

Council met in **REGULAR SESSION** on Monday, March 29, 2021 at 6:00 P.M. in the Council Chambers with President Megyes presiding. The Pledge of Allegiance to the Flag was recited and Mrs. Coburn gave the Invocation.

The Clerk called the roll: Members present: Mrs. Angeloff, Mrs. Colburn, Mrs. Frey, Mrs. Debevec, Mr. Heitic, Mr. Griffin, Mr. Jaber, Mr. Greer.

It was moved by Mrs. Debevec, seconded by Mr. Heitic, to approve the Minutes of the Regular Legislative Session held on Monday, March 8, 2021, as presented. No remarks made. All Members voted “yea.” Motion carried.

### **PETITIONS AND CLAIMS**

There were 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 thru email.

### **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**

#### **ORDINANCE NO. 25-2021**

**ORDINANCE NO. 25-2021 Presented by Mrs. Frey TITLE: AUTHORIZE PAYMENT HUNTINGTON BANK. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO HUNTINGTON BANK FOR THE CLERK OF COURTS YEARLY BANK FEES IN THE AMOUNT OF \$6,433.85, 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. 25-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

#### **RESOLUTION NO. 26-2021**

**RESOLUTION NO. 26-2021 Presented by: Mrs. Coburn TITLE: MEMORANDUM OF UNDERSTANDING. SUMMIT COUNTY DEPARTMENT OF PUBLIC HEALTH. A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SUMMIT COUNTY DEPARTMENT OF PUBLIC HEALTH (SCPH) TO PROVIDE COMPLIANT SERVICES FOR THE CITY’S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT, AND DECLARING AN EMERGENCY.**

It was moved by Mrs. Coburn, seconded by Mrs. Frey, 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. 26-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 17-2021**

**ORDINANCE NO. 17-2021 Presented by: Mrs. Frey TITLE: NOTE ORDINANCE 9th STREET NE IMPROVEMENT PROGRAM. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$540,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING 9TH STREET NE BY RECONSTRUCTING, RESURFACING, PAVING, GRADING, DRAINING, CONSTRUCTING CURBS, GUTTERS AND DRIVEWAY APRONS, INSTALLING STORM SEWERS, REALIGNING INTERSECTIONS AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY.**

**FISCAL OFFICER’S CERTIFICATE**

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of not to exceed \$540,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving 9<sup>th</sup> Street NE by reconstructing, resurfacing, paving, grading, draining, constructing curbs, gutters and driveway aprons, installing storm sewers, realigning intersections and making other improvements as designated in the plans approved or to be approved by Council (the improvement):

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 15 years, being my estimate of the life or period of usefulness of the improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds. Thus, the maximum maturity of the Bonds is 14 years.
3. The maximum maturity of the Notes is April 21, 2036, which is 20 years from April 21, 2016, the date of issuance of the original notes issued for this purpose.

Dated: February 17, 2021

Jeremy Flaker  
Director of Finance  
City of Barberton, Ohio

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. 17-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 18-2021**

**ORDINANCE NO. 18-2021 Presented by: Mrs. Frey TITLE: METER READING SYSTEM REPLACEMENT PROJECT. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$325,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING AND INSTALLING ADVANCED RADIO METERING SYSTEM EQUIPMENT TO BE USED IN CONNECTION WITH THE MUNICIPAL SEWER AND WATER SYSTEMS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.**

**FISCAL OFFICER’S CERTIFICATE**

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of not to exceed \$325,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of acquiring and installing advanced radio metering system equipment to be used in connection with the municipal sewer and water systems, together with all necessary appurtenances thereto (the improvement):

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 10 years, being my estimate of the life or period of usefulness of the improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is April 20, 2032, which is 15 years from April 20, 2017, the date of issuance of the original notes issued for this purpose.

Dated: February 17, 2021

Jeremy Flaker  
Director of Finance  
City of Barberton, Ohio

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. 18-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 19-2021**

**ORDINANCE NO. 19-2021 Presented by: Mrs. Frey TITLE: NOTE ORDINANCE 5th STREET NE/LINCOLN AVE. STORM WATER PROJECT. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$200,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING STORM WATER DRAINAGE FACILITIES ALONG 5TH STREET NORTHEAST AND LINCOLN AVENUE, TOGETHER WITH ALL APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.**

**FISCAL OFFICER’S CERTIFICATE**

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of not to exceed \$200,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of constructing storm water drainage facilities along 5<sup>th</sup> Street Northeast and Lincoln Avenue, together with all appurtenances thereto (the improvement):

1. The estimated life or period of usefulness of the improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is April 17, 2039, which is 20 years from April 17, 2019, the date of issuance of the original notes issued for this purpose.

Dated: February 17, , 2021

Jeremy Flaker  
Director of Finance  
City of Barberton, Ohio

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. 19-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 20-2021**

**ORDINANCE NO. 20-2021 Presented by: Mrs. Frey TITLE: NOTE ORDINANCE STREET AND ROAD IMPROVEMENT PROJECT. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$200,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS AND ROADS IN THE CITY BY RESURFACING, PAVING AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY.**

**FISCAL OFFICER’S CERTIFICATE**

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of not to exceed \$200,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving streets and roads in the City by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council (the improvement):

1. The estimated life or period of usefulness of the improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 15 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is April 17, 2039, which is 20 years from April 17, 2019, the date of issuance of the original notes issued for this purpose.

Dated: February 17, 2021

Jeremy Flaker  
Director of Finance  
City of Barberton, Ohio

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. 20-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 21-2021**

**ORDINANCE NO. 21-2021 Presented by: Mrs. Frey TITLE: NOTE ORDINANCE TRICKLING FILTER SYSTEM AT WASTE WATER TREATMENT PLANT. AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$125,000**

**OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RECONSTRUCTING AND IMPROVING THE TRICKLING FILTER SYSTEM AT THE MUNICIPAL WASTE WATER TREATMENT PLANT, TOGETHER WITH ALL APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.**

**FISCAL OFFICER’S CERTIFICATE**

To the Council of the City of Barberton, Ohio:

As fiscal officer of the City of Barberton, Ohio, I certify in connection with your proposed issue of not to exceed \$125,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of reconstructing and improving the trickling filter system at the municipal waste water treatment plant, together with all appurtenances thereto, (the improvement):

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years, being my estimate of the life or period of usefulness of the improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is April 15, 2040, which is 20 years from April 15, 2020, the date of issuance of the original notes issued for this purpose.

Dated: February 17, 2021

Jeremy Flaker  
Director of Finance  
City of Barberton, Ohio

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. 21-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 12-2021**

**ORDINANCE NO. 12-2021 Presented by: Mrs. Frey TITLE: 2021 OPERATING AND CAPITAL BUDGET. AN ORDINANCE ADOPTING A BUDGET FOR VARIOUS FINDS OF THE CITY OF BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2021 AND PROVIDING FOR THE ADMINISTRATION THEREOF, AND DECLARING IT AN EMERGENCY.**

It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 12-2021 BE ADOPTED.**

**REMARKS:** Mr. Heitic wanted to thank the Mayor and Department Heads for their explanations, going line item by line item to assure clarity. Mr. Heitic also wanted to state that just because there is money in the budget does not mean we have to spend it. We can not use 2020 as a measuring stick for 2021 but we must look at our expenditures and go from there.

The Clerk called the roll for adoption. All Members voted “yea.” Motion carried.

### **APPOINTMENTS**

**THERE ARE NONE**

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Adoption of the change to the Rules Governing the Council of the City of Barberton to Section 2 – Order, – amending Rule 202 – ORDER IN COUNCIL – Addressing Council, adding Subsections F. - Emails to the Council, G. - Voice / Audio / Video Recordings and Messages and H. – In Virtual Meetings Determined by The President to be Outside Council Chambers.

It was moved by Mr. Griffin, seconded by Mr. Heitic to approve the change to Rule 202 – ORDER IN COUNCIL – Addressing Council, adding Subsections F. - Emails to the Council, G. - Voice / Audio / Video Recordings and Messages and H. – In Virtual Meetings Determined by The President to be Outside Council Chambers. All members voting “Yea” None opposed. The rule changes are adopted.

### **COMMUNICATION FROM THE MAYOR**

Updates regarding Covid the numbers throughout the State are increasing to about 12,000 from last week. Summit County has increased in the past 2 weeks but less than 1000. The numbers of new cases and deaths aren’t increasing as much, Mayor Judge wants everyone to be aware that even though it is nice out and the restrictions are being lifted it is important to adhere to all the mandates. Throughout the State there are no counties at Level Purple/Highest level. 55 counties are at level 3/Red. 31 counties are at level 2/Orange, which is the biggest increase and 2 counties are at the lowest/ Yellow. Ohio has completed just over 1.8 million people who have completed the vaccination process. 3.2 million are in the vaccination process. 10,000 people / week are getting the virus but 30,000 people / week are getting the vaccine. The City is working on mass and pop-up vaccination clinics throughout our area.

Regarding the American Rescue Plan Act, the Mayor met with the committee last week to generate ideas. If Council has any ideas for the use of the monies received the Mayor asked that those ideas be sent to Councilwoman Frey and she will direct those ideas to the Mayor to be used at the meeting. We are trying to generate as many ideas as possible because the guidelines are unknown at this time. We have until 2024 to spend the money but it will go very quickly. We therefore want many ideas as to how to spend the money. The US Treasury will come out with

the restrictions or guidelines as to how the money can be spent and then we will modify our list as to what is allowable and then create out priority list for what is the priority for the community.

A lot of work is going into this but there are but great benefits for the future. Regarding infrastructure, it takes about a year to engineer a project and about a year to construct it. When there is only a couple of years to spend money, it will go very quickly.

The Mayor stated that those are just a few of the updates but if anyone has any questions please call or email or stop in. The Mayor is still meeting with businesses, he met with PPG today and has other meetings lined up later this week. Things are going well we just want to improve the income tax bottom line. Mayor also wanted to echo Councilman Heitic in that just because there are monies in the budget it does not need to be spent. Just because there is Stimulus monies doesn't mean it can be spent the way we want it to be spent. This could be a One & Done shot in the arm so we still need to focus on income tax. The driver is jobs. High paying jobs. We need to utilize the space, buildings, existing vacant space but we still need to talk about income tax. The Mayor does not want to wait until October or November to talk about income tax or other ideas. We need to continue talking about these issues. With the Property Tax failing last November, we need to go back to the drawing board and find another idea to help the community. There are a lot of projects out there and it is important to assure we are in a good spot to continue our programs for the betterment of the community.

### **CLOSING REMARKS**

Mrs. Frey wanted thank The Clerk for reading all the Fiscal Notes and for everyone for working so hard on the Budget.

A motion was made by Mrs. Debevec and seconded by Mr. Heitic that the meeting adjourn. All in favor signified by saying "Aye". None Opposed.

Adjourned: 6:46 pm.

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Craig Megyes  
President of Council

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Laura J. Ries-Price  
Clerk of Council