

Council met in **REGULAR SESSION** on Monday, December 16, 2019, at 7:30 P.M. in the Council Chambers with President Megyes presiding. Members present: Angeloff, Coburn, Debevec, Frey, Heitic, Palmer, Conrad-Wokojance and Mrs. Zarle. The Pledge of Allegiance to the Flag was recited and Mrs. Conrad-Wokojance gave the Invocation.

It was moved by Mrs. Debevec, seconded by Mr. Heitic, to approve the Minutes of the Regular Legislative Session held on Monday, December 9, 2019, as presented. All Members voted “yea.” Motion carried.

It was moved by Mrs. December, seconded by Mrs. Angeloff to approve the Finance Report for the month of November, 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

Pat Betts, 222 16th Street, Barberton. Mr. Betts stated as he looked at the income tax over the past few years where the state and the federal government has taken away the taxes that used to come back to the communities, he figured the property tax was the way to go. He said in Akron, the last income tax increase they paid for the schools and this would be the opposite. He stated when you look at it, it is either discriminatory one way with the income tax or the other way depending if they do the tax credit for people who live here and work elsewhere or if they are coming here and live elsewhere. He said it just seems because the income tax has gotten so high, it seems too out of whack. Mr. Betts stated we lose \$500,000 a year; we use to get more CDBG money and our federal taxes that we pay are suppose to come back to the communities and the federal government keeps it. Mr. Betts stated as far as the state income tax, they use to come back to us and it has to be \$500,000 that we are losing. He said the big companies have found a way to split their companies in two and they let the least performing groups into something that they know is going to go bankrupt in the future, and we have seen with a couple of the giant corporations in the Barberton/Akron area, he doesn't know how to beat the system. Mr. Betts stated it has been so cool with six women on City Council and to be involved and watching them. He said in January of 1989 in Washington when Congress was seated there was 18 women that were democrats and 13 republican women and here 30 years later this past January, 191 women were seated in congress who are democrats but there are still 13 republican women.

Shaun Jaber, 570 Harrington, Barberton. Mr. Jaber stated last week Mayor Judge brought up Mr. Jaber's statement about him saying to fire someone up in his offices. He said it was just a statement and he felt Mayor Judge mocked him when he said it. Mr. Jaber stated he respects that but the reason he is saying this is the residents and his constituents are saying about the City and

the employment and the people working behind the scenes. He said they don't want to see the \$90,000, \$80,000, \$90,00, \$85,000 (*pointing at people*) they want to see them giving back to the community, give back something showing that they are working with them. He stated right now there is nothing going back to them and the biggest thing is they have not heard from City officials, the Mayor, Council – especially from you because you are in charge (*points at the Mayor*) is an apology. He said for the last 4 – 8 years, mismanagement of the City. He said the Mayor has not stood up and said he is sorry for what they have done. Mr. Jaber stated a lot of businesses are going to be hurting from different companies leaving the City of Barberton, i.e., Angie's, Al's and Leach's where all of those guys get lunch from different businesses. He said they have the residents hating the firemen and that is back to them being management of this City. He stated you can't have people blaming the financial problems on the firemen or the police officers. He said they are just the middlemen and the Mayor is in in charge of who gets hired and who gets paid and working together as a team. He stated right now they are failing and if you want to start to get the residents back on your side they need to stand up and apologize for their mistakes. Mr. Jaber said he (*the Mayor*) can mock him all he wants about what he said last week about saying they should fire someone, and that was just a figure of speech because they needed to do something from their end to show that the residents are ready to work with them. He said for the last 8 years he will show them how it looks - all the lights are turned off (*he turned off the lights*) and they can't see nothing (*he turned on the lights*). He said there is now a new era in town and they will be taking over and they hope to work as a team and the lights will be showing and there will be a lot more social media and they will be all involved as a team. He stated until they show the residents and the businesses that they are apologetic and stand up. He said as a business owner he apologizes all the time to his customers/employees that he makes mistakes. He said it takes two seconds to show them that they are willing to be on their team.

Shannon Bica, 655 E. State Street. Mrs. Bica said back in 2008 her and her husband decided to purchase a home in Barberton. She said since then she has been for every levy and every property tax to help the City. She said when it came about for the tax increase, her position where she has worked for the last 20 years, she still pays the City of Barberton income tax on top of Green's income tax for working. She stated her husband's position where he works, he cannot afford to quit his job to come work in Barberton because there is no Coke a Cola plant in Barberton. She said they have all stated to come to their ward council for help and she has lived in the same house since 2008 and not one time has her ward 2 councilperson gone door to door to see how they are doing and she lives next to their relatives. She stated she has had more help from Carla and Shannon. She said none of them, except for the two she mentioned, has come to helped the citizens. She said when they proposed the income tax, the first thing she said is if that passes or comes back up, she will put her house up for sale and move. She said if the property tax stays at 4.9%, she will put her house up and move. She stated she cannot afford it and she has a child who is special needs, who monthly goes to doctor visits, medicines, rehab and all that and she cannot afford it.

The following Minutes are not transcribed verbatim. This meeting has been recorded in its entirety and the tape is catalogued in the Clerk of Council's office.

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 141-2019

ORDINANCE NO. 141-2019. PRESENTED BY: MR. PALMER. TITLE: CHANGE ORDER - J S BOVA. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$226,009.77 WITH J S BOVA FOR THE NORTON ACRES PACKAGE PLANT ELIMINATION PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mr. Palmer, 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. Palmer, seconded by Mrs. Frey, that **ORDINANCE NO. 141-2019 BE ADOPTED.** Mrs. Debevec asked Mr. Weaver what the change order of \$226,000 entailed. Mr. Weaver stated there was a list of things provided and there were a number of changes mainly due to the difficulty of the project, high water levels, poor soil conditions and the depth of the sewer. He went into an in-depth itemization of all of the changes with the amounts. All Members voted “yea.” Motion carried.

ORDINANCE NO. 142-2019

ORDINANCE NO. 142-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION - POLICE DEPARTMENT. AN ORDINANCE APPROPRIATING \$17,374 FROM THE UNAPPROPRIATED ITEM OF THE LAW ENFORCEMENT TRUST FUND TO THE POLICE DEPARTMENT OPERATING BUDGET TO BE USED TO PURCHASE A POLICE CRUISER, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mr. Heitic, 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 Mrs. Debevec, seconded by Mr. Heitic, that **ORDINANCE NO. 142-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 143-2019

ORDINANCE NO. 143-2019. PRESENTED BY: MR. GRIFFIN. TITLE: PURCHASE OF POLICE CRUISER - GANLEY FORD. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH GANLEY FORD TO PURCHASE A POLICE CRUISER, AND DECLARING AN EMERGENCY. It was moved by Mr. Heitic, 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. Heitic, seconded by Mrs. Debevec, that **ORDINANCE NO. 143-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 144-2019

ORDINANCE NO. 144-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - MEDICAL MUTUAL. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR CONTRACT WITH MEDICAL MUTUAL OF OHIO FOR EMPLOYEE MEDICAL COVERAGE BEGINNING JANUARY 1, 2020 THROUGH DECEMBER 31, 2020, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Debevec, seconded by Mrs. Angeloff, that **ORDINANCE NO. 144-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 145-2019

ORDINANCE NO. 145-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: AUTHORIZE PAYMENT – TRAVELERS. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO TRAVELERS IN THE AMOUNT OF \$8,580 WHICH IS THE DEDUCTIBLE FROM A CLAIM FILED AGAINST THE CITY FOR PROPERTY DAMAGE AS A RESULT OF CITY ROADWORK, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Debevec, seconded by Mrs. Angeloff, that **ORDINANCE NO. 145-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 146-2019

ORDINANCE NO. 146-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: AUTHORIZE PAYMENT - ROETZEL & ANDRESS. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO ROETZEL & ANDRESS IN THE AMOUNT OF \$7,500 FOR THE MULTI-CITY LITIGATION CHALLENGE TO HB 228, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Debevec, seconded by Mrs. Angeloff, that **ORDINANCE NO. 146-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 147-2019

ORDINANCE NO. 147-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: AUTHORIZE PAYMENT - J & J ELITE. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO J & J ELITE IN THE AMOUNT OF \$6,848.69 FOR THE PURCHASE OF #304 GRAVEL, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Debevec, seconded by Mrs. Angeloff, that **ORDINANCE NO. 147-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 148-2019

ORDINANCE NO. 148-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: AUTHORIZE PAYMENT - ENGINEERING ASSOCIATES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO ENGINEERING ASSOCIATES, IN THE AMOUNT OF \$7,000.00, FOR THE BARBERTON – NORTON SR 261 WATER IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Debevec, seconded by Mrs. Angeloff, that **ORDINANCE NO. 148-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 149-2019

ORDINANCE NO. 149-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: 2020 TEMPORARY BUDGET. AN ORDINANCE ADOPTING A TEMPORARY BUDGET FOR VARIOUS FUNDS OF THE CITY OF BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2020, AND PROVIDING FOR THE ADMINISTRATION THEREOF, AND DECLARING IT AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Debevec, seconded by Mrs. Angeloff, that **ORDINANCE NO. 149-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 150-2019

ORDINANCE NO. 150-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: YEAR END APPROPRIATIONS AMENDMENTS. AN ORDINANCE MODIFYING APPROPRIATIONS WITHIN CERTAIN DEPARTMENTS AND FUNDS IN ORDER TO COVER EXPENDITURES TO THE END OF THE FISCAL YEAR, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Debevec, seconded by Mrs. Angeloff, that **ORDINANCE NO. 150-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 151-2019

RESOLUTION NO. 151-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: SUMMIT METRO PARKS LEVY ENDORSEMENT. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON ENDORSING THE SUMMIT METRO PARKS RENEWAL LEVY OF THE EXISTING FUNDING (1.46 MILLS) AND THE ADDITION OF 0.54 MILLS, WHICH WILL BE ON THE MARCH 17, 2020 BALLOT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. Mrs. Frey stated she will be voting against this, she knows they are just endorsing it; however, it will be on the ballot and if someone wants to vote for it, then can. She said she doesn't feel like they should endorse any levies of property tax since the citizens are so against paying for a levy to help the City. Mrs. Coburn stated she agrees with Mrs. Frey and she will also be voting against endorsing this. Mrs. Angeloff stated she will be voting against this too and the lady that spoke to council did say that this was bad timing her coming to council and as they were debating about a property tax increase and she was asking them to vote for a property tax increase. She said she thinks council needs to look at what they can do here in Barberton. Mr. Heitic stated he will also be voting no. He said the parks are nice but our city needs to come first. Mr. Palmer stated he will be doing the same. Mrs. Conrad-Wokojance stated she has had a very positive experience with the metro parks and she really appreciates everything they are doing, however, she does appreciate that the director took note of Barberton's situation and would not be offended and she respects her saying that and recognizing that and she has to agree that right now it would not be the best thing for them to do. She stated they need to make sure Barberton comes first. All Members voted “no.” Motion failed.

ORDINANCE NO. 152-2019

ORDINANCE NO. 152-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - ROETZEL & ANDRESS. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH ROETZEL & ANDRESS WHO IS THE OUTSIDE LABOR AND EMPLOYMENT LAW FIRM FOR THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, 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 Mrs. Debevec, seconded by Mrs. Angeloff, that **ORDINANCE NO. 152-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 153-2019

RESOLUTION NO. 153-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: ADDITIONAL TAX LEVY. A RESOLUTION DECLARING IT NECESSARY TO LEVY AN ADDITIONAL 4 YEAR, 4.9 MILL TAX LEVY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE CURRENT EXPENSES OF THE CITY OF BARBERTON, PURSUANT TO OHIO REVISED CODE SECTION 5705.19(A), AND DECLARING AN EMERGENCY.

SECOND READING OF ORDINANCES AND RESOLUTIONS

None.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

Barberton Community Foundation - Board of Directors

Brett Haverlick 3-year term January 1, 2020 through December 31, 2022

It was moved by Mrs. Angeloff, seconded by Mrs. Frey, to approve the appointment of Mr. Brett Haverlick to the Barberton Community Foundation Board of Directors effective January 1, 2020 through December 31, 2022. Mrs. Debevec abstained. All Members voted “yea.” Motion carried.

Barberton Community Foundation - Board of Directors

Michael Vinay 3-year term January 1, 2020 through December 31, 2022

It was moved by Mrs. Debevec, seconded by Mrs. Angeloff, to approve the appointment of Mr. Michael Vinay to the Barberton Community Foundation Board of Directors effective January 1, 2020 through December 31, 2022. All Members voted “yea.” Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mrs. Conrad-Wokojance told Mr. Palmer that it has been honor serving with him. She said when she first started attending council years ago, he is the one that made her feel very welcome. She said it was intimidating to come to council and she didn't know what to expect and didn't understand anything. She said Mr. Palmer was service director at that time and he was very kind and always asked if she had any questions – showed her the ropes. She thanked him and wished him the best of luck.

Mrs. Zarle thanked everyone who voted for her and allowed her to be a part of City Council. She stated it was an eye-opening experience and she is looking forward seeing the new folks that are stepping into their chairs. She congratulated all of them. She stated she is so proud to be a citizen of Barberton and to be a Barberton Magic. She said council really cares about them (*the gallery*) and to keep that in mind that everyone here is fighting for what they hope is the right decision. She encouraged them to reach out to their councilperson and let them know how you feel.

President Megyes thanked Mrs. Conrad-Wokojance and Mrs. Zarle for being on City Council. He said it is not easy and you have to make some difficult decisions but they got through it. President Megyes told Mr. Palmer that he appreciates everything he has done for the City of Barberton – from councilman to service director, back to a councilman. He said he left Barberton, missed it, came back home and they are recipients of the kind person that he is. He said he respects him, especially as a photographer.

Mrs. Angeloff stated Mr. Palmer and her went to high school together, they were in classes together so they have known each other for a long, long time. She said she started working for the City when Mr. Palmer was a Councilperson and then he was hired as the Service Director when she was the Mayor's Administrator. She said they worked through that, they had a lot of bumps at that time and now they are sitting side by side of each other also with a lot of bumps. She told Mr. Palmer that she loved him from the first biology class, she is really going to miss him and hopes he stays in touch.

Mrs. Daugherty thanked Mr. Palmer and stated he is a true gentleman and they respect him. Mrs. Daugherty cautioned everyone that turning off the lights in a public meeting is reckless and in poor judgement and hopes that no one does that again. Mr. Jaber stated sometimes poor judgement needs to be taken so you can see what is going on. Mrs. Daugherty stated she has said her peace. Mr. Jaber stated no worries and he has said his peace also, teamwork, remember that.

Mrs. Debevec stated she wanted to echo everyone's words about Mr. Palmer. She said he has been a dear part of her family for a very long time and it has been an honor to serve on City Council.

Mr. Palmer stated everyone there that knows him realizes that it is tuff. He said they realize that he loves the City and he thinks quite a few people have given him the opportunity to come and do this. He said it has been great for him, great for his family and he has watched his kids grow because of what they do there. He stated other children still come knock at his door and ask for guidance and he thinks that is important. He said everyone is capable of doing it and he knows they will continue to do so. Mr. Palmer said they have a great City and he prays that they continue to keep it moving. He stated he loves having all the women on council – having four daughters and they are tough.

COMMUNICATION FROM THE MAYOR

Mayor Judge had no comments.

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

Adjourned: 8:22 P.M.

Craig Megyes
President of Council

Renee Fox
Clerk of Council