

Council met in REGULAR SESSION on Monday, July 24, 2023 at 7:10 P.M. in the Council Chambers with President Greer presiding. The Pledge of Allegiance to the Flag was led by President Greer. The Invocation was given by Mrs. Frey.

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

It was moved by Mr. Heitic, seconded by Mrs. Thompson to approve the Minutes of the Regular Legislative Meeting held on Monday, July 10, 2023, as presented. No remarks made. All Members present voted "Aye." Motion carried.

It was moved by Mr. Heitic, and seconded by Mrs. Coburn to approve the Finance Department's report for the month of June, 2023 as presented. No remarks made. All Members voted "Aye." Motion carried.

PETITIONS AND CLAIMS

There were none.

MATTERS REFERRED

Each Council Member, the Mayor, 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. 95-2023

PRESENTED BY MRS. FREY TITLE: RESCINDING CHAPTER 856 CODIFIED
ORDINANCES – TAXICABS AN ORDINANCE RESCINDING CHAPTER 856
CODIFIED ORDINANCES TITLED TAXICABS AND DECLARING AN EMERGENCY.

It was moved by Mrs. Frey, seconded by Mr. Griffin, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members present voted "Aye." Motion carried. It was moved by Mrs. Frey, seconded by Mr. Griffin, that **ORDINANCE NO. 95-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

ORDINANCE NO. 96-2023

This statement was read by the Clerk : The wording of the following Ordinance was amended, voted on, and approved unanimously during the Safety and Finance Committee Meetings to change FMD Architects to SNC Construction.

MRS. FREY & MR. HEITIC TITLE: AUTHORIZE PAYMENT SNC CONSTRUCTION AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO APPROVE PAYMENT TO SNC CONSTRUCTION FOR THE STATION #1 BUILDOUT, IN THE AMOUNT OF \$150,169.00, AND DECLARING AN EMERGENCY.

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 present voted "Aye." Motion carried. It was moved by Mrs. Frey, seconded by Mr. Heitic, that **ORDINANCE NO. 96-2023 BE ADOPTED AS AMENDED.** All Members present voted "Aye." Motion carried.

ORDINANCE NO. 97-2023

PRESENTED BY MR. HEITIC TITLE: AUTHORIZE PAYMENT BROUSE MCDOWELLAN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE IN THE AMOUNT OF \$5,915.00 TO BROUSE MCDOWELL, 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 present voted "Aye." Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Coburn, that **ORDINANCE NO. 97-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

ORDINANCE NO. 98-2023

PRESENTED BY MR. HEITIC TITLE: APPROPRIATION POLICE DEPARTMENT AN ORDINANCE APPROPRIATING \$39,000 FROM THE UNAPPROPRIATED ITEM OF THE LAW ENFORCEMENT TRUST FUND TO THE POLICE DEPARTMENT'S OPERATING AND MAINTENANCE BUDGET OF THE LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF VARIOUS POLICE DEPARTMENT ITEMS, 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 present voted "Aye." Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Coburn, that **ORDINANCE NO. 98-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

ORDINANCE NO. 99-2023

PRESENTED BY MRS. THOMPSON & MR. HEITIC TITLE: SPECIAL ASSESSMENTS
– DEMOLITIONS, LIEN SEARCHES, BOARD-UPS, WEED/GRASS CUTTINGS, AND
UNPAID UTILITY SERVICES AN ORDINANCE AUTHORIZING AND
DIRECTING THE DIRECTOR OF FINANCE TO CERTIFY TO THE SUMMIT COUNTY
FISCAL OFFICE, SPECIAL ASSESSMENTS AGAINST CERTAIN PROPERTIES
LOCATED WITHIN THE CITY FOR THE COST OF ORDERED DEMOLITIONS,
CONDEMNATION RELATED ENVIRONMENTAL ASSESSMENT/ABATEMENT, LIEN
SEARCHES, EMERGENCY BOARD-UPS, PROPERTY CLEAN-UP, WEED/GRASS
CUTTINGS, UNPAID UTILITY SERVICES WHICH TOOK PLACE FROM SEPTEMBER
2022 THROUGH AUGUST 2023, AND PERMITTING THE CITY TO APPLY AN
ASSESSMENT AS DESCRIBED IN THE RESIDENTIAL AND COMMERCIAL SIDEWALK
PROGRAM, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Thompson, seconded by Mr. Heitic, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members present voted “Aye.” Motion carried. It was moved by Mrs. Thompson, seconded by Mr. Heitic, that **ORDINANCE NO. 99-2023 BE ADOPTED.** All Members present voted “Aye.” Motion carried.

RESOLUTION NO. 100-2023

PRESENTED BY MRS. THOMPSON TITLE: GRANT SUPPORT OUR TOWN GRANT
A RESOLUTION OF SUPPORT IN APPLYING FOR GRANT FUNDING THROUGH THE
OUR TOWN GRANT 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. All Members present voted “Aye.” Motion carried. It was moved by Mrs. Thompson, seconded by Mrs. Angeloff, that **RESOLUTION NO. 100-2023 BE ADOPTED.** All Members present voted “Aye.” Motion carried.

ORDINANCE NO. 101-2023

PRESENTED BY MR. JABER & MRS. THOMPSON TITLE: ENTER INTO CONTRACT
CXT INC. AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS
DESIGNEE, TO ENTER INTO CONTRACT WITH CXT, INC., IN THE AMOUNT OF
\$160,000 TO BE USED FOR THE PURCHASE OF RESTROOMS FOR DECKER PARK,
AND DECLARING AN EMERGENCY.

It was moved by Mr. Jaber, seconded by Mrs. Thompson, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members present voted “Aye.” Motion carried. It was moved by Mr. Jaber, seconded by Mrs. Thompson, that **ORDINANCE NO. 101-2023 BE ADOPTED.** All Members present voted “Aye.” Motion carried.

ORDINANCE NO. 102-2023

PRESENTED BY MRS. ANGELOFF TITLE: ENTER INTO CONTRACT
2023 CONCRETE AND SIDEWALK REPLACEMENT PROGRAM AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT FOR THE CONSTRUCTION
FOR THE 2023 CONCRETE AND SIDEWALK REPLACEMENT 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 present voted "Aye." Motion carried. It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that **ORDINANCE NO. 102-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

ORDINANCE NO. 103-2023

PRESENTED BY MRS. COBURN TITLE: ENTER INTO CONTRACT SOUTH
VAN BUREN RAILROAD CULVERT AN ORDINANCE AUTHORIZING
THE CITY OF BARBERTON TO ENTER INTO CONTRACT FOR THE CONSTRUCTION
OF TWO 60 INCH CHECK VALVES FOR THE SOUTH VAN BUREN RAILROAD
CULVERT, 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 present voted "Aye." Motion carried. It was moved by Mrs. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 103-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

ORDINANCE NO. 104-2023

PRESENTED BY MR. JABER` TITLE: ENTER INTO CONTRACT AMERICAN
RAMP COMPANY AN ORDINANCE AUTHORIZING THE MAYOR, OR
HIS DESIGNEE, TO ENTER INTO CONTRACT WITH AMERICAN RAMP COMPANY
THROUGH A COMPETETIVELY BID GOVERNMENT CONTRACT SOURCEWELL IN
THE AMOUNT OF \$284,100 FOR THE PURCHASE OF SKATEBOARD PARK
EQUIPMENT, 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 present voted "Aye." Motion carried. It was moved by Mr. Jaber, seconded by Mr. Heitic, that **ORDINANCE NO. 104-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

RESOLUTION NO. 105-2023

PRESENTED BY MRS. COBURN TITLE: OPWC FUNDING APPLICATION
SCREW PUMP REPLACEMENT PROJECT A RESOLUTION AUTHORIZING
THE MAYOR OF THE CITY OF BARBERTON TO PREPARE AND SUBMIT A FUNDING
APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION FOR THE SCREW PUMP
REPLACEMENT PROJECT, 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 present voted "Aye." Motion carried. It was moved by Mrs. Coburn, seconded by Mrs. Frey, that **RESOLUTION NO. 105-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

ORDINANCE NO. 106-2023

PRESENTED BY MRS. COBURN TITLE: PURCHASE OF PROPERTY 36-38 14TH ST NW
AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN
AGREEMENT TO PURCHASE THE PROPERTY AT 36-38 14TH STREET NW, UNDER
THE HAZARD MITIGATION GRANT PROGRAM IN THE AMOUNT OF \$64,500.00, 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 present voted "Aye." Motion carried. It was moved by Mrs. Coburn, seconded by Mrs. Frey, that **ORDINANCE NO. 106-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

ORDINANCE NO. 107-2023

PRESENTED BY MRS. FREY TITLE: ENTER INTO CONTRACT
COUNTY OF SUMMIT ANIMAL CONTROL AN ORDINANCE AUTHORIZING
THE MAYOR TO ENTER INTO CONTRACT WITH THE COUNTY OF SUMMIT ANIMAL
CONTROL FOR A SERVICES AGREEMENT, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Frey, seconded by Mr. Griffin, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members present voted "Aye." Motion carried. It was moved by Mrs. Frey, seconded by Mr. Griffin, that **ORDINANCE NO. 107-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

RESOLUTION NO. 108-2023

PRESENTED BY MRS. COBURN TITLE: OPWC FUNDING APPLICATION
WISTERIA DRIVE INFRASTRUCTURE IMPROVEMENT PROJECT, THE 5TH STREET
NW WATERLINE REPLACEMENT PROJECT, AND THE FRANK AVENUE WATERLINE
REPLACEMENT PROJECT A RESOLUTION AUTHORIZING THE MAYOR
OF THE CITY OF BARBERTON TO PREPARE AND SUBMIT A FUNDING
APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION FOR THE WISTERIA
DRIVE INFRASTRUCTURE IMPROVEMENT PROJECT, THE 5TH STREET NW
WATERLINE REPLACEMENT PROJECT, AND THE FRANK AVENUE WATERLINE
REPLACEMENT PROJECT, 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 present voted “Aye.” Motion carried. It was moved by Mrs. Coburn, seconded by Mrs. Frey, that **RESOLUTION NO. 108-2023 BE ADOPTED.** All Members present voted “Aye.” Motion carried.

ORDINANCE NO. 109-2023

PRESENTED BY MR. HEITIC TITLE: AUTHORIZE PAYMENT BUTCHER
AND SONS AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO
PAY AN INVOICE TO BUTCHER AND SONS IN THE AMOUNT OF \$55,380.00 FOR
PAYMENT FOR THE EMERGENCY DEMOLITION OF 555 W. FORD AVE, 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 present voted “Aye.” Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Coburn, that **ORDINANCE NO. 109-2023 BE ADOPTED.** All Members present voted “Aye.” Motion carried.

This statement was read by the Clerk : The following Ordinance was a late request to the Parks Committee. During the Parks Committee meeting this evening the Committee voted unanimously to invoke Council Rule 702 to suspend Council Rule 302, The 10-day Rule, to suspend Council Rule 304, Not On The Agenda Rule, and to suspend Council Rule 401, the Not Called For In The Committee Of The Whole Rule.

ORDINANCE NO. 110-2023

PRESENTED BY MR. JABER TITLE: ENTER INTO CONTRACT – PARKS
DEPARTMENT SECURITEC AMENDING ORDINANCE NO. 38-2023
AN ORDINANCE AMENDING ORDINANCE NO. 38-2023, “ENTER INTO CONTRACT –
PARKS DEPARTMENT – SECURITEC” TO REFLECT AN INCREASE IN THE
APPROVED AMOUNT TO \$157,000.00, DUE TO THE INCREASED COST OF
ADDITIONAL CAMERAS AT LAKE ANNA PARK, COLLEGE PARK, AVILEE WEBB
PARK, DECKER PARK, AND 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 present voted “Aye.” Motion carried. It was moved by Mr. Jaber, seconded by Mr. Heitic, that **ORDINANCE NO. 110-2023 BE ADOPTED.** All Members present voted “Aye.” Motion carried.

This ended the First Readings

SECOND READING OF ORDINANCES AND RESOLUTIONS

THERE WAS NONE

THIRD READING OF ORDINANCES AND RESOLUTIONS

THERE WAS NONE

MISCELLANEOUS AND UNFINISHED BUSINESS

LIQUOR LICENSE:

NEW To: ENCHANTED SQUARE LLC
C1 C2 dba ENCHANTED SQUARE
522 4TH STREET NW
BARBERTON, OHIO 44203

Objections received / License application will be returned on July 25, 2023 with Hearing requested.

Mrs. Angeloff inquired about the location of this business, the Clerk and Mr. Jaber explained the location and Mr. Jaber explained his discussions with residents as the reason for his objection.

COMMUNICATION FROM THE BODY

Mrs. Thompson stated that there is going to be a “Special” Planning Commission Meeting to be held on Wednesday, August 23rd 5:30 PM in Council Chambers regarding the Armory building. There is a construction company interested in expanding to the property.

Mr. Griffin stated that Habitat for Humanity will be conducting a meeting on Tuesday, July 25th at 6 PM at College Park to discuss programs that will be happening in that neighborhood.

Mrs. Frey wanted to state a good thing. She was downtown on Friday evening to attend a movie and it was difficult to find a parking spot with all the happenings in our downtown area. When asked, personnel at Lake Cinema stated that their business is indeed up. Mrs. Frey stated that things are looking up for our downtown.

President Greer wanted to remind everyone that Council will be on Recess for the month of August and our next meeting will be on Tuesday, September 5th. This will be a Committee of the Whole meeting and all the committees will be meeting that evening.

COMMUNICATION FROM THE MAYOR

In regards to the discussion on Anna Dean Park, the Mayor stated that the City is working on all the parks. The Mayor gave examples of some of the questions that have been asked by citizens for amenities that are in other parks in other geographic locations. New amenities have been added to some of the parks and the City is in discussions with the unions regarding Park Cleanup Days.

The City has been awarded a grant for \$3,000,000.00 for our Waste Water Treatment Plant. The Mayor thanked his staff for their hard work in obtaining this grant. He also thanked Council for approving legislation to apply for the APWC funding. We are moving ahead on these projects both this year and next year.

Christmas in July is winding down but not over yet. Non-perishables are still being collected at all drop-off locations to benefit BACM and the Salvation Army.

Change for Change is this Thursday at Skoops benefiting Girls On The Run which is a great program in our schools.

Jam The RV will be this Friday at the Lake Anna Concert.

The re-roofing of the Municipal Building project is moving forward. There are seven different roofing systems on this building. The weather has been a factor in this. We have had two (2) major rain events in the past few days. They were very quick but very hard rain. On Thursday evening we received 1.76 inches of rain. One inch of rain is the same as 10 inches of snow so in 45 minutes we had the equivalent of over 10 inches of snow drop. We are still working on summer storm water projects which has resulted in the water moving off the roadways quickly.

The Mayor, and Councilwomen Angeloff and Frey met with the Ohio EPA in regards to the oil spill. The Ohio EPA Investigator gave updates on the ran event's effect on the Tuscarawas River and that on Friday at 11am they checked the river farther south around Clinton and found a very little amount of sheen remaining on the water. Heavy rain helped the flush and broke down the oil. The monitoring after the cleanup will continue for several weeks with workers walking in the river and boating.

The Mayor wanted to thank Barberton Football players and coaches as they had a fundraiser yesterday at the M&M Tap House. There were many great raffle baskets and funds were raised.

We have started working on the 2024 budget so if there are any questions, please feel free to stop in and ask.

Mr. Heitic stated that earlier this year he had contacted Mayor Judge, Mrs. Miller and Mrs. Iceman's office regarding Yellow Cab coming to Barberton. With the ordinance rescinding the

taxi ordinance when will this come into effect. The Mayor stated that he will be signing the legislation shortly and it will be in effect at that time.

Mr. Griffin named and wanted to thank numerous City Officials regarding the backflow valves and the 16-inch pipe that are being installed in his ward. This has been a long time coming. The Mayor stated that through the years there have been many inlets and retention ponds strategically placed to handle the flood waters. The Mayor stated that we are not done yet. Barberton is the “punchbowl” of Summit County. We are the lowest spot in the county and have 5 tributaries that feed into town.

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

Meeting Adjourned 8:02 P.M.

Justin Greer
President of Council

Laura J. Ries-Price
Clerk of Council