

Council met in **REGULAR SESSION** on Monday, November 27, 2023 at 6:10 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. Ries-Price.

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

It was moved by Mr. Heitic, seconded by Mrs. Frey to approve the Minutes of the Regular Legislative Meeting held on Monday, November 13, 2023, as presented. No remarks made. All Members present voted “Aye.” Mrs. Thompson and Mrs. Coburn were absent. Mrs. Thompson was absent. Motion carried.

It was moved by Mr. Heitic, and seconded by Mrs. Frey to approve the Finance Department’s report for the month of October, 2023 as presented. No remarks made. All Members present voted “Aye.” Mrs. Thompson and Mrs. Coburn were absent. 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

Melissa Naglic of 74 17th Street NW Barberton, Ohio spoke regarding the Liquor License under review on this evening’s agenda.

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. 154-2023

PRESENTED BY MR. HEITIC TITLE: AUTHORIZE PAYMENT ROETZEL CONSULTING SOLUTIONS AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO ROETZEL CONSULTING SOLUTIONS FOR SERVICES PROVIDED FOR ECONOMIC DEVELOPMENT, IN THE AMOUNT OF \$3,333.33, AND DECLARING AN EMERGENCY.

It was moved by Mr. Heitic, seconded by President Greer, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members present voted “Aye.” Mrs. Thompson and Mrs. Coburn were absent. Motion carried. It was moved by Mr. Heitic, seconded by President Greer, that **ORDINANCE NO. 154-2023 BE ADOPTED.** All Members present voted “Aye.” Mrs. Thompson and Mrs. Coburn were absent. Motion carried.

ORDINANCE NO. 155-2023

PRESENTED BY MR. JABER TITLE: ENTER INTO CONTRACT VARIOUS CITY PROPERTIES AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT TO SELL VARIOUS CITY PROPERTIES.

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.” Mrs. Thompson and Mrs. Coburn were absent. Motion carried. It was moved by Mr. Jaber, seconded by Mr. Heitic, that **ORDINANCE NO. 155-2023 BE ADOPTED.** All Members present voted “Aye.” Mrs. Thompson and Mrs. Coburn were absent. Motion carried.

ORDINANCE NO. 156-2023

PRESENTED BY MRS. ANGELOFF TITLE: ENTER INTO CONTRACT
FECHKO EXCAVATING AN ORDINANCE AUTHORIZING THE CITY OF
BARBERTON TO ENTER INTO CONTRACT WITH FECHKO EXCAVATING IN THE AMOUNT
OF \$4,841,390.92 FOR THE RECONSTRUCTION OF SOUTH VAN BUREN, 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.” Mrs. Thompson and Mrs. Coburn were absent. Motion carried. It was moved by Mrs. Angeloff and Seconded by Mrs. Bailey, that **ORDINANCE NO. 156-2023 BE ADOPTED.** All Members present voted “Aye.” Mrs. Thompson and Mrs. Coburn were absent. Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

There are none

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 141-2023

PRESENTED BY MRS. THOMPSON TITLE: ZONING MAP AMENDMENT FORMER
OAKDALE SITE AN ORDINANCE DENYING THE REZONING OF THE
FORMER OAKDALE SITE, PARCEL NUMBERS 01.17406, 01.17407, 01.17408, 01.17409,
01.17410, 01.17411, 01.17412, 01.17413, 01.17414, 01.17415, 01.17416, 01.17417, 01.17418,
01.17419, 01.17420, AND 01.17421, TO RM18 (RESIDENTIAL MULTI-FAMILY).

It was moved by Mrs. Angeloff, seconded by Mr. Jaber, that **ORDINANCE NO. 141-2023 BE ADOPTED.** All Members present voted “Aye.” Mrs. Thompson and Mrs. Coburn were absent. Motion carried.

This ended the Third Readings.

APPOINTMENTS

City of Barberton's Design Review Board

Joyce Barron To begin 1-1-2024 for a three-year term ending 12-31-2026.

It was moved by Mrs. Angeloff, seconded by Mr. Jaber, that Mrs. Joyce Barron be appointed to The City of Barberton's Design Review Board. All members voting "Aye." Mrs. Coburn and Mrs. Thompson were absent. Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

LIQUOR LICENSE:

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

There were no objections from Jaime Iceman, Safety Director, or Police Chief Vince Morber. Mr. Jaber, Ward Councilman stated and explained his objections. President Greer explained what had happened to cause this Liquor License to come back in front of Council for review. President Greer addressed Council asking if any Councilperson has any objections to this Liquor License. Mr. Jaber stated that he had objections. Mr. Jaber stated that under the advice of Mr. Heitic, he went to the people

of his ward with a petition and received 77 signatures stating that they did not want the license approved due to the proximity to the schools in the area. Mr. Jaber then had Mr. Heitic read the minutes from the Barberton School Board meeting dated July 13, 2023 where they voted unanimously to object to the approval of the Liquor License. Mrs. Bailey asked Mr. Jaber if he had a liquor license for his business. Mr. Jaber stated that he did. Mrs. Bailey stated that it is difficult for her to say “No” to a liquor license for a business when the Chief of Police as well as the Safety Director stated that they had no objections to the issuance. Mrs. Bailey asked if Mr. Jaber has had any issues at his place of business and he stated that in 25 years he has had no underage liquor or cigarette sale violations. Mr. Jaber stated that when the Circle K was across the street, they had violations. Mrs. Bailey pointed out that that even if it is in the same location, this business is a completely different business and deserves a chance. Mrs. Bailey asked Mr. Jaber if he wanted to deny the liquor license due to safety issues or because he had a liquor license. Mr. Jaber stated that his denial is solely based on the response from his constituents. Mr. Jaber explained the process currently ongoing with another location within the City that where an objection was filed on a license issuance. Mrs. Angeloff reemphasized that it was the previous business, Circle K which had numerous violations and that she felt it is not fair to object to this, as a new business with a new person could crack down and closely watch to prevent such violations. Mrs. Angeloff also stated that there is a Sheetz going in right down the road on Barber Road which will have a liquor license close to the school as well. Mrs. Angeloff stated that she is opposed to any liquor selling establishments being in close proximity to the schools. She stated that denying this license is like spot zoning in her eyes. Mr. Jaber reemphasized that he was going to abstain this evening but that since he was the one who stated an objection, he was told he needed to vote and his stance was solely in regards to the opinions of the constituents in the area.

Mrs. Frey asked Clerk of Council Laurie Price if when she sends out the email to the Police Chief, Safety Director, and Council Person if she also sends to the School Board. Ms. Price explained that the Department of Liquor Control sends a notice to the School Board separately and explained the procedures she follows. Mrs. Frey asked about Sheetz as it was brought up that they too will have a liquor license. Ms. Price explained that the location of the Sheetz will be in the municipality of Norton and would go through their City Council Clerk.

Mrs. Angeloff asked Mr. Heitic to explain the procedure of issuance of “New” License. Mr. Heitic explained the differences in the classes of Liquor Licenses and how they are limited and issued. Mr. Heitic went on to explain the hearing process and how it worked and what avenues are open and not open to members of a legislative body.

Mrs. Frey asked if this Council’s vote mattered since it is already going before the Liquor Control Board for hearing on the School Board’s objection. Mr. Heitic stated that it mattered to show that how this legislative body feels in regards to the issuance of this license.

Mrs. Bailey asked for clarification from President Greer if the vote of Council was to object to the issuance of the Liquor license or was it to object to Councilman Jaber’s objection. President Greer clarified that the vote was to state the Council’s stance on the issuance or objection to the issuance of the license.

Mr. Jaber reemphasized again that his objection was solely based on the decision of the school board and the opinions expressed by his constituents. Mrs. Angeloff stated that she did not know the new owners and had no idea how they would run a new business and even though she does not want liquor sold close to the school, she does not feel it is fair to deny a license based on the performance and history of the former business. Mr. Jaber stated he asked the licenses applicant to come down and talk with Council but she has not.

President Greer stated that a simple vote would be taken by a show of hands. A “Yes” vote would be an objection to the liquor license and a “No” vote would be for no objection to the license. The vote was three (3) votes “Yes” and three (3) votes “No”. President Greer broke the tie with a “Yes” vote.

A motion was made by Mr. Heitic to excuse Councilwoman Tayler Thompson from tonight’s Regular Legislative Meeting. The motion was seconded by Mr. Jaber. All members present voted “Aye.” Motion carried.

A motion was made by Mr. Heitic to excuse Councilwoman Joyce Coburn from tonight’s Regular Legislative Meeting. The motion was seconded by Mr. Jaber. All members present voted “Aye.” Motion carried.

COMMUNICATION FROM THE BODY

Mr. Heitic commented that he was happy that council had the discussion regarding the issuance of Liquor Licenses and the objection procedures. Mr. Heitic further stated that he urged those Councilpersons who did not object to reach out to the Law Director’s office for the hearing information so that if they desire, they may testify as to their opinions regarding this license.

President Greer stated he hoped everyone had a good Thanksgiving and looking forward to Christmas. There is currently a winter weather advisory that has been issued and he urged everyone to stay safe.

COMMUNICATION FROM THE MAYOR

The Mayor wanted to thank everyone who participated with The Christmas Walk this past weekend. With no snow there was a great turnout and this event really showcased our beautiful Lake Anna Park.

December kicks off our collection of non-perishable food items and toiletries to benefit the Salvation Army and BACM. This collection will be from December 1, 2023 thru January 31, 2024. As of right now the drop-off points are at the Mayor’s office and the YMCA but other businesses around town are being contacted about participating as drop-off points and if not, collecting from their employees in regards to this event.

This is the time for crazy weather stating the current advisories and the changes made in then during the day.

With property taxes rising, Barberton is pushing the Residential Relief Program. This is Barberton’s version of the Homestead exemption program. The same criteria is used for approval as is used at the County level. The Mayor encouraged council members to have any known qualifying citizens to contact the Summit County Fiscal Office, the Barberton Utilities Office or the Mayor’s office and they will have applications for this program.

Lastly, the Mayor wanted to state that his last Open Office Hours for this year will be Saturday, December 9th from 9:00 A.M. to 11:00 A.M. at the Active Adult Center. No appointment needed. The Mayor stated this is always a good time with lots of interesting questions and discussions.

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

Meeting Adjourned 7:01 P.M.

Justin Greer
President of Council

Laura J. Ries-Price
Clerk of Council