

Council met in **REGULAR SESSION** on Monday, July 27, 2020 at 6:27 P.M. at the Active Adult Center with President Megyes presiding. Members present: Angeloff, Coburn, Debevec, Frey, Greer, Griffin, Heitic, and Jaber. The Pledge of Allegiance to the Flag was recited and Mrs. Angeloff gave the Invocation. There was a moment of silence in honor of Ralph Herzog. President Megyes stated there will be a Memorial Service for Mr. Herzog on July 29, 2020 at Lake Anna.

President Megyes stated Council Rule 103 states the Regular and Committee of the Whole meetings shall be at 7:30pm and since we are starting earlier than this, we will need to Invoke Council Rules 702. It was moved by Mrs. Debevec, seconded by Mr. Heitic to Invoke Council 702 to Suspend Council Rule 103. All Members voted “yea.” Motion carried.

It was moved by Mrs. Debevec, seconded by Mr. Heitic, to approve the Minutes of the Regular Legislative Session held on Monday, July 13, 2020, as presented. All Members voted “yea.” Motion carried.

It was moved by Mrs. Debevec, seconded by Mr. Heitic to approve the Minutes of the Public Hearing held on Monday, July 20, 2020 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**

The Clerk read a letter to Council from the Planning Commission respectfully requesting the members of council to vote no on the legislation request regarding the proposed charter amendment of the Planning Director.

**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. 84-2020**

**ORDINANCE NO. 84-2020. 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 2019 THROUGH AUGUST 2020, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Angeloff, 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. Angeloff, seconded by Mrs. Coburn, that **ORDINANCE NO. 84-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 85-2020**

**ORDINANCE NO. 85-2020. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - UTILITIES DEPARTMENT. AN ORDINANCE APPROPRIATING \$565,000 FROM THE UNAPPROPRIATED ITEM OF THE WATER FUND TO THE WATER FUND CAPITAL BUDGET, 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. Frey, seconded by Mrs. Coburn, that **ORDINANCE NO. 85-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 86-2020**

**ORDINANCE NO. 86-2020. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - FIRE DEPARTMENT. AN ORDINANCE APPROPRIATING \$979.30 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE FIRE DEPARTMENT OPERATING BUDGET.** 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. 86-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 87-2020**

**ORDINANCE NO. 87-2020. PRESENTED BY: MRS. DEBEVEC. TITLE: PURCHASE OF POLICE CRUISERS - GANLEY FORD. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO CONTRACT WITH GANLEY FORD TO PURCHASE TWO POLICE CRUISERS, 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. 87-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 88-2020**

**ORDINANCE NO. 88-2020. PRESENTED BY: MR. GRIFFIN. TITLE: FY 2020 CDBG ANNUAL ACTION PLAN. AN ORDINANCE APPROVING THE FY 2020 CDBG ANNUAL ACTION PLAN BUDGET, AND DECLARING AN EMERGENCY.** It was moved by Mr. Griffin, 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 Mr. Griffin, seconded by Mr. Heitic, that **ORDINANCE NO. 88-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 89-2020**

**RESOLUTION NO. 89-2020. PRESENTED BY: MRS. FREY. TITLE: ADDITIONAL TAX LEVY - RESOLUTION TO PROCEED TO THE BALLOT. A RESOLUTION TO PROCEED WITH THE SUBMISSION OF THE BALLOT QUESTION OF LEVYING AN ADDITIONAL THREE (3) MILL TAX TO ENSURE SUFFICIENT FUNDS FOR CURRENT OPERATING EXPENSES OF THE CITY OF BARBERTON, 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. Angeloff, Griffin, Coburn, Frey, Heitic and Megyes voted “yea.” Jaber, Greer and Debevec voted “no.” Motion carried. It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **RESOLUTION NO. 89-2020 BE ADOPTED.** Mr. Heitic stated that nobody wants to be in this situation to have to go to the taxpayers for money. He said the virus threw not just a monkey wrench in any sort of plan for any city but with B&W being stolen from us and blowing a \$1.3 million hole in our budget certainly did not help. He said if the voters were to pass this, this would still put us at the 7<sup>th</sup> lowest in property taxes for the city’s share in the 28 taxing districts in Summit County. He said the average home value in the City of Barberton, according to Zillow, is \$86,917 which equates to \$7.60 per month which is \$273 for the life of the levy over the 3 years. He said it doesn’t seem like a lot, but to a lot of people it is a lot, but in the situation that the City of Barberton is in, the best thing to do is have the expiration date on it to try to give the people a chance to see that they are not trying to make something permanent here and they are trying to work at something. He said nobody wants to ask but this is going to be in the hands of the voters and this will let them decide. Mayor Judge said he has always said that no one wants to raise taxes on the residents but this gives them the opportunity to vote on this tax increase or not. He said as Mr. Heitic stated, no one wants to be in this position and we are not the only ones in this position. He stated he sent two articles which he recently received to all of council, one including the City of Toledo going to the ballot for an income tax increase for street resurfacing. He said there are many examples out there of communities going to the ballot to raise taxes for their functions and operations. He said council has had more than ample time to provide input/feedback, and he did not hear from all of council, which is sad. He stated this gives an opportunity for voters to make a decision, and he tells voters if you cannot afford it, then don’t vote for it but there could be services lost. He said they do know that B&W has left and they do know that is about \$1.3 million that is missing from the income tax budget but they do not know the full effect of COVID and they won’t know for a while because of the income tax agency. He said they are checking their financials daily to see what they can do to make changes so they don’t have to cut services and they can operate as efficiently as possible. He said there is a time frame on this and he appreciates that is a part of this. He said he was asked if this passes with council and then passes with voter approval, can’t council just come back and renew this. He stated it would still have to go to the voters. He said it ends in 3 years. He said if council at that time chooses to go to the voters, it would be up to the voters again. He said again, no one wants to raise taxes but it puts everyone working together and everyone has a voice and this is for the betterment of the community. Mr. Greer stated he had a lot of people against sending this tax ordinance to the ballot but he also had some people for it. He said his stance is that he is personally not for this but it is bigger than him and if there is one person that he represents that wants this it is his duty to make sure it goes to the ballot. He stated they are not rulers they are representatives and the only reason he is voting yes on this is because it will be going to the voters and that is the only thing that is important to him. Mr. Jaber stated he will be voting no on

this because he feels there are better ways to bring income to the city instead of raising taxes. Mrs. Frey stated in addition to losing B&W, Mr. Flaker's budget report last week indicated in the first quarter of the year we are another \$.5 million down so you can cut services and things of that nature but to get that kind of revenue to make up. She said you are now talking about \$1.8 million, how are we going to make that up. She stated it is not like they are forcing this on them and they get to vote and if you can't afford it vote no, and as far as people reaching out and saying they are against this, she has not heard from one person. She said and that just like everything else, a lot of the people that complain, don't even vote. She stated if they are not going to care enough to register to vote and vote on things to kind of control the outcome of what goes on in their life politically, that is their problem. She said she does not feel bad about putting this forward because of the fact that if you are a voter, you can vote yes or no and it is in their hands. Heitic, Frey, Coburn, Griffin, Greer and Angeloff voted "yea. Debevec and Jaber voted "no." Motion carried.

**ORDINANCE NO. 90-2020**

**ORDINANCE NO. 90-2020. PRESENTED BY: MRS. FREY. TITLE: AUTHORIZE PAYMENT - ENGINEERING ASSOCIATES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO ENGINEERING ASSOCIATES IN THE AMOUNT OF \$62,000, 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. 90-2020 BE ADOPTED.** All Members voted "yea." Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 75-2020**

**ORDINANCE NO. 75-2020. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. GRIFFIN. TITLE: PROPOSED CHARTER AMENDMENT - DEPARTMENT OF PUBLIC SERVICE. AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON REGARDING THE ELIMINATION OF THE DIVISION OF ENGINEERING, AND FOR GIVING NOTICE THEREOF, AND DECLARING AN EMERGENCY.**

**ORDINANCE NO. 76-2020**

**ORDINANCE NO. 76-2020. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. GRIFFIN. TITLE: PROPOSED CHARTER AMENDMENT - PLANNING COMMISSION / PLANNING DIRECTOR. AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON REGARDING THE APPOINTMENT OF THE DIRECTOR OF PLANNING, AND FOR GIVING NOTICE THEREOF, AND DECLARING AN EMERGENCY.**

**ORDINANCE NO. 77-2020**

**ORDINANCE NO. 77-2020. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. GRIFFIN. TITLE: PROPOSED CHARTER AMENDMENT - PARKS AND RECREATION COMMISSION / DIRECTOR. AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON REGARDING THE APPOINTMENT OF THE DIRECTOR OF PARKS AND RECREATION, AND FOR GIVING NOTICE THEREOF, AND DECLARING AN EMERGENCY.**

**ORDINANCE NO. 78-2020**

**ORDINANCE NO. 78-2020. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. GRIFFIN. TITLE: PROPOSED CHARTER AMENDMENT - OTHER COMMISSIONS OR BOARDS. AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON REGARDING THE ELIMINATION OF SEVERAL BOARDS THAT ARE NO LONGER RELEVANT TO THE CURRENT OPERATION OF THE CITY, AND FOR GIVING NOTICE THEREOF, AND DECLARING AN EMERGENCY.**

**ORDINANCE NO. 79-2020**

**ORDINANCE NO. 79-2020. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. GRIFFIN. TITLE: PROPOSED CHARTER AMENDMENT - CHARTER REVIEW COMMISSION. AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON REGARDING THE APPOINTMENT DATE OF THE CHARTER REVIEW COMMISSION, AND FOR GIVING NOTICE THEREOF, AND DECLARING AN EMERGENCY.**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

**APPOINTMENTS**

None.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

President Megyes reminded everyone of the meeting scheduled the following Monday at 7:00 pm.

**COMMUNICATION FROM THE MAYOR**

Mayor Judge stated masks will be distributed to residents at various park locations during the week. He thanked The Summit County Health Department for partnering with the City.

Mayor Judge said there are storm water projects that are about 90% complete which includes the Webb Park Ditch Restoration and the Foundation Fields Retention Pond expansion. He said also

this year the city received a \$60,00 grant for rain gauges through the Muskingum Watershed and they have been installed and up and running. He said it may seem silly that you need to gauge the precipitation and river level but they need to collect the data so they can put the analytics together to apply for additional funding.

Mayor Judge stated the 14<sup>th</sup> Street FEMA Program is moving forward. He said they have several other stormwater mitigation projects that are being planned or being started. He said they are doing more for stormwater mitigation than has ever been done previously here in the City of Barberton.

Mayor Judge said they are continuing to work with businesses – working with a few on expansions and talking with a few small businesses about relocating to Barberton. He said they are working with the Akron Urban League, Akron Score and the Akron Bar Association and others to find available space for these businesses. He said if anyone has any questions on economic development and moving forward, the development codes, zoning and the process, he encourages them to reach out and get the facts to know the process and what they are looking at and the direction they are going.

Mayor Judge stated some of the AMATS projects for road resurfacing are going to be starting soon. He said he threw out some figures the other week and he went back and recalculated the AMATS funding with more recent awards to the City. He said from 1977 – 2011 the City was awarded \$7.7 million for AMATS projects. He then stated from 2012 – 2020 the City has been awarded over \$15.4 million. He stated when they talk about going to the voters to ask for a tax increase, they leverage the tax dollars as much as possible. He said for Issue 8 in 2014, the first year it started, they have really leveraged people's income tax for additional funding from the federal government. He said some people may say this is just your tax dollars coming back but if you are okay with your tax dollars going to another community, like it has been, then it is fine. He said he would like our tax dollars and other people's tax dollars to come here to Barberton to work on our infrastructure. He said over \$15 million in the last 8 ½ years has been awarded by the federal government.

Mayor Judge said they are starting to work on the 2020-2021 budget. He said he will be setting up a meeting with the Finance Chair, Mrs. Frey, over the next week to go over some of the budgetary items.

Mayor Judge stated with the recent news of the petition being circulated and as being Mayor of the City of Barberton, he wants to take a moment to address this. He said, first, he doesn't want this petition or the process to take away or distract any of his department heads or employees. He said he wants them to continue to do a great job. He said he doesn't want this to distract city council from any important legislative functions that are their responsibilities despite reports that some from city council may be behind this recall. He stated, in today's world, people are upset but we need unity. He said there is a lot going on in this world and it is affecting all of us. He stated the events we are dealing with today are stereo. He said the events are emotional and provide great uncertainty for the future and potentially a new way of life. He then stated unfortunately, we can't look back in past years and say this is what we did before for a pandemic because we have never dealt with something like this on top of everything else that we are

dealing with whether it is the coronavirus pandemic, racial tensions, the fight for social justice, state mandates that some feel are unconstitutional, opiates, opiate lawsuits that they are continuing with, stormwater litigation, infrastructure, employment, workforce, inequalities and insecurities. Mayor Judge said there are many issues that our community and our country (the whole world) is dealing with. He said they are trying to face these issues head on. He stated people are scared, mad and angry. He said they are searching for assurances and certainty. He said he and his administration realize this and they are working across the board on all of these issues. He said interesting enough, one of the reasons this petition is being circulated, based on news reports is false information on social media and this information is inaccurate and factitious. He stated there was a story posted on the Barberton

Area News and Entertainment Page by Andy Bodnar where he states that he had inside information that he (the Mayor) refused to return phone calls to a company and that is why they were closing down and moving out of town. Mayor Judge said anyone that knows him knows that he addresses issues head on. He said he met with Andy Bodnar and Kristi Evans concerning this post. He said the information on this post is 100% false and during his meeting Andy Bodnar stated his inside source was a council member. He said what is interesting is that no one involved in the post and no one involved in the meeting confirmed the information with the Mayor or the company that was listed and the information is totally false. He stated as this moves forward, he will fight this recall and the spread of factitious and inaccurate information and use his administration's track record over the last 8 ½ years. He said the uncertainty of everything going on in our community and throughout the world today is unprecedented and we continue to address these issues swiftly, in a systematic professional and proactive manner. He said as they move forward into recess, if there are any questions you have to reach out and they can sit down and talk about whatever issue comes up. He stated they are dealing with a multitude of issues and on some of these issues the information changes by the hour. He said they are doing a very good job here in the City of Barberton and that needs to continue. He said they need unity so as they progress forward and move forward, they can see what the outcome is but he will fight this recall tooth and nail and will use his administrations 8 ½ years of success to back that up.

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

Adjourned: 7:07 P.M.

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Craig Megyes  
President of Council

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Renee Fox  
Clerk of Council