

Council met in REGULAR SESSION on Monday, February 13, 2023 at 6:40 P.M. in the Council Chambers with President Greer presiding. The Pledge of Allegiance to the Flag was led President Greer followed by the Invocation by Erika Bailey.

The Clerk called the roll: Members present: President Greer, Mr. Heitic, Mrs. Thompson, Mrs. Bailey, Mrs. Angeloff, Mr. Griffin, Mr. Jaber, and Mrs. Coburn. Absent: Mrs. Frey.

It was moved by Mr. Heitic, seconded by Mrs. Thompson to approve the Minutes of the Regular Legislative Meeting held on Monday, January 23, 2023, as presented. No remarks made. All Members present voted "Aye." Mrs. Frey was absent. Motion carried.

It was moved by Mr. Heitic, seconded by Mrs. Coburn to approve the Finance Report for the month of January, 2023 as presented. No remarks made. All Members present voted "Aye." Mrs. Frey was absent. Motion carried.

PETITIONS AND CLAIMS

There were none.

MATTERS REFERRED

Each Council Member, the Mayor and the Safety and Service Directors 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

RESOLUTION NO. 5-2023

PRESENTED BY MRS. ANGELOFF TITLE: FINAL RESOLUTION – ODOT
WOOSTER ROAD N / STATE STREET A RESOLUTION OF THE COUNCIL OF
THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT
WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE
IMPROVEMENT OF WOOSTER ROAD NORTH / STATE STREET INTERSECTION (PID #
108370), AND DECLARING AN EMERGENCY.

It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members present voted "Aye." Mrs. Frey was absent. Motion carried. It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that **RESOLUTION NO. 5-2023 BE ADOPTED.** All Members present voted "Aye." Mrs. Frey was absent. Motion carried.

ORDINANCE NO. 6-2023

PRESENTED BY MR. HEITIC TITLE: 2023 OPERATING AND CAPITAL BUDGET
AN ORDINANCE ADOPTING A BUDGET FOR VARIOUS FUNDS OF THE CITY OF
BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2023, AND PROVIDING FOR
THE ADMINISTRATION THEREOF, AND DECLARING IT AN EMERGENCY.

It was moved by Mr. Heitic, seconded by Mrs. Coburn, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members present voted "Aye." Mrs. Frey was absent. Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Coburn, that **ORDINANCE NO. 6-2023 BE ADOPTED.** All Members present voted "Aye." Mrs. Frey was absent. Motion carried.

ORDINANCE NO. 7-2023

PRESENTED BY MRS. ANGELOFF TITLE: 2023 STREET/ROAD SALT PROGRAM
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH
CARGILL INCORPORATED FOR THE 2023 STREET/ROAD SALT PROGRAM
THROUGH THE COMMUNITY UNIVERSITY EDUCATION REGIONAL PURCHASING
COUNCIL OF GOVERNMENTS (CUE-COG), AND DECLARING AN EMERGENCY.

It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members present voted "Aye." Mrs. Frey was absent. Motion carried. It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that **ORDINANCE NO. 7-2023 BE ADOPTED.** All Members present voted "Aye." Mrs. Frey was absent. Motion carried.

ORDINANCE NO. 8-2023

PRESENTED BY MRS. COBURN TITLE: REFUSE AND RECYCLABLE
COLLECTION AND DISPOSAL PROGRAM AN ORDINANCE AMENDING
ORDINANCE NO. 139-2018, "REFUSE AND RECYCLABLE COLLECTION AND
DISPOSAL PROGRAM," CHAPTER 1060.08 "RESIDENTIAL PAYMENT FEES" TO
INCLUDE THE FOLLOWING TABLE AND EXTEND THE DATES THROUGH MARCH 1,
2025.

It was moved by Mrs. Coburn, seconded by Mrs. Bailey, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members present voted "Aye." Mrs. Frey was absent. Motion carried. It was moved by Mrs. Coburn, seconded by Mrs. Bailey, that **ORDINANCE NO. 8-2023 BE ADOPTED.** All Members present voted "Aye." Mrs. Frey was absent. Motion carried.

ORDINANCE NO. 9-2023

PRESENTED BY MRS. COBURN TITLE: EXERCISE OPTION TO RENEW IN CONTRACT KIMBLE RECYCLING & DISPOSAL, INC. AN ORDINANCE AUTHORIZING THE MAYOR TO EXERCISE THE THREE (3) ONE-YEAR OPTIONS OFFERED IN THE 2018 GARBAGE & RECYCLING CONTRACT AS SET FORTH IN PARAGRAPH 4 OF PAGE 42, TO PROVIDE THE WEEKLY RESIDENTIAL CURBSIDE GARBAGE/RECYCLING COLLECTION FOR THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Coburn, seconded by Mrs. Bailey, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members present voted "Aye." Mrs. Frey was absent. Motion carried. It was moved by Mrs. Coburn, seconded by Mrs. Bailey, that **ORDINANCE NO. 9-2023 BE ADOPTED.** All Members present voted "Aye." Mrs. Frey was absent. Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

There were none.

THIRD READING OF ORDINANCES AND RESOLUTIONS

There were none.

MISCELLANEOUS AND UNFINISHED BUSINESS

Approval of the changes to the Rules Governing The Council Of The City Of Barberton:

RULE 203 – Order In Council: A. Decorum, Language added:

- 1. Members of Council shall keep their desk clear of obstructions that impede the view from the public or any attendees of a Council meeting unless approved by the Presiding Officer prior to any session.*

President Greer called for a motion to accept this change. A motion was made by Mrs. Coburn and seconded by Mr. Griffin to accept this change as written. By a show of hands, all members present approved this change unanimously.

2. *Any member of Council, when abstaining from a vote, shall explain the reason for abstaining.*

President Greer called for a motion to accept this change. A motion was made by Mrs. Angeloff and seconded by Mrs. Bailey to accept this change as written. By a show of hands, all members present approved this change unanimously.

3. *Any member of Council voting NO on a vote shall explain the reason for the NO vote.*

President Greer called any comments or for a motion to accept this change. Mr. Heitic stated that he disagrees with this and that he agrees with the statement that Mrs. Angeloff shared in an email which states "There is no need to explain a Yes vote... Yes means Yes, that you agree with the content on which you are voting". Therefore, Yes means Yes and No means No. We do not explain Yes votes so in Mr. Heitic's opinion, it's two sides of the same coin. Mrs. Angeloff apologized that she did not include all of Council on her email. She read her statement and explained her opinion that Yes is Yes, it is not a Maybe it's a Yes just as No is No. With no other discussion President Greer called for a motion. A motion was made by Mrs. Angeloff and seconded by Mr. Griffin to accept this change as written. By a show of hands, Mrs. Coburn, Mrs. Bailey, Mrs. Angeloff and Mr. Griffin for, Mr. Heitic, Mr. Jaber, Mrs. Thompson opposed. This motion is not approved.

C. Usage of Electronic Devices.

1. The use of any electronic device other than those issued by the City shall be prohibited for the member and those authorized by Rule 201 when inside the area forward of the railing *during any meeting of the Council members including recess.*

President Greer called any comments or for a motion to accept this change. Mr. Jaber stated that he will be voting no on this as since there are no "open mics" during recess now and he agrees with no phones during the meetings but as a business owner he has to check on employees and cameras during recess and he is comfortable in his seat to do so and therefore he feels that walking five (5) feet shouldn't matter. Ms. Coburn replied to Mr. Jaber that she feels the purpose for the addition to the rule was not to oppose Mr. Jaber checking on his business any more than it is to oppose her checking on her business, it was so that Council members would not feel that anyone was invading the privacy of anyone on Council. This is Council Chambers and it is the place for Councilmembers to be doing their job here not tending on private work or family. If anyone at home or at business needs us, they should know to call the Police Department and an officer will come up to get us. Mr. Heitic is the manager of a business and they do not call him when he is in Council. When in Council Chambers this is the business to be tended too. Mr. Heitic stated that he respects Council Jaber's opinion however when members are within the railing it is sacred ground. Mr. Heitic stated that it is his opinion that once members are within the railing "This is this." Council was elected to be public servants and this is where we serve, in this room. What we do outside of here is outside but here is where we sit and serve and only that. Mr. Jaber clarified with Mr. Heitic if he means during recess. Mr. Heitic stated yes and when Mr. Jaber questioned Mr. Heitic regarding checking emails and texts Mr. Heitic stated only beyond the railing does he handle personal business. Mr. Angeloff stated

that she agreed with Mr. Heitic and Mrs. Coburn that for the one (1) or two(2) hours Council is meeting Council members can live without their phone. If there is an emergency the police will come up. She agreed that Council should be respectful of where they are and what they are doing when in the Council Chambers. Council is making laws for the City and it is a big deal. Council must listen to all the discussion to make those decisions. If one must use their phone then go out in the hall. This is where the Elected Officials sit. It is just that simple. A motion was made by Mr. Griffin and seconded by Mrs. Angeloff to accept this change as written. By a show of hands, Mrs. Coburn, Mrs. Bailey, Mrs. Angeloff, Mr. Heitic and Mrs. Thompson for, Mr. Jaber, apposed. This motion is approved.

RULE 208 – “Censure”. This section to be removed as Roberts Rules, Chapter 105 – Decline covers censuring; thus, this rule is not needed.

President Greer explained the reason to remove this passage is that our current Council Rules state that anything not covered in the Rules shall be referred to the most current version of Rober’s Rules of Order. Chapter 105 of Rober’s Rules of Order completely covers “Censure therefor this chapter is not needed. President Greer called for a motion to accept this change. A motion was made by Mrs. Coburn and seconded by Mrs. Thompson to accept this change as written. By a show of hands, all members present approved this change unanimously.

RULE 305 – Appointments to Boards and Commissions, B. Timeliness Council shall consider appointments to all vacancies to Boards and Commissions ~~in October~~ *from October 1 to December* of the expiring term year of said vacancy.

President Greer called for a motion to accept this change. A motion was made by Mrs. Coburn and seconded by Mrs. Thompson to accept this change as written. By a show of hands, all members present approved this change unanimously.

Adding of Section 8 Council Member Responsibilities: RULE 801: All members of Council starting a New Term shall attend and complete the Ohio Sunshine Law Training.

President Greer called for a motion to accept this change. A motion was made by Mrs. Angeloff and seconded by Mrs. Thompson to accept this change as written. By a show of hands, Mrs. Coburn, Mrs. Bailey, Mrs. Angeloff, Mr. Griffin, Mr. Jaber and Mrs. Thompson approved, Mr. Heitic apposed. This motion is approved.

President Greer requested a motion to excuse Councilwoman Carol Frey from this Legislative Meeting. Mr. Heitic made the motion which was seconded by Mrs. Coburn. Mr. Jaber asked if Mrs. Frey’s absence was anything for Council to be concerned about and if Mrs. Frey should be replaced. President Greer stated that he has spoken with Mrs. Frey there is no reason for Council to be concerned. All Members present voted “Aye.” Motion carried.

COMMUNICATION FROM THE BODY

No Comments were made.

COMMUNICATION FROM THE MAYOR

The Mayor stated how much he appreciates Council for the quick passage of the Budget as it enables City projects to move forward as soon as possible. Also the passage of Resolution 5-2023 for the ODOT work to begin on the State Street and Wooster Road North intersection. We have gone after grant funds aggressively in the past twelve (12) years. The monies are out there and it's so important to go after them. These monies are going somewhere, why not Barberton? We have 7 projects going forward this year where we are only paying a portion of the costs due to grants we have received.

Change for Change is at Block 7 on February 24th benefiting the Coleman Health Services. They provide many services for the residents.

There are a few openings for the CPR training on February 21st. The plan is to continue this training once per month at different times and locations throughout the city hoping to get as many citizens as possible certified in CPR.

Questions have come up regarding train derailments. Barberton does a great job working with our own city services as well as the railroad companies and Summit County agencies. You can see all the different agencies present in East Palestine. This is where our Safety forces train, it takes time and money but they constantly train for these types of things so that we are prepared.

Last week the schools City Advisory Committee met. This is a great collaboration between the City and the School System.

Last week the Mayor met with 2 new business hoping to move into Barberton and 3 existing businesses that are hoping to expand. This is so important to bring more jobs, livable wage jobs, into the city.

Lastly, the Mayor wanted to remind everyone that Council will meet on Tuesday as the City offices will be closed on Monday, February 20th in observance of President's Day.

With nothing further, it was moved by Mr. Heitic and seconded by Mrs. Thompson to adjourn. All voting "Aye" and none apposed.

Meeting Adjourned 7:18 P.M.

Justin Greer
President of Council

Laura J. Ries-Price
Clerk of Council

