

Council met in **REGULAR SESSION** on Monday, October 28, 2019, at 7:38 P.M. in the Council Chambers with President Megyes presiding. Members present: Angeloff, Coburn, Debevec, Frey, Griffin, Palmer, and Zarle. Mrs. Conrad-Wokojance was absent. The Pledge of Allegiance to the Flag was recited and Mrs. Frey gave the Invocation.

It was moved by Mrs. Debevec, seconded by Mr. Griffin, to approve the Minutes of the Regular Legislative Session held on Monday, October 14, 2019, 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

ORDINANCE NO. 117-2019

ORDINANCE NO. 117-2019. PRESENTED BY: MRS. FREY. TITLE: PERMISSIVE MOTOR VEHICLE TAX INCREASE. AN ORDINANCE AUTHORIZING THE CITY OF BARBERTON TO LEVY A PERMISSIVE MOTOR VEHICLE LICENSE TAX PURSUANT TO OHIO REVISED CODE SECTION 4504.173.

ORDINANCE NO. 118-2019

ORDINANCE NO. 118-2019. PRESENTED BY: MR. PALMER. TITLE: ENTER INTO AGREEMENT - FRASHURE PARK PACKAGE PLANT ELIMINATION, PHASE 4. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH RUDZIK EXCAVATING, INC. FOR CONSTRUCTION SERVICES FOR THE FRASHURE PARK PACKAGE ELIMINATION, PHASE 4 PROJECT IN THE AMOUNT OF \$381,365.00, AND DECLARING AN EMERGENCY. It was moved by Mrs. 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. 118-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 119-2019

ORDINANCE NO. 119-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION - SEWER FUND. AN ORDINANCE APPROPRIATING \$10,389.00 FROM THE UNAPPROPRIATED ITEM OF THE SEWER FUND TO THE CAPITAL BUDGET OF THE SEWER FUND TO HELP COVER THE COST OF A REPLACEMENT VEHICLE AT THE WASTE WATER TREATMENT PLANT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mr. Palmer, 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. Palmer, that **ORDINANCE NO. 119-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 120-2019

ORDINANCE NO. 120-2019. PRESENTED BY: MR. GRIFFIN. TITLE: DISPOSAL OF VEHICLES - POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP/SALVAGE TWENTY-ONE (21) VEHICLES DEEMED TO BE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND UNFIT AND UNSAFE FOR DISPOSAL IN ANY OTHER MANNER, AND DECLARING AN EMERGENCY. It was moved by Mr. Griffin, 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. Griffin, seconded by Mrs. Debevec, that **ORDINANCE NO. 120-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 121-2019

ORDINANCE NO. 121-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION - HUMAN RESOURCES. AN ORDINANCE APPROPRIATING \$45,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE HUMAN RESOURCES PROFESSIONAL SERVICES FUND FOR ONGOING LABOR NEGOTIATIONS, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec seconded by Mr. Griffin, 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. Griffin, that **ORDINANCE NO. 121-2019 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 122-2019

ORDINANCE NO. 122-2019. PRESENTED BY: MRS. COBURN. TITLE: ENTER INTO CONTRACT – USEPA. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) FOR \$300,000, TO BE USED ON A CITYWIDE BASIS, TO COMPLETE A BROWNFIELD SITE INVENTORY, PHASE I PROPERTY ASSESSMENTS, PHASE II PROPERTY ASSESSMENTS, ANALYSES OF BROWNFIELD CLEANUP ALTERNATIVES AND ASSOCIATED QUALITY ASSURANCE PLANS (QAPS), SAMPLING PLANS AND COMMUNITY OUTREACH/EDUCATION, AND DECLARING AN EMERGENCY. It was moved by Mrs. Coburn, seconded by Mr. Griffin, 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 Mr. Griffin, that **ORDINANCE NO. 122-2019 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 123-2019

ORDINANCE NO. 123-2019. PRESENTED BY: MRS. COBURN. TITLE: ENTER INTO CONTRACT - T&M ASSOCIATES. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH T&M ASSOCIATES, IN THE AMOUNT OF \$300,000, TO ASSIST THE CITY IN COMPLETING THE RECENTLY AWARDED USEPA CITY WIDE BROWNFIELD ASSESSMENT GRANT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Coburn, seconded by Mr. Griffin, 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 Mr. Griffin, that **ORDINANCE NO. 123-2019 BE ADOPTED**. All Members voted “yea.” Motion carried.

ORDINANCE NO. 124-2019

ORDINANCE NO. 124-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: APPROPRIATION - PLANNING DEPARTMENT. AN ORDINANCE APPROPRIATING \$150,000 FROM THE UNAPPROPRIATED ITEM OF THE CITY GRANT FUND TO THE PLANNING DEPARTMENT USEPA PETROLEUM ASSESSMENT GRANT 2019-2022 AND \$150,000 FROM THE UNAPPROPRIATED ITEM OF THE CITY GRANT FUND TO THE PLANNING DEPARTMENT USEPA HAZARDOUS SUBSTANCES ASSESSMENT GRANT 2019-2022, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, 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. Debevec, seconded by Mrs. Coburn, that **ORDINANCE NO. 124-2019 BE ADOPTED**. All Members voted “yea.” Motion carried.

RESOLUTION NO. 125-2019

RESOLUTION NO. 125-2019. PRESENTED BY: MRS. DEBEVEC. TITLE: CERTIFYING PROPERTY TAX RATES. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES OF PROPERTY TAX AS DETERMINED BY THE BUDGET COMMISSION OF SUMMIT COUNTY, AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY AUDITOR FOR THE YEAR 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 **RESOLUTION NO. 125-2019 BE ADOPTED**. All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 109-2019

ORDINANCE NO. 109-2019. PRESENTED BY: MRS. CONRAD-WOKOJANCE. TITLE: DOWNTOWN BARBERTON HISTORIC DISTRICT MAP. AN ORDINANCE AMENDING THE DOWNTOWN AND PRESERVATION OVERLAY DESIGN GUIDELINES BY AMENDING THE DOWNTOWN BARBERTON HISTORIC

DISTRICT MAP TO INCLUDE PARCELS 01.07920 AND 01.07921 ALSO KNOWN AS 185 3RD STREET NW.

ORDINANCE NO. 110-2019

ORDINANCE NO. 110-2019. PRESENTED BY: MRS. CONRAD-WOKOJANCE. TITLE: ZONING MAP AMENDMENT - 185 3RD STREET NW. AN ORDINANCE AUTHORIZING THE REZONING OF PARCELS 01.07920 & 01.07921 ALSO KNOWN AS 185 3RD STREET NW FROM RM30 RESIDENTIAL MULTIFAMILY TO CD COMMERCIAL DOWNTOWN.

RESOLUTION NO. 114-2019

RESOLUTION NO. 114-2019. PRESENTED BY: MR. GRIFFIN. SPONSORED BY: ALL OF COUNCIL. TITLE: COMMENDATION – EBENEZER HARRIS. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO EBENEZER HARRIS, ONE OF THE CITY’S MOST DECORATED VIETNAM VETERANS.

THIRD READING OF ORDINANCES AND RESOLUTIONS

None.

APPOINTMENTS

Planning Commission

Ron Mollric reappointment (4-year term) 01/01/2020 – 12/31/2023

It was moved by Mrs. Zarle, seconded by Mrs. Angeloff to approve the reappointment of Mr. Ron Mollric to the Planning Commission effective January 1, 2020 through December 31, 2023. Mrs. Debevec stated the following: “I would like to begin by saying that I value experience. I value the experience that our police officers, firemen, employees, and particularly members of our boards and commissions bring with them to make Barberton the best place to live and work. Just to be clear, the request I am about to make has nothing to do with the prospective appointees this evening, but rather, the process in which they occur. For the last several years, I believe city council and the administration have had a verbal agreement that all members of council receive resumes for appointments to the city’s commissions and boards. However, the last four appointment requests have come without resumes. This is a topic I have felt strongly about enacting and would like to make a formal request to Mrs. Coburn, the chairwoman of the Rules Committee, to develop a rule stating that all appointments to our boards and commissions require a resume for consideration of confirmation by City Council. We can not assume that every member of city council is familiar with each of our applicants’ qualifications and experience. I am respectfully asking that the Planning and Parks Committees allow us to postpone these appointments this evening until the Rules Committee has had the opportunity to come together and get the guidelines in place.” She said she was discussing this with Mrs. Frey a little before the meeting this evening and it doesn’t necessarily have to be a paper resume. She said to protect everyone in this room, if someone comes up to them and asks why they voted yes for an appointment and she doesn’t know the person so she would like to

have a piece of paper to show this is why and this is the experience they have. She said it will protect all of them. President Megyes stated Mrs. Conrad-Wokojance is in charge of this particular committee and she is absent. He said second in charge would be Mrs. Zarle. Mrs. Zarle said she does not feel comfortable making that decision because the chair is not present and it already went through the committee. President Megyes stated they could postpone it for two weeks. Mrs. Debevec stated it is not up to her but she wants to protect everyone. She said it has nothing to do with Mr. Mollric or Mrs. Keim but she feels they need to have a protocol in place for appointments. Mrs. Coburn stated she agrees with having a protocol but both of these people have been brought out of their committees to vote on. She stated she thinks they should create a protocol for next year but changing it after the committees have brought them out, she thinks they should appreciate the committees review of those people. President Megyes stated he agrees with her and he wishes he would have known earlier. Mrs. Debevec stated she thought long and hard about it over the course of the week. She stated in Safety two weeks ago they had the same situation with another appointee that she personally did not know and she voted yes based on an few lines email from the administration. She stated it has never been a secret that she wants a resume. She said she is just expressing her concerns. President Megyes stated it is duly noted and from now on they will follow that protocol but for tonight's purpose they will stick with what they have. Mrs. Angeloff stated Mrs. Debevec needs to clarify, whether it is an appointment or a reappointment. Mrs. Debevec stated that would be something they would discuss in Rules. Mrs. Angeloff stated she was saying appointment and these are reappointments and they either have to put them together or separate the two. Mrs. Miller stated it is an appointment. She said it doesn't matter if they have been there or not been there that it is an appointment every single time. She stated there is no such thing as a protocol, it is a rule. She stated you either are adopting a rule or you are not adopting a rule and that is the problem. She said you have an understanding and there is no rule. She stated either council is going to adopt a rule, and that is the rule or you are not going to have a rule. She said there is an appointment and there is no such thing as a reappointment and once someone's term is over, there term is over. She said then they are appointed again and it is an appointment every single time. President Megyes suggested Mrs. Coburn and Mrs. Miller get together and work on something. Angeloff, Coburn, Frey, Griffin, Palmer, and Zarle voted yes. Mrs. Debevec voted no. Motion carried.

Parks & Recreation Commission

Donna Keim	reappointment (5-year term)	01/01/2020 – 12/31/2024
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It was moved by Mrs. Angeloff, seconded by Mrs. Coburn to approve the appointment of Mrs. Donna Keim to the Parks and Recreation Commission effective January 1, 2020 through December 31, 2024. Angeloff, Coburn, Frey, Griffin, Palmer, and Zarle voted yes. Mrs. Debevec voted no. Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

It was moved by Mrs. Debevec, seconded by Mr. Griffin to excuse Mrs. Conrad-Wokojance from tonight's meeting. All Members voted "yea." Motion carried.

COMMUNICATION FROM THE MAYOR

Mayor Judge stated when it comes to boards, commissions and appointments, he thought long and hard when he was on city council to have resumes added. He said when he was on council, he had a gentleman who would have been offended with if asked for a resume so they started giving at least a paragraph with the person's background.

Mayor Judge said he had a great meeting with The Japan External Trade Organization this past week concerning direct foreign investment. He said there are a lot of Japanese companies in neighboring communities and they are looking for additional spots in this area for additional businesses. He said they have had ongoing talks the past few years with similar organizations out of other countries.

Mayor Judge stated he will be meeting with Jobs Ohio to look at different programs and how to get investments here in Barberton.

Mayor Judge said Change for Change will be held Wednesday at Angie's Pizza to benefit Victim's Assistance.

Mayor Judge asked everyone to keep Emma Pfouts, a Norton High School student who became ill a few weeks ago, and her family in their prayers.

Mrs. Zarle announced Thursday, November 21st at 7:00pm the Friends of the 4th Ward will be meeting at the Active Adult Center for the second meeting of the Community Watch.

Mr. Griffin stated Ms. Gweneta Marie Askew, the lady who lives on College Street that was instrumental in getting the park together and having an event, lost her mother last week. He asked to keep her and her family in their prayers.

Mrs. Coburn announced Ward 5 and Ward 6 will have an informational meeting on Wednesday, October 30th at the Active Adult Center.

President Megyes stated he passed out to all council members the annual leaf removal flyer that he puts together with the football team. He said hopefully it will go better than last year. He stated last year the leaves fell late and it rained 4 Saturdays in a row and they did not do leaves until December 8th. He said it is for Senior Citizens and Disabled Citizens.

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

Adjourned: 8:10 P.M.

Craig Megyes
President of Council

Renee Fox
Clerk of Council