

Council met in **REGULAR SESSION** on Monday, September 25, 2023 at 6:30 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. Thompson.

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

It was moved by Mr. Heitic, seconded by Mrs. Thompson to approve the Minutes of the Public Hearing held on Tuesday, September 5, 2023, as presented. No remarks made. All Members present voted "Aye." Mrs. Coburn was absent. Motion carried.

It was moved by Mr. Heitic, seconded by Mrs. Thompson to approve the Minutes of the Regular Legislative Meeting held on Monday, September 11, 2023, as presented. No remarks made. All Members present voted "Aye." Mrs. Coburn was absent. Motion carried.

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

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. 121-2023**

PRESENTED BY MR. HEITIC TITLE: APPROPRIATION FIRE DEPARTMENT AN  
ORDINANCE APPROPRIATING \$7,500 FROM THE UNAPPROPRIATED ITEM OF THE  
GENERAL FUND TO THE FIRE DEPARTMENT'S CAPITAL BUDGET OF THE GENERAL  
FUND FOR THE PURCHASE OF A MSA MASK FIT TESTER, AND DECLARING AN  
EMERGENCY.

It was moved by Mr. Heitic, 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." Mrs. Coburn was absent. Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Thompson, that **ORDINANCE NO. 121-2023 BE ADOPTED.** All Members present voted "Aye." Mrs. Coburn was absent. Motion carried.

ORDINANCE NO. 122-2023

PRESENTED BY MRS. COBURN TITLE: ENTER INTO CONTRACT CAVANAUGH CONSTRUCTION COMPANY – UTILITY DEPARTMENT  
AN ORDINANCE AUTHORIZING THE UTILITY DEPARTMENT TO ENTER INTO CONTRACT WITH CAVANAUGH CONSTRUCTION COMPANY IN THE AMOUNT OF \$61,897.50 FOR THE RECONSTRUCTION OF A 24” STORM SEWER 10’ DEEP THAT IS FAILING ON HOPOCAN AVENUE, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Frey, 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. Coburn was absent. Motion carried. It was moved by Mrs. Frey, seconded by Mrs. Bailey, that **ORDINANCE NO. 122-2023 BE ADOPTED.** All Members present voted “Aye.” Mrs. Coburn was absent. Motion carried.

ORDINANCE NO. 123-2023

PRESENTED BY MRS. FREY AND MR. HEITIC TITLE: AUTHORIZE PAYMENT FIRE SAFETY SERVICES INC.  
AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE IN THE AMOUNT OF \$15,037.04 TO FIRE SAFETY SERVICES INC FOR THE PURCHASE OF A QUIKCHEK 3 FIT TESTER, 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.” Mrs. Coburn was absent. Motion carried. It was moved by Mrs. Frey, seconded by Mr. Heitic, that **ORDINANCE NO. 123-2023 BE ADOPTED.** All Members present voted “Aye.” Mrs. Coburn was absent. Motion carried.

ORDINANCE NO. 124-2023

PRESENTED BY MR. HEITIC TITLE: APPROPRIATION INCOME TAX FUND AN  
ORDINANCE APPROPRIATING \$200,000 FROM THE INCOME TAX FUND TO THE GENERAL FUND, AND DECLARING AN EMERGENCY.

It was moved by Mr. Heitic, 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.” Mrs. Coburn was absent. Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Thompson, that **ORDINANCE NO. 124-2023 BE ADOPTED.** All Members present voted “Aye.” Mrs. Coburn was absent. Motion carried.

ORDINANCE NO. 125-2023

PRESENTED BY MR. HEITIC TITLE: APPROPRIATION PLANNING DEPARTMENT  
AN ORDINANCE APPROPRIATING \$200,000 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE PLANNING DEPARTMENT’S OPERATION AND MAINTENANCE BUDGET OF THE GENERAL FUND FOR THE DEMOLITION OF STRUCTURES IN THE CITY, AND DECLARING AN EMERGENCY.

It was moved by Mr. Heitic, 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.” Mrs. Coburn was absent. Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Thompson, that **ORDINANCE NO. 125-2023 BE ADOPTED.** All Members present voted “Aye.” Mrs. Coburn was absent. Motion carried.

ORDINANCE NO. 126-2023

PRESENTED BY MR. JABER TITLE: RELEASE OF DEED RESTRICTIONS  
666 NORTON AVE – FORMER ARMORY PROPERTY AN ORDINANCE  
AUTHORIZING AND DIRECTING THE MAYOR TO REMOVE THE RESTRICTIVE COVENANTS CONTAINED IN THE DEED TO THE ARMORY PROPERTY LOCATED AT 666 NORTON AVE.

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. Coburn was absent. Motion carried. It was moved by Mr. Jaber, seconded by Mr. Heitic, that **ORDINANCE NO. 126-2023 BE ADOPTED.** All Members present voted “Aye.” Mrs. Coburn was absent. Motion carried.

#### ORDINANCE NO. 127-2023

PRESENTED BY MRS. ANGELOFF AND MR. HEITIC TITLE: ENTER INTO CONTRACT – STREETS DEPARTMENT FABRIZI TRUCKING AND PAVING CO INC AMENDING ORDINANCE NO. 102-2023 AN ORDINANCE AMENDING ORDINANCE NO. 102-2023, ‘ENTER INTO CONTRACT – 2023 CONCRETE AND SIDEWALK REPLACEMENT PROGRAM’ TO REFLECT AN INCREASE IN THE BID AMOUNT, NOT TO EXCEED \$100,000, FOR A TOTAL CONTRACT AMOUNT OF \$697,129.80, DUE TO REPLACING SIDEWALK IN POOR CONDITION BOUNDED BY AND ALONG 1<sup>ST</sup> AND 2<sup>ND</sup> STREET INCLUDING SEVERAL ADA RAMPS, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Angeloff and 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. Coburn was absent. Motion carried. It was moved by Mrs. Angeloff and Seconded by Mr. Heitic, that **ORDINANCE NO. 127-2023 BE ADOPTED.** All Members present voted “Aye.” Mrs. Coburn was absent. Motion carried.

BEFORE READING ORDINANCE 128-2023 THE CLERK STATED THAT THIS ORDINANCE WAS VOTED ON IN THE FINANCE COMMITTEE THIS EVENING AND ADDED TO THE AGENDA. THE COMMITTEE INVOKED COUNCIL RULE 702 TO SUSPEND RULES 302, THE 10 DAY RULE, 304 THE NOT ON AGENDA RULE AND RULE 401, THE NOT CALLED FOR IN COMMITTEE OF THE WHOLE RULE.

#### ORDINANCE NO. 128-2023

PRESENTED BY MR. HEITIC TITLE: PURCHASE OF PROPERTY 480 WEST TUSCARAWAS AVENUE AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE PROPERTY AT 480 WEST TUSCARAWAS AVENUE, AND DECLARING AN EMERGENCY.

It was moved by Mr. Heitic, 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.” Mrs. Coburn was absent. Motion carried. It was moved by Mr. Heitic, seconded by Mrs. Thompson, that **ORDINANCE NO. 128-2023 BE ADOPTED.** All Members present voted “Aye.” Mrs. Coburn was absent. 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

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

## COMMUNICATION FROM THE BODY

Mrs. Angeloff wanted to say to Mr. Patterson and the staff of the Parks Department what a great job they did regarding Mumfest. Mrs. Angeloff stated she has volunteered for many Mumfests throughout the years and this one was rated in the top three (3). She states that she heard many comments from attendees on how beautiful and well run the festival was even with such a small staff. Thanks to everyone for doing such a wonderful job.

Mr. Shreve wanted to remind everyone, since we are in a time of election, the correct, legal placement of the political signs. Signs are to be placed in yards, behind the right-of-way, on their own stakes and not stapled to the power poles. Mr. Heitic clarified that devil strips are off limits to signage as well. Mr. Shreve verified that the signs are not to be on devil strips but in private yards not blocking the right-of-way.

President Greer stated that the next Council Meeting will be on Monday, October 2, 2023 and will be a Committee of the Whole meeting.

## COMMUNICATION FROM THE MAYOR

The Mayor stated that the entire weekend starting with Tuscany on Tusc and the Walk of Fame celebration followed by Mumfest was great. We had record numbers of attendees. 6200 mums sold out on Saturday. Mumfest does not happen without volunteers and city workers. The Mayor wanted to express his thanks for the hard work of all the City employees from all the departments involved, and all the volunteers who worked so hard to make the festival a success.

Change for Change is this Thursday at the Liedertafel on Second Street benefiting Victim's Assistance.

Regarding the purchase of 480 West Tuscarawas, if there are any questions, please to contact him at any time. If any Council member would like a tour of the building, please let the Mayor's office know and the Mayor said he would make a time to take a group through the building. There is a lot involved with this development. This building (referring to the current Municipal Building), was built in 1952 and in 1958 city officials were looking for a new center. With this, there will be a lot more legislation coming before City Council. The Mayor stated they will try and keep everyone updated on what is happening along the way.

The Mayor stated that his administration is also working on revamping our website. If Council has any suggestions or ideas, please forward those to the Mayor's office. We have heard complaints from citizens regarding difficulties navigating around the current site so if any constituent has any ideas or suggestions, again, please forward those to the Mayor's office for consideration.

In closing, the Mayor stated that it is getting darker earlier and lighter later in the day so please be mindful of people walking and children walking to and from school. If a streetlight is out, please notify us or Ohio Edison directly. Ohio Edison owns the poles and the city is paying for the lights no matter if they work or not so, please report any defective lights immediately to get them repaired.

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

Meeting Adjourned 6:56 P.M.

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Justin Greer  
President of Council

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Laura J. Ries-Price  
Clerk of Council