

Council met in REGULAR SESSION on Monday, April 11, 2022 at 6:40 P.M. in the Council Chambers with President Greer presiding. The Pledge of Allegiance to the Flag, led by a member of Boy Scout Troop 101, was recited and Mrs. Frey gave the Invocation.

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 Mrs. Frey, seconded by Mrs. Thompson to approve the Minutes of the Regular Legislative Meeting held on Monday, March 28, 2022, as presented. No remarks made. All Members voted "Aye." Motion carried.

It was moved by Mr. Heitic and seconded by Mrs. Coburn to accept the Financial Report for the month of March, 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. 41-2022

PRESENTED BY MR. HEITIC TITLE: CREATE NEW FUND "OneOhio FUND"
AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE A NEW FUND, THE "OneOhio FUND," 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. 41-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

RESOLUTION NO. 42-2022

PRESENTED BY MRS. FREY TITLE: COMMENDATION – CAPTAIN RICHARD A. SCHWENNING
A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO CAPT. RICHARD A. SCHWENNING FOR HIS 33 YEARS OF DEDICATED SERVICE TO THIS CITY AS A MEMBER OF THE BARBERTON FIRE DEPARTMENT.

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 voted "Aye." Motion carried. It was moved by Mrs. Frey, seconded by Mr. Griffin, that **RESOLUTION NO. 42-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

ORDINANCE NO. 43-2022

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 26, 2022.

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. 43-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

ORDINANCE NO. 44-2022

PRESENTED BY MRS. THOMPSON TITLE: ZONING MAP AMENDMENT 105 W. STATE STREET AN ORDINANCE AUTHORIZING THE REZONING OF 105 W. STATE STREET (PARCEL #01.16769), FROM RS40, SINGLE-FAMILY DETACHED TO C3, COMMUNITY CENTER COMMERCIAL.

THIS WILL GO FOR THREE (3) READINGS.

ORDINANCE NO. 45-2022

PRESENTED BY MR. HEITIC TITLE: ENTER INTO CONTRACT SUMMIT COUNTY AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FIVE-YEAR CONTRACT WITH SUMMIT COUNTY FOR RENEWAL OF THE MATRIX PROSECUTOR CASE MANAGEMENT SYSTEM CONTRACT IN THE AMOUNT OF \$81,600 (\$16,320/YEAR).

It was moved by Mr. Heitic and seconded by Mrs. Coburn to amend the language of this ordinance to add the Emergency Wording. All Members voted "Aye." Motion carried. The Clerk re-read the ordinance as follows:

ORDINANCE NO. 45-2022

PRESENTED BY MR. HEITIC TITLE: ENTER INTO CONTRACT SUMMIT COUNTY AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FIVE-YEAR CONTRACT WITH SUMMIT COUNTY FOR RENEWAL OF THE MATRIX PROSECUTOR CASE MANAGEMENT SYSTEM CONTRACT IN THE AMOUNT OF \$81,600 (\$16,320/YEAR) 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. 45-2022 BE ADOPTED AS AMENDED.** All Members voted "Aye." Motion carried.

ORDINANCE NO. 46-2022

PRESENTED BY MR. HEITIC TITLE: SETTLEMENT AGREEMENT AN ORDINANCE REQUESTING RETROACTIVE APPROVAL LEGISLATION TO ENTER INTO A SETTLEMENT AGREEMENT WITH GIANT EAGLE PHARMACY, 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. 46-2022 BE ADOPTED.** All Members voted "Aye." Motion carried.

ORDINANCE NO. 47-2022

PRESENTED BY MR. HEITIC TITLE: RESCINDING ORDINANCE NO. 32-2022
AN ORDINANCE RESCINDING ORDINANCE NO. 32-2022, TITLED “APPROPRIATION –
AMERICAN RESCUE” 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. 47-2022 BE ADOPTED**. All Members voted “Aye.” Motion carried.

ORDINANCE NO. 48-2022

PRESENTED BY MR. HEITIC TITLE: NON-BARGAINING PERSONNEL POLICY
AN ORDINANCE AMENDING ORDINANCE NO. 173-2017 TO ACHIEVE PARITY WITH
THE BARGAINING UNITS FOR PERSONAL DAYS AND HOLIDAYS, 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. 48-2022 BE ADOPTED**. All Members voted “Aye.” Motion carried.

ORDINANCE NO 49-2022

PRESENTED BY MRS. FREY TITLE: FIREWORKS AN ORDINANCE
ADDRESSING THE PROVISIONS OF AMENDED SUBSTITUTE HB 172 CONCERNING
THE RIGHT OF MUNICIPALITIES TO RETAIN THE REGULATIONS AND
PROHIBITIONS ON THE DISCHARGE, IGNITION AND EXPLODING OF FIREWORKS
THAT EXISTED PRIOR TO THE ENACTMENT OF AMENDED SUBSTITUTE HB 172,
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 voted “Aye.” Motion carried. It was moved by Mrs. Frey, seconded by Mr. Griffin, that **ORDINANCE NO. 49-2022 BE ADOPTED**. All Members voted “Aye.” Motion carried.

ORDINANCE NO. 50-2022

PRESENTED BY MR. JABER TITLE: ENTER INTO CONTRACT TIM LALLY
CHEVROLET, INC. AN ORDINANCE AUTHORIZING THE CITY OF
BARBERTON TO ENTER INTO CONTRACT WITH TIM LALLY CHEVROLET, INC. IN
THE AMOUNT OF \$52,185.82 FOR THE PURCHASE OF A NEW 2023 CHEVY
SILVERADO 3500 DUMP TRUCK TO BE USED FOR GENERAL PARKS MAINTENANCE
ISSUES, 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. 50-2022 BE ADOPTED**. All Members voted “Aye.” Motion carried.

ORDINANCE NO. 51-2022

PRESENTED BY MR. HEITIC TITLE: TRANSFER AMERICAN RESCUE PLAN
AN ORDINANCE TRANSFERRING \$1,000,000 FROM THE OPERATIONS AND
MAINTENANCE BUDGET TO THE PERSONAL SERVICE BUDGET WITHIN THE
AMERICAN RESCUE PLAN GRANT FUND, 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. 51-2022 BE ADOPTED AS AMENDED**. All Members voted "Aye." Motion carried.

ORDINANCE NO. 52-2022

PRESENTED BY MR. HEITIC TITLE: TRANSFER AMERICAN RESCUE PLAN AN ORDINANCE TRANSFERRING \$8,743,003 FROM THE CAPITAL BUDGET TO THE PERSONAL SERVICE BUDGET WITHIN THE AMERICAN RESCUE PLAN GRANT FUND, 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. 52-2022 BE ADOPTED AS AMENDED**. All Members voted "Aye." Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE 38-2022

PRESENTED BY MR. HEITIC TITLE: APPROPRIATION BUILDING MAINTENANCE FUND AN ORDINANCE APPROPRIATING \$65,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE BUILDING MAINTENANCE FUND TO ADDRESS THE LEAK IN THE ROOF ABOVE COUNCIL CHAMBERS AND THE PLANNING DEPARTMENT, AND DECLARING AN EMERGENCY.

This will go for three (3) readings or until all estimates are obtained.
The first reading was March 28, 2022

THIRD READING OF ORDINANCES AND RESOLUTIONS

There were none

MISCELLANEOUS AND UNFINISHED BUSINESS

President Greer requested a motion to excuse Councilman Thomas Heitic from the March 28th, 2022 Regular Legislative Meeting. Mrs. Thompson made the motion to excuse Mr. Heitic. The motion was seconded by Mrs. Frey. Mr. Heitic abstained; all other Members voted "Aye." Motion carried.

CLOSING REMARKS

Mrs. Frey want to mention that Mr. Morehead's article in the Barberton Herald last week regarding that there is no limitless pot was a great resource for Councilpersons to refer to when discussing issues with their constituents.

COMMUNICATION FROM THE MAYOR

The Mayor thanked the members of Boy Scout Troop 101 for leading the pledge. The Mayor also wanted to add to Mrs. Frey's remarks regarding the Barberton Herald article by explaining how city streets and roads are chosen for paving and in what order and also citing the differences between 2013 estimates and costs as compared to 2022. The costs have almost tripled in that time. We have put more money into our roads than ever before but some of the funds haven't been released as yet. The Mayor further explained how the streets were paved in the past with cinders on dirt. There is no solid base on many of the residential side streets. This is why pot

holes grow so quickly there. The Mayor is working on a presentation for the public as to the road condition and how Issue 8 will benefit.

Change for Change will be at Block 7 from 4pm to 7pm. benefiting Victim's Assistance.

The Mayor stated that he is now and has for some time been working on (Designated Outdoor Refreshment Area) DORA. He is currently printing the downtown refreshment area map to assure that we have enough acreage to meet the state law but not too much. From there we will be making application and presenting it to Council. From there we will be taking the application and submitting it to the State before DORA can be instituted. From there we need to make sure that our sanitation standards are met, that all the shops within the area have signage as all shops will have a sign to designate their participation status. Councilman Heitic has been participating with his knowledge of liquor permitting. Mr. Heitic described the classes of liquor licenses and what they mean. Mr. Heitic explained the logistics and stated that when it finally comes to Council there will have been a lot of work and hours put into the final detailed plan. The Mayor stated that they have looked at many communities with DORA plans from Dublin, Canal Fulton to Columbus and larger cities. Mrs. Frey asked if the documents which were presented to Council some time ago were still valid. Mr. Heitic explained that there are documents from the Department of Commerce as to what is included and how it effects the area which will all be determined prior to Council presentation. The Mayor stated that they have been waiting for some State Laws to be passed and ironed out before finalizing plans for our community. The final approval will go to the Law Director then City Council and finally the State of Ohio.

Applications are still coming in for ARPA funds. The Mayor is working on a Dashboard that will be presented monthly to Council. There has been only one application approved which is the Premium Pay. We are still working on the equipment for the Active Adult Center which is 99% completed, Mr. Patterson's passenger bus and the new ambulance, both of which will take a year to build. The process is ongoing.

There is an article in the paper today that we continue to work with the County on fiberoptic broadband. This is a separate allocation of ARPA monies. We are the only county in the state working together on building this separate fiber ring. This will be a \$35 million dollar fiber optic ring owned by Summit County and operated by the City of Fairlawn. This will support all three dispatch centers and court platforms. \$20 million dollars of the County money will construct a new data center in Fairlawn to service that network and another \$20 million dollars from community monies to support the network and broadband to unserved areas in the county which Barberton is one of them. We have been talking about this for a while and it is a gamechanger for the city. There have been businesses which have moved to Fairlawn because of this so it would greatly benefit Barberton in this way. There are many good projects coming because of ARPA but this is one that we will look back at in 20 years and say we made the right choice. There are several different models to look at along with questions to maintenance, operation costs and timeframes.

President Greer asked if when broadband comes to the area are we able to charge a fee or does that fee go to Fairlawn or to the County. The Mayor stated that with the several different models available, the City could create a Utility and charge on the water bill for that service. We could go with Fairlawn or another provider so it's still being looked at.

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

Meeting Adjourned 7:18 pm.

Justin Greer
President of Council

Laura J. Ries-Price
Clerk of Council