

Council met in REGULAR SESSION on Monday, June 14, 2021 at 7:21 P.M. in the Council Chambers with President Megyes presiding. The Pledge of Allegiance to the Flag was recited and Mrs. Angeloff 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, May 24, 2021, as presented. No remarks made. All Members voted “yea.” Motion carried.

It was moved by Mrs. Frey, seconded by Mrs. Debevec to approval the Finance Report for the month of May, 2021, as presented. 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 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

ORDINANCE NO. 63-2021

PRESENTED BY MRS. FREY TITLE: AMENDING ORDINANCE NO. 37-2021
EMPLOYEES NOT INCLUDED IN NON-BARGAINING PAY GRADES
AN ORDINANCE AMENDING ORDINANCE NO. 37-2021, “EMPLOYEES NOT
INCLUDED IN NON-BARGAINING PAY GRADES,” IN ORDER TO INCREASE THE PAY
SCALE OF SEASONAL AND DEPARTMENT OF PUBLIC SAFETY EMPLOYEES
RETROACTIVE TO MAY 17, 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 **ORDINANCE NO. 63-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 64-2021

PRESENTED BY MRS. FREY TITLE: COMMENDATION BARBERTON
BUSINESSES A RESOLUTION OF THE COUNCIL AND ADMINISTRATION OF
THE CITY OF BARBERTON HONORING AND RECOGNIZING THE BARBERTON
BUSINESS COMMUNITY WHO WORKED THROUGH THE CHALLENGES
ASSOCIATED WITH THE COVID-19 PANDEMIC.

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. 64-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 65-2021

PRESENTED BY MRS. FREY TITLE: ENTER INTO CONTRACT – INSURANCE
COVERAGE PROPERTY / VEHICLE / LIABILITY AN ORDINANCE AUTHORIZING
THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES
CONTRACT WITH WICHERT INSURANCE COMPANY, CONSTITUTING A ONE YEAR
EXTENSION OF THE CURRENT CONTRACT, FOR THE CITY’S PROPERTY / VEHICLE /
LIABILITY INSURANCE COVERAGE, DUE TO EXPIRE ON JUNE 28, 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 **ORDINANCE NO. 65-2021 BE
ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 66-2021

PRESENTED BY MRS. FREY TITLE: LEASE/PURCHASE AGREEMENT
HUNTINGTON NATIONAL BANK. AN ORDINANCE AUTHORIZING THE
FINANCE DIRECTOR TO EXECUTE AND DELIVER A LEASE-PURCHASE
AGREEMENT WITH HUNTINGTON PUBLIC CAPITAL CORPORATION, HUNTINGTON
NATIONAL BANK, 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. 66-2021 BE
ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 67-2021

PRESENTED BY MRS. FREY TITLE: CREATE NEW FUND ROAD MAINTENANCE
FUND AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO
CREATE A NEW FUND, THE “ROAD MAINTENANCE 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. 67-2021 BE
ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 68-2021

PRESENTED BY MRS. ANGELOFF TITLE: ZONING MAP AMENDMENT
EASTERN ROAD/FAIRLAND ROAD AN ORDINANCE AUTHORIZING THE
REZONING OF PARCEL 01.16060, AN 11.26-ACRE PARCEL AT THE SOUTHWEST
CORNER OF EASTERN ROAD AND FAIRLAND ROAD, FROM C3, COMMUNITY
CENTER COMMERCIAL TO RS-50, SINGLE-FAMILY DETACHED.

ORDINANCE NO. 69-2021

PRESENTED BY MRS. ANGELOFF TITLE: ZONING MAP AMENDMENT
635 NORTON AVENUE AN ORDINANCE AUTHORIZING THE REZONING OF
PARCELS 01.06960, 01.06961, 01.0692 AND 01.06963, A 4.33-ACRE PARCEL AT
635 NORTON AVENUE FROM C3, COMMUNITY CENTER COMMERCIAL TO I2,
MEDIUM INDUSTRIAL.

ORDINANCE NO. 70-2021

PRESENTED BY MRS. ANGELOFF TITLE: DESIGNATION OF THE BARBERTON COMMUNITY IMPROVEMENT CORPORATION AS AN AGENT FOR THE CITY OF BARBERTON AN ORDINANCE DESIGNATING THE BARBERTON COMMUNITY IMPROVEMENT CORPORATION AS AN AGENCY FOR ITS INDUSTRIAL, COMMERCIAL, DISTRIBUTION, AND RESEARCH DEVELOPMENT, AND THE RECLAMATION, REHABILITATION, AND REUTILIZATION OF VACANT, ABANDONED, TAX-FORECLOSED, OR OTHER REAL PROPERTY LOCATED WITHIN THE CITY OF BARBERTON PURSUANT TO THE TERMS OF AN AGENCY AGREEMENT, 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. Mrs. Debevec remarked that she understood that with since there were questions last week and the mayor was not present to answer them that this Ordinance was going for more than one reading. Mrs. Angeloff clarified that the question was if there was going to be applications and that going through the regulations there was nothing referencing applications. Mrs. Debevec stated that she didn't believe that was the only question yet to be answered so she will be voting No to suspension. Mrs. Angeloff stated that she agrees with the suspension of the three (3) readings for this piece of legislation as the city can move forward with the CIC as this is the "next step" and it is important to move forward with economic projects within our city. Mayor Judge remarked that he did not receive any questions emailed regarding this matter but if the questions were about board seats. If this is the question, clarified by Mrs. Angeloff, that after passage of this legislation, advertising for applications will be on social media and the City's website, unsure if newspapers will be utilized due to costs but will advertise there as well if needed for applications and resumes for members to the board. The mayor stated he was looking to bring in, if Council would like, someone who has experience running a CIC. He does not live in town and would not be on the board but this person has offered to come and answer questions and share his experience if Council would like. Mr. Heitic stated he had met with the mayor and discussed the application/resume process. They decided that it would be posted on the city website as well as Facebook with a link to the mayor's email. Also, to have what they thought to include was the qualifications of members, for citizens to include how they fit, their qualifications and why they believe they would be an asset so that all voices would be heard. Mrs. Frey stated that it was her understanding after reading the CIC that board members were to be appointed by the mayor and that some of his cabinet would be in those positions. Mrs. Frey also stated that she understood that the range would be from 11 to 15 people so some of those board positions would be taken. During their discussion they stated that they wanted people from different backgrounds so that they could contribute their expertise to us regarding what direction we should go in. Mrs. Angeloff added that they wanted people with experience in real estate, finance and that sort of thing. Mr. Heitic added organized labor and minorities so that there would be board members from every area to contribute. The Clerk called the roll. Councilpersons Coburn, Griffin, Angeloff, Greer, Heitic and Frey voted "yea." Councilpersons Jaber and Debevec voted "no". Motion carried. It was moved by Mrs. Angeloff, seconded by Mrs. Coburn, that **ORDINANCE NO. 70-2021 BE ADOPTED**. Mrs. Angeloff remarked that she agrees with the emergency wording so that this procedure can be expedited. MR. Greer stated he is in support of this but that he will be keeping an eye to assure that the CIC will do what they promised with transparency. He stated that he does not want this to become like what two other agencies in town have become, out of control of the city. The Clerk called the roll. Councilpersons Coburn, Griffin, Angeloff, Greer, Heitic and Frey voted "yea." Councilpersons Jaber and Debevec voted "no". Motion carried.

RESOLUTION NO. 71-2021

PRESENTED BY MRS. ANGELOFF TITLE: COMMUNITY REINVESTMENT EXTENSION A RESOLUTION ESTABLISHING THE NEED FOR AND DESIGNATION OF THE EXTENSION OF A "COMMUNITY REINVESTMENT AREA #2", AS PERMITTED IN SECTION 3735.66 OF THE OHIO REVISED CODE, 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. Mrs. Angeloff stated that she agrees of the suspension of the three (3) readings so that certain areas of our town can encourage economic stability, maintain real property values, and generate new employment opportunities. The Clerk called the roll. All Members voted “yea.” Motion carried. It was moved by Mrs. Angeloff, seconded by Mrs. Coburn, that **RESOLUTION NO. 71-2021 BE ADOPTED.** Mr. Heitic remarked that something like this legislation is needed in a small city like ours especially with the labor shortages that all businesses are facing right now. Businesses need incentives to stay, move, and get people working. Mr. Greer stated this is exciting as many people in his ward are involved in this so he will be supporting this. The Clerk called the roll. All members voted “yea.” Motion carried.

ORDINANCE NO. 72-2021

PRESENTED BY MRS. FREY & MRS. DEBEVEC TITLE: APPROPRIATION
FIRE DEPARTMENT AN ORDINANCE APPROPRIATING \$910.00 FROM THE
UNAPPROPRIATED ITEM OF THE FIRE PREVENTION AND EDUCATION FUND TO
THE FIRE PREVENTION AND EDUCATION FUND OPERATION AND MAINTENANCE
BUDGET FOR THE PURCHASE OF SMOKE DETECTORS FOR BARBERTON
RESIDENTS, 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. 72-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 73-2021

PRESENTED BY MR. GREER TITLE: ENTER INTO CONTRACT HISSONG
KENWORTH – STREETS AN ORDINANCE AUTHORIZING THE CITY OF
BARBERTON TO ENTER INTO CONTRACT WITH HISSONG KENWORTH OF
RICHFIELD IN THE AMOUNT OF \$87,723, FOR THE PURCHASE OF A NEW 2022
KENWORTH T370 TRUCK CAB AND CHASSIS, AND DECLARING AN EMERGENCY.

It was moved by Mr. Greer, seconded by Mrs. Angeloff, 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. Greer, seconded by Mrs. Angeloff, that **ORDINANCE NO. 73-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 74-2021

PRESENTED BY MR. GREER TITLE: ENTER INTO CONTRACT HENDERSON
PRODUCTS INC. – STREETS AN ORDINANCE AUTHORIZING THE CITY OF
BARBERTON TO ENTER INTO CONTRACT WITH HENDERSON PRODUCTS INC. IN
THE AMOUNT OF \$80,435 FOR THE PURCHASE, MANUFACTURING AND
INSTALLATION OF A BODY PACKAGE, AND DECLARING AN EMERGENCY.

It was moved by Mr. Greer, seconded by Mrs. Angeloff, 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. Greer, seconded by Mrs. Angeloff, that **ORDINANCE NO. 74-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 75-2021

PRESENTED BY MRS. COBURN TITLE: ENTER INTO CONTRACT
HENDERSON PRODUCTS INC. – UTILITIES AN ORDINANCE AUTHORIZING THE
CITY OF BARBERTON TO ENTER INTO CONTRACT WITH HENDERSON PRODUCTS
INC. IN THE AMOUNT OF \$87,018 FOR THE PURCHASE, MANUFACTURING AND
INSTALLATION OF A BODY PACKAGE, 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. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 75-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 76-2021

PRESENTED BY MRS. COBURN TITLE: ENTER INTO CONTRACT – NORTH BAY CONSTRUCTION, INC. WWTP – PHASES 3B AND 3C AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH NORTH BAY CONSTRUCTION, INC., IN AN AMOUNT OF \$5,608,908, FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENTS (WWTP) PHASES 3B AND 3C PROJECT, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 77-2021

PRESENTED BY MRS. COBURN TITLE: ENTER INTO CONTRACT – CT CONSULTANTS WWTP – PHASES 3B AND 3C AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH CT CONSULTANTS, IN AN AMOUNT NOT TO EXCEED \$361,000, FOR BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE WASTEWATER TREATMENT PLANT (WWTP) PHASES 3B AND 3C PROJECT, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 78-2021

PRESENTED BY MRS. COBURN TITLE: ENTER INTO CONTRACT HISSONG KENWORTH – UTILITIES AN ORDINANCE AUTHORIZING THE CITY OF BARBERTON TO ENTER INTO CONTRACT WITH HISSONG KENWORTH OF RICHFIELD IN THE AMOUNT OF \$87,723, FOR THE PURCHASE OF A NEW 2022 KENWORTH T370 TRUCK CAB AND CHASSIS, 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. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 78-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 79-2021

PRESENTED BY MRS. COBURN TITLE: SUPPLY AGREEMENT AMENDMENT NATURAL GAS AGGREGATION PROGRAM AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE TO EXECUTE AN AMENDMENT TO ITS SUPPLY AGREEMENT WITH CONSTELLATION NEWENERGY (CONSTELLATION) TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND November 2021 WHEN THE CURRENT SUPPLY AGREEMENT ENDS, 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. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 79-2021 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 80-2021

PRESENTED BY MRS. COBURN TITLE: UTILITIES ASSESSMENT
DELINQUENT WATER AN ORDINANCE AUTHORIZING AND DIRECTING THE
CITY OF BARBERTON TO CERTIFY TO THE SUMMIT COUNTY AUDITOR SPECIAL
ASSESSMENTS AGAINST CERTAIN PROPERTIES FOR UNPAID UTILITY SERVICES
WHICH WILL INCLUDE ACCOUNTS MORE THAN 60 DAYS PAST DUE AND WILL
INCLUDE CHARGES THROUGH AUGUST 20, 2021, 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. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 80-2021 BE ADOPTED.** All Members voted "yea." Motion carried.
EMERGENCY.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 47-2021

PRESENTED BY MRS. FREY TITLE: AMENDING ORDINANCE 54-2019
COMPENSATION FOR ELECTED OFFICIALS AN ORDINANCE AMENDING
ORDINANCE NO. 54-2019 TO ESTABLISH THE COMPENSATION FOR CERTAIN
ELECTED OFFICIALS AND COMPENSATION PROCEDURES FOR THE NEXT FOUR
YEARS, AND DECLARING AN EMERGENCY.

Mrs. Frey stated that this ordinance will be amended and that she will send a letter with the changes discussed in committee and this will be voted on, as a third reading, on June 28, 2021.

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 43-2021

PRESENTED BY: MR. GRIFFIN TITLE: FY 2021 CDBG ANNUAL ACTION PLAN
AN ORDINANCE APPROVING THE FY 2021 COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) ANNUAL ACTION PLAN BUDGET AND DECLARING IT AN
EMERGENCY.

It was moved by Mr. Griffin, seconded by Mr. Heitic, that **ORDINANCE NO. 43-2021 BE ADOPTED.** All Members voted "yea." Motion carried.

APPOINTMENTS

There are none

MISCELLANEOUS AND UNFINISHED BUSINESS

There were none.

COMMUNICATION FROM THE MAYOR

Mayor Judge thanked Council for passing Ordinance 64-2021 and 67-2021. He also wanted to thank Mr. Trevor Hunt, our Planning Director for proposing this during negotiations. This will enable funds for street repair to be available in the future. Also, Ordinance 70-2021, the CIC legislation. This will definitely give us a "leg up" on other communities and another tool to use to develop the community. And 72-2021, the Fire Department smoke detector program. The mayor is happy to continue this program as smoke detectors are the number 1 way to stay safe during a fire. We will continue with this program to help our residents.

If anyone has any questions on the DORA, which wasn't discussed this evening, however Mayor Judge stated he wants to make sure all questions are answered.

We are still tracking Covid numbers at the County and State level. It is a growing concern with the numbers, the many variants of Covid and international travel and how all of this affects the US in the coming months. Despite rescinded health orders on the State and National levels, please remember that each business has the right to require masks so it is a good idea to carry one (1) with you at all times. There have been 6 vaccination clinics in town and we are working with our partners to schedule additional clinics.

Regarding the American Rescue Plan Act we are still waiting for final rules as to the use of the funds. We have had several discussions on the use of the funds for broadband. We are still waiting on word from the Federal level on the infrastructure bill which will play a big part in the use of the Rescue Plan funds.

It was mentioned earlier that the cost of doing business has increased. Logistical issues in obtaining supplies effects operations as well. This is why he thinks that applying for funds is so important. There are monies out there and the mayor thinks they should come to Barberton rather than other communities. No matter if it's streets, equipment, projects or programs it is important that we apply for all available monies. This does apply to our Utilities. It does stabilize rates for all users. This is big picture. The last thing we want is for Barberton to come to the same ending as other communities with liability issues. This is why we must stay current with repairs and make necessary upgrades.

Open office hours this Saturday at the Active Adult Center. Office hours will be from 9:00 am to 11:00 am.

Change for a Change has started up again and will be Friday, June 25th from 4:30 pm to 7:00 pm at the Ignite Brewery benefiting Relay for Life.

CLOSING REMARKS

Mr. Heitic asked Mayor Judge if the State of Ohio is still under a state of emergency regarding Covid. The mayor stated that when he last checked, the County and the State and us are still in a state of emergency. Mr. Heitic noted that during a state of emergency some "idiot Senator" is trying to limit the use of broadband access. He just wanted to point that out because he does not believe a resolution is strong enough. Mr. Heitic stated that he believes that everyone should email their senator or representatives because we are still under a state of emergency and someone who won't even put their name out inserted that language to strip the ease of access to broadband from every citizen in the State of Ohio.

A motion was made by Mrs. Debevec and seconded by Mr. Heitic to adjourn. All members voting "yea". Meeting adjourned.

Adjourned: 8:15 pm.

Craig Megyes
President of Council

Laura J. Ries-Price
Clerk of Council