

Council met in **REGULAR SESSION** on Monday, December 16, 2013, at 7:30 P.M. in the Council Chambers with Vice President Avant presiding. Members present: Debevec, Endres, Frey, Lysenko, Megyes, Soyars, and Wagner. The Pledge of Allegiance to the Flag was recited and Mr. Endres gave the Invocation.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to approve the Minutes of the Regular Legislative Session held on Monday, December 9, 2013, as presented. All Members voted "yea." Motion carried.

It was moved by Mrs. Debevec, seconded by Mrs. Frey, to accept the Finance Department Report for November, as presented. All Members voted "yea." Motion carried.

PETITIONS AND CLAIMS

None.

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

Ptl. Shannon Davis, 576 W. Park Avenue, Barberton gave certificates of recognition to Carol Frey and Michael Kimble who completed a 10 week training of the Southern Summit Citizens Police Academy.

Brant Russell, 155 5th Street NE, Barberton, VP of Operations for Summa Barberton/Wadsworth Hospital spoke about the parking situation at Summa Barberton Hospital. He spoke about the need for additional parking and how they wish to obtain the Oakdale lot for this.

Pat Betts, 222 16th Street NW, Barberton spoke about the lack of parks for children to practice their sporting events. He feels the City should buy the Oakdale lot.

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. 204-2013

RESOLUTION NO. 204-2013. PRESENTED BY: MRS. FREY. TITLE: BARBERTON-NORTON MOSQUITO ABATEMENT DISTRICT. A RESOLUTION BY THE COUNCIL OF THE CITY OF BARBERTON SUPPORTING THE BARBERTON-NORTON MOSQUITO ABATEMENT DISTRICT, AND DECLARING AN EMERGENCY. It was moved by Mrs. Frey, 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 Mrs. Frey, seconded by Mr. Wagner, that **RESOLUTION NO. 204-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 205-2013

ORDINANCE NO. 205-2013. PRESENTED BY: MR. ENDRES. TITLE: ENTER INTO CONTRACT – DOWNTOWN TOWPATH TRAIL CONNECTOR PROJECT. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE LOWEST AND/OR BEST BIDDER, FOR THE CITY OF BARBERTON DOWNTOWN TOWPATH TRAIL CONNECTOR PROJECT, AND DECLARING AN EMERGENCY. It was moved by Mr. Endres, 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. Endres, seconded by Mr. Wagner, that **ORDINANCE NO. 205-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 206-2013

RESOLUTION NO. 206-2013. PRESENTED BY: MR. LYSENKO. TITLE: RENAMING BARBERTON STREET. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON REFERRING TO THE PLANNING COMMISSION FOR ITS CONSIDERATION THE NAME CHANGE OF A BARBERTON STREET TO BE DETERMINED AT A LATER DATE TO MARTIN LUTHER KING JR. STREET.

ORDINANCE NO. 207-2013

ORDINANCE NO. 207-2013. PRESENTED BY: MR. LYSENKO. TITLE: 2014 BIDS AND CONTRACTS - YEAR’S REQUIREMENTS FOR MATERIALS AND SERVICES. AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OR THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE FOR BIDS AND/OR ENTER INTO CONTRACTS IN 2014, COVERING THE YEAR’S REQUIREMENTS FOR MATERIALS AND SERVICES USED IN THE ORDINARY AND DAILY OPERATION OF THE MUNICIPAL DEPARTMENTS IN THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY. It was moved by Mr. Lysenko, seconded by Mrs. Frey, 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. Lysenko, seconded by Mr. Frey, that **ORDINANCE NO. 207-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 208-2013

ORDINANCE NO. 208-2013. PRESENTED BY: MR. WAGNER. TITLE: SEWER RATE INCREASE, AN ORDINANCE AMENDING ORDINANCE NO. 79-2004 AND ENACTING A NEW ORDINANCE INCREASING THE SEWER RATES TO BE CHARGED TO USERS OF THE CITY OF BARBERTON’S SANITARY SEWAGE SYSTEM, 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. 208-2013 BE ADOPTED.** Mr. Lysenko asked if there was a particular project or projected expense coming that we are thinking of as we are proposing this increase. Mr. Stender stated that the answer is “yes.” He stated that we have already spent \$4,000,000 at the Wastewater Treatment Plant and we are embarking on the Phase

II Project that is 3.9 million dollars. Mr. Stender said it is part of the upgrades that we have to do to maintain the operation of the plant. He said this happens about every 20-30 years and it is hitting us at this time. Mr. Wagner added that even with the addition of this increase that we will be the lowest sewer rate in Summit County. Mr. Avant then stated that we have done a great job of keeping up with the EPA requirements. All Members voted “yea.” Motion carried.

RESOLUTION NO. 209-2013

RESOLUTION NO. 209-2013. PRESENTED BY: MR. WAGNER. TITLE: SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY “SOLID WASTE MANAGEMENT PLAN”. A RESOLUTION BY THE COUNCIL OF THE CITY OF BARBERTON AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY AND TO ADOPT THE “SOLID WASTE MANAGEMENT PLAN” FOR THE CITY OF BARBERTON. 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 **RESOLUTION NO. 209-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

RESOLUTION NO. 210-2013

RESOLUTION NO. 210-2013. PRESENTED BY: MR. WAGNER. TITLE: AMENDING RESOLUTION NO. 34-2013. A RESOLUTION AMENDING THE “SUBMISSION OF APPLICATION, ENTERING INTO AGREEMENT – WPCLF LOAN AGREEMENT, WWTP IMPROVEMENTS” BY CHANGING THE AMOUNT TO \$2,820,000, 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 **RESOLUTION NO. 210-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 211-2013

ORDINANCE NO. 211-2013. PRESENTED BY: MR. AVANT. TITLE: ADOPTING THE IAFF LOCAL 329 AGREEMENT. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BARBERTON TO ADOPT AND APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF BARBERTON AND IAFF LOCAL 329, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mr. Soyars, 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. Soyars, that **ORDINANCE NO. 211-2013 BE ADOPTED.** Mr. Lysenko stated that he will be voting “no” on this but not that he doesn’t think the personnel of the fire department are worthy of the contract proposed or the raises proposed. He stated there are other reasons that he has an issue with. Mr. Soyars also stated that he will be voting “no” also. He stated that AFSCME received 2, 1 ½, 1 ½ and police are just starting their negotiations and non-bargaining has not received a raise since 2008 and he wants everyone to be treated fairly. Mr. Avant stated as a ward councilman he is in the same line that Mr. Soyars was talking about. Mr. Avant stated that he thought as a contract, it was a good contract. He stated he is not an expert on contracts, Mr. Wagner certainly is, but he did notice in keeping in line with our finances and

the needs that we have, we know that we just went through the finance report for November and we know that the revenue is not flowing in and is not increasing enough to keep up with additional outflow. He stated that he knows in bargaining units you don't say you are going to do what this totally different bargaining unit does, but he thinks we have to keep in line with what the City has. He stated that to him when one bargaining says well they want 2, 1 ½, 1 ½, "we're better than they are", or "more important than they are" so we want to go 2, 2, and 2. He stated he believes that they are worth 2, 2, and 2, or 3, 3, and 3, or 4, 3, and 3. He stated that we know the revenue is not coming in the way it has been or use to. He stated that they use to approve 3% every year and he just thinks in keeping with the spirit of the City of Barberton when it comes to the increases in the pay level we should all be equal. He said every employee in the City in the past 12 years has worked very, very hard and has taken their job very seriously and they all deserve 3% every year, each bargaining unit and non-bargaining unit. He stated it would not bother him if we had to come back for a special session meeting before the Holidays and vote on this again and see an equality in our bargaining units. He stated he as much respect as he possible can for the firefighters and EMS. Mr. Avant said he has been on calls with them and everyone in the City does their job superbly and they all deserve the same fairness and he will have to vote "no" for his own conscience. Mr. Wagner stated that he read through the entire agreement and he spoke with Mr. Kimble and the Mayor and he feels it is a very good contract and he thinks both sides bargained in good faith and he will have to support this agreement. Mr. Judge stated that as a councilperson he always felt stuck in the middle on voting on contracts. He said when you have the administration and bargaining unit both agreeing and it comes down to City Council. He said City Council is not involved in the bargaining unit discussion it is difficult because you are given the end product of the contract so when both groups are supporting this he felt stuck in the middle on voting. He stated that both groups did bargain in good faith and this is the best contract we feel we could get. Mr. Judge stated that none of the contracts from any of the units are fair because it comes down to vacation, to pay, everything is different. He stated that none of the contracts are the same and none of them have ever been the same and none will ever be the same because they are three separate units doing three separate positions or jobs. He said they felt this was the best contract that they could get and the IAFF agrees and so do we and he urges Council to pass this and we could move forward. He stated he is not sure what the OPBA entails but we didn't know what was going to happen when they were negotiating the AFSCME contract. He said it is a good contract and he urges Council to vote for it. Megyes, Debevec, Wagner, Frey, and Endres voted "yea." Avant, Soyars, and Lysenko voted "no." Motion failed.

ORDINANCE NO. 212-2013

ORDINANCE NO. 212-2013. PRESENTED BY: MR. AVANT. TITLE: 2014 TEMPORARY OPERATING BUDGET. AN ORDINANCE ADOPTING A BUDGET FOR VARIOUS FUNDS OF THE CITY OF BARBERTON FOR THE PERIOD BEGINNING JANUARY 1, 2014, AND PROVIDING FOR THE ADMINISTRATION THEREOF, AND DECLARING IT AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Frey, 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. Frey, that **ORDINANCE NO. 212-2013 BE ADOPTED.** All Members voted "yea." Motion carried.

ORDINANCE NO. 213-2013

ORDINANCE NO. 213-2013. PRESENTED BY: MR. AVANT. TITLE: YEAR END APPROPRIATION OF FUNDS. AN ORDINANCE MODIFYING APPROPRIATIONS WITHIN CERTAIN FUNDS IN ORDER TO COVER EXPENSES TO THE END OF THE YEAR, AND DECLARING IT AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Frey, 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 Mrs. Frey, that **ORDINANCE NO. 213-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 214-2013

ORDINANCE NO. 214-2013. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – MEDICAL MUTUAL HEALTH CARE – VISION. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR CONTRACT WITH MEDICAL MUTUAL OF OHIO FOR 2014, FOR THE ADMINISTRATION OF THE AGGREGATE MINIMUM PREMIUM CONTRACT FOR MEDICAL COVERAGE FOR ALL FULL-TIME CITY OF BARBERTON EMPLOYEES, WHICH WILL ALSO INCLUDE VISION COVERAGE FOR POLICE, FIRE, AND NON-BARGAINING EMPLOYEES, BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2014, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mr. Frey, 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 Mrs. Frey, that **ORDINANCE NO. 214-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 215-2013

ORDINANCE NO. 215-2013. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – AETNA DENTAL COVERAGE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR CONTRACT WITH AETNA TO PROVIDE DENTAL COVERAGE FOR POLICE, FIRE, AND NON-BARGAINING EMPLOYEES, BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2014, IN THE AMOUNT OF \$130,225.00, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Frey, 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 Mrs. Frey, that **ORDINANCE NO. 215-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 216-2013

ORDINANCE NO. 216-2013. PRESENTED BY: MR. AVANT. TITLE: ENTER INTO CONTRACT – MEDICAL MUTUAL STOP LOSS COVERAGE. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A ONE-YEAR CONTRACT WITH MEDICAL MUTUAL TO PROVIDE FOR THE CITY’S STOP-LOSS INSURANCE FROM JANUARY 1, 2014 THROUGH DECEMBER 31, 2014, AND DECLARING AN EMERGENCY. It was moved by Mrs. Debevec, seconded by Mrs. Frey, 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 Mrs. Frey, that **ORDINANCE NO. 216-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

ORDINANCE NO. 217-2013

ORDINANCE NO. 217-2013. PRESENTED BY: MR. AVANT. TITLE: APPROPRIATION - SOUTHWEST SUMMIT COMMUNICATIONS COUNCIL OF GOVERNMENT. AN ORDINANCE APPROPRIATING \$205,100 FROM THE UNAPPROPRIATED ITEM OF THE GENERAL FUND TO THE DISPATCH OPERATING BUDGET AND AUTHORIZING THE FINANCE DIRECTOR TO PAY INVOICES TO THE SOUTHWEST SUMMIT COMMUNICATIONS COUNCIL OF GOVERNMENT (SWSCOG) IN THE AMOUNT OF \$195,185.87 AND COPLEY TOWNSHIP IN THE AMOUNT OF \$9,911.49, AND DECLARING AN EMERGENCY.

It was moved by Mrs. Debevec, seconded by Mr. Soyars, 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. Soyars, that **ORDINANCE NO. 217-2013 BE ADOPTED.** All Members voted “yea.” Motion carried.

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 201-2013

ORDINANCE NO. 201-2013. PRESENTED BY: ALL OF COUNCIL. SPONSORED BY: MR. ENDRES. TITLE: COMMENDATION – ALBERT LEE. A RESOLUTION OF THE COUNCIL OF THE CITY OF BARBERTON TO HONR AND GIVE PRULIC RECOGNITION TO ALBERT LEE FOR 17 YEARS OF DEDICATED SERVICE TO THE BARBERTON BOARD OF ZONING APPEALS AND TO THIS COMMUNITY.

First Reading 12/09/2013. It was moved by Mr. Endres, 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. Endres, seconded by Mr. Wagner, that **ORDINANCE NO. 201-2013 BE ADOPTED.** Mr. Bauschlinger stated that the reason for the second reading is that they did not want to lose this ordinance at year end but Mr. Lee was not able to make it tonight and he will try to make it the first of the year to receive this resolution. All Members voted “yea.” Motion carried.

THIRD READING OF ORDINANCES AND RESOLUTIONS

It was moved by Mr. Megyes, seconded by Mr. Lysenko to amend the following ordinance to read as a resolution (as listed) and to remove the emergency wording. All Members voted “yea.”

RESOLUTION NO. 175-2013

RESOLUTION NO. 175-2013. PRESENTED BY: MR. MEGYES. TITLE: PURCHASE OF PROPERTY - FORMER OAKDALE SCHOOL PROPERTY. A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO PURCHASE THE VACANT PROPERTY FORMERLY OCCUPIED BY THE OAKDALE ELEMENTARY SCHOOL FROM THE BARBERTON BOARD OF EDUCATION, IN THE AMOUNT OF \$1.00, AND DECLARING AN EMERGENCY.

First Reading 11/12/2013, Second Reading 11/25/2013, Third Reading 12/09/2013 – Tabled 12/09/2013. It was moved by Mr. Megyes, seconded by Mr. Endres, that **RESOLUTION NO. 175-2013 BE ADOPTED.** Mr. Megyes stated that he will be voting “no”

on this ordinance. He said it was a very hard decision and a lot of factors were involved and he did what he did in the past. He called people in his ward - 30 people and out of the 30 people he had 2 that had no opinion, 4 that were for buying the property but 1 called two days later and said he changed his opinion....so he basically had 25 people for the hospital parking lot. He stated it was for two reasons. 1st – we have a lot of property now that they can't keep the lawns mowed and trimmed, and the 2nd – School Board needs the money and if they sell it for \$1.00 they said they would not vote for it in the next levy. He stated there were other reasons but those were the two main reasons. Mr. Lysenko stated that he heard that the schools would not offer it to the City for \$1.00 anyway and why are we doing this. He stated that he feels that they should offer it to us for \$1.00 and he has other examples of such negotiations between the City and the Schools, the first one being Ordinance 27-2004 - the old Barberton High School area. He stated this was a four section of property from the Barberton School Board for \$1.00 per section which was the old high school, industrial art's building, and two parking lots - which is where the Lake Anna YMCA/Active Adult Center is. He stated the next is 214-2008 which is the Barberton Community Fitness Center/Natatorium - the City sold this property to the schools for \$1.00. The next is the purchase of the former Oakdale School property for \$1.00 - this permitted the City to buy 8 parcels at the same property for \$1.00 and construct a water tower. He stated from the same ordinance the City also waived ½ of certain water and sanitary sewer fees for all school facilities under construction and currently under modernization program. He stated there has been a number of instances and he is sure there are others where there has been this type of negotiation between the City and School District. He then asked "should the price be \$1.00" he thinks this would be fair. He stated this ordinance really does not call for our Mayor to negotiate a purchase for the City. He stated it could easily be amended to be something different than \$1.00 somewhere down the road. He said he heard from the hospital that it is simple too costly to build a new deck in which he said he is not sure he agrees with that based upon the tax records he read from the hospital which said that there operating income for 2012 is 32 million dollars. He stated that the operating income is gross revenue minus operating expenses and investment income is not included in that 32 million dollars. He stated he also heard from the hospital that their master facility plan called for additional parking. He said he asked for a copy of the master facility plan at the most recent public meeting and he was not given one and asked that one be e-mailed to him and he is still without that information. He said he would like to know what the big picture is here because he is also told that they would rather spend that money on community services or standard services for the community versus parking. He said he would like to know exactly what is in mind. He said he also heard for the first time tonight that there is somewhere else that they are going to put parking but he has not heard yet and he is curious about that. He said as far as the cost of adding the spaces that the hospital needs, he doesn't know if this is a valid comparison but Akron Children's Hospital, this year, is building a huge new parking deck and they are spending \$20 million for a six level garage and it will have approximately 1,200 spaces and it will have space for an ambulance garage in the lower level. He said he printed off an internet article that says "As our main campus has expanded so has our need for parking spaces" Vice President for Professional Sport Service/Akron Children's. He said they have two decks already and several service lots for employees so he questions the cost that we have been told. He said he does not know if there are any estimates obtained by the hospital because that information has not been provided to him. He said he was also told that the master facility plan, from the meeting last week, is also constantly changing and he has to wonder if it has changed since this came up. He said there are other properties in the city that could become a parking lot

too, one is at Woodford School. He stated there is already a paved parking lot there, which was addressed by Mr. Soyars at our first meeting with the hospital way back in July. He said he imagines they are not interested in the other properties for this purpose that are not found. He said Oakdale is 1.4 acres and the City owns a 12 acre property – Anna Dean Park. He said the City already owns it and there is access to this property because he looked at it on the tax map. He asked why are we not interested in that property if we are considering Oakdale in Ward 2 where he lives, and his constitutes lives. He stated he thinks the hospital can afford a new parking deck and they should build up and not out. He said he also thinks that the school board should not be in favor of disposing of that property in this manner. Mr. Lysenko stated that as far as mowing goes, Mr. Palmer challenged him to as to how this property would be mowed if the City owned it. He stated that we had City personnel explain that to us on the record and he said that when the utilities department mows the property that they started there that they can very easily mow the rest of this. He said it was “not a problem” is what he was told. Mr. Lysenko said to Mr. Megyes that he understands his perspective, that he wants to do what is best for his constitutes but those people are not going to live across the street from a parking lot so it does not surprise him that they a) would not have an opinion on it or b) yes, let them purchase it for \$73,000. He said the people that have the biggest stake in this are the people that live around that lot and in the blocks closest to it. He said there is going to be noise - that is undisputable. He said there is going to be lighting - that is undisputable because this time of the year it gets dark at 4:30 or 5:00. He said he would close with that he is happy that the hospital is in Barberton, he doesn't think anyone is unhappy about that and he was just talking to one of his neighbors and they were able to drive themselves over there when they had a heart attack and if it would have been any further they probably would have died in his car. My Lysenko stated that the hospital provides income tax revenue to the City – significant. He said he is not here to just put down the hospital but he thinks this is an opportunity for this City to say we want to keep this green space for the residents who live in the Second Ward and he asks everyone to vote yes on this and if the purse ultimately ends up paying \$1.00 from the City or something different, he thinks it is up to the person doing the negotiating and that is our Mayor. Mr. Palmer stated that since his name was thrown out he did not challenge Mr. Lysenko. He said it is a fact that to add on an additional park, that is what he said, is a mistake. Mr. Palmer stated that we can't afford and we can't basically take on anymore properties with the employees and the machinery that we have in place. He stated that is a fact, we do the best we can with the individuals, the employees that we have. He stated he is sorry that he felt that he challenged him. He stated you asked a question and basically that is what he tried to explain. Mr. Lysenko stated it is on record. Mr. Palmer stated we are very fortunate to have 16 parks in the City but we are to the point now in we are going in a negative position as far as having the employees to take care of it based on what the public feels it should be. He then asked, “Have I failed” he doesn't know. He stated maybe he failed for not asking for more. He stated the parks are wonderful if they are kept up. He said parks in cities like this here should be receiving more attention, he totally agrees but the fact is this is a matter that he does not recommend being turned over as a park. He said he will repeat what he said, whatever is done with that land is okay as long as it not a park where he has to stand up to the people and answer to them why he can't maintain it. Mr. Lysenko stated he might not perceive it as being challenged but the words you used were “show me how we are going to mow this, or show me” and he has done that. He stated the legislation that we are passing on for this evening does not call the property to be a park. He said it calls for the City to authorize to purchase it. He said if there is any question as to what happened at those previous

meetings, it is on the record. Mr. Palmer then stated on the record, if you go back and listen to that, it wasn't proven. He said the person who made those comments still did not prove that we could do that. He stated he threw some numbers out there and then he flipped and said that is not what he meant. He said the fact is that he still has not proven that we can take our employees and maintain it as a park. Mrs. Debevec stated that she would like the residents around Oakdale and the hospital to know that she thought all week about how she was going to vote this evening. She stated she lives in a busy area where there is a lot of traffic. She said she lives on Lake Anna. She said she lives with the lights and she lives with noise but she loves it. She said at this point she came in this evening not knowing how she was going to vote and has decided that she will be voting "no" this evening. She said she sympathizes with the citizens who live in the Oakdale area, there was originally a school there which had traffic. She said that was not the reasons that she had in mind but after attending the town hall meeting on Tuesday the school district made it pretty clear that they were not entertaining any other bids at this time. She said that she kind of feels this does not belong at City Council yet. She said it belongs with the hospital now applying for rezoning and when it goes to rezoning then we should have this discussion and at that time if the zoning board feels they do not want to rezone, or council feels like they do not want to rezone, then we approach the Mayor and we say okay let's try to buy this and let's try to figure out a plan to accommodate Summa for their needs and accommodate the resident's needs and the City's needs. Mrs. Debevec said whether that be we buy it and we divide it into parcels and sell them for \$8,000 each and donate that money back to Summa to help with their parking problem to purchase properties in the closer to the hospital. She said there are a lot of things that can be discussed...we know there is a problem with parking, we know that the citizens do not want the parking lot in their front yard. She said she can surely sympathize with that, there are days when she cannot even get into her driveway because the road is closed like the Christmas Walk, or the Mum Fest. She said she has been blocked in because they park right in front of her driveway. She said she understands and she sympathize with them a lot but the fact of the matter is we need Summa's income tax base and we need to make everybody happy and she thinks there is a way to do that but she thinks it needs to follow the proper process. She said she thinks Summa needs to apply for the rezoning and go from there and make the decision once everyone has agreed that this is what we are going to do or this isn't what we are going to do. She said at this point, it is a moot point because there are not going to buy unless we rezone and we don't know if they are going to rezone because they haven't applied and the school board has claimed that they aren't going to entertain any other offers anyway. Mrs. Frey stated that she, as she as well as Mrs. Debevec thought about this a lot and has decided to vote "no" also for a number of reasons. She stated that one of those reasons is the same as Mrs. Debevec, it is a moot point. She said at this point the school board has said they will not sell it to the City for \$1.00 and the school board has a contract with Summa as this moment and she thinks they should let this run through the channels and see what happens with that but as far as having activity across from your house, she is sure a lot of the neighborhoods that use to have a factory at the end of their street, or across the street, wishes that they still did because that is the basis for having a strong City and being able to have the types of contracts that came across our desk today and to keep our roads nice and our parks nice and to have enough personnel to keep up the parks. She said since they are our second biggest employer, she thinks we have to side with their wishes. Mr. Lysenko stated that as far as the contract with the schools and the hospital, the contract which he circulated with a copy of this request for legislation he submitted, committed the hospital 45 days to which to obtain zoning. He said that

45 days came and went a long time ago. He stated the contract was entered (he believes) in May so he doesn't know why we have had to wait this long for a request for rezoning. He said he heard it was going to take place the beginning of the year and that is one of the reasons that he called for this. He said he didn't know how long we were going to wait for this request and he still hasn't heard when we are going to get it. He said that he thinks the City should if they want to do something with that property, or have something in mind, in his opinion leave it as is - we should take steps. He said the schools have said (Mr. Stefan he believes said) they just left the agreement available to the hospital and he disagrees with that. He stated he doesn't think they should send an open end because here we are still waiting and this came up, he believes this has been in the works for years so that is why he is calling for it now and not waiting for it go through zoning because he doesn't know when that is going to happen, if it is going to happen. He said in fact before our meeting the talk was they were going to wait to see how the meeting went. Mr. Soyars stated that he will be voting "yes." He said he feels the residents don't need a parking lot there at this time. He said you can camouflage it, call it what you want, but it will still be a fence, lights or whatever....it will still be a parking lot for those residents to deal with 24 hours a day. Mr. Wagner stated that we have heard two very compelling arguments tonight on both sides of the issue. He said he attended that meeting at the hospital along with many of his colleagues here and he seen the artist's rendering of what it would look like. He stated it is very esthetic, in his mind, and Summa is one our largest employers in this town and they do a lot for the City of Barberton. He said "Thank God we have the hospital here." He said tonight he will be voting "no" against this ordinance. Mr. Stefan stated that he wanted to answer Mr. Lysenko question. He said the hospital has applied for a zoning map amendment this year, dated back last Thursday or Friday after the meeting. He said they have applied for a zoning map amendment and it is in the planning department now and it is intended to go before the planning commission in January. Mr. Avant asked Mr. Bauschlinger if you have to own the property to get a zoning change on it. Mr. Bauschlinger referred this to Mr. Stefan. Mr. Stefan stated they do not have to own the property as long as they have the permission from the property owner. Mr. Avant stated that in the past years as Mr. Lysenko has said, the school and the city have always traded properties for \$1.00 or even trade whatever the law allows but he knows that every time that happened it benefited both the City and the schools. He said this resolution is put out to basically block what the schools want to do because they have plans and needs. He said unfortunately the hospital is a non-profit so there is no property tax involved but there is a lot of capital funds there that they need as much as we need at times so he thinks in this case the resolution for the reason to purchase for our usual dollar is almost in mean spirit to stop them from making their progress. He stated that also the first Whereas statement says "Whereas the property is to be reserved for use as a City Park." He stated to Mr. Lysenko is was going to be for a park unless we amend and take that statement out. He said Mr. Lysenko made a comment, why not put the parking lot over by Memorial or over by Woodford or over by Austin Park - so are we going to do the same thing to them that you don't want to do to the people in the Second Ward? He said he doesn't know but there seems to be an imbalance of judgment there. He said as far as the comment was made weeks ago, he thinks a superintendent does have a tremendous fiscal responsibility and ownership of the properties and he thinks if he was on the school board, he would not vote to let the City buy it for \$1.00 when we know the value is more and the City doesn't really have a need right away. He said a lot of the properties we sold to the school for \$1.00 we were glad to get rid of, we just didn't need it anymore and it was more of a burden. He said he thinks there are a lot of reasons that were brought up to try to purchase this property for

\$1.00 is very negative and very anti productive to the City. He said he likes the comments we heard the other evening at the hospital – why spend \$15 million on concrete when we could put in a new cat scan or new equipment, or hire more doctors to heal the sick. Mr. Avant stated cancer is the worst thing we could think of on anybody and we have methods of taking care of the patients in our own City as well as cardiac areas and we certainly appreciate that. He said that being a non-profit organization they don't have a lot to go around either any more than we do so they need to save. He said having a park versus having a parking lot that is going to have 24 hour security and lighting with only two entrances, in and out from his understanding of the architect's design, it will be a lot quieter than having a park there where people are parking all around the streets from one corner to the other corner. He said he thinks those reasons are pretty empty or null in his view and he knows as Mrs. Debevec mentioned that there was a school. He lives between two schools and he knows two times a day there is people parking. He said it was like Indians circling the wagon train. He said they were around those schools all the way around all four sides, Santrock only three sides, but not only that they are double parked and he had gotten a number of complaints in his ward about double parking and can't get down the streets. He said he thinks it is all around better for the City and he thinks certainly an improvement in that area for the hospital and we need to be grateful that we have such a facility in this City and it always getting better, always improving and every time they had a battle to fight with the people that had other reasons. He stated he will be voting "no" on this issue also. Lysenko, Endres, and Soyars voted "yea." Megyes, Avant, Frey, Debevec, and Wagner voted "no." Motion failed.

APPOINTMENTS

PARKS COMMISSION

2-year Term

Maggie Masson

appointment

January 1, 2014 - December 31, 2015

It was moved by Mr. Megyes, seconded Mr. Endres to appoint Maggie Masson to the Parks Commission. All Members said "aye." Motion carried.

MISCELLANEOUS AND UNFINISHED BUSINESS

Mrs. Debevec wanted to the thank Chief Baldwin, Firefighters, Chief Morber, and the Police Officers for their support in a charity basketball game that happened last Wednesday at Barberton Middle School. She said the Firefighters won but she will not mention the score but they collected over 800 cans for her team to distribute throughout the community to the needy and without their support it would not have happened. She wanted to thank them very much. Her team appreciates it and she knows the community appreciates it.

Mr. Endres stated that Zoning Board of Appeal meeting for this Thursday has been cancelled. It will be rescheduled for next month.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to excuse Mr. Maurer from tonight's meeting.

COMMUNICATION FROM THE MAYOR

Mayor Judge wanted to thank all of Council, Department Heads, Staff, and especially the residents for another successful, productive, and positive year. He said he wanted to wish everyone a wonderful Holiday and a Happy New Year. All Members said “aye.” Motion carried.

It was moved by Mr. Soyars, seconded by Mrs. Debevec, to adjourn. All Members said “aye.” Motion carried.

Adjourned: 8:51 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council