

Council met in **REGULAR SESSION** on Monday, September 11, 2023 at 6:15 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 President Greer.

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 24, 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 July, 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. 111 - 2023**

PRESENTED BY MRS. FREY TITLE: AMENDING BARBERTON CODIFIED ORDINANCES CHAPTER 355 – MUNICIPAL PARKING LOTS AN ORDINANCE AMENDING SECTION 355.01 "DESIGNATION" (ORDINANCE NO. 199-1993) AND SECTION 355.02 "USE OF LOTS" (ORDINANCE NO. 192-1991, ORDINANCE NO. 7-2001, AND ORDINANCE NO. 54-2018), 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. 111-2023 BE ADOPTED**. All Members present voted "Aye." Motion carried.

#### **ORDINANCE NO. 112 - 2023**

PRESENTED BY MRS. THOMPSON & MR. HEITIC TITLE: EBERHARDT LANDSCAPING AND LAWN SERVICES INC. CRA ABATEMENT AN ORDINANCE AUTHORIZING THE MAYOR, VIA THE PLANNING DIRECTOR, TO SUBMIT TO THE STATE OF OHIO A BUSINESS APPLICATION FOR TAX INCENTIVES ON BEHALF OF EBERHARDT LANDSCAPING AND LAWN SERVICES INC. FOR A 100%, 15-YEAR TAX ABATEMENT FOR THE BUSINESS EXPANSION/IMPROVEMENTS TO 5205 NEW HAVEN CIRCLE, 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. 112-2023 BE ADOPTED.** All Members present voted “Aye.” Motion carried.

ORDINANCE NO. 113 - 2023

PRESENTED BY MR. HEITIC TITLE: APPROPRIATION LAW DEPARTMENT  
AN ORDINANCE APPROPRIATING \$2,000 FROM THE UNAPPROPRIATED ITEM OF THE  
LAW ENFORCEMENT TRUST FUND TO THE OPERATION AND MAINTENANCE BUDGET OF  
THE LAW DEPARTMENT TO BUY A LAPTOP FOR A PROSECUTOR, 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. 113-2023 BE ADOPTED.** All Members present voted “Aye.” Motion carried.

RESOLUTION NO. 114 – 2023

PRESENTED BY MR. HEITIC TITLE: CERTIFYING PROPERTY TAX RATES  
A RESOLUTION ACCEPTING THE AMOUNTS AND RATES OF PROPERTY TAX AS  
DETERMINED BY THE BUDGET COMMISSION OF SUMMIT COUNTY, AND AUTHORIZING  
THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY  
AUDITOR FOR THE YEAR 2024, 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 **RESOLUTION NO. 114-2023 BE ADOPTED.** All Members present voted “Aye.” Motion carried.

RESOLUTION NO. 115 - 2023

PRESENTED BY MR. HEITIC TITLE: ADVANCE OF LOCAL TAXES  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE  
ADVANCE OF LOCAL TAXES BY THE COUNTY FISCAL OFFICE FOR THE 2023 TAX YEAR,  
PAYABLE IN 2024, 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 **RESOLUTION NO. 115-2023 BE ADOPTED.** All Members present voted “Aye.” Motion carried.

ORDINANCE NO. 116 - 2023

PRESENTED BY MR. HEITIC TITLE: AUTHORIZE PAYMENT TOSHIBA COPIER  
AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO APPROVE A PAYMENT,  
NOT TO EXCEED \$7,000 TO US BANK EQUIPMENT FINANCE FOR A BUYOUT FOR A  
TOSHIBA COPIER, 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. 116-2023 BE ADOPTED.** All Members present voted “Aye.” Motion carried.

ORDINANCE NO. 117 - 2023

PRESENTED BY MR. HEITIC TITLE: AUTHORIZE PAYMENT INSITE ADVISORY GROUP LLC AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO APPROVE A PAYMENT, IN THE AMOUNT OF \$3,500.00 TO INSITE ADVISORY GROUP LLC FOR SERVICES PROVIDED FOR ECONOMIC DEVELOPMENT, 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. 117-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

RESOLUTION NO. 118 - 2023

PRESENTED BY MRS. COBURN TITLE: GRANT APPLICATION ODNR H2OHIO – PWM - HMGP A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR FUNDING OPPORTUNITIES INCLUDING BUT NOT LIMITED TO; ODNR H2OHIO, PWM, HMGP, AND OTHER SUCH FUNDING, 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. 118-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

RESOLUTION NO. 119 - 2023

PRESENTED BY MRS. FREY TITLE: COMMENDATION – WILLIAM J. HOGG A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO FIREFIGHTER WILLIAM J. HOGG FOR HIS 29 YEARS OF DEDICATED SERVICE TO THE CITY OF BARBERTON FIRE DEPARTMENT AND TO THIS COMMUNITY.

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 **RESOLUTION NO. 119-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

ORDINANCE NO. 120 - 2023

PRESENTED BY MRS. COBURN TITLE: CHANGE ORDER NORTH BAY CONSTRUCTION, INC. AN ORDINANCE AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$237,290.67 WITH NORTH BAY CONSTRUCTION, INC, TO PROVIDE A BULK WATER FILLING STATION WITH BACKFLOW PROTECTION FOR THE WATER DISTRIBUTION SYSTEM AT THE WWTP, 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. 120-2023 BE ADOPTED.** All Members present voted "Aye." Motion carried.

This ended the First Readings

## **SECOND READING OF ORDINANCES AND RESOLUTIONS**

There were none.

## **THIRD READING OF ORDINANCES AND RESOLUTIONS**

There were none.

## **APPOINTMENTS**

There were none.

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

### **LIQUOR LICENSE:**

NEW            To:    VFW POST 1066 BARBERTON  
D5                            75 6<sup>TH</sup> STREET NW  
   BARBERTON, OHIO 44203

No objections received / License application returned August 21, 2023 / No Hearing Requested.

TRANSFER    To:            KIT NAILS & SPA LLC  
D2                            dba    KIT NAILS & SPA  
   189 WOOSTER ROAD N UNIT 11B  
   BARBERTON, OHIO 44203

                         FROM:            ROSE NAILS M LLC  
   dba    MINH BINH NGUYEN  
   189 WOOSTER ROAD N UNIT 11B  
   BARBERTON, OHIO 44203

No objections received / License application returned August 21, 2023 / No Hearing Requested.

President Greer asked if there was any other Miscellaneous or unfinished business. Mrs. Angeloff questioned Mr. Heitic about the types of liquor licenses being discussed. Mr. Heitic answered same.

## **COMMUNICATION FROM THE BODY**

Mr. Wearstler wanted all to know that the Planning Commission has moved their meeting to September 13<sup>th</sup> this month as approved in the Planning Commission Meeting.

President Greer reminded everyone of the next Council Meeting.

## **COMMUNICATION FROM THE MAYOR**

The Mayor wanted to thank everyone who attended the September 11 Memorial at the Barberton Fire Station. This past Friday and Saturday Habitat for Humanity held a Barberton Neighborhood Reborn gathering in the South area of Barberton on College, Frank, George, and Carter Streets. Mr. Griffin attended. There were home repairs and landscaping projects completed. Twenty (20) Motion sensor security cameras were installed. Fire resistant safes and First-aid kits were passed out as well as forty-eight (48) door drop boxes installed. The Fire Department installed smoke and CO detectors. Much trash and waste disposal were accomplished as well. Along with all the work performed by many volunteers, Habitat has donated \$2000.00 for College Park.

The First Street parking lot is being repaved and finished. The Mayor responded to a post on social media regarding the status of the Wooster Road West Reconstruction Project. The Mayor explained that the project is underway but since it is a "Reconstruction" project and not just a "Resurfacing" project

that there are a lot of issues that come into play. This project is partially funded (80%) by a grant from the Federal Government through the State of Ohio so it is under the responsibility of the Ohio Department of Transportation (ODOT) just as several other road projects currently underway in the city. The comment alluded to the fact that the project had not begun yet. Just because it is not visible, progress is indeed being made. The project is indeed underway with the many entities that play a part. The powerlines must be moved, the railroads must be consulted, the water and sewer lines must be addressed as well as many others. This entire project will take approximately a year to complete.

Jennifer Hager asked if there was a way to get information out to the public on the steps currently being taken so that rumors do not spread erroneously. The Mayor stated that the information is placed on community pages and in the City's Social Media pages. A question was asked if the information was in the newspapers. Mr. Morehead stated that is why he is in attendance as he is a news writer.

Mrs. Coburn stated that since she lives in the reconstruction area, she has observed all the different trucks from the different utilities involved taking measurements, measuring, and marking the sidewalks. The Mayor reinforced that it is indeed happening and underway even if citizens are not seeing it. This is very different from the projects currently underway on Norton Avenue and West Hopocan Avenue and again stated this is a Reconstruction not a Resurfacing project.

Mr. Heitic asked that given the length of Wooster Road West, are the plans to do the road in sections or by sides? The Mayor stated those issues are currently being discussed and restated that it is up to ODOT as they are running the project.

Mrs. Frey wanted to ask how long it took for the 31<sup>st</sup> Street NW Project. The Mayor stated that since 31<sup>st</sup> Street was in several municipalities it took a very long time.

The Mayor attended the celebration and wanted to recognize Malco Products on their 70 years in business in Barberton. This is a great company which is still family owned.

Also, this weekend the Mayor attended the annual luncheon at Leaches Meats and Sweets that benefits Barberton Area Community Ministries (BACM). The Mayor stated how much the Leach family does for and how much they give back to the community. Ray Leach Sr. knew every regular that came into his business and never failed to help when asked. This is another example of a great long-standing family-owned Barberton business.

Open Office Hours for the Mayor will be this Saturday, September 16<sup>th</sup> at the Active Adult Center from 9:00 am to 12:00 pm.

Change for Change will be Friday, September 29<sup>th</sup> at the Barberton Liedertafel benefiting Victim's Assistance.

Mr. Griffin wanted to remind everyone that this Saturday there will be another Community Picnic sponsored by the New and Living Way Church. This will be at the corner of Bell and Haven Streets from Noon to 5pm. MADD has sprayed so there will be no bugs and everything is free. Mr. Griffin also wanted to say that the feedback from the residents in the area regarding the newly paved streets has been phenomenal. All of Council is invited to attend.

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

Meeting Adjourned 6:52 P.M.

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Justin Greer  
President of Council

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Laura J. Ries-Price  
Clerk of Council