

Council met in REGULAR SESSION on Monday, May 24, 2021 at 7:07 P.M. in the Council Chambers with President Megyes presiding. The Pledge of Allegiance to the Flag was recited and Mr. Greer gave the Invocation.

The Clerk called the roll: Members present: Mrs. Angeloff, Mrs. Colburn, Mrs. Frey, Mrs. Debevec, Mr. Heitic, Mr. Griffin, Mr. Jaber, Mr. Greer.

It was moved by Mrs. Debevec, seconded by Mr. Heitic, to approve the Minutes of the Regular Legislative Session held on Monday, May 10, 2021, as presented. No remarks made. All Members voted “yea.” Motion carried.

PETITIONS AND CLAIMS

There were 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 with their packets.

CITIZENS ADDRESSING COUNCIL

There were 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

ORDINANCE NO. 46-2021

PRESENTED BY MRS. FREY TITLE: AUTHORIZE PAYMENT – UTILITIES
EVERBRIDGE INC. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO
PAY AN INVOICE TO EVERBRIDGE INC. FOR THE ANNUAL NIXLE CONTRACT IN
THE AMOUNT OF \$5400.91, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 46-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 47-2021

PRESENTED BY MRS. FREY TITLE: AMENDING ORDINANCE 54-2019
COMPENSATION FOR ELECTED OFFICIALS AN ORDINANCE AMENDING
ORDINANCE NO. 54-2019 TO ESTABLISH THE COMPENSATION FOR CERTAIN
ELECTED OFFICIALS AND COMPENSATION PROCEDURES FOR THE NEXT FOUR
YEARS, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 47-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 48-2021

PRESENTED BY MRS. FREY / MRS. DEBEVEC TITLE: APPROPRIATION FIRE DEPARTMENT AN ORDINANCE APPROPRIATING \$3500.00 FROM THE UNAPPRPRIATED ITEM OF THE GENERAL FUND TO THE FIRE DEPARTMENT OPERATING BUDGET, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 48-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 49-2021

PRESENTED BY MR. GREER TITLE: APPLICATION FOR FEDERAL RESURFACING FUNDS NORTON AVENUE AND 4TH STREET RESURFACING IMPROVEMENT PROJECTS. A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL RESURFACING FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE NORTON AVENUE AND 4TH STREET AND DECLARING AN EMERGENCY.

It was moved by Mr. Greer, 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 Mr. Greer, seconded by Mrs. Angeloff, that **RESOLUTION NO. 49-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 50-2021

PRESENTED BY MR. GREER TITLE: ENTER INTO CONTRACT PERRIN ASPHALT AND CONCRETE AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH PERRIN ASPHALT AND CONCRETE, THE LOWEST AND/OR BEST BIDDER, FOR THE ASPHALT PAVING PORTION OF THE 2021 STREET RESURFACING PROGRM AND DECLARING AN EMERGENCY.

It was moved by Mr. Greer, 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 Mr. Greer, seconded by Mrs. Angeloff, that **ORDINANCE NO. 50-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 51-2021

PRESENTED BY MR. GREER TITLE: ENTER INTO CONTRACT SPECIALIZED CONSTRUCTION INC. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH SPECIALIZED CONSTRUCTION INC. FOR THE CHIP AND SEAL PORTION OF THE 2021 STREET RESURFACING PROGRAM AND DECLARING AN EMERGENCY.

It was moved by Mr. Greer, 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 Mr. Greer, seconded by Mrs. Angeloff, that **ORDINANCE NO. 51-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 52-2021

PRESENTED BY MRS. COBURN TITLE: ENTER INTO CONTRACT HENDERSON PRODUCTS INC. AN ORDINANCE AUTHORIZING THE CITY OF BARBERTON TO ENTER INTO CONTRACT WITH HENDERSON PRODUCTS INC. IN THE AMOUNT OF \$41604.00 FOR THE PURCHASE, MANUFACTURING, AND INSTALLATION OF A BODY PACKAGE, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Coburn, 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 Mrs. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 52-2021 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 53-2021

PRESENTED BY MRS. COBURN TITLE: ENTER INTO CONTRACT HISSONG KENWORTH AN ORDINANCE AUTHORIZING THE CITY OF BARBERTON TO ENTER INTO CONTRACT WITH HISSONG KENWORTH OF RICHFIELD IN THE AMOUNT OF \$73686.00 FOR THE PURCHASE OF A NEW 2022 KENWORTH T270 DUMP TRUCK CAB AND CHASSIS AND DECLARING AN EMERGENCY.

It was moved by Mrs. Coburn, 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 Mrs. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 53-2021 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 54-2021

PRESENTED BY MRS. FREY / MRS. COBURN TITLE: APPROPRIATION STORM WATER DEPARTMENT 15TH STREET NW AN ORDINANCE APPROPRIATING \$1,404,135.00 FROM THE UNAPPROPRIATED ITEM OF THE FEMA FUND TO THE STORM WATER CAPITAL BUDGET OF THE FEMA FUND AND DECLARING AN EMERGENCY.

It was moved by Mrs. Frey, seconded by Mrs. Coburn, 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. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 54-2021 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 55-2021

PRESENTED BY MRS. FREY / MRS. COBURN TITLE: APPROPRIATION STORM WATER DEPARTMENT ARTHUR STREET AN ORDINANCE APPROPRIATING \$141,773.00 FROM THE UNAPPROPRIATED ITEM OF THE FEMA FUND TO THE STORM WATER CAPITAL BUDGET OF THE FEMA FUND AND DECLARING AN EMERGENCY.

It was moved by Mrs. Frey, seconded by Mrs. Coburn, 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. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 55-2021 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 56-2021

PRESENTED BY MRS. COBURN TITLE: PURCHASE OF PROPERTY 114 14TH STREET NW AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 114 14TH STREET NW, UNDER THE HAZARD MITIGATION GRANT PROGRAM IN THE AMOUNT OF \$57,500.00, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Coburn, 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 Mrs. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 56-2021 BE ADOPTED.** All Members voted "yea." Motion carried.

RESOLUTION NO. 57-2021

PRESENTED BY MRS. COBURN TITLE: OPWC GRANT APPLICATION TAYLOR ROAD WATER MAIN REPLACEMENT PROJECT. A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY.

It was moved by Mrs. Coburn, 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 Mrs. Coburn, seconded by Mrs. Frey, that **RESOLUTION NO. 57-2021 BE ADOPTED.** All Members voted "yea." Motion carried.

RESOLUTION NO. 58-2021

PRESENTED BY MRS. COBURN TITLE: OPWC GRANT APPLICATION WOLF CREEK DAM REHABILITATION PROJECT. A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY.

It was moved by Mrs. Coburn, 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 Mrs. Coburn, seconded by Mrs. Frey, that **RESOLUTION NO. 58-2021 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 59-2021

PRESENTED BY MRS. COBURN TITLE: ENTER INTO COOPERATIVE AGREEMENT CITY OF NORTON AND THE CITY OF BARBERTON. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO JOINT APPLICATIONS BETWEEN THE CITY OF NORTON AND THE CITY OF BARBERTON TO APPLY FOR THE OHIO PUBLIC WORKS COMMISSION'S (OPWC) STATE CAPITAL IMPROVEMENT PROGRAM (SCIP), AND DECLARING AN EMERGENCY.

It was moved by Mrs. Coburn, 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 Mrs. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 59-2021 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 60-2021

PRESENTED BY MRS. COBURN TITLE: ENTER INTO COOPERATIVE AGREEMENT COUNTY OF SUMMIT AND THE CITY OF BARBERTON. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO JOINT APPLICATIONS BETWEEN THE COUNTY OF SUMMIT AND THE CITY OF BARBERTON TO APPLY FOR THE OHIO PUBLIC WORKS COMMISSION'S (OPWC) STATE CAPITAL IMPROVEMENT PROGRAM (SCIP), AND DECLARING AN EMERGENCY.

It was moved by Mrs. Coburn, 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 Mrs. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 60-2021 BE ADOPTED**. All Members voted "yea." Motion carried.

BEFORE ORDINANCES 61-2021 and 62-2021 WERE READ THE FOLLOWING STATEMENT WAS READ: THE FOLLOWING ORDINANCES WERE VOTED ON IN THE CITY PROPERTIES – PARKS AND RECREATION COMMITTEE MEETING AND ADDED TO THE AGENDA. THE COMMITTEE INVOKED COUNCIL RULE 702 TO SUSPEND RULES 302 (THE 10 DAY RULE), 304 (THE NOT ON AGENDA RULE) AND RULE 401 (THE NOT CALLED FOR IN COMMITTEE OF THE WHOLE RULE).

ORDINANCE NO. 61-2021

PRESENTED BY MR. HEITIC TITLE: SUBMISSION OF A GRANT APPLICATION – PARKS O.D.N.R. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR UP TO \$150,000 FOR THE CONSTRUCTION OF SAND VOLLEYBALL COURTS AT TUSCORA PARK, AND DECLARING AN EMERGENCY.

It was moved by Mr. Heitic, seconded by Mr. Jaber, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. Remarks: Mr. Heitic stated that due to the timelines and deadlines he feels the suspension is warranted. Mrs. Frey wanted to state she appreciated the effort made this evening to get this Ordinance on the Agenda. All Members voted "yea." Motion carried. It was moved by Mr. Heitic, seconded by Mr. Jaber, that **ORDINANCE NO. 61-2021 BE ADOPTED**. All Members voted "yea." Motion carried.

ORDINANCE NO. 62-2021

PRESENTED BY MR. HEITIC TITLE: FOUNDATION GRANT REQUEST – PARKS PARKS AND RECREATION DEPARTMENT PROGRAMS. 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 \$15,000, TO BE USED FOR THE 2021 PARKS AND RECREATION DEPARTMENT PROGRAMS, AND DECLARING AN EMERGENCY.

It was moved by Mr. Heitic, seconded by Mr. Jaber, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. Remarks: Mr. Heitic stated that as with the previous Ordinance, he feels that due to the deadlines for submission that the suspension is warranted. All Members voted "yea." Motion carried. It was moved by Mr. Heitic, seconded by Mr. Jaber, that **ORDINANCE NO. 62-2021 BE ADOPTED**. All Members voted "yea." Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 43-2021

PRESENTED BY: MR. GRIFFIN TITLE: FY 2021 CDBG ANNUAL ACTION PLAN
AN ORDINANCE APPROVING THE FY 2021 COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) ANNUAL ACTION PLAN BUDGET AND DECLARING IT AN
EMERGENCY.

RESOLUTION NO. 45-2021

PRESENTED BY: MRS. FREY TITLE: PRO ACT SUPPORT A RESOLUTION OF
THE COUNCIL OF THE CITY OF BARBERTON IN SUPPORT OF THE PROTECTING
THE RIGHT TO ORGANIZE (PRO) ACT, WHICH PROVIDES A GENERATIONAL
OPPORTUNITY FOR THE LABOR MOVEMENT AND SERVES AS THE CORNERSTONE
OF THE AFL-CIO'S WORKERS FIRST AGENDA.

It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mrs. Debevec, that **RESOLUTION NO. 45-2021 BE ADOPTED**. Remarks: Mr. Greer stated that he will not be endorsing HR 32 as it is currently written in Congress. Mr. Heitic stated that investing in people is what built this country and protecting those people moving forward is what is going to help this Country to move forward. The Roll was called by the Clerk, Mr. Jaber, Mr. Heitic, Mr. Griffin, Mrs. Angeloff, Mrs. Debevec, Mrs. Coburn and Mrs. Frey voting "Yea" and Mr. Greer voting "No", Motion carried.

THIRD READING OF ORDINANCES AND RESOLUTIONS

There are none

APPOINTMENTS

There are none

MISCELLANEOUS AND UNFINISHED BUSINESS

None

COMMUNICATION FROM THE MAYOR

Covid Update: The Mayor stated that he has been meeting with Council President Megyes on moving back into Council Chambers. June 2nd is the time frame for State restrictions and mandates to be restricted. Working with IT to assure Council Chambers is ready. If Councilmembers do not feel comfortable, remote participation is still available. Decisions are being made to limit participants in the room. Due to the location of Council Chambers and the space allocated to Department Heads and participants, it will be more advantageous for those individuals to just stay in their offices and attend remotely. These decisions are still in progress as Summit County is still categorized as "Red" and locally as well as state wide we are still in a state of Emergency. Things are changing, numbers are coming down, restrictions are being lifted however we are still considered to be in a state of emergency. We want to follow that and keep everyone safe here. We are permitted to be more restrictive than the County and the State but we are not permitted to be less restrictive. We should have more information over the next two weeks.

A Vaccination Clinic was put together last minute through Summa on the West Hopocan Orange Lot. We are working with Summa to see if we can get another clinic scheduled hopefully soon and hopefully, we receive more notice.

Regarding the American Rescue Plan, we are working through ideas and webinars. As Mrs. Debevec stated these webinars contradict themselves but it is important that we attend them.

We have a White House call every Thursday although repetitive or contradictory at some point they might release information that was not in any other webinar. We have found that as they define uses, specific wording has changed which makes all the difference in how the money is used. The Mayor referenced Mr. Flaker's comment regarding "safety forces wages". How that was applied in the Cares Act funding and now has totally changed.

The Mayor expressed his appreciation in Council passing the legislation to enter into contract with the paving program. It is a yearlong program; we have a fluid list of streets from when we have new construction or as watermain breaks happen. It is exciting too to see new curbs as on 5th Street. There are about 12 new storm inlets on 5th Street and the side roads. Gas lines have also been replaced there has been well over \$1,000,000.00 investment by various agencies on 5th Street NE. Also, it is great to see the AMATS projects, which we applied for a few years ago, are now coming into fruition.

Regarding the seasonal employees, if Council has any questions regarding the requested legislation, please ask as we are trying to attract more seasonal employees for our growing number of duties. This also serves as a protentional test for future full-time employees for the City. Many seasonal over the years have become full time employees. Mayor Judge stated he used to pick his application for seasonal employment up from Councilwoman Angeloff. We have negotiated more seasonal hours and we want to utilize those.

This past weekend was the Jeep Davis 5K Race. We had a great turnout especially with all the additional activities happening in the community. The Organizers want to continue to build this activity.

Next Monday is Memorial Day and the City Building will be closed. The VFW will have a Memorial Service at Lake Anna at the Honor Roll starting at 10am.

CLOSING REMARKS

Mr. Griffin announced that the Barberton Labor Day Barbecue and Music Festival will be September 4th, 5th and 6th. Check it out at www.barbertonlaborday.com or with Paula Calio (sp?). The committee is looking for sponsors.

President Megyes clarified our next meeting is in 2 weeks on June 7th as next Monday is Memorial Day. Many things can happen in 2 weeks. We are still in a state of emergency per the County. He knows we all want to return to chambers but we need to keep it safe. For the first month masks will be mandatory and we are going to limit the number of people in the Council Chambers. President Megyes will be contacting all Council Members and Department Heads to see who will be attending in person and who will be attending virtually. All plans are tentative at this point until details are worked out for the meeting on June 7th.

A motion was made by Mrs. Debevec and seconded by Mr. Heitic to adjourn. All members voting "yea". Meeting adjourned.

Adjourned: 8:13 pm.

Craig Megyes
President of Council

Laura J. Ries-Price
Clerk of Council