

Council met in **REGULAR SESSION** on Monday, September 28, 2020 at 7:00 P.M. in the Council Chambers 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 President Megyes gave the Invocation.

President Megyes stated Council Rule 103 states the Regular and Committee of the Whole meetings shall be at 7:30 P.M. Since they are starting earlier than this, they will need to Invoke Council Rule 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, September 14, 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**

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. 106-2020**

**ORDINANCE NO. 106-2020. PRESENTED BY: MRS. ANGELOFF. TITLE: AMENDING BARBERTON CODIFIED ORDINANCES - CHAPTER 1456 - VACANT PROPERTY REGISTRATION PROGRAM. AN ORDINANCE AMENDING SECTION 1456.04 “OWNER REQUIRED TO ACT; ENFORCEMENT AUTHORITY” BY ADDING TIERED REGISTRATION FEES FOR COMMERCIAL AND INDUSTRIAL VACANT PROPERTIES, 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. 106-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 107-2020**

**ORDINANCE NO. 107-2020. PRESENTED BY: MRS. ANGELOFF. TITLE: ZONING MAP AMENDMENT - 800 WOOSTER ROAD NORTH. AN ORDINANCE AUTHORIZING THE REZONING OF PARCELS 01.13729, 01.13727, 01.00555, AND 01.01927 ALSO KNOWN AS 800 WOOSTER ROAD NORTH FROM RS40, RESIDENTIAL SINGLE FAMILY TO C3, COMMUNITY CENTER COMMERCIAL.** 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. 107-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 108-2020**

**ORDINANCE NO. 108-2020. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT - ZOLL MEDICAL CORPORATION. AN ORDINANCE AUTHORIZING THE CITY OF BARBERTON TO ENTER INTO CONTRACT WITH ZOLL MEDICAL CORPORATION IN THE AMOUNT OF \$56,880.00 FOR THE PURCHASE OF FOUR MECHANICAL CPR UNITS, 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. 108-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 109-2020**

**RESOLUTION NO. 109-2020. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MRS. DEBEVEC. TITLE: COMMENDATION – FIREFIGHTER KEVIN KING. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON HONORING AND GIVING PUBLIC RECOGNITION TO FIREFIGHTER KEVIN KING FOR 20 YEARS OF DEDICATED SERVICE TO THE OHIO TASK FORCE ONE.** 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 **RESOLUTION NO. 109-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 110-2020**

**ORDINANCE NO. 110-2020. PRESENTED BY: MR. HEITIC. TITLE: FOUNDATION GRANT REQUEST - NEWTON PARK AND SOCCER COMPLEX PROJECT. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE BARBERTON COMMUNITY FOUNDATION FOR THE NEWTON PARK AND SOCCER COMPLEX PROJECT IN AN AMOUNT UP TO \$500,000, AND DECLARING AN EMERGENCY.** It was moved by Mr. Heitic, seconded by Mr. Jaber, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. Mr. Heitic stated for this and the following ordinance, due to the time constraints of the grant application he sees a suspension warranted. All Members voted “yea.” Motion carried. It was moved by Mr. Heitic, seconded by Mr. Jaber, that **ORDINANCE NO. 110-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 111-2020**

**ORDINANCE NO. 111-2020. PRESENTED BY: MR. HEITIC. TITLE: ODNR GRANT REQUEST - NEWTON PARK AND SOCCER COMPLEX PROJECT. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) FOR THE NEWTON PARK AND SOCCER COMPLEX PROJECT IN AN AMOUNT UP TO \$500,000, AND DECLARING AN EMERGENCY.** It was moved by Mr. Heitic, seconded by Mr. Jaber, 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. Heitic, seconded by Mr. Jaber, that **ORDINANCE NO. 111-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

*The Clerk stated the following ordinance was amended in the Finance Committee that evening to remove the emergency wording.*

**ORDINANCE NO. 112-2020**

**ORDINANCE NO. 112-2020. PRESENTED BY: MRS. FREY. TITLE: ENTER INTO AGREEMENT - CITY OF NORTON. AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE CURRENT AGREEMENT WITH THE CITY OF NORTON THAT WILL ALLOW THE CITY OF BARBERTON BUILDING DEPARTMENT TO ASSUME AUTHORITY FOR ALL BUILDING CODE ADMINISTRATIVE FUNCTIONS WITHIN NORTON LIMITS.** It was moved by Mrs. Frey, seconded by Mrs. Angeloff, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. Heitic, Coburn, Greer, Griffin, Frey and Angeloff voted “yea.” Debevec and Jaber voted “no.” Motion carried. It was moved by Mrs. Frey, seconded by Mrs. Angeloff, that **ORDINANCE NO. 112-2020 BE ADOPTED, AS AMENDED.** Mrs. Debevec stated she chose to vote no that evening for suspension and ultimately it will result in her no vote for the ordinance. She said she doesn’t think this should have been pushed through with suspension without the proper numbers and so that is why she decided against not calling for suspension of the rules. Mr. Heitic stated he will be voting to authorize this but he does want to say that moving forward, especially with the development Norton is doing and the constant expansion of them, he would like to see more numbers coming in front of them in the future. Mr. Jaber stated he will also be voting no too, following Mrs. Debevec’s views on this to get more information and more numbers. He said he also believes if they would offer Norton less percentage, they would accept it, as being neighbors. He said if they offered 5%, they would probably take it. Angeloff, Frey, Griffin, Greer, Coburn and Heitic voted “yea.” Jaber and Debevec voted “no.” Motion carried.

**RESOLUTION NO. 113-2020**

**RESOLUTION NO. 113-2020. PRESENTED BY: MRS. FREY. TITLE: BARBERTON PUBLIC LIBRARY LEVY SUPPORT. A RESOLUTION ENDORSING THE BARBERTON PUBLIC LIBRARY’S RENEWAL LEVY, 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. Mr. Heitic stated he will be voting no for suspension and ultimately if suspension passes, he will be voting no on the resolution. He said he does not believe the legislative body should be endorsing any levies that don’t pertain to the city itself. He stated he understands the value of the levy that the Barberton Public Library does for the City, he understands all that, but he does not think it is the legislative job to endorse any other entity. Debevec, Griffin, Frey, Angeloff, Coburn, Jaber and Greer all

voted “yea.” Mr. Heitic voted “no.” Motion carried. It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **RESOLUTION NO. 113-2020 BE ADOPTED.** Greer, Jaber, Coburn, Angeloff, Frey, Griffin and Debevec voted “yea.” Mr. Heitic voted “no.” Motion carried.

**RESOLUTION NO. 114-2020**

**RESOLUTION NO. 114-2020. PRESENTED BY: MRS. FREY. 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 2021, 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 **RESOLUTION NO. 114-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 115-2020**

**RESOLUTION NO. 115-2020. PRESENTED BY: MRS. FREY. TITLE: ADVANCE OF LOCAL TAXES. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE ADVANCE OF LOCAL TAXES BY THE COUNTY FISCAL OFFICE FOR THE 2020 TAX YEAR, PAYABLE IN 2021, 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 **RESOLUTION NO. 115-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 116-2020**

**ORDINANCE NO. 116-2020. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - CARES ACT FUNDING. AN ORDINANCE APPROPRIATING \$428,836.57 FROM THE UNAPPROPRIATED ITEM OF THE LOCAL CORONAVIRUS RELIEF FUND TO THE PERSONNEL SERVICE BUDGET OF THE LOCAL CORONAVIRUS RELIEF FUND, 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. 116-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 117-2020**

**ORDINANCE NO. 117-2020. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - CARES ACT FUNDING. AN ORDINANCE APPROPRIATING \$70,266.00 FROM THE UNAPPROPRIATED ITEM OF THE LOCAL CORONAVIRUS RELIEF FUND TO THE CAPITAL BUDGET OF THE LOCAL CORONAVIRUS RELIEF FUND, 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. 117-2020 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

None.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

None.

**APPOINTMENTS**

None.

**MISCELLANEOUS AND UNFINISHED BUSINESS**

The clerk stated she received a request from the Department of Liquor Control regarding the renewal of all of the liquor permits in the City of Barberton. She said she gave a copy of this to Mrs. Miller, Chief Morber, Mrs. Daugherty and all of Council and she did not receive any objections.

Mr. Jaber invited everyone to a meet with Bob Genet on Wednesday, September 30<sup>th</sup> from 5-7.

Mr. Jaber stated he had a virtual tour of the new Amazon building and it was amazing with all of the robots and the technology. He said they are hiring 1,500 people.

Mr. Greer said as the Chair of Streets, he would like to let everyone know that 5<sup>th</sup> Street will be closed until Friday, October 2<sup>nd</sup> for additional work.

Mr. Greer stated he is hosting the 2020 Halloween Home Decoration Contest. He said if any resident of the City of Barberton would like to enter, send him an email.

**COMMUNICATION FROM THE MAYOR**

Mayor Judge thanked the council members who voted to pass Ordinance 112-2020 remitting 10% for acting City of Norton building permits. He said this has been on the books for 5 years and some members of council who are on here today, Councilwoman Debevec included, voted for that with no questions over the last 5 years. He said the questions that came up that evening, are legitimate questions – how much time is spent in a year, what is the difference in time spent over there versus the revenue. He said they don’t track that accurately like some of them want but they can get those figures for them and start looking at that moving forward. He said the basis is, would you pay \$6,000 annually on average, to gain \$58,000. He said it also strengthens their partnership with the City of Norton. He said they did a joint dispatch several years ago and that has been working out great. He said they won a tax zero award through the state and also had Springfield Township join earlier this year. He stated they have a great relationship and

things are working great, and there is a lot of development happening here in Barberton and Norton and they have to continue this partnership.

Mayor Judge stated they were talking about Halloween and best practices with Summit County Health Department that day. He said they talked about the normal things, sanitize your hands frequently, stay home if you are sick, avoid activities such as bobbing for apples and things of that nature. Select Events or attractions that are held outdoors – allow attendees to stay in their car for social distancing and just adhere to the mandates that are out here already. He said to consider placing treats on porch steps or on a table and he knows this is impossible, but they say to refrain from letting the kids eat their candy for 24 hours.

Mayor Judge said it is very important to have everyone's friends, family, neighbors and loved ones to take the US Census. He said the last time he checked they were at about 77% citywide and in certain parts of the city they were less than what it was in 2010. He said this gives them a voice in DC/Congress and it could possibly give them more grant money. He said if you have anyone who needs the link or needs information to get in touch with his office.

Mayor Judge thanked everyone in the Parks Department/Lisa and anyone who volunteered for the mum sales. He said the set up was very nice from what he saw and he did not hear any complaints.

Mayor Judge brought up an issue that happened over the past weekend. He said there were food trucks on W. Tuscarawas and Councilman Jaber (and others) posted on social media about favoritism from the city about this business or that business and the city need to embrace all of the businesses downtown. He read the quoted "Nothing is going to change till they hear our voices, it is time to stand up before more businesses leave." Mayor Judge said he does not know which businesses that entails but he wants to explain how that all unfolded. He said he received a request from the Merchant's Association to close W. Tuscarawas Avenue from 3<sup>rd</sup> Street to 6<sup>th</sup> Street. He said they looked at it and approved it. He said some of the merchants did not want to participate. He said they talked to the Merchant's Association and the request was redone and they asked for W. Tuscarawas Avenue to be shut down from 4<sup>th</sup> Street to 6<sup>th</sup> Street. He said he then received another request from Ignite asking for the closure which had already been approved. He said they received no other requests for roads to be closed and they received no complaints from anyone. He stated in the past, the Corner Café have had food trucks in the past without contacting the city, which is fine, but he had not heard from that owner. He stated they reached out to the owner and will be meeting with them soon. He said communication is key and they can't have one sided post on social media without getting the full facts. He stated they do not favor one business over the other or one block over the other. He said when they did this in the summertime, working with Councilman Heitic, they set things up and they found it would not work for them that they would rather have the parking. He said at that time, they were the only restaurant on 2<sup>nd</sup> Street that wanted a piece of it. He stated they take all this information and make decisions based on the requests and the complaints – in this case this past weekend they received two requests, one from Ignite and one from the Merchant's Association with no complaints and no other requests. He said when he has talked to businesses owners in the past, he has told them to call him or send an email and they will review it and move forward. Mayor Judge said the interesting piece to this is from his understanding is that Ignite Brewery offered to

distribute restaurant menus among their tables so if you went to Ignite and you didn't like the food truck and you wanted to order off the menu from a restaurant down the street it was available and that Ignite also had runners who would go down, pick up the food and bring it back. He said this is his understanding. Mayor Judge said everyone is trying to work together, communication can always be improved and they strive to make sure everyone is working on the same emotion but it is important to have all the sides to a social media post that goes out especially as an elected official. He said it is their job to promote the city and communication is key.

Mayor Judge stated they will get all the information out very soon regarding the property tax levy – Issue 9. He said he has been asked from council members what if this measure passes or what if it doesn't pass. He said to remember this will replace some of the income lost by Babcock & Wilcox. He said Babcock & Wilcox leaving is approximately \$1.3 million and this will bring in just over \$1 million. He said this is greatly needed and so what will happen if this does not pass. He said they are still waiting for the most accurate data from our tax preparer. He said what will be reduced or eliminated if this does not pass voter approval. He said they are constantly every year looking at their fees that they charge and see if they can they justify an increase and possibly make some recommendations. He said they will look at some of the services that they provide, is there a fee that they can legally charge for that service. He said they typically bring up the City of Akron where they assess for almost everything, so they need to look at those things. He said it is very important to get these things out and he realizes it is crunch time and he will get things out as soon as possible.

Mayor Judge reiterated that his door is always open and it is imperative if you have questions to contact him so they can make the best decisions as well with legislation. He said he did receive a few calls regarding vacant properties (council discussed in the past) and after talking with the residents he said they totally understood.

Mrs. Debevec asked Mayor Judge when can they expect a list of properties that might be for sale and who is working on that. Mayor Judge replied he passed out what was requested before and what was requested previously is what properties that had been sold or donated. He said they will start working on that but he does not have a time table for her. He said they are very busy and a lot of things going on and for example the CDBG Budget has been passed but they are in the busy faze of working with the Feds to administer all of that. Mrs. Debevec stated residents have asked her for this and in the email, exchange just requested if they could receive the list and she does not recall receiving it and wondered when they can expect to receive it. She then asked when did the current contract with Norton expire. Mayor Judge replied it did not expire but a portion of the contract with the remittance of 10% went away. He said it is back on and the reason it did not come to council sooner is they were not sure if it had to go to council. He said when they found out, they brought it to council as soon as possible. Mrs. Debevec asked if they were working with a contract. Mayor Judge answered the contract for services still applied but it is the one section. Mrs. Frey stated the date that it started was April 13, 2015. Mrs. Debevec stated she feels like Mayor Judge picked on some of them about it and she was just was curious why it would be an emergency and why they couldn't come back and it doesn't mean her vote would have been no but she was just asking for some specific numbers. She said that explains it and feels that is part of the puzzle that needs explained that they were working without that

portion passed. Mayor Judge said he is sorry if they felt they were being picked on. Mrs. Debevec said is not saying that she is just saying that is an important portion for them to understand and she didn't think about that question until after the fact. Mayor Judge said it was not asked previously and that is why it is important to contact him with any questions so he can get those answers. He said that is why he has said in previous meetings, it is best to ask before the night because he does not bring everything with him because he cannot anticipate what questions will be asked. He said asking the night of or afterwards takes some time to get the information because they are so busy downtown. Mrs. Debevec stated, with all due respect, her brain develops questions as they have a discussion so to ask her to email the questions that she has on that night on a Wednesday, she didn't have those questions on Wednesday. She stated he has to appreciate that. Mayor Judge said this was in council's hand for at least a week and he understands because he was in council's seat.

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

Adjourned: 7:45 P.M.

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Craig Megyes  
President of Council

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Renee Fox  
Clerk of Council