

Council met in **REGULAR SESSION** on Monday, April 12, 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. Megyes 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 22, 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, April 5, 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 March 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

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

RESOLUTION NO. 46-2010

RESOLUTION NO. 46-2010. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. ANDERSON. TITLE: COMMENDATION – ANDY WILDMAN. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO ANDY WILDMAN FOR HIS 9 YEARS OF DEDICATED SERVICE TO IMPROVE THE PARKS AND CITY AND THE EXCELLENT SERVICE GIVEN TO THE CITIZENS, ESPECIALLY THE SENIORS. 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 **RESOLUTION NO. 46-2010 BE ADOPTED.** Mr. Anderson said Andy took a parks department that was stalled and wrapped it up. He said he did a truly fantastic job. He said he brought a lot of water sports to a lake that sat idle for a long time. Mr. Anderson said he was Chair of City Properties and Parks all the time Andy was a director and it was very nice working with him. Mr. Avant said he too enjoyed working with him. He said Andy made a statement about how much the City did for him, but he did a lot more for us. He said he wishes Andy and Dallas and the children the very best. Mr. Palmer, Service Director, said it has been a great joy to watch Andy grow and mature and become a great captain of the ship. He said he has done a marvelous job. Mr. Bauschlinger, Building Commissioner, said with soccer and the construction going on when Andy first came, they got to know each other pretty well. He said he was disappointed tonight because he wanted to know what happened with the dimming of lights, the spotlights, and the smoke as Andy came through the door! He told Andy it has been a pleasure working with him. President Maurer said he remembered when Andy was hired and he wondered who this snotty nose kid was who was going to run our whole Parks Department with a multi-million-dollar budget. He said like a duck goes to water, Andy went into his duties with an enthusiasm that was inspiring, a very thoughtful approach, and very responsible. He said he has done a spectacular job. Mayor Genet said he already mentioned about having lunch with Andy when he first became Mayor, when Andy shared his thoughts and visions for the City. He said his comments to Andy were that he was doing a great job and his biggest concern was how long the City was going to be able to hold on to him. He said he says that because he is selfish ... because Andy has done a fantastic job for the City. Mayor Genet said we joke that,

“Everyone loves Andy,” and the truth is, everyone *does* love Andy! He said whenever there was problem, Andy never fretted -- he always came up with solutions. He said even when there was no problem, he still sought out better ways to do things. He said Andy’s energy level -- he would like it to be passed on to the person to follow him. Mayor Genet said in addition to losing a great Parks Director, the City is losing a great family and a great teacher. He said he wishes the family the best and he is sure Andy will do well. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried. It was moved by Mr. Anderson, seconded by Mr. Judge, to recess in order to give Mr. Wildman his resolution. All Members voted “yea.” Motion carried.

Recessed: 7:45 p.m.

Reconvened: 7:48 p.m.

Mr. Wildman said he would keep this short because the longer he speaks, the greater the chance of getting emotional and Mr. Vinay would mock him tomorrow! He said he learned so much from everyone. He said the City has been great to him, and his family will cherish their experiences here forever. He said he also wants to thank his Staff, the amazing people he will miss working with every day. He said he knows they will do a great job in his absence. He said this resolution means so much to him and his family.

ORDINANCE NO. 47-2010

ORDINANCE NO. 47-2010. PRESENTED BY: MR. SOYARS. TITLE: WEAPONS TRADE. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO TRADE TWENTY-THREE (23) MISCELLANEOUS WEAPONS TO VANCE’S LAW ENFORCEMENT SUPPLY CO. FOR A CREDIT OF \$2,585 TO BE USED TOWARDS THE PURCHASE OF AMMUNITION AND OTHER EQUIPMENT NEEDED BY THE POLICE DEPARTMENT, 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. 47-2010 BE ADOPTED.** Mr. Avant said he read an article concerning a police department that destroyed all their weapons so they would not get in the hands of the wrong people, which is happening a lot today. He asked what this company does with all the weapons they receive. Mr. Todd said they are re-sold. He said the original request was for the disposal of weapons that were confiscated in criminal matters, but he told the Chief they could not accept that. He said those weapons were set aside. Mr. Todd said these weapons were originally purchased by the Police Department for police department use only. He said he agrees with Mr. Avant on that matter. Mr. Avant asked if these weapons would be sold to the public. Mr. Todd said they would. President Maurer called for the vote on adoption. Mr. Wagner, Mr. Anderson, Mr. Lysenko, Mr. Suboticki, Mr. Megyes, Mr. Soyars, and Mr. Judge voted “yea.” Mr. Avant voted “nay.” Motion carried.

ORDINANCE NO. 48-2010

ORDINANCE NO. 48-2010. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT – EASTERN ROAD SANITARY SEWERS. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE, IN THE AMOUNT OF \$39,000, FOR A PRELIMINARY ENGINEERING EVALUATION FOR SANITARY SEWERS ON EASTERN ROAD, 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. 48-2010 BE ADOPTED.** Mr. Anderson said this is in his ward. He said they have some septic tanks that are failing. He said he wanted to thank the Utilities Committee and Jim Stender for looking at the problem. Mr. Anderson said hopefully Burgess & Niple will get us the results soon and we can give some answers to the people concerned. He said the question is whether they will have to purchase new septic systems or if we will be able to get them on our sewers. President Maurer said some of these residents are running up against time limitations. Mr. Stender, Utilities Superintendent, said that is his understanding as well. He said he does not want to speak for the Health Department, but his view is that if we show good faith efforts, their position might be adjusted. President Maurer called upon Mrs. Kline to ask about the people who are attempting to come into compliance and are running out of time. Mrs. Kline, Health Commissioner, said they can always give an extension of time based on each individual case. She said they are not going

to the Board of Health with a variance for financial hardship because, unfortunately, that is not a qualifier for a variance. She said she has already met with at least three individuals and they have worked out time extensions for them. She said once they see the results of this study, they will have a timeline put in place so they can make a good faith effort to abate the condition based upon the EPA standards. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

ORDINANCE NO. 49-2010

ORDINANCE NO. 49-2010. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION – 15TH STREET BRIDGE RECONSTRUCTION PROJECT. AN ORDINANCE APPROPRIATING \$392,960 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND TO THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND CAPITAL BUDGET, FOR THE CITY’S SHARE OF THE 15TH STREET BRIDGE RECONSTRUCTION PROJECT, 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. 49-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 50-2010

ORDINANCE NO. 50-2010. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – UTILITIES – WWTP IMPROVEMENT PROJECT. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO THE OHIO WATER DEVELOPMENT AUTHORITY, IN THE AMOUNT OF \$8,501, FOR EXPENSES ASSOCIATED WITH THE LOAN FOR THE WWTP IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Megyes, that **ORDINANCE NO. 50-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 51-2010

ORDINANCE NO. 51-2010. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – UTILITIES – KENMORE CONSTRUCTION COMPANY. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO KENMORE CONSTRUCTION COMPANY, IN THE AMOUNT OF \$23,334.46, FOR EMERGENCY REPAIRS OF THE SANITARY SEWER ON WEST TUSCARAWAS AVENUE IN DECEMBER 2009, AND DECLARING AN EMERGENCY. It was moved by Mr. Avant, 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. Avant, seconded by Mr. Megyes, that **ORDINANCE NO. 51-2010 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND 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. Second Reading – April 12, 2010.

THIRD 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 – April 12, 2010.

Mr. Wagner said he moves to lay Ordinance No. 30-2010 on the table because of pending litigation in Common Pleas Court, in Judge Stormer's Court, which will be addressed in the next fifteen days. President Maurer said it was moved by Mr. Wagner to table the ordinance for the next fifteen days. President Maurer called on Mr. Avant being the second on this legislation. Mr. Avant passed. President Maurer called for a second. Mr. Soyars seconded Mr. Wagner's motion. President Maurer said it was moved by Mr. Wagner, seconded by Mr. Soyars, to table Ordinance No. 30-2010 pending litigation, and he asked for any remarks. Mr. Avant said he was sorry to disagree with Mr. Wagner. He said with Mr. Wagner being new, this was kind of laid on him heavily. He said he does not see any reason why Council should not go ahead and vote on this. He said there are some time restraints -- not really restraints -- but there is a matter of time between this being voted on and it passes, to where it really cancels out in ninety days, then Judge Stormer's decision is another twenty days, and he thinks she has another ten days to make her personal opinion. Mr. Avant said cancelling this contract does not abolish the Barberton Board of Health. He said it is going to be up again in two years anyway. He said it is pretty much out of date based on today's circumstances, labor requirements, and requirements by the District perhaps. He said it can be reinstated with the same words or re-written as it probably should because we need a contract that really meets the financial situation/economic circumstances of today -- not ten years ago. Mr. Avant said that was set up when we had a lot of funds and there were hardly any questions as to bringing \$600,000 or \$700,000 to the Board of Health, but we do not have those funds now. He said we really need to approach it and look at it that way to get it started. He said it is a matter of getting it started any way. He said it has no effect on the current Barberton Health District and Summit County Health District status, the way he sees it. Mr. Avant said as far as he is concerned, we are still going to need a Board of Health. He said if we go with the County, we are still going to need a Board of Health to make decisions and to track and make sure the County is meeting our needs. He said that is what the Board of Health still can do. He said other communities that contract with the Board of Health do not have their own Board, but we are set up as a Charter; we are not going to change the Charter; the Charter is not going to change. Mr. Avant said we are still going to have a board with members, members that would make sure the County meets our needs. He said we will have one representative on the County. He said again, this contract does not lend to that. He said cancelling this contract does not lend to abolishing the District; it has no effect on the Charter as he sees it. Mr. Avant said it does not determine the Charter and the Board of Health structure. He said he thinks they are being prudent to keep a Board as the Charter says to do. He said there have been a lot of misconceptions with this lawsuit and he is really disappointed and really upset with the way Mr. Harrison wrote his last article, kind of indicating that cancelling this contract is going to abort the Board of Health, and he is especially upset when it comes to the point when his name is mentioned in these. He said sometimes he will say, "Okay, what the heck?" Mr. Avant said when Mr. Harrison absolutely lies about something, then he thinks it needs to be addressed. He said Mr. Harrison wrote: **The Board of Health has filed a lawsuit requesting the Court to require a vote of the people to amend the Charter.** Mr. Avant asked why the Board of Health is doing that. He said he does not think we are asking them to do that. He continued to read: **I personally went to the City several times asking them to put a charter amendment on the table for the people to vote on.** Mr. Avant asked, "Why?" He did not know why. He read: **They refused. Instead, Mr. Avant lead the passage of an ordinance to pursue the Mayor's merger. I just wanted to bring this to the table.** Mr. Avant said he did not pursue anything. He said a lot of people say ... it is still up in the air what the people think -- if this is good or bad. He said even the Health Director mentioned at a ward meeting that she foresees it as a good idea to eventually become part of the County. He reads: **This forced the Board of Health to file the lawsuit, to have the people ...** Mr. Avant said to Mr. Harrison (in the gallery) that he had the lawsuit filed already. He said what he did had nothing to do with forcing the Board to file a lawsuit. He asked if Mr. Harrison filed another lawsuit against him? Mr. Avant said if he is going to mislead the public, there are some legalities ... and maybe he should sue him for accusing him of causing a lawsuit between the City and the Board of Health. He said that is an absolute lie in his view and he thinks Mr. Harrison should be ashamed as a lawyer to print stuff like that in the paper. He said that is why he thinks this should be voted on tonight. He said we have plenty of time. Mr. Avant said we do not need three weeks; we do not need to put it back another three weeks. He said he apologizes to Mr. Wagner if he put him on

the spot. Mr. Wagner said this issue started back in July of last year. He said he can not see what damage the next fifteen days might bring. He said he does not understand that. He said a judge is going to rule and he, as one, will abide by the decision of that judge. Mr. Wagner said he feels that she is a very good judge, a very fair judge, and he thinks she will put a lot in to making her decision. He said the way he calculated things was the fact that she gave both sides thirty days to file their briefs and then she informed both sides that she would take an additional up-to-ten days to make a determination after they filed their briefs. He said they may file their briefs a little earlier than that; she may make her decision a little earlier than that. He said what he is asking to do this evening is to buy a little bit of time. Mr. Wagner said he is asking for fifteen days to allow that judge to make a decision before we move forward with this. He said he thinks it drags Council into this lawsuit if we make a decision before the judge makes the right decision. He said he is certainly willing to give the judge that time. He said we could stand here and argue the merits all evening on what is right and what is wrong. Mr. Wagner said we had a lady who left our Health Department and he did a little inquiry into what happened. He said he has met with Gene Nixon several times as everyone has. He said he gave her a job and she worked, he guessed, for 89 days of her 90-day probation period, and he let her go. He said he did some research and he found that she was a good clerk here in Barberton, everybody liked her, and they said she did a great job. Mr. Wagner asked why he let her go after 89 days. He asked if that was something he was going to do for the rest of these people? He said there are so many unanswered questions. He asked if he was going to take all these people we have ... our families? Mr. Wagner said these families are important to him. He said he thinks there are nineteen families involved here, families dependent upon the wages they earn working for the Health Department. He said he knows we are all in an economic struggle here in this city and he knows there is not a lot of money and he knows that the Health Department has tightened their belts over there. He said every other department has too. Mr. Wagner said to totally eliminate a department is wrong. He said he really believes that. He said he thinks the charter speaks for the Citizens of Barberton, Ohio; the charter is the voice of the people. He said if you want to change something, you amend the charter. Mr. Wagner said you just do not do away with a department. He said he thinks that is wrong, and that is his personal opinion. He said with that, he rests his case. He said he did call for the motion for this legislation to be tabled. Mr. Anderson said his understanding is that voting on this contract brings us one step closer to either voting "yes" or "no" on a merger. He said he does not disagree with Mr. Wagner's fifteen days, but if voting on this tonight brings us one step closer in the process of getting a contract before this Council in order to read it and either vote "yes" or "no" to move that process forward, then he is in favor of that. He asked if he is correct in what we are doing here tonight ... moving the process forward after all this time. Mr. Wagner said he does not see why Mr. Nixon could not have provided a contract, or something similar to a contract, to show this Council much sooner than now. He said he does not know why he could not have put something together -- some guarantees -- that he would employ all these people. He asked what about their fringe benefits and their accrued vacation times and things of that nature? He asked how Mr. Nixon was going to treat all of those things. He asked if he was going to start all the people at the very bottom after they worked twenty-five years in the Barberton Health Department. Mr. Wagner said we have some pretty valuable people in this Health Department ... some of the sanitarians, some of the people in solid waste. He said they have many years of experience. He asked if they were expected to start at the bottom ... and we do not know that. He said he knows that we are going to look at a contract at some point down the line, but he thinks Mr. Nixon could have already provided something and he thinks he danced around a lot of issues. Mr. Wagner said that is his personal opinion. Mrs. Miller, Law Director, said Mr. Nixon did answer that question and she answered it too at the meeting. She said if those employees become employees of the County, under the Codified Ordinances of the County, that is how their benefits are determined and whether their vacations are transferred. Mr. Wagner asked about their salaries. Mrs. Miller said that has nothing to do with it. Mr. Wagner said that has a lot to do with it. Mrs. Miller said about vacation and sick leave and years of service credit -- that is all set forth in the codified ordinances. Mr. Wagner said question on the motion, Mr. President. Mayor Genet said he can appreciate Mr. Wagner's concern. He said he erred a little bit; he said it started in July and it actually started in February of last year. He said when Mr. Wagner and Mr. Lysenko came on board, this somewhat dropped in their laps. Mayor Genet said a year has passed. He said if you go back, for the council members that were here, Mr. Nixon sat here and said if we can make a decision, the chances are they can get a majority of employees. He said he was even referencing "all" at that time. He said he was not guaranteeing, but he was going to look at them all. Mayor Genet said as time went by, obviously things have changed ... the economic climate has changed ... and he cannot guarantee that he is going to take all employees. He said he is working on that; he is fighting for

all of our employees. He said the fact is that, as Mr. Anderson pointed out, this ordinance tonight is just the first step of a lengthy process. He said it is a ninety-day notification period. Mayor Genet said even if at the end of the day Council decides that they want to keep our own Health Department, this contract that you are voting to terminate needs to be amended; it is outdated. He said Mr. Avant is very accurate; it needs to be taken care of. He said his concerns - - as he has said consistently since last year -- are to provide public health services for the residents of the City of Barberton and employment of the current employees of the Barberton Health District. He said we need to be fiscally responsible to the taxpayers that we represent. Mayor Genet said currently the taxpayers of the City of Barberton are paying three times more than the taxpayers contracted with Summit County. He said these are the things that we need to ask ourselves: If we keep our own Health Department -- you are fighting for those jobs, you save those jobs -- we are probably going to have to lay off others within the City because we can no longer afford it. He said everyone heard Mr. Flickinger state in the Finance Committee Meeting two weeks ago that our bond rating has been affected because we are such a small community and we have our own Health Department. He said this is not saying today that if you vote "yes" on this that we are going with the County; this is the first step in a process. Mayor Genet said, to be honest with you, Mr. Wagner said in fifteen days we were going to have a ruling, but he does not know what he is basing that on. He said even if that is the case, the earliest we would vote on this would be May 10th unless you have a special meeting. He said it is another thirty days, on top of ninety ... and so it is another 120 days. He said the longer this goes on Mayor Genet said everybody at the Finance Committee Meeting saw what our General Fund balance is. He said people say we need to regionalize ... the big buzz word ... until all of a sudden you make an attempt and it affects somebody. He said then nobody wants to do it; everybody wants to stay status quo. He said if you do not change the input, you are not going to change the output. Mayor Genet said he has said it many, many times, that we need to significantly change the way we operate ... moving forward. He said it has been mentioned that he does not have a specific plan on how to do this. He said here is one specific plan. He said he showed the volume of money we can save to do this. He said even that savings is not going to be a full year because if we can implement this by September, that would be a good target date. Mayor Genet said the longer this goes on, the chances of gainful employment for our employees diminish and the city's finances continue to suffer, and then we cannot provide the services that we want -- including public health services. He said he would respectfully ask that this is voted on tonight. He said if it does not pass and it is tabled, he will deal with it. Mayor Genet said he is just saying that we can no longer continue to drag our feet in addressing the financial climate of the city. Mr. Wagner said if this started back in February, he does not see what fifteen days hurts. He said he is sorry. He said speaking of health departments, he has done a little bit of research on health departments and there are several health departments in Ohio that are smaller than Barberton's. Mr. Wagner said he knows that we have all been faced with economic crises ... everyone has ... but there are other things to consider here. He said he thinks that fifteen days is not asking too much to allow a judge to rule on this. He said we should not put the cart before the horse. Mr. Lysenko said he agrees with Mr. Wagner and he respects all of the other opinions of this Council, including the Mayor's work. He said he knows he is trying to save money in this horrible financial situation, but before making certain changes, he thinks the Charter should govern all of this. He said the Charter says: **The Board shall make all necessary rules and regulations for safeguarding public health ...** Mr. Lysenko said this is the clincher ... **and shall enforce all health and sanitary regulations.** He said he feels bound by this Charter until it is changed. He said if this is just the first step in the process to terminate the contract, he does not see what would be gained by doing it when there is litigation pending which could go on for a lot longer than the fifteen days. Mr. Wagner said if there are appeals it could. Mr. Lysenko said he is looking at the Charter and he thinks it should be submitted to the voters if it is going to be deviated from at all. He said everyone has the right idea here to save money and keep services, but that is how he feels about it and he hopes everyone will respect that. Mr. Anderson asked Mr. Wagner if, in fifteen days, the judge does nothing, will he move this forward? He said he would like a "yes" or "no." Mr. Wagner said he can only tell everyone what the judge said. He said the judge gave both sides thirty days. He said you got the same piece of paper that he did. He said he got his calendar out and the thirty days, plus the ten days she wanted after that to make her decision, places it at the 27th of April, which is a day after our next Regular Meeting. Mr. Anderson said he would re-state his question, "Will you move it forward after the fifteen days or will you hold it up until after there is a ruling?" Mr. Wagner said he can not answer that at this point. President Maurer asked if there were any other comments? There were none. President Maurer said it was moved by Mr. Wagner, seconded by Mr. Soyars, to table Ordinance No. 30-2010 for fifteen days. Mr. Megyes, Mr. Wagner, Mr. Soyars, Mr. Lysenko, and Mr.

Judge voted “yea.” Mr. Anderson, Mr. Avant, and Mr. Suboticki voted “nay.” Motion carried, 5-3. The Clerk asked if this ordinance was to be postponed for a certain time or to just lay it on the table. President Maurer said at this juncture, the motion was for fifteen days.

APPOINTMENTS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

Liquor License Transfers:

From: 572 Norton, Inc., DBA Rockey’s Drive Thru, 560 Norton Avenue, Barberton, OH.

To: Tyler Place, Inc., DBA Rockey’s Gas, 560 Norton Avenue, Barberton, OH

The Clerk said no objections were received.

From: Yacapraro Enterprises, Inc., DBA The Boiler House Bar & Grill, 1195 Wooster Road, W., Barberton, OH.

To: Hernandez Alcazar Restaurant Group, Inc., DBA El Jalapenos, 1195 Wooster Road, W., Barberton, OH.

The Clerk said no objections were received.

Mr. Avant said this Saturday the Magic City Kiwanis is having a clothing and food drive from 10:30 a.m. until Noon at Block 7. He said the clothing will go to the Haven of Rest and the food will go BACM.

President Maurer said we have a very contentious issue here. He said this is going to be a situation where the cooler minds will prevail. He said we have had plenty of time to look at it. He said coming down the pike, we will see what the judge has to say, but we are going to have to make a decision one way or the other. He said we have the lives of many people hanging in the balance and we realize that. He said we have the finances of the City. He said he would like to point out that if it was not for a rather generous donation to the City from our electric utility company, we would probably be looking at laying off people and selling equipment on street corners! He said he is not joking; it is that bad. He said there are a lot of ways around this barn. He said the Mayor has taken his choice the way he wants to go -- and it has taken a lot of courage. He said again, he would like everyone to maintain a civil discourse and make sure we all do the most intelligent and the best thing for all concerned. He said it is going to be bad for somebody and probably better for somebody. He said this is not something we take lightly.

COMMUNICATION FROM THE MAYOR

None.

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

Adjourned: 8:24 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council