

Council met in **REGULAR SESSION** on Monday, December 19, 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, December 12, 2011 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 November 2011, as presented. All Members voted “yea.” Motion carried.

### **PETITIONS AND CLAIMS**

The Clerk read a note of thanks to Council from Diane Breiding for Council’s donation to the 2011 Christmas Walk.

### **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. 190-2011**

**RESOLUTION NO. 190-2011. PRESENTED BY: MR. AVANT. TITLE: COMMENDATION – CHUCK HETE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO CHUCK HETE FOR HIS 25 YEARS OF DEDICATED SERVICE ON THE CIVIL SERVICE COMMISSION AND HIS LIFETIME OF COMMITMENT TO THIS COMMUNITY.** 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. 190-2011 BE ADOPTED.** Mr. Avant said he does not know Mr. Hete personally, but when he reads how many years he has worked at so many jobs, there is a lot to commend Mr. Hete for as a good example to any citizen of Barberton. He said he would like to thank him for everything he has done. Mr. Judge said he wants to thank Mr. Hete for his years of service. He said he has been a hard worker his entire life and, most importantly, he has always been fair. He said that is not an easy thing to do in a position like this because you are dealing with pretty intense situations sometimes. He said he appreciates his experience, time, and dedication, and

always being fair. Chief Morber said in his eighteen years he has taken four tests that he procured and gave. He said in working with him, he has always made sure things were on the up-and-up and fair. He said in civil service, that is all a person can ask. President Maurer said he has known Mr. Hete since he was a kid because Chuck's wife and his aunt are sisters. He said he has known Chuck to be a straight shooter; he does not hold any punches. He said if he has a thought in his mind, it is always well-intended and always intelligent and always totally unabashed. He said he has served this city extremely well. President Maurer said being fair-handed when working with the Civil Service Commission is a tough job. He said Chuck always, without fail, rose to the occasion. He said Chuck will be missed. President Maurer said he did a fantastic job; he is irreplaceable. He said the City is grateful. Mayor Genet said not only is Chuck a role model to his children and grandchildren, but to the community. He said you look at his resume and the amount of dedication he has given to the various institutions -- it is tremendous. He said he knew Chuck as a football player in high school when Chuck was an official on the football chain gang. Mayor Genet said it is tough to go anywhere in the city if you are involved and not cross paths with Chuck. He said he would like to thank Chuck for his dedicated services to the community. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Avant, seconded by Mr. Anderson, to recess in order to give Mr. Hete his resolution.

Mr. Hete said he enjoyed working on the Commission and he wanted to thank all the Mayors, the Councilmen who appointed him these past years, all the Commission Members he has worked with, and everyone in the Administration he has worked with. He said he is really going to miss the Commission and the people. He said he appreciates what has been done tonight for him.

Recessed: 7:40 p.m.

Reconvened: 7:43 p.m.

#### **RESOLUTION NO. 191-2011**

**RESOLUTION NO. 191-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: COMMENDATION – JOSEPH L. GENET. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO JOSEPH L. GENET FOR FAITHFULLY SERVING ON THE BOARD OF ZONING APPEALS SINCE HIS APPOINTMENT ON APRIL 12, 1993.** 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 **RESOLUTION NO. 191-2011 BE ADOPTED.** Mr. Palmer, Service Director, said he is Chairman of the Zoning Board and he served with Mr. Genet for a very long time. He said eighteen years is a long time for anyone to serve on a board. He said Mr. Genet's expertise and dedication was brought to every meeting. He said he always did his homework -- he went out and researched and he always had great comments. He said Mr. Genet is going to be missed. Mr. Wagner said he has known Mr. Genet for a number of years, since working at Seiberling as an outside contractor. He said Mr. Genet is one of the greatest guys he has ever met. He said he served his country with valor and he is a joy to be around and a super human being. Mr. Suboticki said he chaired the Planning Committee, and part of his job was to attend all the Zoning Appeals meetings. He said he thinks Mr. Genet is a wonderful example of someone to emulate -- veteran, father, concerned citizen, proven by his service. He

said he spent eighteen years of time on the Board of Zoning Appeals, where month after month private citizens and businesses come before the Board asking for variances of all kinds. Mr. Suboticki said Mr. Genet is one of six citizens who put in the time to understand what it is that our community expects that Board to do -- be fair, but firm in the conviction that decisions are made, not just for today, but for a better tomorrow. He said you do not always make friends on this Board. He said he will be missed on the Board and the City thanks him. Mr. Avant said he had the privilege of sitting next to Mr. Genet for a few years while he served on the BZA. He said Mr. Genet showed him how to be objective in making decisions according to the zoning codes and the requests received. He said it was a great honor to sit next to Mr. Genet for those years. Mr. Bauschlenger, Building Commissioner, said he has served all eighteen years with Joe. He said it was a pleasure. He said he would ditto everything that was said about Mr. Genet and how he handled himself in meetings. He said he was able to change as things changed. Mr. Bauschlenger said things change over twenty years and Joe was able to make those changes and still be a very effective person on the Board. President Maurer said he chaired the Planning Committee on City Council for a number of years. He said if he were to describe Joe in one word it would be "thorough." He said he really understood construction; he understood the City of Barberton and how it all worked together to make the City a better place. He said he was a reliable member of the Board. President Maurer said when he would talk about a certain property, you could tell that he really did his homework and actually walked on that property. He said he knew what the problems were and he knew whether or not there was a justification to stave off a demolition, for example. He said he knew if the property was worth it and he always had the courage to say what they would do. President Maurer said he is a man with courage in his convictions and a dedication to Barberton that is legendary. He said Mr. Genet will be missed very much, but we know that he will be around and he will always be willing to help anyone who calls to ask him for any advice. Mayor Genet said for those of you who have served with him on the Board of Zoning Appeals, you know the dedication he had for this community. He said it would be nothing for him to go and knock on the doors of all the neighbors of someone who may have wanted to build a garage larger than the Development Code states to find out if anyone had a problem with the request. He said then he would use that information to base his decision. Mayor Genet said for those who serve on the BZA, you know that this group of individuals is very conservative, which is a good thing for the community. He said his dad is very active, golfing and bowling, which is the reason he is not here tonight. He said this is his bowling night! He said he wants to thank Council and Mr. Suboticki for all the kind words tonight on behalf of his father. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried.

#### **ORDINANCE NO. 192-2011**

**ORDINANCE NO. 192-2011. PRESENTED BY: MR. JUDGE. TITLE: 2012 BIDS AND CONTRACTS – YEAR’S REQUIREMENTS FOR MATERIALS AND SERVICES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OR THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE FOR BIDS AND/OR ENTER INTO CONTRACTS IN 2012, COVERING THE YEAR’S REQUIREMENTS FOR MATERIALS AND SERVICES USED IN THE ORDINARY AND DAILY OPERATION OF THE MUNICIPAL DEPARTMENTS IN THE CITY OF BARBERTON, 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. 192-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

The Clerk said the following changes were made to Ordinance No. 193-2011: “sale of property” was changed to “option to purchase for one year” and “plus appraisal cost” was deleted.

#### **ORDINANCE NO. 193-2011**

**ORDINANCE NO. 193-2011. PRESENTED BY: MR. ANDERSON. TITLE: OPTION TO PURCHASE – 440 W. HOPOCAN AVENUE. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A ONE-YEAR OPTION TO PURCHASE AGREEMENT FOR THE REAL ESTATE LOCATED AT 440 W. HOPOCAN AVENUE, PARCEL #0106537, THE FORMER PACE PONTIAC PROPERTY, TO THE COMMUNITY PREGNANCY CENTER, FOR THE APPRAISED VALUE OF \$4,300, 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. 193-2011 BE ADOPTED.** Mr. Anderson said the original ordinance had the appraisal cost being paid by the Pregnancy Center. He said they met tonight in committee and decided that they would eventually need an appraisal to get a price on that property, and a non-profit was never charged for the appraisal cost, so it was decided to delete that portion of the ordinance. He said they did give the Pregnancy Center a one-year option to purchase. Mr. Anderson said a building was torn down on that property, but never went any further, so that would give the Pregnancy Center time to do their due diligence to see if they want to pursue building on that parcel. He said that is the only parcel on that side of the street that the city presently owns and he believes this piece of property should be sold to them. Mr. Avant asked if the one-year option would tie up that property if someone else came along with a better offer and he asked how this would tie into the Comprehensive Master Plan that we refer to over the years on occasions like this. Mr. Anderson said the Master Plan calls for the removal of the hamburger place on the corner, but he said that plan was done in 2007. He said as with any Master Plan, things do change in the city. He said that parcel has been vacant for a long time and there was no movement at all on that property. Mr. Anderson said that is the reason he believes they should be given a year option. He said they would probably get the study done in six months, but the committee opted to give them a one-year option on that. Mr. Judge said he has been going back and forth on this piece of legislation. He said he voted for it in committee. He said in reviewing everything else that has come to light, he does not know if this particular parcel is addressed in our Master Plan, but that whole corridor is addressed -- moving Rally’s to another location, Wooster Road coming in and tying into Hopocan Avenue; it is the entrance to the City in many respects. Mr. Judge said there have been two parcels near that area that may come up for land banking for the City. He said he was just notified of one today. He said on one side of the coin, the City is talking about creating a land banking program and on the other side we are taking a group that has outgrown their current building and is looking to build another facility. Mr. Judge said if this passes or fails, he will be willing to work with the group in any capacity next year. He said as it stands now, he is not able to vote for this. President Maurer said when the Pontiac dealership was there, it was replaced by a plastics manufacturing group and he believed there was a chemical issue there with the removal of some tanks. He asked if there was a clean bill of health there. Mr. Bauschlinger said it was Repair-It Industry and they

did the vinyl repair kit. He said there were some problems early on, but they later went to more of a water-based procedure. Mr. Bauschlinger said they did end up having to remove eight to ten drums of a material they did not know what it was, but it was environmentally removed. He said once those were removed, they received the okay to demolish the property. President Maurer said he would like to point out that just down the road we have the new Summit County Developmental Disabilities Building. He said it is a building that helps people who are desperately in need of help and assistance so they can lead productive lives and contribute to the community. He said the Pregnancy Community Center does some wonderful things. He said it is not too far from the MRDD building and very close to the Y, another civic-oriented building. President Maurer said it is also close to the bus route. He said a lot of these people who take advantage of the services of the Pregnancy Community Center really have a lot of challenges and this City helps them to overcome them. He said he would encourage voting for this legislation. Mayor Genet said first of all, if they would have come to him about the north side of Hopocan, he would have said, "No," because the city has quite a bit of property assembled over there. He said there is no other property assembled on the south side. He said he has been working with this group for quite some time to find something on the bus route to either buy, renovate, or build. He said they came across this parcel which is going to be a perfect fit for them; however, they need to do their due diligence. Mayor Genet said now, because we are aware of this, if you vote "no" you are going to have to spend more than \$4,300 to fix those sidewalks because every pad is busted up. He said the Strategic Plan from 2007 is pretty. He said a company was hired out of Columbus to do it because our Planning Department did not put forth a lot of effort in doing it. He said there is a Panera Bread picture here which is great -- the City would love a Panera Bread; however, Panera Bread is not coming to Barberton. Mayor Genet said if you look at this picture -- this big multi-story office building in place of Rally's and where the Pregnancy Center wants to build -- it is beautiful. He said it is not coming in my great-grandchildren's lives. He said it is not to say that you put anything up. He said this group came to him -- a non-profit organization that does a lot of good for people. Mayor Genet said furthermore, the building that was torn down had a basement and it was not engineer compacted. He said if Panera Bread wanted to come here, the City would have to give them that building and give them financial incentives because it is cost-prohibited to dig that out and put engineered fill in there and to put a footed building in there. He said the particular building that the Center described would fit on there. Mayor Genet said Paul Testa could walk in your office next year and want to build Panera Bread and Council would be jumping for joy and they would deed it over to them. He said Paul Testa could then sell it to the Pregnancy Center; he would not be confined to putting Panera Bread there. He said a "no" vote tonight is not a no vote against the Pregnancy Center; a "no" vote tonight is a no vote against him. He said this is his last council meeting and Council has the opportunity to say "no" and thumb your noses. He said this is something that he really believes will be good for the City and something that we need to take a good look at. He said this organization does not turn their backs on people who come to them for help; he hopes City Council will not turn their backs on this organization. Mr. Lysenko said he would like to suggest having a second reading on this piece of legislation. President Maurer said our next meeting is the Sine Die meeting and anything on Matters Referred will die for the next meeting. Mayor Genet said the rules have been suspended already also. Mr. Lysenko asked if it could then be called for at the next meeting in the next term. President Maurer said, "Sure." Mr. Lysenko asked if their plan was to build a new building there. President Maurer said, "Yes." Mr. Lysenko asked if it had any environmental issues now. Mayor Genet said that is why they

want to do their due diligence. He said that gives them a year to be able to do all their testing and to see if the property is conducive to their building. Mayor Genet said they had indicated it probably would not take them a year to decide, maybe less than six months, but the committee was generous with a non-profit organization to give them that latitude for one year. Mr. Lysenko said then there has been no environmental study done. Mayor Genet said when it was torn down, some environmental work was done. Mr. Bauschlinger said there was actually a Phase I done by Mr. Courson prior to assembling the grant and then the City got approval for demolition. He said there has been no testing since then, but they back-filled it. He said they got the approval from the EPA to demolish and that was the last. He said this group should be working very closely with the Building Department if they are looking for any testing, etc., for that property. Mr. Lysenko said he is going to vote “no,” but he would certainly consider it if this came up again. He said he would first of all like to see if they could even build on it due to environmental issues and perhaps go from there. Mayor Genet said they are not going to go on the site to do their testing unless they have an agreed-upon price. He said he does not understand what the first of the year difference is other than the fact that the City is going to have a new Mayor. He said this is a non-profit and the City of Barberton has been very unique because we have been able to help others when they need help. He said he would encourage all of City Council to support this legislation and not make it a battle that it is perceived to be. Mr. Lysenko said January 1<sup>st</sup> makes a difference because he asked for a second reading. He said the President of Council said we have to wait until the next term, so that is why he thinks it makes a difference. He said it has nothing to do with the Mayor or anyone else who is coming in with the new Administration. He said this building may be the best thing, but he would like more time to consider it and more investigation to be done. President Maurer called for the vote on adoption. Mr. Suboticki, Mr. Avant, Mr. Soyars, Mr. Anderson, Mr. Wagner, and Mr. Megyes voted “yea.” Mr. Judge and Mr. Lysenko voted “nay.” Motion carried, 6-2.

**ORDINANCE NO. 194-2011**

**ORDINANCE NO. 194-2011. PRESENTED BY: MR. ANDERSON. TITLE: FOUNDATION GRANT REQUEST – PARKS – SUMMER ARTS 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 \$5,000, TO BE USED FOR THE SUMMER ARTS 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. 194-2011 BE ADOPTED.** President Maurer said the Summer Arts Festival is one of the fine things we do to showcase our City and to showcase us as a multi-faceted community that does a lot of wonderful things and appreciates a lot of wonderful things -- concerts in the park, Mum Fest, the Fall Parks Program, etc. He said he really appreciates the jobs that Parks does for the City. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 195-2011**

**ORDINANCE NO. 195-2011. PRESENTED BY: MR. ANDERSON. TITLE: LEASE PURCHASE AGREEMENT – US POSTAL SERVICE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE PURCHASE**

**AGREEMENT BETWEEN THE CITY AND THE UNITED STATES POSTAL SERVICE, TO LEASE THE PARKING LOT LOCATED ON THE SOUTHWEST CORNER OF SECOND STREET AND WOOSTER ROAD, W., FOR UP TO THREE YEARS FOR \$1.00 PER YEAR, WITH THE OPTION TO PURCHASE, 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. 195-2011 BE ADOPTED.** Mr. Anderson said he does not have to tell anyone about the restructuring the US Postal Service is doing throughout the country. He said they are willing to keep our postal building in town and this legislation is definitely a big factor in having parking for their vehicles. Mr. Lysenko asked what the cost of the option to purchase or is there an agreed-upon price for the option to purchase. Mayor Genet said the purchase price should have been in there which would have been \$1.00. He said there is going to be a reversionary clause in there too that if the property is ever sold, it would revert back to the City. He said that information will be in the Agreement. Mr. Lysenko asked if anyone knew if there was an appraisal of that property. Mayor Genet said there has been no appraisal. Mr. Wagner said the necessity of parking is really a big factor over there. He said we all want to keep our post office here in Barberton; they are going to close the Norton Post Office. He said he thinks Norton will be selling stamps and things like that, but there will be no post office. He said we will generate that much more because more people will be coming to the Barberton Post Office. He said the necessity for parking is going to be pretty critical. Mayor Genet said the ordinance should have said the sale price would be \$1.00, but also there will be a reversionary clause in the Agreement. He said we learned our lesson. He said the reversionary clause in documents created the Barberton Community Foundation. He said the reversionary clause was omitted when the City deeded over the property of the National Guard Armory and it cost us \$410,000. Mayor Genet said he would suggest in the future that if property is sold to another government agency, to put the reversionary clause in any agreement. He said that clause will be in this Agreement. He said he was in contact with them again today and adding that clause would not be a problem with them. Mayor Genet said the problem is that it is going to take government -- their end of it -- more time to be able to dot the i’s and cross the t’s because they are going to do the Phase I environmental and everything before they buy anything, but they would like to start the lease so it can be up and running by February. He said they are going to keep the retail operations in Norton, but they are bringing production to Barberton. President Maurer said it is not a big secret that the Postal Service is running in the red and it has been all over the news that there are going to be some big cuts coming. He said for us to keep the post office in this town is an accomplishment. He said we have to help them out. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 196-2011**

**ORDINANCE NO. 196-2011. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT – BURGESS & NIPLE – WATER STORAGE TANKS PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE, FOR \$287,900, FOR ENGINEERING FIELD SUPPORT AND CONSTRUCTION MANAGEMENT FOR THE WATER STORAGE TANKS 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. 196-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 197-2011**

**RESOLUTION NO. 197-2011. PRESENTED BY: MR. MEGYES. TITLE: ENTER INTO CONTRACT – ODOT – WIDENING OF SR 93 – BARBERTON WATERMAIN RELOCATION. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROCEED WITH THE SR 93 WIDENING PROJECT - BARBERTON WATERMAIN RELOCATION IN COVENTRY TOWNSHIP, (PID 76437), 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 **RESOLUTION NO. 197-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 198-2011**

**ORDINANCE NO. 198-2011. PRESENTED BY: MR. SUBOTICKI. TITLE: ENTER INTO GRANT AGREEMENT – BROWNFIELD RESTORATION GROUP – SEIBERLING OFFICE ABATEMENT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT AND RELATED ASSURANCES, CERTIFICATIONS, AND CONTRACTS WITH BROWNFIELD RESTORATION GROUP (BRG), TO CARRY OUT ALL ACTIVITIES RELATED TO THE COAF SEIBERLING OFFICE ABATEMENT GRANT WHICH WAS AWARDED BY THE OHIO DEPARTMENT OF DEVELOPMENT’S OFFICE OF REDEVELOPMENT, AND DECLARING AN EMERGENCY.** 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. 198-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 199-2011**

**ORDINANCE NO. 199-2011. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE PAYMENT – SCHINDLER ELEVATOR. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY TWO INVOICES TO SCHINDLER ELEVATOR, IN THE TOTAL AMOUNT OF \$4,542.66, FOR EMERGENCY REPAIRS TO THE ELEVATORS IN THE MUNICIPAL AND WEIGAND BUILDINGS, 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. 199-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 200-2011**

**ORDINANCE NO. 200-2011. PRESENTED BY: MR. AVANT. TITLE: YEAR END APPROPRIATION OF FUNDS. AN ORDINANCE MODIFYING APPROPRIATIONS**



**WITHIN CERTAIN FUNDS IN ORDER TO COVER EXPENSES TO THE END OF THE YEAR, 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. 200-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 201-2011**

**ORDINANCE NO. 201-2011. PRESENTED BY: MR. AVANT. TITLE: 2012 TEMPORARY BUDGET. AN ORDINANCE ADOPTING A TEMPORARY BUDGET FOR VARIOUS FUNDS OF THE CITY OF BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2012, 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. 201-2011 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 188-2011**

**ORDINANCE NO. 188-2011. PRESENTED BY: MR. SOYARS. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES – POLITICAL SIGNS. AN ORDINANCE AMENDING SECTION 642.27, “POLITICAL SIGNS,” OF THE BARBERTON CODIFIED ORDINANCES, BY INCREASING THE AMOUNT OF THE DEPOSIT TO \$100 FOR PLACING POLITICAL SIGNS THROUGHOUT THE CITY, AND DECLARING AN EMERGENCY. *First Reading – December 12, 2011. Second Reading – December 19, 2011.*** Mr. Soyars said he would like to propose the following amendments to Ordinance No. 188-2011: change the amount of the deposit to \$150.00 and in Section B, add that signs cannot be placed more than 45 days prior to the election and signs must be removed 72 hours after the election to be eligible for the refund. The amended ordinance would read: **AN ORDINANCE AMENDING SECTION 642.27, “POLITICAL SIGNS,” OF THE BARBERTON CODIFIED ORDINANCES, BY INCREASING THE AMOUNT OF THE DEPOSIT TO \$150 FOR PLACING POLITICAL SIGNS THROUGHOUT THE CITY, AND DECLARING AN EMERGENCY.** It was moved by Mr. Soyars, seconded by Mr. Megyes, that **ORDINANCE NO. 188-2011 BE AMENDED.** All Members voted “yea.” Motion carried. 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. 188-2011 BE ADOPTED, AS AMENDED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 189-2011**

**ORDINANCE NO. 189-2011. PRESENTED BY: MR. AVANT. TITLE: AUTHORIZE RETROACTIVE PAY – NON-BARGAINING EMPLOYEES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY ALL NON-BARGAINING EMPLOYEES LISTED IN SECTIONS 1 AND 2 OF ORDINANCE NO. 137-2011, AND**

**THE CLERK OF COUNCIL IN ORDINANCE NO. 183-2011, RETROACTIVE PAY IN THE AMOUNT OF 3.95%, BACK TO JANUARY 1, 2011, AND DECLARING AN EMERGENCY. *First Reading – December 12, 2011. Second Reading – December 19, 2011.***

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. 189-2011 BE ADOPTED.** Mr. Avant said he may as well die with his boots on and a sword in his hand! He said he still says the funds are there because we took it from them to put it there. He said the economy is good enough to handle it. He said these people deserve the refund that was additionally taken from them. Mr. Avant said they were kind enough to accept the fact that their wages were going to be cut 4% one year and only one year and it was decided it might be needed for another year. He said the numbers showed us that we did not. He said he is going to be so bold as to say that whoever says “no” to this ordinance is saying they do not deserve it. He said that is his final word. Mr. Wagner said he thinks what Mr. Avant has done is quite honorable. He said he knows that each and every one of those non-bargaining employees deserves this increase; however, he does not believe we are in a position to do that. He said he believes the timing of this legislation is off target. He said he does not feel we are really in a sound financial position. Mr. Wagner said we have a little bit left over, but that does not mean we should be drunken sailors. He said he is sorry about that, but that is the way he feels. He said our safety forces accepted a very lean, bare bones contract and they put their lives on the line for us each and every day. He said we are still at the bargaining table with our city workers. Mr. Wagner said that is an ongoing process which has not been settled. He said to do something like this at this juncture sends a wrong message out there. He said we have all tightened our belts -- city council, the Mayor, and many of our city employees have tightened their belts with furlough days. Mr. Wagner said the economy has a long way to go before it gets better and he believes that we must act prudently with our taxpayers’ money. He said those are the reasons he will be voting “no” on this tonight. Mr. Avant voted “yea.” Mr. Anderson, Mr. Megyes, Mr. Suboticki, Mr. Wagner, Mr. Judge, Mr. Lysenko, and Mr. Soyars. Motion FAILED, 1-7.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

**APPOINTMENTS**

None.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

President Maurer said everyone should have copies of all the resumes of the candidates for the Council At-Large seat becoming vacant in January. He said to review them very carefully and we will be having them called in for interviews in the near term.

President Maurer said he would like to congratulate all of the Members of Council, all the department heads, the Mayor and his Administration, and the Law Department for doing an outstanding job for the City for the last term. He said we kept things together very well, with some spirited discussions, as tonight as a witness. He said you have all served this City with honor and with loyalty and you have all done a great job. He said things will be changing in a

little bit, but he is sure we will still do our best to keep things going for the people we so deeply care about, that is the citizens of Barberton.

President Maurer said a special thank you to all those who volunteered to turn off the Christmas lights. He said we had real good participation from Members of Council, members of the staff, and the Parks Commission. He said the Lake looks great! He said this is another way to show people we have a lot of style in this town.

Mr. Suboticki said he would like to thank the councilmen, the Mayor, and department heads for their friendship and commitment to this City. He said eight years of meetings, phone calls, two mayors, councilmen -- old and new, retirement from his job at Acme of thirty-nine years, three grandchildren with another on the way, the loss of both of his parents -- a lot can happen in eight years. He said having said all that, he would like to express his heartfelt thanks to the voters of Ward 1 that gave him the opportunity to represent their concerns for the past eight years. He said it has been an honor ... Thank you! He said to his wife, Ann, our family and friends who supported him ... He will never forget. He said past Councilmen Canfora, Underation. Nickol, the late Tom Miller and at the time Council President Genet, Mayor Hart, Dick Waltz, Leon Ricks, Joe Harrison, Elwood Palmer -- He valued their help in showing him and talking with him about the issues and making him feel comfortable when he began. He said all the good people we have working here and all the departments that serve the city ... Thanks to them all for helping him when he asked. He said but most of all thanks to Council Clerk Sue Matuch who makes our jobs as councilmen so much easier ... Thanks for all you do! He said good luck to outgoing Mayor Bob Genet with the hope that the incoming Mayor Bill Judge and the newly-formed Council will work together for the good of all. He said, "Thanks for being a part of my journey!"

Mr. Anderson said he does not have as much to say as Mr. Suboticki. He said he did appreciate being on Council for eight years and all the friends he has made. He said he is proud of the eight years he has chaired City Properties. He said the first year he took over City Properties, the Natatorium was half-way destroyed, so we were thinking about tearing that facility down; they took on the project of the high school and what to do with that and tore that down; we promised the seniors that they would get a senior center; the sale of the property at Tusc -- all of these projects went through his committee. He said it was a very busy eight years and he learned so much. He said he was just proud to serve City Properties and Parks for that amount of time. He said he wants to thank everyone he has ever met and had the pleasure to serve with ... they were just great to work with.

President Maurer said when he was a little boy his father was Council At-Large here in the City. He said he remembers coming in for a Planning Commission Meeting and one of the Commission Members was sitting in his dad's chair reserved for the councilmen. He said on the way out the door he was upset because there was someone sitting in his dad's chair and he did not like that. He said his dad told him that was not his chair. He told him that chair did not belong to him; it belonged to the City. He said they let him sit in it to do their work until there is a time when he cannot do it anymore or they find they want someone else to do that job for them. He said we all just pass through. He said looking back all of these years -- he and Bob have been together since 1996 working on Council -- he has watched a lot of fine men come. He said a lot

of people have contributed to the community, a lot of fine men have passed away. He said we all make our mark ... and you gentlemen have made your mark and you served your City well. He said the Mayor has done an outstanding job. He said you have all done a good job and he thinks we have a great Council coming on, with two of our new members sitting here ... Carol Frey and Gary Endres. He said he is sure they will pick up the pace as you two did and they will be contributors too. He said the City is grateful to all of you for the fantastic jobs you have done.

### **COMMUNICATION FROM THE MAYOR**

Mayor Genet said since we last met, he received a letter in the mail indicating that we received 1.3 million dollars of grants from AMATS in regard to about \$831,000 for the resurfacing of State Street, and about \$500,000 for the resurfacing of Wooster Road. He said that does not include the 31<sup>st</sup> Street Project that is ongoing and should be coming up in a few years.

Mayor Genet said last Friday CompuSystems had their open house. He said it was a great fit for the City of Barberton. He said they ended up in Barberton through networking with other Mayors. He said Mayor Roth called him to let him know that Fairlawn could not fit them in and suggested that he contact the company. He said he then contacted Scott Wagner and they did a conference call to them, gave them an address, and within four days they wanted to see the inside ... and the rest is history. He said this all took place in less than four months. He said they are looking to hire additional people already and potentially go to a second shift. He said it is a great facility and it was really nice of them to have the open house.

Mayor Genet said he again wanted to thank City Council tonight for the vote on the Pregnancy Center. He said it is a non-profit that does a lot of good work for individuals in the area.

Mayor Genet said he would like to thank Mr. Anderson and Mr. Suboticki for their years of service. He said back in the 80's there was a lot of politics in this horseshoe. He said throughout the 90's and up until a few years ago, it was for the good of the community. He said sometimes we want to take politics back into this arena and hopefully that is not the case. He said you two have served admirably for the City. He said we have had disagreements and he knows he frustrated Mr. Suboticki sometimes, but at the end of the day, he feels the community is a better place for their service.

Mayor Genet said he feels when he walks out of here tonight the goal that he set when he walked into that door twenty years ago and sat in Mr. Anderson's seat was achieved. He said that goal was not to be President of Council, that goal was not to be Mayor of the City, that goal was to make a difference in the community. He said when he walks out today, he feels that he can look around this community and know that he participated in the changes of this community. He said he would like to thank everyone for their support and he is sure the City will move forward.

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

Adjourned: 8:47 P.M.

Frederick S. Maurer  
President of Council

Susan Matuch  
Clerk of Council