

Council met in REGULAR SESSION on Monday, June 28, 2021 at 6:51 P.M. in the Council Chambers with President Megyes presiding. The Pledge of Allegiance to the Flag was recited and President Megyes gave the Invocation.

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

It was moved by Mrs. Debevec, seconded by Mr. Heitic, to approve the Minutes of the First Public Hearing held on Monday, June 7, 2021, as presented. No remarks made. All Members voted “yea.” Motion carried.

It was moved by Mrs. Debevec, seconded by Mr. Heitic, to approve the Minutes of the Second Public Hearing held on Monday, June 7, 2021, as presented. No remarks made. All Members voted “yea.” Motion carried.

It was moved by Mrs. Debevec, seconded by Mr. Heitic, to approve the Minutes of the Regular Legislative Meeting held on Monday, June 14, 2021, as presented. No remarks made. All Members voted “yea.” Motion carried.

It was moved by Mrs. Debevec, seconded by Mr. Heitic, to approve the Minutes of the Special Legislative Meeting held on Monday, June 21, 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. 82-2021

PRESENTED BY MRS. FREY & MR. HEITIC TITLE: APPROPRIATION PARKS DEPARTMENT AN ORDINANCE APPROPRIATING \$25,000 FROM THE UNAPPROPRIATED ITEM OF THE CITY GRANT FUND TO THE PARKS OPERATION AND MAINTENANCE BUDGET OF THE CITY GRANT FUND, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Frey, seconded by Heitic, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. President Megyes called for remarks – Mr. Heitic stated that this Ordinance and the following Ordinance, because of their nature as just a transfer, Mr. Heitic believes that suspension is warranted. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mr. Heitic, that **ORDINANCE NO. 82-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 83-2021

PRESENTED BY MRS. FREY & MR. HEITIC TITLE: APPROPRIATION PARKS DEPARTMENT AN ORDINANCE APPROPRIATING \$500 FROM THE UNAPPROPRIATED ITEM OF THE CITY GRANT FUND TO THE PARKS OPERATION AND MAINTENANCE BUDGET OF THE CITY GRANT FUND, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Frey, 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. Frey, seconded by Mr. Heitic, that **ORDINANCE NO. 83-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 84-2021

PRESENTED BY MR. HEITIC TITLE: DISPOSAL OF WOODWORKING EQUIPMENT AN ORDINANCE AUTHORIZING THE DIRECTOR OF PARKS AND RECREATIONS TO DISPOSE OF 2 PIECES OF WOODWORKING EQUIPMENT LOCATED IN THE BASEMENT OF THE WEIGAND BUILDING WITHIN THE WOODWORKING SHOP.

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. President Megyes asked for remarks. Mr. Heitic remarked that as Director Patterson’s remark to Mrs. Coburn’s question, that one is currently in use, at this point they are liabilities and suspension is warranted to get rid of them. All Members voted “yea.” Motion carried. It was moved by Mr. Heitic, seconded by Mr. Jaber, that **ORDINANCE NO. 84-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 85-2021

PRESENTED BY MRS. FREY TITLE: APPROPRIATION LAW DEPARTMENT AN ORDINANCE APPROPRIATING \$12,200 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE LAW DEPARTMENT CAPITAL 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. 85-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 86-2021

PRESENTED BY MRS. ANGELOFF TITLE: SPECIAL ASSESSMENTS – DEMOLITIONS, BOARD-UPS AND WEED/GRASS CUTTINGS AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR, SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTIES LOCATED WITHIN THE CITY FOR THE COST OF ORDERED DEMOLITIONS, LIEN SEARCHES, EMERGENCY BOARD-UPS, ENVIRONMENTAL ABATEMENTS AND WEED/GRASS CUTTINGS WHICH TOOK PLACE FROM SEPTEMBER 2020 THROUGH AUGUST 2021, AND DECLARING AN EMERGENCY.

This will go for three readings.

ORDINANCE NO. 87-2021

PRESENTED BY MRS. DEBEVEC TITLE: ENTER INTO CONTRACT TENABLE PROTECTIVE SERVICES, INC. AN ORDINANCE AUTHORIZING THE BARBERTON MUNICIPAL COURT TO ENTER INTO CONTRACT WITH TENABLE PROTECTIVE SERVICES, INC., FOR A PERIOD OF ONE-YEAR TO PROVIDE UNARMED UNIFORMED SECURITY OFFICERS, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Debevec, seconded by Mr. Greer, 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. Greer, that **ORDINANCE NO. 87-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 88-2021

PRESENTED BY MRS. COBURN TITLE: WATER POLLUTION CONTROL LOAN FUND AGREEMENT A RESOLUTION AUTHORIZING THE CITY OF BARBERTON TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF BARBERTON FOR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, 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. 88-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

This ended the First Readings

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 76-2021

PRESENTED BY MRS. COBURN TITLE: ENTER INTO CONTRACT – NORTH BAY CONSTRUCTION, INC. WWTP – PHASES 3B AND 3C AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH NORTH BAY CONSTRUCTION, INC., IN AN AMOUNT OF \$5,608,908, FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS (WWTP) PHASES 3B AND 3C PROJECT, 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. 76-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 77-2021

PRESENTED BY MRS. COBURN TITLE: ENTER INTO CONTRACT – CT CONSULTANTS WWTP – PHASES 3B AND 3C AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH CT CONSULTANTS, IN AN AMOUNT NOT TO EXCEED \$361,000, FOR BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE WASTEWATER TREATMENT PLANT (WWTP) PHASES 3B AND 3C PROJECT, 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. President Megyes called for remarks. Mrs. Debevec stated that she would be voting No on suspension as well as the Ordinance because half of the work has already been done without Council’s consent and the Charter requires it to be presented

and voted on by Council before the work commences. That was not adhered to so she will be voting no this evening.

Mr. Jaber remarked that he too will be voting No on this ordinance as he feels this shows the lack of communication from the Department heads to City Council. "Before you move forward with this kind of stuff, the work is already done and now you are asking for money when you should have been asking for money first so now you just gotta wait. This is a prime example of that". With no other remarks the roll was called on the motion for Suspension. Mr. Greer, Mr. Heitic, Mr. Jaber and Mrs. Debevec voted No, Mrs. Frey, Mrs. Angeloff and Mrs. Coburn voted yes. Suspension Motion failed.

#### ORDINANCE NO. 68-2021

PRESENTED BY MRS. ANGELOFF TITLE: ZONING MAP AMENDMENT  
EASTERN ROAD/FAIRLAND ROAD AN ORDINANCE AUTHORIZING THE  
REZONING OF PARCEL 01.16060, AN 11.26-ACRE PARCEL AT THE SOUTHWEST  
CORNER OF EASTERN ROAD AND FAIRLAND ROAD, FROM C3, COMMUNITY  
CENTER COMMERCIAL TO RS-50, SINGLE-FAMILY DETACHED.

First reading: 6-14-2021

#### ORDINANCE NO. 69-2021

PRESENTED BY MRS. ANGELOFF TITLE: ZONING MAP AMENDMENT  
635 NORTON AVENUE AN ORDINANCE AUTHORIZING THE REZONING OF  
PARCELS 01.06960, 01.06961, 01.0692 AND 01.06963, A 4.33-ACRE PARCEL AT  
635 NORTON AVENUE FROM C3, COMMUNITY CENTER COMMERCIAL TO I2,  
MEDIUM INDUSTRIAL.

First reading: 6-14-2021

This ended the Second Readings

### **THIRD READING OF ORDINANCES AND RESOLUTIONS**

#### ORDINANCE NO. 47-2021 / AS AMENDED

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.

Mrs. Frey remarked that this Ordinance contains amendments which were made on 6-15-2021.

It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 47-2021 BE ADOPTED AS AMENDED**. President Megyes called for remarks. Mr. Heitic remarked that there was no Emergency language. Mrs. Frey and Mrs. Coburn stated that this is the third reading. Mr. Heitic stated he is aware however the Charter only requires council to pass it and on the original version he didn't request it. Mrs. Frey checked the wording on the amended legislation and it stated Emergency. A discussion was held with Mrs. Debevec, Mrs. Frey and Mrs. Coburn stating that it has to be signed tomorrow for Council members to get paid. Mr. Heitic stated he believed that the Charter doesn't require that it be signed, only that Council pass the legislation timely and he didn't know if it was an oversight that Emergency language was included or if the language was actually added by committee. Mrs. Angeloff stated that when the mayor signs the legislation is when it goes into effect. Mr. Heitic stated he was aware of that but, Mrs. Angeloff and Mrs. Coburn stated if the mayor waits 30 days it is too close to the deadline, Mrs. Angeloff stated that the deadline is today. Mayor Judge stated that if it passes with non-emergency wording and he signs it today then it goes into effect in 30 days. Mr. Heitic again stated "Right, but the Charter only requires the passage of it not the signage of it within 120 day mark". (Everyone talking at once). Mr. Heitic stated he didn't know if Mrs. Fox just

added that. Mrs. Frey read from the document “That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety..... shall be in full force and effect from and after its passage and approval; otherwise, to be in full force and effect from and after the earliest period allowed by law.” Mr. Heitic then referred to Mrs. Miller’s Ethics report that he will be voting and will not abstain. He stated he respects all of Council and the work everybody did, He still believes in his original proposal but he does appreciate everybody’s input and everybody’s hard work on it. He stated he truly sees everybody’s side but he will be voting No since it was his original proposal. He thanked everyone for all their work on it, he loved hearing their sides and the thoughts that went with it. It was educational for him and he knows that he can go to everyone for information. Mrs. Debevec stated that she will also be voting this evening after Mrs. Miller provided her opinion and that she will be voting in favor of this legislation because it is the only choice at this point to provide pay for the three (3) elected positions. There is no guarantee that any of the three of “us” will have seats after the election, one will by default. Mrs. Debevec stated that she doesn’t feel that any of the people seeking these seats intended to not have a paycheck so for that reason she will be voting yes. Additionally, is not a pay increase, the pay has stayed the same and it has for over two decades. Also, if this legislation does not pass Mr. Flaker will be unable to pay those three (3) positions. Mr. Greer stated that he will be following suit with Mrs. Debevec and voting yes on this legislation. In the beginning he did agree with and wholeheartedly support Mr. Heitic’s proposal with the cut, the incoming council members will not receive pay if we don’t pass this and it is not an increase so he will be supporting this as well and not abstaining. With no other remarks, the roll was called. Mr. Jaber, Mrs. Debevec, Mrs. Frey, Mrs. Coburn, Mr. Greer and Mrs. Angeloff voting yes, Mr. Heitic voting no, Motion carried.

This ended the Third Readings.

#### **APPOINTMENTS**

There are none

#### **MISCELLANEOUS AND UNFINISHED BUSINESS**

There were none.

#### **COMMUNICATION FROM THE MAYOR**

Mayor Judge thanked everyone who came out for Change for a Change last Friday. This was the first one we have had in over a year and \$231.00 was collected for the Barberton Relay for Life. We will be doing this once a month as we have in the past. More information to come. Our campaign that we have with BACM, Christmas in July is close. Monetary donations and collecting toiletries and food items can be dropped off at the YMCA, the Parks Department and at the City Building.

Still seeing extreme heat and weather events. We were lucky and were missed by the storms that hit the Cleveland Area and Cuyahoga County last week and we are keeping an eye on that.

Infrastructure bill draft came out last week and President Biden on the steps of the White House was surrounded by both Democrats and Republicans including Ohio’s Senator Portman. There will be many changes between now and when it gets passed. We will try and ascertain how that will look when it trickles down to us.

The Mayor read an email he received regarding the State budget that must be passed by the end of June. The email stated that the Budget Conference Committee just completed their work and the budget is likely to be approved by both the House and the Senate by tomorrow and that the Governor is likely to sign it on Wednesday. The Budget language was altered with respect to the income tax. Under the language by both the House and the Senate that taxpayers can have the right to apply for a refund of the 2020 taxes. There are lawsuits pending with respect to 2020. Many communities and mayors and public entities responded to the broadband language and that language was removed.

The Mayor thanked Council for the phone calls and letters and the legislation passed in the special session on June 21. The budget was also increased to \$250,000,000.00. The language does not extend the open meetings provision allowing for virtual meeting participation. Therefore as of July first all council members must be in chambers. There was talk about extending it to the end of the year however it was stated that the final language has not been released. As updates and information is released the mayor stated he will make Council aware. There have been many conversations both here internally and with other mayors and communities over the past few months regarding the municipal income tax and broadband participation virtually or not.

Mrs. Coburn stated that the Relay for Life is collecting canned goods to hold down the luminaries on July 17th on Tuscarawas. Canned goods can be dropped off at Ignite or at Coburn's Quilting. July 17th is the date for Relay for Life and you can drop the canned goods off any day up to that date. All canned goods will be donated to BACM the following day.

### **CLOSING REMARKS**

President Megyes stated that this will be our last Go-To-Meeting. We will be ending this so all the Department Heads will have to be here in person if they have to talk to Council and by law all Council members must be here. We have to pay for this and by law we must meet in person.

President Megyes called for a motion to excuse Mr. Shorter Griffin from tonight's meeting. Mr. Heitic made the motion and it was seconded by Mrs. Debevec to excuse Mr. Griffin from tonight's meeting. All members voting "yea", motion carried.

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

Adjourned: 7:30 pm.

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Craig Megyes  
President of Council

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Laura J. Ries-Price  
Clerk of Council