

LOM:raf  
06/23/2020

Presented by: Mr. Megyes  
Mrs. Debevec  
Mr. Heitic  
Mr. Greer  
Mrs. Angeloff  
Mr. Griffin  
Mr. Jaber  
Mrs. Coburn  
Mrs. Frey

**ORDINANCE NO. 75-2020**  
**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.**

**WHEREAS**, the voters of the City of Barberton at the general election held in this City on November 6, 1973, adopted by a majority vote the Barberton City Charter; and

**WHEREAS**, pursuant to Section 12.02 of this Charter, a Charter Review Commission was duly appointed and submitted the following recommendation to Council; and

**WHEREAS**, pursuant to Section 12.01 of this Charter, Council may, by a 2/3's affirmative vote, submit any proposed amendment(s) to this Charter to the electors in accordance with the provisions of the Constitution and laws of Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1.** That in accordance with Section 12.02 of the Barberton City Charter, the Council hereby directs the Summit County Board of Elections that certain proposed Charter amendments be placed before the electors of the City of Barberton at the general election to be held on November 3, 2020, and that the proposed amendments be stated on the ballot as follows:

1. That Section 4.02, "Department of Public Service," of the Charter regarding the Elimination of the Division of Engineering, with the language to be deleted shown in ~~strike through~~ and the language to be added shown in **bold**, which reads as follows:

**SECTION 4.02. DEPARTMENT OF PUBLIC SERVICE**

There shall be a Director of Public Service who shall be the head of the Department of Public Service. He shall be appointed by and shall serve at the pleasure of the Mayor. The Director of Public Service shall have charge of all public works and improvements and the construction thereof, and of all engineering and inspection in connection therewith. He shall be charged with the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges; of water mains, pumps, systems, pipes, purification and filtration plants, and the water distribution system; of sewers, sewage systems, drains, ditches, culverts, streams, watercourses; and of all public buildings and other public places belonging to the Municipality or dedicated to public use. He shall manage and control market houses, sewage treatment plants, waterworks, and all public utilities of the Municipality supported in whole or in part by taxation, and shall enforce all the obligations of privately owned or operated public utilities enforceable by the Municipality. He shall have charge of the making and preservation of all surveys, maps,

plans, drawings and estimates for public work; the cleaning, resurfacing, repairing, sprinkling and lighting of streets and public places; the collection and disposal of waste and the preservation of all property belonging to the Municipality and pertaining to the functions thereof. He shall perform such other duties, consistent with his office, as may be required by this Charter, by ordinance, or as directed by the Mayor.

(a) Division of Building Inspection. There shall be within the Department of Public Service a Division of Building Inspection under the direction of a Building Commissioner, who shall be appointed by the Mayor and shall be under the supervision of the Director of Public Service. He shall carry out the duties of a Building Commissioner as provided by ordinance or, if not by ordinance, as provided by general law. This shall be an unclassified position.

~~(b) -- Division of Engineering. There shall be within the Department of Public Service a Division of Engineering under the direction of the City Engineer who shall be a registered State of Ohio professional civil engineer, and who shall be appointed by the Mayor and shall be under the supervision of the Director of Public Service. He shall carry out the duties of City Engineer as provided by ordinance or, if not by ordinance, as provided by general law. This shall be an unclassified position.~~

~~(c)~~ (b) Division of Utilities. There shall be within the Department of Public Service a Division of Utilities under the direction of a Superintendent of Utilities, who shall be appointed by the Mayor and shall be under the supervision of the Director of Public Service. He shall carry out the duties of a Superintendent of Utilities as provided by ordinance or, if not by ordinance, as provided by general law. This shall be an unclassified position.

To be eligible for appointment, the applicant must hold a college degree in science or engineering with broad experience in operation and maintenance of waterworks and wastewater works. Courses in chemistry and sanitary engineering are desirable, together with management ability.

That the ballot language for the election of the above-proposed amendments shall be as follows:

**YES    NO    Shall Section 4.02 of the Charter be amended to eliminate the Division of Engineering?**

**SECTION 2.** That the Clerk of this Council is hereby directed to immediately forward a certified copy of this ordinance to the Summit County Board of Elections.

**SECTION 3.** That the Summit County Board of Elections shall cause notice of the election to be held on November 3, 2020, on the question of the proposed amendments of the Charter of the City of Barberton to be given in the manner provided by law and shall prepare ballots and otherwise conduct and supervise such election and canvas and certify the results thereof in the manner provided by law.

**SECTION 4.** That the Clerk of this Council is hereby directed to either (1) cause copies of the proposed Charter amendments to be printed or otherwise legibly reproduced and to cause copies of said proposed Charter amendments to be mailed to each elector of this City whose name appears on the registration books of the last general election held in this City, as provided by Article XVIII, Section 8 of the Constitution of the State of Ohio or (2) publish the full text of these proposed Charter Amendments in accordance with Ohio Revised Code Section 731.211.

**SECTION 5.** That there is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorization and directions of this ordinance.

**SECTION 6.** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, and for the reason that it concerns the efficient operation of the City because of the necessity of filing a certified copy of this ordinance with the Board of Elections by a certain date, and it shall, therefore, be in full force and effect immediately upon its passage and approval by the Mayor.

Passed \_\_\_\_\_ 2020

_____	_____
Clerk of Council	President of Council

Approved \_\_\_\_\_ 2020

\_\_\_\_\_  
Mayor