

Council met in **REGULAR SESSION** on Monday, October 10, 2011, at 7:32 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. Avant gave the Invocation.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Special Meeting held on Monday, September 26, 2011 as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Judge, seconded by Mr. Soyars, to approve the Minutes of the Regular Legislative Session held on Monday, September 26, 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. 141-2011

ORDINANCE NO. 141-2011. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – GPD ASSOCIATES – I-76 / WOOSTER ROAD PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GPD ASSOCIATES, FOR \$44,500, FOR ENGINEERING SERVICES FOR THE I-76 / WOOSTER ROAD WIDENING PROJECT (PID 90310), 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. 141-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 142-2011

ORDINANCE NO. 142-2011. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT – DIRECT INDICTMENT SERVICES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE (1) YEAR CONTRACT WITH THE COUNTY OF SUMMIT AND THE SUMMIT COUNTY PROSECUTOR’S OFFICE FOR THE

DIRECT INDICTMENT SERVICES PROGRAM, IN AN AMOUNT NOT TO EXCEED \$27,000, 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. 142-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 143-2011

ORDINANCE NO. 143-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: BARBERTON DEVELOPMENT CODE AMENDMENTS – ENTERTAINMENT DEVICE ARCADES. AN ORDINANCE AMENDING TABLE 1130(I), USE GROUP 16(C), “SPECIAL HIGHWAY COMMERCIAL USES,” OF THE BARBERTON DEVELOPMENT CODE, TO INCLUDE “ENTERTAINMENT DEVICE ARCADES”; AND SECTION 1360.02(B), “DEFINITIONS,” TO AMEND (1) “ADULT USE” AND TO INCLUDE THE DEFINITION OF “ENTERTAINMENT DEVICE ARCADES” IN SAID SECTION. 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 **ORDINANCE NO. 143-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 144-2011

RESOLUTION NO. 144-2011. PRESENTED BY: MR. AVANT. TITLE: DESIGNATING DEPOSITORIES FOR PUBLIC FUNDS. A RESOLUTION DESIGNATING FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES FOR THE CITY OF BARBERTON, 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 **RESOLUTION NO. 144-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 145-2011

ORDINANCE NO. 145-2011. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – MUNICIPAL BUILDING ENTRANCE. AN ORDINANCE APPROPRIATING \$11,075 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE BUILDING MAINTENANCE CAPITAL BUDGET, FOR ADDITIONAL REPAIRS NEEDED AT THE ENTRANCE TO THE MUNICIPAL BUILDING, 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. 145-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

Reconsideration of Resolution No. 135-2011 (passed by Barberton City Council on September 26, 2011)

RESOLUTION NO. 135-2011

RESOLUTION NO. 135-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: FILE APPLICATION – COAF – NORTHGATE REDEVELOPMENT PROJECT. A RESOLUTION OF THE COUNCIL AUTHORIZING THE CITY OF BARBERTON TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND (COAF), FOR THE NORTHGATE REDEVELOPMENT PROJECT, AND DECLARING AN EMERGENCY. President Maurer said the Mayor elected to veto Resolution No. 135-2011 on some technical grounds, basically boiling down to the Chief Executive of the City having the authority to sign off on contracts. He said this particular resolution was inconsistent with that issue. President Maurer said Section 3.05 of the Barberton City Charter states, in part, that if the Mayor does not approve an ordinance or resolution and returns it within ten (10) days with a letter stating his objections, then the Council shall, no later than the next regular session, proceed to reconsider it. He continued that if approved by the affirmative 2/3 vote of the entire Council, it shall remain in effect as if it had received approval by the Mayor.

Mayor Genet said there were two items he objected to on the resolution. He said one was in the summary sheet. He said the application stated that it was going to be used for part of the educational corridor. He said that was in conflict potentially with what they were doing with the Armory, a building west of the middle school and high school. He said they met today and, as of 5:00 this evening, they were able to eliminate that wording from the summary page of the application. He said he is now in agreement with that part of it. He said the second reason for the veto was Council waiving his authority to sign on that application. He said had he been given the opportunity to sign earlier, he would have caught it at that time. He said this just cleans up the resolution a little bit. He said he respectfully asks that Council amend it as such.

Mr. Suboticki said these issues were worked out in the committee meeting. He said everybody agrees with the plan moving forward. He said to amend this we are simply deleting “the Planning Director” from the fourth Whereas and in Section 1.

Mrs. Miller said Council must first move to reconsider the resolution.

Mr. Stefan, Assistant Planning Director, said the Planning Department respectfully asks Council to vote in such a manner as to move this resolution forward.

President Maurer said he will call for a reconsideration to override the Mayor’s veto. He said if six members vote to override the veto, it stays as it is. He said if that 2/3 majority is not attained, the Mayor’s veto stands. After much discussion, President Maurer said the motion is: Shall this

body vote to reconsider this resolution to sustain the Mayor's veto? It was moved by Mr. Suboticki, seconded by Mr. Wagner, that Resolution No. 135-2011 be reconsidered to sustain the Mayor's veto. All Members voted "yea." Motion carried. President Maurer said we can now proceed with the requested amendment.

Mr. Lysenko asked how many applications the City has made like this in the past. Mr. Stefan said several. Mr. Lysenko asked if the language we are considering has changed. Mr. Stefan said it has been done both ways. He said in this case the Mayor made his argument in the Planning Committee as to the fact that he would like to be the signing authority for the City instead of a department head. He said, under those circumstances, the Planning Department's thought process is that all they really want to have happen is for this to be sent to Columbus in order to get those funds to allow the developer to start to clean up the property. Mr. Lysenko asked how long it would take for the funds to be awarded. Mr. Stefan said he did not know exactly, but the developers were in the audience, so they would be able to tell him. He said the application is due on the 24th. Mr. Vaughan said he did not know if there was a fixed formula for that, but he said it would generally be a three-month period. He said this is only the Phase II application, so this does the rest of the environmental work to determine what exactly needs to be addressed. He said then there is another application for the actual cleanup process. He said it could be two years before this project gets to the point where this is a developable site. Mr. Lysenko said he wondered when the City would be getting the money. Mr. Vaughan said it is a little unknown. He said he would say within three months we should know. Mr. Stefan said the application due date is November 24th. Mr. Lysenko said the money is not even going to be here before the end of the year. Mr. Stefan said the money will not be, but the application needs to be turned in by then. Mr. Lysenko asked if the Mayor's office will be administering this grant and what is the City's involvement after the grant is awarded? Mr. Stefan said there will be some administrative functions as the passthrough on that site, and most of that will be done between the developer, their environmental consultant, and Ms. Sheridan. He said the other one will be the same -- the developer, Ms. Sheridan, and the consultant.

It was moved by Mr. Suboticki, seconded by Mr. Wagner, that **RESOLUTION NO. 135-2011 BE AMENDED** by deleting "via Ms. Sheridan, the Planning Director," from the fourth Whereas and Section 1. Mr. Lysenko asked if the Planning Department had a position in respect to this amendment. Mr. Stefan said the Planning Department wants this application to go forward. He said the Mayor has agreed to sign the application and send it in, so the Planning Department is fine with that. President Maurer called for the vote on the amendment. All Members voted "yea." Motion carried.

Mayor Genet said he apologizes for making this confusing, but he appreciates everyone's support.

Mayor Genet said Dan DeHoff is in the audience, along with Mike Bogo and Dave Vaughan from NDS. He said he wanted to welcome them to the City of Barberton and to let them know that our council meetings are not always this confusing.

Mayor Genet said, as mentioned in the Planning Committee Meeting, Stark State is working with the Barberton Community Foundation and BCDC to put a welding center in the Armory to meet

the needs of our local employers. He said there was a meeting with PPG and B & W to discuss some of their needs, such as welding. He said Stark State was looking to put a welding center somewhere under their umbrella of facilities. He said when the interest “sparked” with the companies here in Barberton, this was the best fit for them. He said they are moving at an accelerated pace and they hope to have something open by February 2012, or the latest, Spring of 2012. He said that is really good news for the City of Barberton and the employers and individuals. He said we really need to focus on workforce development.

Mr. Lysenko said the Fall Family Fun Fest was a success. He said it was crowded and it was a lot of fun. He said he would like to thank the Parks Department for doing that.

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

Adjourned: 8:03 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council