

Council met in **REGULAR SESSION** on Monday, January 23, 2012, at 7:30 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Megyes, Soyars, and Wagner. The Pledge of Allegiance to the Flag was recited and Mr. Soyars gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Session held on Monday, January 9, 2012, as presented. All Members voted "yea." Motion carried.

It was moved by Mr. Avant, seconded by Mrs. Debevec, to accept the Finance Department Report for December 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**

#### **RESOLUTION NO. 3-2012**

**RESOLUTION NO. 3-2012. SPONSORED BY: MR. AVANT. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – MICHAEL ANDERSON. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON HONORING AND GIVING PUBLIC RECOGNITION TO MICHAEL ANDERSON FOR HIS 8 YEARS OF DEDICATED SERVICE TO THE CITY OF BARBERTON AS SIXTH WARD COUNCILMAN.** It was moved by Mr. Avant, seconded by Mrs. Debevec, 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 Mrs. Debevec, that **RESOLUTION NO. 3-2012 BE ADOPTED.** Mr. Avant said he appreciates the time he spent with Mike seated next to him. He said they all learned a lot from Mike because he knows how hard Mike worked and all he did for the Parks. He said if we ever needed information on how to fix something at home, we knew where to go to find him -- West End Hardware! Mr. Megyes said right after he got appointed, Mike helped him out a lot. He said whenever he had questions, Mike was the one he went to ... and he always had the right answers. Mr. McAviney said Mike was always a great supporter and was always on our side, from day one to the end. He said he has definitely been a friend to Parks and a friend to him personally. He said he appreciates everything he has done. Mr. Palmer said he would also like to thank Mr. Anderson for all that he has done. He

said Mike and Paul are just a part of a long list of Acme employees who have given back to the community. He said that shows a lot for the people they hire. He said Mike served his ward very well and we want to thank him. President Maurer said as President of Council and being one of the senior members of council, he has always had the privilege of working with new members, showing them the ropes. He said one of his favorite pieces of advice is to remember that they advocate, not only for their constituents, but for the department heads of the committees they chair. He said of all the people he has served with -- and he has served with a lot of good people -- Mike was among the very best when it came time to do the homework and work with their department heads. He said Shane and Andy Wildman always knew where he stood. President Maurer said you could not ask more of a councilman than Mike gave to the City, and he gave much more. He said the city is grateful, your colleagues are grateful, and he is grateful. Mayor Judge said he wants to repeat what everyone else has said and to give recognition to all four of the public servants who are here with resolutions this evening: Mike, Paul Suboticki, Bob Genet, and Judge Macko. He said he would like to thank all of them for giving of their time and energy and their years of service, and in doing all that they have done for our community. He said he started with Mike and Paul eight years ago, but it seems like just a blink of the eye. He said he appreciates everything they have done for this community. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Avant, seconded by Mr. Soyars, to recess in order to give Mr. Anderson his resolution. All Members voted "yea." Motion carried.

Recessed: 7:41 p.m.

Reconvened: 7:43 p.m.

Mr. Anderson said he would like to thank Council for this resolution. He said what he will remember the most is when he pounded on doors at the water department, the city garage, the parks garage, our department heads, the Administration. He said he will remember the people -- the city employees who helped him be a better councilman. He said he will always remember our city employees because they are the best!

#### **RESOLUTION NO. 4-2012**

**RESOLUTION NO. 4-2012. SPONSORED BY: MR. AVANT. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – PAUL SUBOTICKI. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON HONORING AND GIVING PUBLIC RECOGNITION TO PAUL SUBOTICKI FOR HIS 8 YEARS OF DEDICATED SERVICE TO THE CITY OF BARBERTON AS FIRST WARD COUNCILMAN.** It was moved by Mr. Avant, seconded by Mrs. Debevec, 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 Mrs. Debevec, that **RESOLUTION NO. 5-2012 BE ADOPTED.** President Maurer said he and Paul had a very good relationship because he, too, served as Chairman of Planning Committee. He said he realized by giving the position to Paul that, as Chairman of Planning, you also attend all the Commission meetings, Design Review Board Meetings, and Zoning Board of Appeals Meetings. He said it is one of the heavier workloads of the chairmanships of City Council. He said Paul was given that position because he knew that Paul would step up to the plate and be a dependable, contributing member for Council. President Maurer said Paul did a fantastic job. He said he could not think of a thing they could ask of Paul

that he did not deliver. He said we are losing some great council members here and it is too bad there are not more seats around this horseshoe. He said Paul will be missed. Mr. Palmer said ditto to what Mr. Maurer said. He said he was riding with Paul one day and he began thinking about Paul's slogan, "All you need is Paul." He said it was amazing how that caught on. He said Paul did *everything* right; he is an awesome person and a very dedicated councilman. Mr. Palmer said it was a pleasure working alongside of him. He said he felt that Paul was part of the Administration and part of the team all along. He said not many people would come around like him. He said every time we had something going, he was there to volunteer ... and he even volunteered to be a Kiwanian for awhile! Mr. Bauschlinger said he worked with Paul for six years. He said Paul was the hardest working person he has ever seen in his ward. He said he would bring us everything his constituents wanted. He said he wished he would have kept every piece of paper Paul gave him the past six years. Mr. Bauschlinger said his requests would be on napkins, receipts -- if you could write on it, that is how he gave it to you. He said they were always worthwhile and he represented the Planning Codes extremely well. He said it was a pleasure to work with him. He said a little secret was that they did have a citywide "Paul Alert" ... so that everyone knew when he was in the building! He said Paul did a fantastic job. Ms. Sheridan said she would just like to ditto everything said. She said they will really miss Paul, although they know Gary will do a great job. She said Paul is great as is his family. She said she wants to thank him for coming to all the meetings and for all the volunteering he did. Mr. Megyes said he too can echo everything said. He said Paul did put in a lot of time. He said he will miss their after-council meetings where they really got things done. He said he also appreciates his taste in music. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Avant, seconded by Mr. Soyars, to go into recess to present the resolution to Paul. All Members voted "yea." Motion carried.

Recessed: 7:51 p.m.

Reconvened: 7:54 p.m.

Mr. Suboticki said the last eight years have been a very rewarding experience. He said he wants to thank everyone for the resolution. He said it was a pleasure working with everybody, especially Council, Mrs. Matuch, all the department heads. He said he would also like to thank his family and the residents of Ward One who voted for him to give him this chance to be here.

#### **RESOLUTION NO. 5-2012**

**RESOLUTION NO. 5-2012. SPONSORED BY: MR. AVANT. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – MAYOR ROBERT J. GENET. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON HONORING AND GIVING PUBLIC RECOGNITION TO MAYOR ROBERT J. GENET FOR HIS 20 YEARS OF DEDICATED SERVICE TO THE CITY OF BARBERTON AS MAYOR, COUNCIL PRESIDENT, AND SIXTH WARD COUNCILMAN.** It was moved by Mr. Avant, seconded by Mrs. Debevec, 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 Mrs. Debevec, that **RESOLUTION NO. 5-2012 BE ADOPTED.** Mr. Palmer said he wanted to say, "Thank you." He said he and Bob go back a long time, when he was Third Ward Councilman and Bob was Sixth Ward Councilman. He said the resolution says it all -- Bob has done a lot and has given back a long time. He said it was an honor to serve with him as

part of his staff as the Director of Public Service. He said he wants to also thank him for that opportunity. Mr. Wagner said Bob has had so many tremendous accomplishments throughout his tenure as a public servant ... it is incredible. He said he is sure there are even more things that were not mentioned tonight. He said Bob has always been a friend. He said he remembers when they worked on the same job sites and he saw what a talented, skilled craftsman he was. Mr. Wagner said his tenure here in the City is very much appreciated. He said Bob did some tremendous things here and his hat is off to him. Mr. Avant said he got to know Bob about 1997 when they worked on a construction project in Youngstown. He said Bob was working with an electrical contractor and he was out there working up in the air off of scaffolding and he was working for a construction management company, so he was just walking around *trying* to look important, while Bob and his crew were doing all the work! He said they talked about City involvement and he could tell then that Bob had compassion and a desire to make things better in the City and to make continual improvements. He said he had a vision for the City, even back then. He said that was something he learned from him during that time. He said the only thing he can put together in a nutshell is that Bob knows how to get things done and he appreciates getting that education, his efforts, and hard work. Mr. Bauschlinger said it has been a long time since that birth of your first girl, as mentioned in the resolution, because that was the beginning of his coaching of Bob's entire family! He said it was a pleasure and honor to serve in his Administration. He said we cannot say enough about what Bob has done for this City and that they are going to miss him greatly. Mr. Megyes said he and Bob go back pretty far because he "shot" his wedding and reception at C & M. He said one thing he liked about Bob was that he kept his money in Barberton. He said Bob worked with all the small businesses in Barberton instead of going elsewhere. He said that means a lot to a businessman. He said he appreciates everything Bob has done for the City and for him. Chief Morber said he would like to thank Bob for his support for the Police Department and personally for putting his faith and trust in him, from being a police officer to the Police Chief! He said, "Well done!" Mr. McAviney said Bob was always a great supporter of the Parks. He said Bob is a straight forward guy -- you always knew where he was coming from and he respected that. He said he just wanted to thank him. President Maurer said they go back on City Council together since 1996, when he replaced Mr. Palmer in Ward Three. He said Bob has always been one of the most selfless, most dependable, most solid men he has known -- the man has been a brick his entire career. He said his own father was not crazy about the hospital expansion that he and Bob were working on. President Maurer said after his father talked to Bob, he told him that Genet kid has more guts than Audie Murphy! He said Bob never shied away from a fight. He said they did not always agree, but they always left as very good friends no matter how they felt on a given issue. He said he cannot think of a single person he respects more in this town than Mayor Genet. He said the man commands a lot of respect and the City is grateful. President Maurer called for the vote on adoption. All Members voted "yea." Motion carried. It was moved by Mr. Avant, seconded by Mr. Soyars, to recess in order to give Mayor Genet his resolution.

Recessed: 8:08 p.m.

Reconvened: 8:11 p.m.

Mayor Genet said he would like to thank City Council for this resolution; it does mean a lot. He said when he first became a Sixth Ward Councilperson twenty years ago, he had no idea of what he was getting into. He said he realized from the first time he approached Council back in 1987

with that petition that if you get involved, you can make a difference. He said when he was building his house, he was also working on Stow's high school. He said to picture the economy back then and working up in Stow. He said people would ask why he was building a house in Barberton. He said he had to keep defending his decision and he would do the same today. He said this is a great community with a lot of great people, and he figured if he was going to raise his kids here, he wanted to be part of the decision making process. He said he had no idea where this was going to take him, but once he realized that you could implement change, he really developed a passion for working with people. He said there are only two people still here, Mr. Palmer and Mr. Flickinger, since he was sworn in as a councilman. He said as the years went on, you keep fighting, trying to make positive changes in the City and you do not look back -- you keep moving forward. He said now, you stop to look back. He said when he first sat in that chair, the City still had the old high school, the Barberton Community Foundation was not founded, the YMCA was not here, Norton Homes was still here. He said there have been a lot of positive changes over those twenty years, but there are still more changes to come. He said we need to continue to move forward. He said with the welding center opening up in the Fall this year and with Stark State and U of A opening up in Decker ... that is a great start for our educational attainment in a local area. He said there are a lot of people who would like to be in your positions who will never get that opportunity. He said that is something he has always cherished and never took for granted, and he has always tried to uphold the office to the best of his ability. He said he knows there were difficult decisions that had to be made -- and you are all going to have to make difficult decisions. He said but if you make the decision that is in your heart for the good of the community, regardless of political fallout, you can put your head down comfortably on your pillow at night. He said that is what is important. He said when the economy tanks, it forces you to do some of the things that you thought you should have been doing all along. He said the Health Department is a good example. He said we talked about it for many years. He said we had a choice back then. He said in 2002, it came up again, and we did not have the choice. He said he remembers the first meeting he, Mr. Anderson, Jim Stonkus, and Tom Harnden had with Doug Kohl of the YMCA in April of 2004 to talk about bringing the YMCA to Barberton. He said Doug said he could bring in the programs, but he told Doug he wanted a *facility* because the city would be subsidizing a facility for over \$170,000 per year and he figured if the Y could not make it in Barberton, then government should not be in it. He said the Y was opened in December 2007. He said the City has come a long way in twenty years, but there is more work ahead for us. He said he wants to express his gratitude to all the council members, to the Chiefs, but most importantly the residents of Barberton for giving him the opportunity, especially at the young age of 30 when first elected and then as Mayor.

#### **RESOLUTION NO. 6-2012**

**RESOLUTION NO. 6-2012. SPONSORED BY: MR. SOYARS. PRESENTED BY: ALL OF COUNCIL. TITLE: COMMENDATION – JUDGE GREG MACKO. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON HONORING AND GIVING PUBLIC RECOGNITION TO JUDGE GREG MACKO FOR HIS 27 YEARS OF DEDICATED SERVICE TO THE CITY AND CITIZENS OF BARBERTON AS POLICE OFFICER, SERGEANT, LIEUTENANT, AND DETECTIVE IN THE BARBERTON POLICE DEPARTMENT, THEN AS LAW DIRECTOR, AND FINALLY AS JUDGE OF BARBERTON MUNICIPAL COURT.** It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Lysenko, that **RESOLUTION NO. 6-2012 BE ADOPTED.** President Maurer said he wished Judge Macko were here to accept his resolution. He said he has known Greg Macko for a long time. He said he is dedicated, intelligent, and very even-tempered. He said he was a fine man and his service to this City is really something memorable. President Maurer called for the vote on adoption. All Members voted “yea.” Motion carried.

**ORDINANCE NO. 7-2012**

**ORDINANCE NO. 7-2012. PRESENTED BY: MR. ENDRES. TITLE: VACATION OF PORTAGE STREET. AN ORDINANCE AUTHORIZING THE PERMANENT VACATION OF A 50-FOOT SECTION OF PORTAGE STREET, LOCATED ON THE PLAYGROUND AND PARKING LOT OF PORTAGE ELEMENTARY SCHOOL, BETWEEN PARCELS #01.13729, #01.13727, AND #01.00555, AND DECLARING AN EMERGENCY.** *First Reading – January 9, 2012.*

**RESOLUTION NO. 8-2012**

**RESOLUTION NO. 8-2012. PRESENTED BY: MR. LYSENKO. TITLE: SUBMIT GRANT APPLICATION – US EPA. A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PUBLIC SERVICE TO THE US EPA, TO APPLY FOR AN EPA AIR QUALITY GRANT TO ASSIST IN THE PURCHASE OF NEW TIER 4 COMPLIANT DIESEL ENGINE VEHICLES FOR THE STREETS, STORMWATER, AND PARKS DEPARTMENTS, AND DECLARING AN EMERGENCY.** It was moved by Mr. Lysenko, seconded by Mrs. Frey, 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. Lysenko, seconded by Mrs. Frey, that **RESOLUTION NO. 8-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 9-2012**

**ORDINANCE NO. 9-2012. PRESENTED BY: MR. SOYARS. TITLE: AMEND SECTION 856 – BARBERTON CODIFIED ORDINANCES – TAXICAB RATE INCREASE. AN ORDINANCE AMENDING SECTION 856.05 OF THE BARBERTON CODIFIED ORDINANCES, “TAXICAB RATES,” TO INCREASE THE RATES FOR TAXICAB OPERATORS LICENSED UNDER THE PROVISIONS OF CHAPTER 856, AND DECLARING AN EMERGENCY.** It was moved by Mr. Soyars, 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. Soyars, seconded by Mr. Lysenko, that **ORDINANCE NO. 9-2012 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

None.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

## APPOINTMENTS

### CIVIL SERVICE COMMISSION

6-year Term

**Michael Anderson** appointment

Immediately - December 31, 2017

It was moved by Mr. Avant, seconded by Mrs. Debevec, to confirm the appointment of Michael Anderson to the Civil Service Commission. All Members voted "yea." Motion carried.

### DESIGN REVIEW BOARD

3-year Term

**Edna Boyle** re-appointment

Immediately - December 31, 2014

It was moved by Mr. Endres, seconded by Mr. Avant, to confirm the appointment of Edna Boyle to the Design Review Board. All Members voted "yea." Motion carried.

### PLANNING COMMISSION

4-year Term

**Ron Mollric** re-appointment

Immediately - December 31, 2015

It was moved by Mr. Endres, seconded by Mr. Avant, to confirm the appointment of Ron Mollric to the Planning Commission. All Members voted "yea." Motion carried.

### PARKS COMMISSION

5-year Term

**Marty Bidlingmyer** appointment

Immediately - December 31, 2016

It was moved by Mr. Megyes, seconded by Mr. Endres, to confirm the appointment of Mrs. Marty Bidlingmyer to the Parks Commission. All Members voted "yea." Motion carried.

### BARBERTON HEALTH BOARD

5-year Term

**Marilyn Boler-Downs** appointment

Immediately - December 31, 2016

It was moved by Mrs. Frey, seconded by Mr. Wagner, to confirm the appointment of Marilyn Boler-Downs to the Barberton Health Board. All Members voted "yea." Motion carried.

## MISCELLANEOUS AND UNFINISHED BUSINESS

President Maurer said not only is today the Lunar New Year, it is also the last meeting in the month of January. He said the 30<sup>th</sup> is the fifth Monday of the month, so Council will not meet again until February 6<sup>th</sup>.

President Maurer said with sixteen years on City Council, he has seen some really, really exceptional people serve the city. He said he is really pleased that we have more exceptional people coming to serve the City: Mrs. Debevec, Mrs. Frey, and Mr. Endres. He said two ladies on City Council at the same time is unheard of ... unprecedented. He said these people are like Mr. Anderson and Mr. Suboticki -- fine examples of public service, unselfish, wonderful people.

Mr. Wagner said Monday, January 30<sup>th</sup>, at 3:00 p.m. at the Active Adult Center, there is going to be another meeting held with the flood control people, the Army Corps of Engineers, and some of the elected officials from surrounding communities. He said this will be their fourth meeting with the Army Corps of Engineers to try to do something about the flooding in our region.

President Maurer said there will also be a reception after the meeting for our outgoing council members, Mr. Anderson and Mr. Suboticki.

**COMMUNICATION FROM THE MAYOR**

Mayor Judge said as he mentioned before, Barberton is going to participate in the Earned Income Tax Credit Program. He said this program will start next Monday at the Active Adult Center, from 4:00 p.m. to 7:00 p.m. He said there will be two areas set up where you can make appointments and meet with one of the volunteers or there is a kiosk structure where you can come in and do it yourself.

Mayor Judge said since the beginning of this year, the Building and Planning Departments have been working tirelessly to abate and tear down the AP Gas Station on the North End and also the 7<sup>th</sup> Street and W. Lake apartment complex. He said they are working aggressively to get those structures down within the next ninety days.

Mayor Judge said an intern started from The University of Akron who will float around and help different departments. He said they are working on a database in Building and Planning of all city-owned parcels of land. He said there are 297 parcels. He said the intern was able to record all of that into a spreadsheet database today. He said the City could possibly get eight other interns through the high school that we will have for the Spring Semester.

Mayor Judge said they are looking at changing the fiscal year of the CDBG Budget. He said right now it is from July to June; they will change it from January to December to make things easier. He said this would also put Barberton in line to receive HOME funds through the County. He said they met with the County today. He said they are not sure how much HOME funds they will get because the allocation is based on their stats.

Mayor Judge said he has ridden around with several council members and he would like to finish that up as weather permits. He said he would like to get the feelings of each ward and to find out the trouble spots and to keep the communication lines open. He said to contact him or his assistant.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to adjourn.

Adjourned: 8:31 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council



