoption. 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. 108-2011**

**ORDINANCE NO. 108-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – POLICE DEPARTMENT. AN ORDINANCE APPROPRIATING \$10,000 FROM THE UNAPPROPRIATED ITEM OF THE LAW ENFORCEMENT TRUST FUND TO THE LAW ENFORCEMENT TRUST FUND CAPITAL BUDGET, TO BE USED TO OUTFIT AND EQUIP POLICE VEHICLES, 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. 108-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 109-2011**

**ORDINANCE NO. 109-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FIRE DEPARTMENT – EMS GRANT. AN ORDINANCE APPROPRIATING \$3,950 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE FIRE DEPARTMENT OPERATING BUDGET, DUE TO AN EMS GRANT FROM THE DEPARTMENT OF PUBLIC SAFETY, 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. 109-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

None.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

**APPOINTMENTS**

**BOARD OF NUISANCE ABATEMENT**

**3-year Term**

<b>Mr. Tom Wells</b>	appointment	Immediately – December 31, 2013
<b>Mr. Ron Cline</b>	appointment	Immediately – December 31, 2013
<b>Mr. John Kesterson</b>	appointment	Immediately – December 31, 2013

It was moved by Mr. Soyars, seconded by Mr. Megyes, to confirm the appointments of the three candidates for the Board of Nuisance Abatement. All Members voted “yea.” Motion carried.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

President Maurer said next week will be our Committee of the Whole Meeting, followed by the Legislative Session which will be last legislative cycle before the August Recess. He said to make sure everything is given to Mrs. Matuch in a timely fashion.

President Maurer said there will be a Special Meeting of Council on July 25<sup>th</sup> at 5:30 p.m. He said they will go into Executive Session to discuss a labor agreement.

President Maurer said there was an article in the “*Akron Beacon Journal*” regarding the Alcoa plan expansion and the boost to Barberton. He said we basically beat out Mexico on these very important manufacturing jobs. He said it took quite an effort on behalf of the Administration, BCDC, and a number of other organizations to pull this whole thing together. He said manufacturing jobs are hard to find and there will be thirty good-paying jobs. He said this is the kind of renaissance we have been preparing for and something else to be proud of in the City.

Mr. Avant said as one business picks up and expands, another shuts down. He said he would like to remind everyone to visit Mr. Nott at the Corner Coffee Shop tomorrow. He said it will be closed after 27 ½ years in business.

Mr. Megyes said he sponsored a block party on Brown Street last Saturday. He said he would like to thank Officer Ken Cheatham for coming on his day off to make a presentation for the kids. He said he also brought goggles to simulate when you are drunk for the adults. He said Officer Steve Coburn was there from the Bicycle Patrol. He said the Fire Department brought a fire truck with the tanker on the truck that they hooked the hose to, put it on low pressure, and the kids were able to use the hose. He said he also wanted to thank Mark Nitz of State Farm Insurance, Lisa Okolish Miller for being very generous, Austin Park Dental for donating toothbrushes and toothpaste and floss, Gene’s Auto Sale, David B’s and Al’s Quality Market. He said it takes a lot to put something like this on, so he went around and got some donations. He said Brian Wooster, a neighbor, coordinated the event. He said one thing this did was to bring the neighborhood together ... and they will be back again next year!

Mr. Lysenko said he and Mr. Wagner would be having a combined ward meeting for Wards Two and Three on Wednesday, July 27<sup>th</sup>, 6:00 p.m., at the Active Adult Center. He said one of the topics will be the construction of the East Side Water Tower. He said everyone is invited.

Mr. Suboticki said the Design Review Board Meeting for tomorrow has been cancelled.

Mr. McAviney said the Arts and Crafts Festival was very successful. He said they added some music and they received very, very positive feedback. He said Kara Roy and Lisa McLean did a great job putting the Festival together. He said the vendors said overall the field was down this year by roughly 50%, outside of coming to the Lake. He said he thought the turnout was very nice and hopefully next year they will be able to draw some new people here.

President Maurer wished Mr. Jim Stender a Happy Birthday

**COMMUNICATION FROM THE MAYOR**

Mayor Genet said there is a Job Fair tomorrow at the Active Adult Center for the Alcoa Project from 9:00 a.m. to 1:00 p.m. He said if you know of anyone looking for a job, it would be a good place for them to go.

Mayor Genet said this past weekend was the Arts & Crafts Festival. He said it was a great weekend.

Mayor Genet said we have had a lot of activity and interest in the Merlin Building and some of the other buildings around the City. He said things are picking up a little bit. He said as anything progresses, he will report back to Council.

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

Adjourned: 8:01 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council