

Council met in **REGULAR SESSION** on Monday, March 22, 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. Wagner 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, March 8, 2010, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Avant, seconded by Mr. Anderson, to accept the Finance Department Report for February 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

Dawn Morrissey, 678 N. Summit Street, said she wanted to know if a turn signal was ever going to be put at the intersection of State Street and Wooster Road, a very dangerous intersection. She also wanted to know if the park equipment that was burned at the park near her home was going to be replaced soon. President Maurer advised her to talk to Ray Todd, Director of Public Safety, about the intersection. Mr. Suboticki and Mr. Wildman, Parks Director, said they are working on replacing the park equipment at Crisman and it is their intention to have it completed by summer.

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. 33-2010

RESOLUTION NO. 33-2010. PRESENTED BY: ALL OF COUNCIL. CO-SPONSORED BY: MR. MAURER AND MR. WAGNER. TITLE: COMMENDATION – DAVID ALEXANDER STAVARZ. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO DAVID ALEXANDER STAVARZ FOR THE DETERMINATION AND COMMITMENT HE DEMONSTRATED TO BECOME AN EAGLE SCOUT.

First Reading – March 22, 2010.

ORDINANCE NO. 34-2010

ORDINANCE NO. 34-2010. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – GRAND BLVD. ROADWAY AND STORM SEWER PROJECT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH FLOYD BROWNE GROUP, IN THE AMOUNT OF \$42,500, TO PROVIDE CONSTRUCTION ADMINISTRATION AND INSPECTION FOR THE GRAND BOULEVARD ROADWAY AND STORM SEWER 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. 34-2010 BE ADOPTED.** All Members voted "yea." Motion carried.

RESOLUTION NO. 35-2010

RESOLUTION NO. 35-2010. PRESENTED BY: MR. JUDGE. TITLE: ENTER INTO CONTRACT – ODOT – 15TH STREET BRIDGE RECONSTRUCTION – FINAL RESOLUTION. A FINAL RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT

OF TRANSPORTATION (ODOT) TO RECONSTRUCT THE 15TH STREET BRIDGE OVER ABC RAILROAD, FOR \$392,963, 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 **RESOLUTION NO. 35-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 36-2010

RESOLUTION NO. 36-2010. PRESENTED BY: MR. MEGYES. TITLE: SUMMIT ROAD/GLENN STREET WATER TRANSMISSION MAIN REPLACEMENT PROJECT. A RESOLUTION AUTHORIZING PARTICIPATION AND RATIFYING PRIOR PARTICIPATION OF THE CITY OF BARBERTON, SUMMIT COUNTY, OHIO, WITH THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, FOR THE DESIGN AND CONSTRUCTION OF THE SUMMIT ROAD/GLENN STREET WATER TRANSMISSION MAIN REPLACEMENT PROJECT, AND AUTHORIZING THE MAYOR OF THE CITY OF BARBERTON, AND OTHER APPROPRIATE CITY OFFICIALS, TO ACT FOR AND ON BEHALF OF THE CITY OF BARBERTON, IN EXECUTING, ACCEPTING OR OTHERWISE APPROVING ALL DOCUMENTS, AGREEMENTS, INSTRUMENTS, OR OTHER NECESSARY PAPERS REQUIRED BY THE DEPARTMENT OF THE ARMY TO IMPLEMENT SAID PARTICIPATION IN THE PROJECT, AND DECLARING AN EMERGENCY. 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. Mr. Avant said he would like to know how much of Summit Street and how much of Glenn Street is involved. Mr. Stender, Director of Utilities, said Glenn Street is going to be repaired from Summit Road to State Street. He said on Summit Street, it will go from that intersection, north into Norton, to the general area of Clark Mills Road. Mr. Megyes said it is roughly about a mile-and-a-half on Summit Street, about 8,000 feet. President Maurer called for the vote on suspension. All Members voted “yea.” Motion carried. It was moved by Mr. Megyes, seconded by Mr. Soyars, that **RESOLUTION NO. 36-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 37-2010

ORDINANCE NO. 37-2010. PRESENTED BY: MR. SOYARS. TITLE: PURCHASE OF AMBULANCE. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH PFUND SUPERIOR SALES TO PURCHASE A 2009 WHEELED COACH AMBULANCE FOR THE COST OF \$112,089, THROUGH THE OHIO STATE COOPERATIVE PURCHASING PROGRAM, PURSUANT TO ORDINANCE NO. 42-1995, 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. 37-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 38-2010

ORDINANCE NO. 38-2010. PRESENTED BY: MR. SOYARS. TITLE: ENTER INTO CONTRACT – ORIANA HOUSE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE (1) YEAR CONTRACT WITH ORIANA HOUSE INCORPORATED FOR THE 2010 COMMUNITY CORRECTIONS SERVICES, 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. 38-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 39-2010

ORDINANCE NO. 39-2010. PRESENTED BY: MR. AVANT. TITLE: LEASE PURCHASE AGREEMENT – FIRE DEPARTMENT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A THREE-YEAR LEASE PURCHASE AGREEMENT WITH FIRST MERIT BANK, TO FINANCE A 2009 WHEELED COACH AMBULANCE FOR \$112,089, 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. President Maurer said as he recalls, this is leased for three years and at the end there is no balloon payment. He asked if it

then belongs to the City. Mayor Genet said that is correct. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried. It was moved by Mr. Avant, seconded by Mr. Anderson, that **ORDINANCE NO. 39-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 40-2010

ORDINANCE NO. 40-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – FIRE DEPARTMENT. AN ORDINANCE APPROPRIATING \$4,500 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE FIRE DEPARTMENT OPERATING BUDGET, FOR THE PURCHASE OF VARIOUS EMS EQUIPMENT, DUE TO A GRANT FROM THE STATE OF OHIO DIVISION OF EMS, 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. 40-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 41-2010

ORDINANCE NO. 41-2010. PRESENTED BY: MR. AVANT. TITLE: OVERRIDING THE MINIMUM FUND BALANCE POLICY. AN ORDINANCE APPROVING THE OVERRIDING OF THE MINIMUM FUND BALANCE POLICY FOR THE GENERAL FUND FOR 2010 AND THE ATTACHED PLAN FOR RETURNING TO THE POLICY, 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. 41-2010 BE ADOPTED.** President Maurer said it may seem like a bit of a formality, but this is not something we take lightly when suspending legislation like this. He said the Minimum Fund Balance is more of a wake-up call to make sure we are keeping our fingers on the pulse of things happening. He said we are dealing with some very difficult times and suspension of rules for this is an unfortunate part of the reality we are facing right now. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 42-2010

ORDINANCE NO. 43-2010. PRESENTED BY: MR. AVANT. TITLE: 2010 BUDGET. AN ORDINANCE ADOPTING A BUDGET FOR VARIOUS FUNDS OF THE CITY OF BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2010, AND PROVIDING FOR THE ADMINISTRATION THEREOF, AND DECLARING IT 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. 42-2010 BE ADOPTED.** Mr. Judge said he would be voting “no” on the passage of this operating budget. He said he did not believe that the fifteen items on the plan to get us back on track is a concrete enough plan. He said something more in-depth, more specific, and more detailed is needed. Mr. Judge said some of these items have already taken effect. He said they are going to help out during the year, but it is not a plan to get us back on track. He said we talk about the future, but he does not believe this plan represents that. He said he voted “no” last year on the operating budget for the same reason. Mr. Judge said he provided suggestions all last year, the year before that, and the year before that with little discussion or even being brought up after they were made. He said this failing economy did not just come up and surprise us; this is something that has been going on for many years. He said some people believe this is a depression and some people feel it is a global recession. He said this is something Barberton was not prepared for ten or twenty years ago. Mr. Judge said this is not an easy fix. He said he appreciates the hard work the Administration and the unions did the past few months with concessions and re-negotiations, but he does not believe that these fifteen items will get us back on track. He said he will be voting “no.” Mr. Avant said he would like to disagree with one point made by Mr. Judge. He said we did get a big hit. He said we have never in the past years taken a million-dollar hit in revenues at one time in a three-month period. He said it surprised a whole nation, so he understands how it would have been a surprise to us as well. President Maurer called for the vote on adoption. Mr. Anderson, Mr. Megyes, Mr. Suboticki, Mr. Avant, Mr. Wagner, Mr. Lysenko, and Mr. Soyars voted “yea.” Mr. Judge voted “nay.” Motion carried, 7-1.

ORDINANCE NO. 43-2010

ORDINANCE NO. 44-2010. PRESENTED BY: MR. AVANT. TITLE: 2010 CAPITAL BUDGET. AN ORDINANCE ADOPTING AN ANNUAL CAPITAL BUDGET FOR VARIOUS FUNDS OF THE CITY OF BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2010, AND PROVIDING FOR THE ADMINISTRATION THEREOF, AND DECLARING IT 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. 43-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 30-2010

ORDINANCE NO. 30-2010. PRESENTED BY: MR. WAGNER. TITLE: CANCELLATION OF CONTRACT – BARBERTON BOARD OF HEALTH / CITY OF BARBERTON. AN ORDINANCE AUTHORIZING THE MAYOR TO CANCEL THE CURRENT CONTRACT BETWEEN THE BARBERTON BOARD OF HEALTH AND THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY.

First Reading – March 8, 2010. Second Reading – March 22, 2010.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said March 29th is a fifth Monday. He said Council does not meet on fifth Mondays, so our next meeting will be on April 5th.

President Maurer said the first quarter is in the books and we are well into 2010. He said hopefully we will be able to do what we can with what we have, which appears to be a diminishing supply of manpower, money, etc.

President Maurer said unfortunately for us, Mr. Wildman, our Parks Director, is going to take a new position, so he would like to wish him much luck.

Mr. Megyes said on Thursday, March 25th, at 7:00 p.m. he is sponsoring a Fourth Ward Meeting at the Active Adult Center. He said he would appreciate anyone who is able to attend.

President Maurer said an executive session has been requested by our Law Director in order to discuss a pending litigation against the City, so we will go into executive session following any communication from the Mayor.

COMMUNICATION FROM THE MAYOR

Mayor Genet said he wanted to thank council members for their help on the 2010 Budget. He said he appreciated all the input. He said it is something we have been working on for about five months.

Mayor Genet said as President of Council, he watched Mr. Wildman work. He said when he became Mayor in 2008, he met with all the department heads, including Andy. He said he remembered telling Andy what a great job he was doing and that his biggest concern was how long the City of Barberton was going to be able to hold on to him. Mayor Genet said you can only imagine how he felt this morning when he got hit with that news. He said we joke that everybody loves Andy, but obviously people even outside of Barberton love Andy. He said to Andy that he did a great job for Barberton and he definitely made his mark on the city. He said not only will the City be losing an awesome director, but the city will be losing a good, quality

young family. He said he does want to wish Andy and his family well and he knows that this is an opportunity he cannot pass up at this time.

EXECUTIVE SESSION:

President Maurer said he would entertain a motion to adjourn into executive session to discuss the City's pending litigation. It was moved by Mr. Judge, seconded by Mr. Soyars, to adjourn into executive session in Council Chambers. Mr. Wagner, Mr. Suboticki, Mr. Soyars, Mr. Megyes, Mr. Lysenko, Mr. Judge, Mr. Avant, and Mr. Anderson voted "yea." Motion carried. In addition to the eight Council Members and President Maurer, Mayor Genet and Mrs. Okolish Miller, the Law Director, were also present.

Adjourned into Executive Session at 7:59 p.m.

President Maurer said the Executive Session was adjourned at 8:15 p.m.

It was moved by Mr. Judge, seconded by Mr. Suboticki, to adjourn the Regular Legislative Meeting. All Members voted "yea." Motion carried.

Adjourned: 8:15 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council