

Council met in REGULAR SESSION on Monday, June 13, 2022 at 7:49 P.M. in the Council Chambers with President Greer presiding. The Pledge of Allegiance to the Flag was given followed by the Invocation by Mrs. Angeloff.

The Clerk called the roll: Members present: President Greer, Mr. Heitic, Mrs. Thompson, Mrs. Bailey, Mrs. Angeloff, Mr. Griffin, Mr. Jaber, Mrs. Coburn, and Mrs. Frey.

It was moved by Mr. Heitic, seconded by Mrs. Thompson to approve the Minutes of the Regular Legislative Meeting held on Monday, May 23, 2022, as presented. No remarks made. All Members voted "Aye." Motion carried.

#### PETITIONS AND CLAIMS

There were none.

#### MATTERS REFERRED

Each Council Member, the Mayor and the Safety and Service Directors 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. 73-2022

PRESENTED BY MR. HEITIC TITLE: AMENDING ORDINANCE NO. 104-2017  
EMPLOYEE COMPENSATION AND PAY GRADES FOR NON-BARGAINING  
EMPLOYEES AN ORDINANCE AMENDING ORDINANCE NO. 104-2017 TO ADD  
THE POSITION OF POLICE INFORMATION SPECIALIST WITHIN PAY GRADE 3, AND  
DECLARING AN EMERGENCY.

It was moved by Mr. Heitic, seconded by Mrs. Coburn, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted "Aye." Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Coburn, that **ORDINANCE NO. 73-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

##### ORDINANCE NO. 74-2022

PRESENTED BY MR. HEITIC TITLE: ENTER INTO CONTRACT CARDINAL  
ROOFING AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO  
CONTRACT WITH CARDINAL ROOFING IN THE AMOUNT OF \$305,500 TO REPLACE  
THE ROOF AND HVAC SYSTEM ON THE BARBERTON MUNICIPAL BUILDING  
LOCATED AT 576 WEST PARK AVENUE, AND DECLARING AN EMERGENCY.

It was moved by Mr. Heitic, seconded by Mrs. Coburn, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. The roll was called on Suspension, Members Heitic, Griffin, Bailey, Angeloff, Coburn, Frey and Thompson voted "Aye." Mr. Jaber voted "No". Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Coburn, that **ORDINANCE NO. 74-2022 BE ADOPTED.** Remarks: Mr. Jaber stated he would be voting "No" and also for 75-2022 as he believed that if we hold off on this vote and invest in the purchase of the First Merit building the monies would be better spent. MR. Heitic stated that if there is a move in the future that the monies would be reimbursed. Mayor Judge stated that there

is no purchase agreement for the purchase of the First Merit Building at this time. Mr. Heitic stated to the Mayor that Council is aware that there is currently no purchase agreement but during the previous meeting there was discussion regarding moving to other buildings. The Mayor stated that there have been discussions regarding this since 1958. Mrs. Coburn stated that no matter if a move is made or not, the building would need to be repaired before the roof falls in on us one way or the other. Mr. Griffin stated that to him it is a no-brainer that either way the roof needs repaired or the building torn down. You gotta fix the roof. Mrs. Angeloff stated that the ceiling did indeed fall in at the Summit County Council Chambers. The roll was called on Adoption, Members Heitic, Griffin, Bailey, Angeloff, Coburn, Frey and Thompson voted “Aye.” Mr. Jaber voted “No”. Motion carried.

ORDINANCE NO. 75-2022

PRESENTED BY MR. HEITIC TITLE: ENTER INTO CONTRACT CRS METAL WORX AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH CRS METAL WORX IN THE AMOUNT OF \$211,832.00 TO REPLACE THE ROOF AND HVAC SYSTEM ON THE BARBERTON MUNICIPAL BUILDING LOCATED AT 576 WEST PARK AVENUE, AND DECLARING AN EMERGENCY.

It was moved by Mr. Heitic, seconded by Mrs. Coburn, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. The roll was called on Suspension, Members Heitic, Griffin, Bailey, Angeloff, Coburn, Frey and Thompson voted “Aye.” Mr. Jaber voted “No”. Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Coburn, that **ORDINANCE NO. 75-2022 BE ADOPTED.** Remarks: Mr. Heitic wanted to say that he respects Mr. Jaber’s remarks and opinions on this matter. The roll was called on Adoption, Members Heitic, Griffin, Bailey, Angeloff, Coburn, Frey and Thompson voted “Aye.” Mr. Jaber voted “No”. Motion carried.

RESOLUTION NO. 76-2022

PRESENTED BY MRS. ANGELOFF TITLE: ENTER INTO CONTRACT – ODOT WOOSTER ROAD / STATE STREET A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE IMPROVEMENT OF WOOSTER ROAD / STATE STREET INTERSECTION (PID # 108370), AND DECLARING AN EMERGENCY.

It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “Aye.” Motion carried. It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that **RESOLUTION NO. 76-2022 BE ADOPTED.** All Members voted “Aye.” Motion carried.

ORDINANCE NO. 77-2022

PRESENTED BY MR. JABER TITLE: ENTER INTO CONTRACT VORTEX AQUATIC STRUCTURES INTERNATIONAL AN ORDINANCE AUTHORIZING THE CITY OF BARBERTON TO ENTER INTO CONTRACT WITH VORTEX AQUATIC STRUCTURES INTERNATIONAL IN THE AMOUNT OF \$69,197.35, TO BE USED TO PURCHASE FEATURES, EQUIPMENT AND INSTALLATION OF A NEW SPLASHPAD AT EDGEWOOD PARK, AND DECLARING AN EMERGENCY.

It was moved by Mr. Jaber, seconded by Mr. Heitic, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “Aye.” Motion carried. It was moved by Mr. Jaber, seconded by Mr. Heitic, that **ORDINANCE NO. 77-2022 BE ADOPTED.** All Members voted “Aye.” Motion carried.

ORDINANCE NO. 78-2022

PRESENTED BY MRS. ANGELOFF TITLE: ENTER INTO CONTRACT  
2022 STREET / ROAD PAVING PROGRAM AN ORDINANCE AUTHORIZING  
THE MAYOR TO ENTER INTO CONTRACT WITH PERRIN ASPHALT AND CONCRETE  
(PERRIN), THE LOWEST AND/OR BEST BIDDER, FOR THE ASPHALT PAVING  
PORTION OF THE 2022 STREET / ROAD PAVING PROGRAM, AND DECLARING AN  
EMERGENCY.

It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted "Aye." Motion carried. It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that **ORDINANCE NO. 78-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

ORDINANCE NO. 79-2022

PRESENTED BY MR. HEITIC TITLE: DONATION OF RADIO EQUIPMENT  
AN ORDINANCE AUTHORIZING THE MAYOR TO DONATE A P25 RADIO SYSTEM TO  
PORTAGE COUNTY.

It was moved by Mr. Heitic, seconded by Mrs. Coburn, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted "Aye." Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Coburn, that **ORDINANCE NO. 79-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

ORDINANCE NO. 80-2022

PRESENTED BY MRS. THOMPSON TITLE: AMENDING BARBERTON CODIFIED  
ORDINANCES SECTIONS 670.02, REMOVAL OF WEEDS BY OWNER  
OR OCCUPANT; FIVE DAYS' NOTICE, SECTION 670.03, REMOVAL OF TREES,  
WEEDS, AND GRASS BY MUNICIPALITY, AND SECTION 670.04, ASSESSMENT OF  
COSTS BY MUNICIPALITY. AN ORDINANCE AMENDING SECTION 670.02  
"REMOVAL OF WEEDS BY OWNER OR OCCUPANT; FIVE DAYS' NOTICE," SECTION  
670.03 "REMOVAL OF TREES, WEEDS, AND GRASS BY MUNICIPALITY," AND  
SECTION 670.04, "ASSESSMENT OF COSTS BY MUNICIPALITY," AND DECLARING  
AN EMERGENCY.

It was moved by Mrs. Thompson, seconded by Mrs. Angeloff, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. The roll was called on suspension, Members Griffin, Bailey, Angeloff, Coburn, Frey and Thompson voted "Aye." Mr. Jaber and Mr. Heitic voted "No". Motion carried. It was moved by Mrs. Thompson, seconded by Mrs. Angeloff, that **ORDINANCE NO. 80-2022 BE ADOPTED.** Remarks: Mr. Heitic stated that he is opposing this as he has sent a copy of a residential initiative on the disposing of City properties over 6 months ago and there has been no action. Until we can get our house in order, we should not be penalizing property owners. MR. Jaber stated that he will be piggybacking off of Mr. Heitic's comments in that when he became chair of City Properties Parks and Recreation Committee his first goal was to get rid of these City properties. He has worked with Mr. Heitic and reached out to the Planning Director to work on getting rid of these properties. Mr. Griffin stated that he will be voting "Yes" on this as 80% of his complaints are from residents complaining on blighted properties and unfit owner occupied lots in the neighborhoods. You must take pride in where you live and the unoccupied lots will be taken care of in a timely manner but the residents deserve to have their neighbors keep their properties up. Mrs. Thompson stated that she will be voting yes on this as once we have this in place and action taken this will give the city workers more time to care for the city owned lots. Although she agrees that something must be done regarding the disposal of the city owned lots, she feels this is a good first step in taking care of our community. Mr. Shreve stated that he just wanted to clarify that this Ordinance is not changing anything. It is to create a standard operating procedure for the city workers to streamline the process of caring for the lots. This is not changing anything regarding citizens or assessments it is only clarifying language. Mr. Heitic stated that he appreciates the work and that he is aware of the legislation in place he just feels

that we should do nothing until something is done to dispose of the number of City lots. The roll was called on Adoption, Members Griffin, Bailey, Angeloff, Coburn, Frey and Thompson voted "Aye." Mr. Jaber and Mr. Heitic voted "No". Motion carried.

ORDINANCE NO. 81-2022

PRESENTED BY MR. JABER TITLE: GRANT REQUEST PARKS  
AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE TUSCORA PARK HEALTH AND WELLNESS FOUNDATION IN AN AMOUNT UP TO \$40,000, AND DECLARING AN EMERGENCY.

It was moved by Mr. Jaber, seconded by Mr. Heitic, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted "Aye." Motion carried. It was moved by Mr. Jaber, seconded by Mr. Heitic, that **ORDINANCE NO. 81-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

ORDINANCE NO. 82-2022

PRESENTED BY MR. HEITIC TITLE: AUTHORIZE PAYMENT TRAVELERS INSURANCE  
AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO TRAVELERS INSURANCE, IN THE AMOUNT OF \$4,294.50, AND DECLARING AN EMERGENCY.

It was moved by Mr. Heitic, seconded by Mrs. Coburn, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted "Aye." Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Coburn, that **ORDINANCE NO. -2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

ORDINANCE NO. 83-2022

PRESENTED BY MRS. COBURN TITLE: ENTER INTO LEASE AGREEMENT O.D.N.R.  
AN ORDINANCE AUTHORIZING THE CITY OF BARBERTON TO ENTER INTO A FIFTEEN (15) YEAR LEASE WITH THE STATE OF OHIO THROUGH THE DEPARTMENT OF NATURAL RESOURCES FOR A CANAL LAND LEASE THROUGH THE OHIO AND ERIE CANAL SYSTEM SITUATED IN THE CITY OF BARBERTON AND BEING A FIFTY (50) FOOT WIDE STRIP OF LAND FOR THE OCCUPANCY OF A 24" WATER MAIN, 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 "Aye." Motion carried. It was moved by Mrs. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 83-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

ORDINANCE NO. 84-2022

PRESENTED BY MRS. ANGELOFF TITLE: BARBERTON CODIFIED ORDINANCES AMENDING SECTION 1024.01 PAVEMENT REQUIREMENTS FOR VARIOUS CLASSIFICATIONS  
AN ORDINANCE AMENDING SECTION 1024.01 OF THE BARBERTON CODIFIED ORDINANCES ENTITLED "PAVEMENT REQUIREMENTS FOR CLASSIFICATIONS" BY CHANGING THE DESIGN STANDARDS AND MATERIALS, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted "Aye." Motion carried. It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that **ORDINANCE NO. 84-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 70-2022

PRESENTED BY MRS. FREY & MR. HEITIC TITLE: ADOPTING THE OPBA  
POLICE OFFICERS AGREEMENT AN ORDINANCE OF THE COUNCIL OF THE  
CITY OF BARBERTON ADOPTING AND APPROVING THE COLLECTIVE  
BARGAINING AGREEMENT BETWEEN THE CITY OF BARBERTON AND THE OPBA  
POLICE OFFICERS, EFFECTIVE FROM JANUARY 1, 2022 THROUGH DECEMBER 31,  
2024, AND DECLARING AN EMERGENCY.

The First Reading was May 23, 2022

It was moved by Mrs. Frey, seconded by Mr. Heitic, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted "Aye." Motion carried. It was moved by Mrs. Frey, seconded by Mr. Heitic, that **ORDINANCE NO. 70-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

ORDINANCE NO. 71-2022

PRESENTED BY MRS. FREY & MR. HEITIC TITLE: ADOPTING THE OPBA  
SERGEANTS AND LIEUTENANTS' AGREEMENT AN ORDINANCE OF THE  
COUNCIL OF THE CITY OF BARBERTON ADOPTING AND APPROVING THE  
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BARBERTON  
AND THE OPBA SERGEANTS AND LIEUTENANTS, EFFECTIVE FROM JANUARY 1,  
2022 THROUGH DECEMBER 31, 2024, AND DECLARING AN EMERGENCY.

The First Reading was May 23, 2022

It was moved by Mrs. Frey, seconded by Mr. Heitic, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted "Aye." Motion carried. It was moved by Mrs. Frey, seconded by Mr. Heitic, that **ORDINANCE NO. 71-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

There are None

**MISCELLANEOUS AND UNFINISHED BUSINESS**

Mr. Jaber wanted to state that he is very disappointed in the Finance Committee moved forward instead of listening to his position on this matter. He stated that he brought up the Law Director's position and the pay he thought was appropriate at the end of 2021 and again at the end of 2022. He is very disappointed that this went through as one piece of legislation instead of separating the positions into individual pieces of legislation.

Mr. Heitic wanted to thank everyone for their sharing of opinions. He understands that not everyone agreed with certain things. But everyone was respected and no finger pointing took place. Also, to Mrs. Coburn and Mrs. Angeloff regarding the storm sewer legislation for Van Buren, did you ever think you would see it? They both answered No. Mr. Heitic stated that every time legislation comes up regarding South Van Buren it makes him happy. Finally, in regards to Mr. Jaber's comments Mr. Heitic stated that as chair of the Finance Committee he feels confident that this is the right path to go. Mr. Heitic also stated he would ask any constituent if they felt the amounts were worthy should we have to refill any of these positions? Mr. Heitic also stated again that he respects Mr. Jaber's opinions and that he states them in open chambers.

**CLOSING REMARKS**

Mr. Greer stated that the Yard Sale Weekend was a success and the citizens were very pleased.

## COMMUNICATION FROM THE MAYOR

The Mayor clarified issues regarding the Trucen Farm. This property was acquired by BCDC prior to 2012. The plan was an industrial park. EDA funds were acquired to develop the site with infrastructure dollars. The cost to install infrastructure for an industrial park increased drastically, and BCDC was unable to use the funds prior to the deadline of the funds. The funds had to be given back to the EDA. After that there were discussions of housing but no one stepped up, a golf course, a cemetery and many different thoughts and ideas, but there were no interests. Then a group came in and purchased the entire lot to put in green houses for plant development. We had several meetings with them and then they went cold. They never submitted any plans or official documents. The land sat there vacant again and then Ryan and Doug came with this development. In regards to remarks made at the previous Council Meeting the Mayor wanted to remind City Council that it is not Council's position to negotiate terms with developers.

Regarding comments that have been made that the city will get nothing from this housing development, the city will get water, sewer, storm water, lighting, solid waste, plan reviews, building permits, etc. The increase in City services is an unknown at this time. We have no idea and cannot predict if families, retirees, singles or whoever will move in.

In regards to Mr. Young's comments, to the left of his property on Frisby the city has a paper street dead-ending into the back of the property. This is an extension of Harter Ave. I walked this property with former Service Director Elwood Palmer as a Councilman and as Mayor. The complaint from Mr. Young's father, who has since passed on, was that the City never cleaned out or maintained the ditch in the back of the property. Water was coming from 5<sup>th</sup> St and Herms Ct. and the ditch was even with most of the other property in that area, not draining into the Trucen Farm area. We worked with AMHA and Ohio Edison, who has a service station in that area and ultimately cleaned out the ditch. As Mr. Shreve mentioned last week, we are discussing the correction of this ditch with Mr. Young.

As to the Coventry Local Schools, I and Jen met with them and then I hand delivered the notices to the schools. In that meeting, we encouraged the Superintendent to discuss this with his legal team and we did discuss the CRA and the TIF with them at that time. Again, we don't know who will occupy these apartments or the homes. The schools will lose out on tax dollars from the CRA, but year 16, they will have a windfall of funding. As with any new students to a school system, they do get some funding from the state. The City/BCDC did try to move the Trucen Farm under the Barberton School District several years ago, and the Coventry School District fought and won at the State level to keep the land under the Coventry School System. So now we shouldn't have the land developed? Is there a line of developers lining up for this property? Is part of the solution for the Coventry Schools to relinquish this property? Councilperson Thompson asked this question and the superintendent spoke about long term planning because they know that year 16 will be a huge increase in property taxes.

After the Memorial Day Service at the Military Honor Roll, Councilperson Coburn and myself heard from a real estate agent who spoke very highly of Barberton and how far we've come, I'd hate for the rude behavior here in Council to persuade real estate agents, developers, site selectors, and others away from Barberton.

The Mayor further stated the following, when it comes to our employees, my employees, at all levels entry level to Department Heads, I treat them all with respect and I expect the same from City Council. Our employees are well educated, well trained, and work very hard to move the City in the right direction, a positive direction. For Council Members to make comments about Department Heads or other employees without knowing the full scope of our operations is not only disrespectful, but also unprofessional and wrong. I would match our employees with anyone, and we'll come out ahead. Between daily operations, new projects, personnel changes, COVID, ARPA funding and other grant programs, we are extremely busy. We don't determine the success of projects or our own popularity purely on social media likes and shares. As with our road program, it was on social media that the administration picks the roads, this is another inaccurate statement. We take input from the Street Department, data from our rating system, residents' input, the previous year's list and input from City Council. We look at the roads, the infrastructure underneath the road, and the things going on around the road. The Mayor used 14<sup>th</sup> Street as an example. This year, we are having two programs 1<sup>st</sup> is the road program with

residential resurfacing and AMATS/State and 2<sup>nd</sup> is a water line replacement program. Mr. Shreve took a deep dive and started rating the waterlines throughout the city. It makes absolutely no sense to not do these together, to replace the waterlines and then pave the streets. We are looking at streets like South Van Buren, Wisteria, South Huston who have all had breaks. We are going to continue this program every year. The waterlines are old. We do not want to put a band aid on them we went to replace them and with that, replace the street. With the cost of asphalt going through the roof as it is tied to oil and we got word that concrete will be in short supply, these factors apply to the issue.

Mr. Heitic had questions on CDBG budget and demo funds of blighted structures. We applied for state funding through the Ohio Dept of Development. I spoke with the Director of the Department of Development and awards should be released in the coming weeks. We're not guaranteed any funding, but we'll know in a few weeks. The ARPA committee did approve \$250,000 for removal of blighted structures and this piggy backs on the Barberton Forward: Neighborhoods First-Project Impact Phase II program we started in 2012.

We have received a few complaints of repetitive trash or recyclables being missed by Kimble. It's important that we know about missed trash & recyclables so we can track these misses and hold Kimble accountable. We have received complaints and by the time we hear from Kimble, the can has already been picked up, it was just late.

I met with PPG, Summit County Council President Ilene Shapiro's Office, and the Greater Akron Chamber of Commerce to review PPG's operations here in Barberton. They are not employing the numbers they once were but I met with the new Director about 20 times in the 3 years he's been there and they want to be strong and take an active role in the community so lots of exciting things going on here in town and with PPG.

Change for Change will be at Hodges Café on Friday June 24<sup>th</sup> benefitting Esther Ryan Shoe Fund.

With nothing further, it was moved by Mr. Heitic and seconded by Mrs. Thompson to adjourn. All voting "Aye" and none opposed.

Meeting Adjourned 8:50 pm.

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Justin Greer  
President of Council

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Laura J. Ries-Price  
Clerk of Council