

Council met in **REGULAR SESSION** on Monday, March 10, 2014, at 7:28 P.M. in the Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Megyes, Soyars, and Wagner. The Pledge of Allegiance to the Flag was recited and Mr. Lysenko gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Meeting held on Monday, February 24, 2014, as presented. All Members voted “yea.” Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Public Hearing held on Monday, February 24, 2014, as presented. All Members voted “yea.” Motion carried.

It was moved by Mrs. Frey, seconded by Mrs. Debevec, to approve the Finance Department Report for February 2014, as presented. All Members voted “yea.” Motion carried.

### **PETITIONS AND CLAIMS**

The Clerk read a thank you note from Kara and John Lysenko, thanking council for the flowers received on the birth of their son, Connor.

### **MATTERS REFERRED**

Each Council Member, the Mayor and Service Director were given a report prepared by the Council Clerk listing all matters before all committees.

### **CITIZENS ADDRESSING COUNCIL**

Janie Moore, 223 E. Cassell Avenue, Barberton, said the reason she is speaking is that she has been out all week, going door to door throughout the whole town, downtown, west side, and the east side. She said she talked to many people, lots of Barberton citizens. She said Barberton citizens do not want the parking lot. She said at least 95% of the people she talked to could not wait to take the clip board out of her hand and sign it and they were so passionate to tell her why they don't want this parking lot. She said she has 103 signatures from all over this town, from all over the district – *she handed them to Mr. Lysenko*. She said again the citizens have expressed that they do not want the parking lot.

Richard T. Huth, 402 E. Cassell Avenue, Barberton, said he is here to speak in favor of the parking lot. He said he is about 50 yards east of the proposed Oakdale parking lot. He said he has seen the model that the hospital has constructed and he thinks the landscaping is going to be beautiful, the lighting is going to be sufficient, there is going to be security cameras and security personnel provided by Summa who will be armed and will protect the neighborhood. He said it makes him feel a little better because 3 years ago his house was broken into and everything of value was stolen. He said he thinks by approving this parking lot it will let Summa use their funding to expand whatever has to be done at the hospital. He said they have done a superb job

so far constructing a new oncology center, a new ER, a new cardiac center and he thinks that being one of the City's largest employers, a strong hospital makes for a strong community.

Pat Betts, 222 16<sup>th</sup> Street NW, Barberton, said he would like to speak about the idea of turning the Oakdale land into a parking lot. He said in the last few years he has spoken before most of the board's commissions about everybody starting to go each other's meetings like we did for years. He said he thinks they should put on a couple of gigantic meetings like Joe Harrison use to do. He said we should definitely have neighborhood meetings for this open former school land and probably because we have not in the past 6 – 8 years, this is where we are now. He said an attempt by less than a dozen people half of whom do not live in the City coming up with an idea to put up a parking lot in a residential neighborhood. He said he likes Cheryl Vespoint's editorial last week and that is what he was trying to say at the end of his speech last week – something is seriously wrong with our whole system right now. He said they have collected about 400 signatures against the rezoning of people from all over the City. He said he only put in 3 hours and collected 70 signatures and 70 out of 72 signed that he talked to. He said they all get it. He said you get away with it once and it could happen in their neighborhood. He said he did a little math, the City's average time that those people each live in the City was 40 years. He said most of the people that he talked to was well over that. He said that is over 16,000 people years of people living here versus almost zilch for the number of years these few people who think this is a great idea that live here. He said we the people of the Magic City know where we can put parking lots even if it's not a deck. He said many good ideas were put forth, listen to all the tapes going back to the first meeting at the hospital. He said he doesn't know if the people of the Magic City have always not liked being pushed around or if it's something that Jack Greynolds created 45 years ago. He said let's just say that most of us are unimpressed. He said another interesting tidbit, at least to him, is three couples who live across from where Highland school was have approached him. He said they don't even walk their dogs over there to do their business. He said they are not happy that the foundation loan went to NDS to build houses there. He said somebody better start having meetings in the neighborhoods and see what the people want done with the land. He said he told everybody who listened from the first hospital meeting that the schools, the City, and the foundation were going to mess this all up. He said it is already looking like they are 0 for 1. He said put the parking lot where we the people of the Magic City say it should go and don't use any foundation money to build it for sure.

Bernadine Irwin, 418 E. Paige, Barberton said she would like to bring everyone up to par as far as what Mr. Maurer and her family who came to Barberton, the Magic City when it was 15 years old. She said her family chose to build not to destroy. She said they build businesses and we build homes. She said on the east side, where she lives now, her family was washed out in ward 5 with the floods. She said she was washed out, in ward 5 with the floods. She said you cannot blame everything on Wolf Creek. She said now we have a nice area on the East side that we do not want to destroy. She said we want to keep it safe. She said the initial purchase in 1949 signed by Mayor Parker was "the hospital was to bring peace, tranquility, health, and safety." She said if this parking situation is as is planned right now we will not have the peace or the tranquility that the initial ordinance did put forth in 1949. She said who is going to take care of the safety of the families that are there. She said it is a beautiful landscape and you say you are going to take contain the water and the keep up, which is eventually going to go into the sewer system which can't handle the water situation now. She said the main hospital in Akron, the

Summa Hospital, the area around is decayed. She said she put \$150,000 in her house and she does not want that decay and she is going to fight. She said she is 80 years old and the youngsters have to follow. She said there is a nice quote in the Barberton Herald about former Mayor Dobbs, who she worked for, and in that quote she designated O. C. Barber and how will the future generation think about a town that has destroyed a beautiful area. She said it is the same thing with what we have right now. She said a parking lot is not going to bring peace and tranquility. She said they have the facility and they have the land to build somewhere else. She said if the school board did not say you can buy this piece of property for \$75,000 they had another alternate plan. She said that plan was not brought forth to us on what they decided to do. She said it is a shame that this happened in wintertime when all the folks who really want to voice their opinion, pro or con, was unable to do so and if this was in the summer she believes that all the room would be full. She said she urges them – don't destroy another piece of property and let's keep it safe for the generations following.

Tom DeBord, work address 155 5<sup>th</sup> Street NE, Barberton, gave a handout and wanted to go over some additional topics on the rezoning of the Oakdale property. He said he wanted to go over some of the economic benefits that the hospital provides to the City and go through some of the additional things that are there so everybody has a full picture of everything that is involved. He said they think Summa Health Systems and obviously Summa Barberton Hospital is an outstanding corporate citizen and it is responsible for hundreds of millions of dollars of economic benefit to the greater Barberton area as well as more than \$9 million dollars in free health care that they provide, which is costive care on an annual basis. He said they will be better able to continue to make this impact by investing on the surface lot that they have indicated to the Council. He said next year he is very excited and he looks forward to Summa Barberton Hospital celebrating its 100<sup>th</sup> anniversary in this community - which will be 2015. He said Summa Barberton Hospital is a major employer in Barberton and in this community employing over 1250 individuals of which 150 are part of the AFSCME Union. He said they have a great relationship with their local union, Bob Williams who is an electrician at the hospital is the president of the local union. He said they have about 400 physicians on staff, 75 allied health practitioners who provide extraordinary compassionate care to the citizens of the community. He said Summa Health System in total within the greater area provide a total economic impact of \$220 million to the Barberton and the surrounding communities. He said Summa Health Systems is the largest provider of charity care, as he has indicated for uncompensated care in their region providing more than \$20 million in 2012. He said additionally at the hospital they have over 200 active volunteers that contribute to the hospital on an annual basis – about 4,500 volunteer hours a year to our community. He said in addition to their employees, their physicians, and their volunteers they lease space to Regency Hospital as well as Saber Healthcare Group who employ approximately an additional 120 individuals that come to their campus on a daily basis. He said that as a community asset, they provide the following benefits to the people of Barberton: about \$68 million in salary and wages that are paid to individuals on their staff annually, dollars that are reinvested into this city and region. He said they pay over \$1.2 million to the City of Barberton for payroll taxes during 2013. He said as he indicated they provided charity care and right offs for bad debts of over \$9 million and to give a few numbers: they admit over 9,400 patients on an annual basis, 32,000 people in their emergency department, and they perform over 68,000 outpatient tests, have registered over 300,000 people on an annual basis for their lab outreach business and do about 5,800 surgeries.

He said again they have talked about the issues around the decision to build surface lots instead of a deck and the nice thing about this process is that they can respectively agree to disagree on approaches and they have tried to be very open, very transparent, and very honest about their strategic planning and what they have done. He said again, they can agree to disagree on the actual solutions but they have tried to do everything they can to answer all the questions and provide all the information. He said it has been said a couple times that they have not been forthcoming with answers to all of the questions and that it has been like pulling teeth to get some of the information but he feels bad because they have been here every single meeting and they try to provide answers to every single question, provide information and various sheets that they have been able to provide. He said he continues to offer, and be willing to sit down with anyone that wants to come to the hospital and go into more detail and that invitation continues to stand. He said, again they offer that tonight. He said part of the packet they passed out are pictures that were provided at both the public meetings and well as previous meetings here. He said to again take a look at the sites with some of the pictures of the improvements and there are some pictures that have the old school and just to give an idea of how it overlays with the new property so the buildings that are there are very similar in size to the property that they propose. He said, again, he felt it would be very helpful for everyone to have that. He said they are here respectfully requesting council to consider legislation to rezone.

**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**

### **RESOLUTION NO. 23-2014**

**RESOLUTION NO. 23-2014. PRESENTED BY: MAURER, SOYARS, DEBEVEC, ENDRES, LYSENKO, WAGNER, MEGYES, AVANT & FREY. SPONSORED BY: MR. SOYARS. TITLE: COMMENDATION – JIM HENDERSON. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONOR AND GIVE PUBLIC RECOGNITION TO JIM HENDERSON FOR THE QUICK ACTIONS TAKEN AFTER DISCOVERING A HOUSE FIRE AT THE CORNER OF 3<sup>RD</sup> STREET NW AND W. HOPOCAN AVENUE ON FEBRUARY 13, 2014, AND HELPING TO POSSIBLY SAVE THE LIVES OF SIX INDIVIDUALS.** It was moved by Mr. Soyars, seconded by Mr. Wagner, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Soyars, seconded by Mr. Wagner, that **RESOLUTION NO. 23-2014 BE ADOPTED.** Mr. Maurer stated he does not know Mr. Henderson but hopefully he will know him better after tonight but this man's actions, his courage speaks about what it means to be American, what it means to be a real hero. He said it a person that does not look for any notoriety, a person who just wants to do the right thing and nothing is more irreplaceable than the human life and looks like he saved six of them or at least had an awful lot to do with it. He said, Mr. Henderson we sincerely appreciate what you did and its neighbors like you that we all want to have. Mayor Judge stated that he also wants to echo the words of the Mr. Maurer. He said he has known Mr. Henderson for several years and he is a good businessman here in the City of Barberton. He said he wants to thank him for his efforts and for putting his own life at risk. He said it is scary to think what would or could have

happened if he was not there to make that call and he just wanted to thank him for his efforts and everything that he did. Chief Baldwin said he first would like to acknowledge a couple of other people. He said first, he wants to acknowledge his firemen that were on duty that morning and this is not totally an uncommon occurrence for them but it was pretty hectic for a while. He said it was a fire that grew very fast and the building itself was split up into a number of apartments and there was a lot of life safety issues that they had to deal with. He said they did a really good job and also officer Dave Dawson from the police department. He said he got there right behind Mr. Henderson, helped get a person out and sustained some injuries from an explosion that occurred as he was exiting the building. He said he wanted to acknowledge them as well because everyone that was involved with this incident did a tremendous job. He said back to Mr. Henderson – this is probably the uncommon part. He said not a lot of people want to get that involved. He said they do get a lot of 911 calls when people see a fire but that is pretty much the extent. He said Mr. Henderson stopped and put his own life in jeopardy by trying to make sure everyone was out safely - even taking a mother and her young child to his vehicle with his son Christopher to take care of them while he went back in to make sure everyone else was out. He said unfortunately, he wasn't able to get to the last three people which his guys were able to rescue by using a ladder once they got there but it was a pretty hectic scenario. He said had he been a minute/two minutes later it would have been a totally different outcome because of the rapid growth of the fire. He said so he wants to thank Jim Henderson for doing what he did and it takes a lot of courage to get involved like that and he hopes that a lot of other people in the audience would hold that same value within themselves if they encountered that type of situation so "Jim, I appreciate your participation there and everything you did for us." Mr. Kimble stated that he has not had the opportunity to formally meet Mr. Henderson. He said since he arrived here at the City, he has been absolutely impressed, almost astounded on a weekly basis, at the professionalism and just how good our safety forces are and this is just another fine example of it and he thanks them for selfless efforts. All Members voted "yea." Motion carried. It was moved by Mr. Soyars, seconded by Mr. Wagner, to recess in order to give Mr. Henderson his resolution.

Recessed: 7:56 p.m.

Reconvened: 7:58 p.m.

#### **ORDINANCE NO. 24-2014**

**ORDINANCE NO. 24-2014. PRESENTED BY: MR. WAGNER. TITLE: AUTHORIZE PAYMENT – KENMORE CONSTRUCTION. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY AN INVOICE TO KENMORE CONSTRUCTION IN THE AMOUNT OF \$91,332.00, FOR AN EMERGENCY REPAIR OF THE CITY INTERCEPTOR NORTH OF HERITAGE APARTMENTS IN JOHNSON'S CORNERS, AND DECLARING AN EMERGENCY.** It was moved by Mr. Wagner, seconded by Mr. Megyes, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted "yea." Motion carried. It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 24-2014 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 25-2014**

**ORDINANCE NO. 25-2014. PRESENTED BY: MR. WAGNER. TITLE: AUTHORIZE PAYMENT - OHIO WATER DEVELOPMENT AUTHORITY. AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY TWO INVOICES TO THE OHIO WATER DEVELOPMENT AUTHORITY IN THE AMOUNT OF \$18,251.00, FOR THE STANDARD ADMINISTRATION FEES CHARGED AT 0.35% OF THE CONTRACT VALUE, AND DECLARING AN EMERGENCY.** It was moved by Mr. Wagner, seconded by Mr. Megyes, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 25-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 26-2014**

**ORDINANCE NO. 26-2014. PRESENTED BY: MR. WAGNER. TITLE: CHANGE ORDER – BURGESS & NIPLE - WATER STORAGE TANK. AN ORDINANCE AUTHORIZING A CHANGE ORDER WITH BURGESS & NIPLE FOR THE WATER STORAGE TANK, IN THE AMOUNT OF \$70,800, AND DECLARING AN EMERGENCY.** It was moved by Mr. Wagner, seconded by Mr. Megyes, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 26-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 27-2014**

**ORDINANCE NO. 27-2014. PRESENTED BY: MR. WAGNER. TITLE: CHANGE ORDER – BURGESS & NIPLE - WOLF CREEK DAM PROJECT. AN ORDINANCE AUTHORIZING A CHANGE ORDER WITH BURGESS & NIPLE FOR THE WOLF CREEK DAM PROJECT, IN THE AMOUNT OF \$75,000, AND DECLARING AN EMERGENCY.** It was moved by Mr. Wagner, seconded by Mr. Megyes, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 27-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 28-2014**

**ORDINANCE NO. 28-2014. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – UTILITIES - BURGESS & NIPLE. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE IN THE AMOUNT OF \$49,700.00, FOR THE WOLF CREEK DAM SAFETY ANALYSIS, AND DECLARING AN EMERGENCY.** It was moved by Mr. Wagner, seconded by Mr. Megyes, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mr. Wagner, seconded by Mr. Megyes, that **ORDINANCE NO. 28-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 29-2014**

**RESOLUTION NO. 29-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – ODOT - WOOSTER ROAD WEST - FINAL RESOLUTION. A FINAL RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON**

**AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO RESURFACE WOOSTER ROAD WEST FROM TAYLOR ROAD TO KRANCZ DRIVE (PID #92729), AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, seconded by Mr. Lysenko, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Debevec, seconded by Mr. Lysenko, that **RESOLUTION NO. 29-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 30-2014**

**ORDINANCE NO. 30-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - WOOSTER ROAD WEST IMPROVEMENTS. AN ORDINANCE APPROPRIATING \$10,000 FROM THE UNAPPROPRIATED ITEM OF THE PERMISSIVE LICENSE TAX FUND TO THE PERMISSIVE LICENSE TAX FUND OPERATING BUDGET, FOR WOOSTER ROAD WEST – TAYLOR ROAD TO KRANCZ DRIVE IMPROVEMENTS, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Frey, seconded by Mrs. Debevec, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 30-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 31-2014**

**ORDINANCE NO. 31-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - WOOSTER ROAD WEST IMPROVEMENTS. AN ORDINANCE APPROPRIATING \$102,955 FROM THE UNAPPROPRIATED ITEM OF THE PERMISSIVE LICENSE TAX FUND TO THE PERMISSIVE LICENSE TAX FUND CAPITAL BUDGET FOR THE RESURFACING OF WOOSTER ROAD WEST FROM TAYLOR ROAD TO KRANCZ DRIVE (PID #92729), AND DECLARING AN EMERGENCY.** It was moved by Mrs. Frey, seconded by Mrs. Debevec, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 31-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

*The Clerk stated that the following ordinance was amended from the previous week but the amount listed below is correct.*

**ORDINANCE NO. 32-2014**

**ORDINANCE NO. 32-2014. PRESENTED BY: MRS. FREY. TITLE: APPROPRIATION - 31<sup>ST</sup> STREET NW. AN ORDINANCE APPROPRIATING \$487,747.13 FROM THE UNAPPROPRIATED ITEM OF THE INFRASTRUCTURE IMPROVEMENT RESERVE FUND TO THE INFRASTRUCTURE RESERVE FUND CAPITAL BUDGET FOR THE 31<sup>ST</sup> STREET NW PROJECT, AND DECLARING AN EMERGENCY.** It was moved by Mrs. Frey, seconded by Mrs. Debevec, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Frey, seconded by Mrs. Debevec, that **ORDINANCE NO. 32-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 33-2014**

**RESOLUTION NO. 33-2014. PRESENTED BY: MRS. DEBEVEC. TITLE: ENTER INTO CONTRACT – ODOT - 31<sup>ST</sup> STREET NW - FINAL RESOLUTION. A FINAL RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR WIDENING, PLANNING AND RESURFACING TO INCORPORATE A TWO-WAY LEFT TURN LANE ON 31<sup>ST</sup> STREET AND MINOR SIDE STREET IMPROVEMENTS (PID #86923), AND DECLARING AN EMERGENCY.** It was moved by Mrs. Debevec, seconded by Mr. Lysenko, that the rule as required by Section 5.10 of the Barberton City Charter be suspended. All Members voted “yea.” Motion carried. It was moved by Mrs. Debevec, seconded by Mr. Lysenko, that **RESOLUTION NO. 33-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 34-2014**

**ORDINANCE NO. 34-2014. PRESENTED BY: MR. LYSENKO. TITLE: ZONING MAP AMENDMENT - 604-610 E. STATE STREET. AN ORDINANCE AUTHORIZING THE REZONING OF 604-610 E. STATE STREET (PARCEL #01.10518; 01.10519; 01.10520 AND 01.10521), FROM RS70, RESIDENTIAL SINGLE FAMILY TO C4, HIGHWAY COMMERCIAL.** *First Reading Only.*

**SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 20-2014**

**ORDINANCE NO. 20-2014. PRESENTED BY: MR. AVANT. TITLE: ZONING MAP AMENDMENT - FORMER OAKDALE SCHOOL SITE. AN ORDINANCE AUTHORIZING THE REZONING OF THE FORMER OAKDALE SCHOOL SITE (PARCEL #01.01142), FROM RS50, RESIDENTIAL SINGLE FAMILY TO O2, OFFICE CENTER.** *First Reading February 24, 2014.* Mr. Lysenko stated that he heard some statistics given by the hospital this evening which are impressive and he was aware of those things, the income tax revenue is important to the City - no doubt about that. He said that to put things into perspective in 2012 Summa had \$1.5 million in parking revenue alone. He said he wants to talk about a message he received from a school board member this evening with a voice mail and his comment was “I am in favor of the parking lot by Summa at Oakdale because it is a benefit to the community and I would rather see a parking lot than a public housing project.” Mr. Lysenko said he finds this type of comment very disappointing coming from an elected official, let alone a school board member who has to know that he is going back to these same people for a levy in the future. He said he called him back and asked him if he is implying that the school is going to offer this to AMHA if the parking lot doesn’t go through. He said he answered that they are kind of up in the air right now and will wait and see what we do. He said he really didn’t get an answer to that which is also disappointing. Mr. Lysenko said other options for Summa: 1<sup>st</sup> one, which he thinks would be the smartest is to build a new parking deck and build up and not out and preserve this open space. He said he doesn’t know if anyone has heard of Central Park in New York City – that is beautiful and it stands right in the middle of a metropolis. He said maybe that is a bad analogy but it is a lot of the same arguments he has about preserving open space. He said other options, Steve Kelleher, from the Barberton Historical Society called him

two weeks ago and said the Historical Society is willing to lease their property in front of the Piggery for \$1 a year for 99 years and he was wondering what he thought about that. He said he told him he would talk to Tom DeBord about that and let him know. He said he talked to him about it this evening and Mr. DeBord informed him that he would like to proceed with this first so those other options are just a fall back. He said another option was suggested back at their meeting on July 2, 2013 - Mr. Soyars suggested to why not use Woodford, that is a vacant school property also and it already has a parking lot. He said no response. He said other options are there but someone has this property on their mind and can't let it go. Mr. Lysenko said Mr. DeBord stated in their meeting July 2<sup>nd</sup>, middle of summer, he said in the mayor's conference room that if the public did not support this and there is a backlash from the community that he would not proceed in this manner. He said he has seen a lot of people here in the dead of winter and as far as the petition goes we have 550 signatures from people city wide. He said he doesn't know what it takes to stop him. He said he doesn't think anything will and he is willing to let it go to vote and this does not qualify for backlash or public outcry. He said he got a complaint today about cigarette butts in the pavilion at Tuscora Park and he heard from someone else that it is a constant problem. He said he heard from another man that lives a couple doors down from Mr. Huth about the trash he sees because of the hospital traffic - just from people parking around there and walking to the hospital. He said cigarettes, empty cans, people parking in front of his house - he said he even saw someone changing a diaper on the sidewalk one day. He said all those things are going to be magnified and Mr. Huth, as far as security goes, a lot of people will say that the security will be lessened because when cars are parked there thieves will target cars just the same way they will homes. He said he understands he has a disagreement with him. Mr. Maurer asked Mr. Lysenko to stay on the subject and do not talk to individual people in the audience. Mr. Lysenko said he is responding to a comment made and he can do that. Mr. Maurer said the rules are a little bit vague but he does not think it is a good idea to talk directly to members in the gallery. Mr. Lysenko stated that if there is anyone who has this concern that is who he is talking to. He stated that the reasons against this are so many but he didn't think Mr. DeBord would withdraw this at any point and he said he would withdraw it if the public outcry was high enough so he doesn't know how he measures that public outcry. He said he thinks he is going to proceed and do whatever it takes. Mr. Avant said they are going to have to vote on whether to accept or reject the Planning Commission's recommendation and their recommendation to change the zoning from residential to office but not only their recommendation but also the planning departments so it is not that Summa is standing alone saying that they want this land. He said it is not a land grab. He said the reasons he heard, and he appreciates what everyone is saying and you have your right to speak but even with what Mr. Lysenko is saying he has not seen anything to cause him to change his feelings. He said except for possible the traffic situation that was mentioned that he has confidence in the administration and the police department/the safety department and working it out with Summa. He said that may be an issue but he doesn't think it is an issue that would cause a change in such an important issue. He said he sees this as a win, win, win situation. He said you have the hospital that is going to win, they are going to be able to build a parking lot but it's not just a parking lot and it's designed by engineering to take on water, rain, and the run off and it has an architectural design to make it look much more of a neighborhood than what you have now. He said what there is now is vacant land that cannot be developed, or would never be developed. He said it is not a park and he notices the signs and the petitions say "park or parking lot" and it is not going to be a park or it's not going to stay a park if the school still owns it. He said that is all it is ever going

to be and quite frankly it's not attractive and he thinks what is going to be there is no way going to change the neighborhood and he thinks it is going to improve property value. He said that is a win there. He said it will be a win for the school district because they will not have to deal with maintaining it and it will be a win for the City if we don't buy it because we don't want to maintain it. He said if they change it to anything it is going to require tens of thousands of dollars to grade it and to make it into any kind of park. He said that would put it to more of \$100,000. Mr. Avant said it really is a win situation if the hospital is able to eliminate deck parking. He said any hospital or any business wants to eliminate deck parking – it's costly. He said it's hundreds of thousands of dollars a year to maintenance were they could put it in other areas – radiology, healthcare and any other areas they want to expand in because they have the room to do it where they also need the funds to do it. He said to say it is going to be just a parking lot and that it is going to destroy the neighborhood is totally wrong and he thinks it is going to go the other way around and it will definitely improve the neighborhood. He said he was hoping that Summa would bring the large board so everyone could get a picture of what the difference is. He said when you put hundreds of thousands of dollars into maintenance of a deck like that and when you know you can save just from the construction \$5,000 to \$7,000 to put into the medical care for the community he doesn't see where we could go wrong with doing that. He said he just can't get over how much difference that neighborhood would look with that parking lot, the parking area with the architectural design that it has and whoever keeps it has to deal with the old wall and that is going to go away. He said the water drainage is going to go downhill towards the people on 3<sup>rd</sup> Street and that is going to be more permeable as time goes and the ground hardens. He said there was a comment in the paper and he had to think about it and analyze it a little bit about how an airplane has to land safely, it is required to, and they are saying that Summa has to improve their facilities and improve their medical care. He stated but why does the pilot have to land safely, for himself - to save a billion dollar airplane, no he wants to do it for the passengers - for the safety of the passengers. He said that is what Summa and any hospital system wants - to improve their facilities and their care operations not for themselves, not for the competition that they are dealing with but for their patients. He said he thinks what Summa is really trying to do here and getting rid of the cost of the deck and the millions of dollars that it is going to save from it and over the year millions of dollars that is going to be put into maintenance. He said he had an opportunity to speak with Mr. Russell for a couple of hours today and he recommends if you really want to know what is going on to go up there. He said they want you to come up and talk to them and they will show what is needed in the hospital and how this money could be used to benefit everybody and not just a few people that live around. He said you can sign a petition and you can put anything on that petition that could scare the bajebees out of anybody and they will sign it so he doesn't think that it's much of a reason – oh it's a sign. Mr. Lysenko stated that it is real simple. Mr. Avant stated to say a park or a parking lot. Mr. Lysenko stated it does not say that. Mr. Avant said he hasn't seen one. Mr. Lysenko (I believe) held up the petition. Mr. Avant stated it is not needed. Mr. Avant stated that is the whole crust of it – not the petition but the fact that this whole program is to increase a facility that has been taking care of the City for years and it has been improving and we just need to keep in that direction.

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

None

## **APPOINTMENTS**

None.

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

The Clerk stated that she received a reply for the transfer of ownership application from the Division of Liquor Control for Snyder Avenue that was sent and it was found that the process will continue. She said she spoke with Chief Morber and Lisa Miller and they will decide if they wish to appeal this decision.

## **COMMUNICATION FROM THE MAYOR**

Mr. Judge stated that all of council should have received a pass out this evening stating the 2014 Dominion East Ohio Gas Projects. He said they have really been working hard the last couple of years to build and foster the relationship with utility companies. He said the utility companies come in with their projects and tear up our land and our streets and do things without notifying the City and we have really working with them to at least come in and tell us what they will be working on and where at and they have been working with us. He said he gave them a list of the Dominion projects for the year and hopefully they will put everything back the way they found it.

Mr. Judge said that this coming Saturday he will have his first quarter office hours – open office hours on Saturday for residents from 9:00 am until 11:00 am.

Mr. Judge stated the next change for change for this month will be at Tony's Speak Easy on Friday, March 28<sup>th</sup> benefiting the Barberton Beautification Fund.

Mr. Judge said Saturday, March 22<sup>nd</sup> they will have the 2<sup>nd</sup> Annual Job and Resource Fair at the Active Adult Center.

Mayor Judge stated they received a notice from the National Weather Service today that it was about 53 degrees and it will get about 56 tomorrow and then late Tuesday night or Wednesday morning – 7:00 am rain/snow/sleet – freezing rain – chance of snow 4-6 inches.

Mr. Judge said that some of the legislation that was passed this evening for the \$10,000 for Wooster Road from Krancz Drive to Taylor Road was an emergency paving job in the middle of February from the weather conditions. He said his hat goes off to Mr. Palmer and Mr. Jackson/Mr. Gable and all the city crews – the AFSCME workers for everything they have done this winter. He said a lot of communities have gone through their salt supply and we have maintained a healthy supply. He said the amount of work that goes into just changing a truck from a salt container – a spinner - to loading of asphalt - to cleaning it - to salt – and the plows –

the amount of work into that, his hat goes off to our crews and everything they have done. He said it's been a crazy winter and hopefully this is the last of it, he thought last week was the last of it but it seems like another 4-6 inches is on its way.

Mayor Judge stated to stay safe out there, be patient, and if you see potholes contact us because we have a new tracking system and we will get back to you as soon as possible.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to adjourn.

Adjourned: 8:31 P.M.

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Frederick S. Maurer  
President of Council

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Renee Fox  
Clerk of Council