

ORDINANCE NO. 125-2025

**AMENDMENT
CITY OF BARBERTON CHARTER**

AN ORDINANCE OF THE CITY OF BARBERTON PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF BARBERTON AT THE NEXT REGULAR NOVEMBER ELECTION AN AMENDMENT TO ARTICLE 4, OF THE CHARTER OF THE CITY ENTITLED ADMINISTRATIVE DEPARTMENTS IN SECTION 4.03 TO ADD LANGUAGE TO ALLOW FOR A DIVISION OF PARKS AND RECREATION AND REMOVING SECTION 6.03 ENTITLED PARKS AND RECREATION COMMISSION AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Article 12 of the City Charter, the Mayor appointed and Council affirmed the Charter Review Commission.

WHEREAS, the Committee has reviewed and recommended to City Council certain amendments to the Charter.

WHEREAS, Council reviewed the recommendation, accepted some and rejected others.

WHEREAS, Certain Council Members also proposed Charter amendments;

WHEREAS, Council Member Heitic has reintroduced a recommendation of the Charter Review Commission, with modifications;

NOW, THEREFORE, BE IT RESOLVED, AND IT HEREBY ORDAINED, that the City of Barberton, County of Summit, State of Ohio, not less than 2/3 of all members of concurring:

SECTION 1. That Council hereby proposes the amendment of the Charter of the City of Barberton by showing said amendment with a ~~strike through~~ for any deletions and **bold** for any additions to read as follows:

SECTION 2. That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article 12 of the Charter of the City of Barberton, this Council hereby authorizes and directs the submission to the electors of the City of Barberton, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 4, 2025, the following proposal to amend the Charter of the City of Barberton, Ohio:

To create a Department of Parks and Recreation reporting to the Director of Public Service, creating a classified position of Director of Parks and Recreation and the elimination Section 6.03 of the Charter providing for a Parks and Recreation Commission shall be amended to read as follows:

**ARTICLE 4
ADMINISTRATIVE DEPARTMENTS**

* * * *

SECTION 4.03. DEPARTMENT OF PUBLIC SERVICE.

(c) **Division of Parks and Recreation.** There shall be within the Department of Public Service a Division of Parks and Recreation under the direction of the Director of Parks and Recreation. The Division shall consist of a Director of Parks and Recreation and any other employees as are necessary for the execution of its duties. The Director shall manage the City's parks and any other recreational programs. The Director and any other employees shall be appointed in accordance with the Civil Service provisions of this Charter.

~~SECTION 6.03. PARKS AND RECREATION COMMISSION.~~

~~—————(a)———— Membership and Organization. There is hereby established a Parks and Recreation Commission which shall consist of five (5) members who are electors of the City, holding no other public office and Three (3) members shall be appointed by the Mayor, with confirmation by the majority of Council, to serve without compensation for the term of five (5) years. except that of original appointments for terms beginning on January 1, 1974, one (1) shall be appointed for a term of one (1) year, one (1) for a term of three (3) years, and one (1) for a term of five (5) years. The remaining two (2) members of the Parks and Recreation Commission shall be appointed by the Barberton Board of Education with the confirmation of a majority of Council, and shall consist of one (1) member of the Board of Education, with the remaining member being a person appointed by the Board of Education, and shall serve without compensation for the terms of five (5) years, except that of the original appointments for terms~~

~~beginning on January 1, 1974, one (1) shall be for a term of two (2) years and one (1) for a term of four (4) years. In any case where the Board of Education shall fail within sixty (60) days to make the appointments or to fill a vacancy on the Commission, the Mayor shall make the appointments with confirmation by Council. The Board of Park Commissioners heretofore existing shall be abolished on the effective date of this Charter.~~

~~—————The Mayor and one member of Council selected annually by the Council shall be ex officio members of the Parks and Recreation Commission and shall have all of the powers, duties, and rights of the other members, except they shall have no voting rights on issues before the Commission.~~

~~The Parks and Recreation Commission shall meet at least monthly and shall elect a chairman and a secretary at its first meeting each year for a one year period. Vacancies on the Commission shall be filled in the same manner as original appointments. Meetings shall be open to the public and a record shall be kept showing the vote of each member on each question.~~

~~—————(b)———— Powers and Duties. The Parks and Recreation Commission shall appoint a Director, and if deemed necessary, an Assistant Director, and such other employees as are necessary for the execution of its duties, and it shall control, equip and manage parks, playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers, and any lands or buildings owned or used by the City for park or recreation purposes. The Commission shall also have the authority to establish fees and charges relative to operation of various programs and to expend funds received from sources other than Municipal funds.~~

~~—————The Director and Assistant Director shall serve at the pleasure of the Parks and Recreation Commission. These shall be unclassified positions. Such other full-time employees as authorized by the Commission shall be certified and classified under Civil Service rules and regulations.~~

~~—————Powers and Duties. The Parks and Recreation Commission shall advise with respect to the acquisition, development, maintenance, and operation of the parks and recreational facilities of the City. The Board shall solicit input from, provide assistance to, and cooperate with civic, historical, and youth athletic organizations in providing these services and facilities.~~

~~—————The Parks and Recreation Commission shall serve in an advisory capacity to both the Mayor and Council. The Parks and Recreation Board shall develop a plan to provide for the parks and recreational needs of the community and shall oversee implementation of that plan.~~

~~—————The Commission has no power to commit the expenditure of public moneys except as expressly provided for by Council. The authority to purchase, sell, lease, dispose of, or accept as donations, any property or moneys resides in Council.~~

~~—————(c)———— Qualifications for Director. The Director of Parks and Recreation should shall have the following minimum qualifications at the time of his the original appointment to the position of Director: Bachelor Bachelor's degree in Park and Recreation Administration, Recreation Administration, or Park Management or equivalent degree; and certification as a Parks and Recreation Administrator by the Ohio Parks and Recreation Association; and, five (5) years experience in a related field. In the event such certifications are revised or discontinued, the Commission shall designate or provide for equivalent certifications. The Director of Parks and Recreation shall be appointed by the Mayor and such position shall be classified in accordance with the Civil Service provisions of this Charter.~~

SECTION 3. That if the foregoing proposal receives the affirmative vote of the majority of the electors voting thereon, Section 4.03 of Article 4 shall be amended and Section 6.03 of Article 6 shall be stricken.

SECTION 4. That is the desire of the Council that the ballots for said question shall be in substantially the following form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

Shall Section 4.03 be amended to include a Division of Parks and Recreation and shall Section 6.03 be stricken to eliminate the Parks and Recreation Commission?

_____ YES

_____ NO

SECTION 5. That the clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Summit County no later than August 8, 2025.

SECTION 6. That the Board of Elections of Summit County shall cause an appropriate notice to be duly given of the regular election to be held on November 4, 2025 on the foregoing amendment to the Charter of this City, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 7. That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Barberton, with the first publication to be made at least fifteen (15) days prior to the election to be held on November 4, 2025 or to mail a copy of such proposed Charter amendment to each elector whose name appears in the registration books of the last general or regular municipal election held in the City at least thirty (30) days prior to the November 4, 2025 election, all as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, in Section 731.211 of the Ohio Revised Code and Article 12, Section 12.01 of the Charter.

SECTION 8. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of it’s committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 9. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to facilitate timely implementation, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after it’s passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed September 2, 2025

Clerk of Council

President of Council

Approved _____ 2025

Mayor