

Council met in **REGULAR SESSION** on Monday, March 24, 2014, at 7:30 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. Wagner 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, March 10, 2014, 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**

**The following “Citizens Addressing Council” is typed verbatim.**

Shannon Conrad Wokojance, 92 Oakwood Street, Barberton - Tonight I am addressing you regarding the proposed ordinance for the rezoning of the Oakdale school property. I recognize that you have a difficult decision here to make this evening but I am here to express my opposition to the proposed ordinance. I have weighed many of the pros and cons and believe that we need to take a look at what makes the most sense. As a real estate agent, I believe it is important to evaluate how the proposed ordinance may positively and negatively affect the neighborhood property value. As a whole, being close to the hospital is a huge benefit and would overall positively affect the home’s value in our community. Also, being close to a school is also a positive when looking at property sales and values but we cannot forget that the school has been gone for many years now and, therefore, the past benefits that the residents surrounding Oakdale received are now gone. The next thing we have to look at is how an empty field with only the necessary maintenance affects values in comparison to a parking lot. In my professional opinion, the field provides a safer environment than a parking lot. However, a well maintained parking lot with an appropriate landscape plan may improve the neighborhood as a whole. So I cannot solely base my opinion on the argument regarding property values. There is more at stake here. My opinion is based on what makes the most sense from an economic, environmental, and social standpoint. From an economic standpoint, it is indeed important that we address the parking needs of Summa Barberton Hospital and that we support the important business in our community. There are other viable options to resolve the parking needs of Summa Barberton Hospital and I believe that we should fully evaluate all other options and work closely with Summa to provide safety for the parking that is closer or adjacent to the current hospital property. By doing so there will be better security for the parking area, easier access to the hospital and the integrity of the neighborhood will be less changed. From an environmental and social standpoint, the amount of land that the Oakdale property provides is approximately

the size of the current wooded area of Tusc. Park. I know that I am willing to compromise Tusc. Park to do what makes the most sense for Summa and the residents of Barberton and then with the actual school land we could convert that to a public park ensuring green space for what we would lose at Tusc. and improve the image of the neighborhood and maintain the safety of the neighborhood for the current residents and young families. Think about how attractive it would make the neighborhood. Maybe even some of the employees of Summa hospital would decide to live in our city. Plus, it just makes sense. Lastly this evening I want to ask you to please keep in mind what it means to be a representative of the people. The City of Barberton is the people – the residents. You our representatives are elected to represent us not vote your opinion based on whatever you feel is the right decision for Barberton. The citizens should be heard and share in the responsibility for the decisions that are made through council no matter the positive or negative consequences of those decisions. Thank you for your time this evening.

Becky Pfeister, 369 E. Paige Avenue, Barberton – I just wanted to say that I'm really kind of disappointed. On March 11<sup>th</sup> I sent an e-mail to everyone on council inviting them to come to my neighborhood, sit on my front porch and just enjoy the view and then tell me that they would like this right in the middle of their neighborhood. I actually received one response back. I said please e-mail me good or bad with your opinion. I received one response back and that was from my ward councilman John Lysenko. So no one took the time to even respond back to my request and to me that was really disappointing when you represent all of us here in the City. I am opposed to the parking lot right there but I am truly disappointed that I didn't get any call back at all or any e-mail back. Thank You.

Tom DeBord, work address 155 Fifth Street NE, Barberton – I wanted to take a brief minute to thank City Council for its deliberations of our request to rezone the Oakdale school property as part of our strategic parking plans. I recognize this has been an issue that has strong feelings on both sides. I appreciate council's efforts to learn about the issues and to have a forum for both the hospital as well as the resident's within our community to be able to provide input. As I have said before, we can all respectfully agree to disagree on what's the best solution long term for the hospitals, the schools and the community but I personally appreciate the fact that we live in a country, and in a community, where the system allows us to have the ability to have this type of debate. Again, I just want to take this opportunity to thank council for considering this issue, president Maurer for his leadership and to all those involved behind the scenes because I know a lot of work goes into all of this and I know everybody has put a lot of effort into it. I just wanted to make sure council knew that we certainly appreciate that. Thank you very much.

Eleanor Painter, 664 E. State Street, Barberton – I'm not here to talk about Oakdale. I don't like what they're doing but I'm not here to talk about that. I have another problem about what they are doing on State Street. They have sold the old Sisson's Building to someone else and they want to build the storage area. I understand that there has not anybody from my neighborhood that has been here to talk about this. Evidently they don't care. Well I live right next door and I have several problems with that. We are in a flood zone. Every time it rains during the summer and we have 3-4 days of rain we have a flood in our backyard and it is not going to get any better with him building those storage areas. Last week I went by his place on Barber Road. I just wanted to see what it would look like. They have mobile homes stored outside. I saw a couple of those sitting up by the road. Heaven only knows what is in the backyard. They are not taking

care of that place so what makes you think they are going to take care of the one they are going to build here in town. I just don't see why they have to build there. But I understand that we need the money. We need the property tax. I am for property tax. But I don't know why they have to build that type of thing there. Surely there is someone else you would like to come into Barberton and improve the land and not just come in and tear everything down and put up some buildings. Are they going to landscape it? I didn't see a thing in the paper about any landscaping. Now you had rezoned that one time about a year ago and they were going to, maybe you don't remember that, but they did. It was rezoned and he was going to landscape it with trees. He was going to build a retention pond. Now all of my neighbors were for that. They all came to the meeting. They liked that idea and I haven't heard one thing from them this time about anyone selling it now and building up storage units. Not one thing. I don't even know if they know about it. It was in the paper one time. I saw it. I happen to read it. I didn't come at that one, I figured all my other neighbors would be here. And then I didn't come to the last meeting I was told that nobody showed up again. So I thought that if I want a word I better come and do it myself. But I am against it. Now I don't know what you are going to do about it but I am very much against it and I live right next door to this area where they are going to be building the storage areas. So when my backyard gets flooded then I will just e-mail all of you to come out and look at it, because it is going to happen. Thank You.

Cathy Duhon, 408 E. Paige Avenue, Barberton – I am going to speak on tax values. I did a little bit of research these past few days and I looked at the new addition emergency room and cancer center and I looked across the street. I looked at 128 5<sup>th</sup> Street and 144 5<sup>th</sup> Street and 140 5<sup>th</sup> Street and they all have definitely not had an increase in appraised value. In 2009 most of them ranged anywhere from \$80,000 to \$90,000. By 2011 that appraised value had dropped from \$90,000 to approximately \$85,000 or \$80,000 down to \$75,000. So approximately all of their values have gone down about 6%. So no new buildings of any kind have added any value to their land. So then I said well maybe I should check my appraised value at 408 E. Paige. Well, in 2009 my appraised value was \$101,690. In 2011 my appraised value had dropped to \$94,950. So the appraised value had gone down in 3 years 7%, which is a big concern. So here is my appraised value, down – down – down. Then I said well let me get to my tax history. 2009, 2010, 2011 the tax value for a half was approximately \$860. In 2012 it was \$856. Then comes the tax year of 2013 and my tax value goes from \$856 a half to \$989 a half. Now that increase is a 13% increase. So I said wo can that be possible right I better call the Summit County Fiscal Office. Well, they said yes Mrs. Duhon you are correct. I said why is there such an increase. He said that it is due to levies and I said okay. So I have a value of my property that has gone down 7% on the appraised value and I'm paying 13% more for this devalued property than 2013. Then I spoke to the fiscal office and I said what does 2014 look like. They said well Mrs. Duhon I hate to tell you this but as far as most of the Barberton neighborhoods the appraised values are down for 2014. So here we go again, we are still losing on the value of this land. And now I ask council, why jeopardize this neighborhood any more than what the economy has already done to it. They said the valid sales in this area, meaning a good byer and a good seller, no foreclosures, no short sales, they are selling their houses for less than the value of their home. Not a good sign. I also would like to make a final point about the people who have approached council in favor of the rezoning. #1 – they either worked for Summa or they used to work for Summa. #2 – they have relatives who work for Summa. #3 – they are tied to Summa somehow. The people opposed that have gone to bench here, they are the neighbors. They are the neighbors who eat,

live, and pay taxes in their neighborhood. Their homes are their castles and the majority of their net worth is going down the tube. I don't have any great answers as to where Summa needs to put up a new parking lot but I definitely don't feel that's its up the hill from their campus.

George T. Walters, 289 E. Lake Avenue, Barberton – I feel funny when I say George because everyone knows me as Tom, because my middle name is Thomas. I think I was five before I realized my name was George. Good Evening to all of you. You have heard me a couple of times now. I couldn't miss this last opportunity because if I feel passionate about something I'm going to go forth. Shortly you will make a decision that will affect the lives of the citizens of Barberton. Your vote will have far reaching and irrevocable consequences. I said these words to you the first time in speaking publicly on this subject, the subject of rezoning of Oakdale to allow for a parking lot. Not one citizen that I have spoken to is insensitive to Summa finding a solution to their parking situation. The citizens are convinced that the parking deck is in need of replacing and we are convinced that it is not a matter of affordability on their part. They have said so publicly. The citizens do not agree though that sacrificing a residential neighborhood is the best solution to this problem. We do not intend to dictate to Summa how they should conduct their business but we will not stand for sacrificing the wellbeing of Barberton resident's while Summa's most highly compensated are rewarded for quote meeting key long term strategic objectives in their retirement accounts (page 79, 2012 form 990). We expect the same from our city leaders. As an educator I know that hard work, home work, and a passion for learning is what leads to success and makes us better citizens. Council members have you done your homework? Will your vote reflect what the people want or what you want for them? We have vision for better things for the people. We hope you will join us. Don't give us parking lots. Don't threaten us with AMHA housing. Don't tell us that paving nearly an entire city block in a residential neighborhood is the solution to the small cost of maintenance. I hope that you dare to have vision. I think that we could do better and I think that we will do better if you listen to us and we all work together. I am grateful for this privilege to speak and I hope that the good Lord will bless and keep us all.

Bill Roemer, 3616 Southern Road, Richfield – Thank everyone for attending these types of things. I'm Bill Roemer, Summit County Council at Large. Four years ago when I ran I said that I would continue to go around to each of the communities, all 31 communities in Summit County to make sure I knew the issues facing both the elected officials and the residents. It's great to see so many people hear tonight comparatively, I had my meeting earlier tonight. We unfortunately start at 4:30 and from what I could tell there were 3 people that were not county employees that were at our meeting tonight. I am going to be available after the meeting if anyone would like speak but again just thank you for your time.

Pat Betts, 222 16<sup>th</sup> Street NW, Barberton – Like that guy on the logging show says “Well, here we go again.” This is almost a replay of people standing up when a hole showed up in the B word park. Like Dale West keeps saying, institutional forgetfulness. We did things different then. Hundreds of us got involved and we covered every team tourney meeting. Every type of the city, even committee meetings. Because one jerk, who never apologized or reimbursed us. We probably sunk a half of a million dollars into that park to make it nice again. We turned what our friend Kenny Cox called the greatest grass roots movement he's ever seen in his political career in a small city. In the new high school, community sports complex, the high

school sports complex, rebuilt parks and new or rebuilt schools it was those people that got involved. So many, we should thank the clown for digging that hole in the B word park. Now we have this situation in a completely opposite section of town. Amazing. Pretty much everybody you talk to in the city is against rezoning this to office space and putting the parking lot in. Those neighbors did it different. They got up a petition and as a week or so ago at least 800 signatures on it. Our residents are against this rezoning on a little town of 26,000 residents. It is not like Akron with 200,000 residents, these city's leaders would just spit at 600 signatures. I've also watched Medina's zoning case for about 9 years now. It was in the Beacon Journal again 2 or 3 weeks ago. It bounces around the courts. Those people just refuse to lose. Sounds like 26,000 Barberton Magics. We refuse to lose. Well our people are engaged now. The sleeping munchkin has awakened. There is something different about us in this city. We love our parks and our almost parks. I don't know what it is but I am really proud to be a Barberton Magic. Watching the few of the half dozen speakers to rezone this property has been interesting. I am always saying we need experience on the boards and commissions but it has finally come back to bite us in the bud. I've watched a couple of them that I have helped do so much in the city the last few just lose their credibility right before the eyes of our Barberton residents. It really makes me sad. It finally come back to haunt us these same people on all these boards and commissions. But they did this to themselves. With friends like that in our neighborhoods, who needs enemies. Nobody will figure out the parking situation for the hospital. We probably need to pass a parks levy someday. We've put it off for at least 15 years that I know of. It's probably time. We the people can figure this out. We have before on so many projects that we've done the last 15 years. Oakdale as a parking lot is not part of an intelligent answer. Putting in jeopardy our future levies and supportable careers is not an intelligent answer. Leaders in our community are losing credibility right before our eyes is not an intelligent answer. We are the people will figure this out with the hospital. Oakdale rezoned into a parking lot is not an intelligent answer. Once again I would like to say that this should be turned down by an 8-0 vote. I'm just so proud to live in this community. Thank you very much.

**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. 35-2014**

**ORDINANCE NO. 35-2014. PRESENTED BY: MR. MEGYES. TITLE: FOUNDATION GRANT REQUEST – PARKS - ACTIVE ADULT BIKE CLUB. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION BY THE DIRECTOR OF PARKS AND RECREATION TO THE BARBERTON COMMUNITY FOUNDATION, IN THE AMOUNT OF \$500, TO BE USED FOR THE ACTIVE ADULT BIKE CLUB, AND DECLARING AN EMERGENCY.** It was moved by Mr. Megyes, seconded by Mr. Avant, 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. Megyes, seconded by Mr. Avant, that **ORDINANCE NO. 35-2014 BE ADOPTED.** All Members voted "yea." Motion carried.

**ORDINANCE NO. 36-2014**

**ORDINANCE NO. 36-2014. PRESENTED BY: MR. SOYARS. TITLE: DISPOSAL OF VEHICLES - POLICE DEPARTMENT. AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO SCRAP/SALVAGE TWELVE (12) VEHICLES DEEMED TO BE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND UNFIT AND UNSAFE FOR DISPOSAL IN ANY OTHER MANNER, AND DECLARING AN EMERGENCY.** 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 **ORDINANCE NO. 36-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**RESOLUTION NO. 37-2014**

**RESOLUTION NO. 37-2014. PRESENTED BY: MR. WAGNER. TITLE: MEMORANDUM OF AGREEMENT – SUMMIT SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF BARBERTON. A RESOLUTION AUTHORIZING THE CITY OF BARBERTON TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE SUMMIT SOIL AND WATER CONSERVATION DISTRICT (SWCD) TO ENCOURAGE COOPERATION TOWARDS THE ATTAINMENT OF ENVIRONMENTAL STEWARDSHIP INCLUDING BUT NOT LIMITED TO THE GOALS IN THE COMMUNITY’S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II MUNICIPAL STORM WATER PERMIT.** 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. 37-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 38-2014**

**ORDINANCE NO. 38-2014. PRESENTED BY: MR. WAGNER. TITLE: ENTER INTO CONTRACT – THE THRASHER GROUP, INC. - 30<sup>TH</sup> STREET NW. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE THRASHER GROUP, INC. IN THE AMOUNT OF \$29,000, TO PERFORM ASSOCIATED FLOODING MITIGATION AND WATER QUALITY IMPROVEMENTS, 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. 38-2014 BE ADOPTED.** All Members voted “yea.” Motion carried.

**ORDINANCE NO. 39-2014**

**ORDINANCE NO. 39-2014. PRESENTED BY: MRS. FREY. TITLE: 2014 OPERATING AND CAPITAL 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. 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. 39-2014 BE ADOPTED.** Avant, Megyes, Debevec, Wagner, Soyars, Lysenko, Frey voted “yea.” Endres voted “nay.” Motion carried.

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

### **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 March 10, 2014.* Mr. Avant asked if Mr. Kelyka has done any engineering on the flooding area for that project. Has there been any proof that there is going to be prevention of flooding and water running into the properties in that area. If not, I could have trouble passing this himself. Mr. Bauschlinger stated there was engineering done on the previous request a year ago from Mr. Luck and we have not received any official engineered drawings done because as Mr. Muffet, when he was here, said he wanted to wait until the time in which he knew that it was going to get passed before he spent that money. There will be the exact same requirements as every single property in the City of Barberton for water retention and there is a new ordinance.

## **THIRD 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, Second Reading March 10, 2014.* It was moved by Mr. Avant, seconded by Mr. Soyars, that **ORDINANCE NO. 20-2014 BE ADOPTED.** Mr. Wagner stated that issues that still trouble him are: 1 – We have heard it all out here - safety, safety of our employees that are going to work at the hospital even in the middle of the night, 2 – I’m concerned about the flooding, because I’m not really convinced that there has been enough reparations made to handle the flooding up in that area and once you pave that entire area. He stated that he is also concerned about property devaluations. He stated that you cannot tell him that is not going to happen, because he knows it will. He said the young lady that addressed that this evening, the real estate agent, and she did a very nice job. He said he thinks there are other options that the hospital really should look at and he thinks the land is contiguous with the hospital behind Tusc. Park on the north side and he thinks that makes more sense to him to put a parking lot in there and let the people walk into the building rather than be shuttled three blocks away in the middle of a rain storm or snow storm. He stated he thinks it makes more sense. He said as far as the shuttle service goes, people that are reporting to work and are relying on a shuttle, if you have 300 spaces or 300 employees up there you are not going to put 300 people on a bus. He said what are the other ones do, do they wait for the bus to come back to be shuttled to the hospital and how many trips do you have to make. He said that is one question. He said another question would be the fact is what if someone gets sick or has an emergency – do they have to walk 3 blocks to get up to their car because I’m sure they are not run the shuttle 24 hours.

He stated he wanted to thank one of the former employees, Margaret Frasier, for her comments and the letters that she sent out and he thought they made complete sense. He said the residents are not anti Summa. He said no one is anti Summa. He said everybody wants to see Summa prosper, they want to see Summa grow. He stated that is our area hospital and many of us rely on Summa for our health but he doesn't think the intrusion into a neighborhood like this is an answer for Summa. He stated he does think they should look at the land behind the hospital and try to pursue that. Mr. Wagner stated that even if someday have to build a new parking deck, as others have – Summa in Akron, Children's in Akron, The University of Akron – they have all been putting up new parking decks and he look at the fact that for 40 years they have parked cars in that parking deck and you have collected fees for all of those cars for all those years, he certainly thinks that parking deck paid for itself and then some. He stated, again, you have to protect the integrity of the neighborhood and we as elected people here, our council and our mayor, we are here to serve the people. He stated we are not here to serve corporations. He said we are here to get along with corporations but we are not here to serve corporations and we are here to our residents who elect us. He said he wanted to pay tribute also to the Barberton Herald for their poll, the citywide poll. He said if you had seen this in the paper, he wishes it would have been a little bigger in the paper but 78% of the residents in Barberton are opposed to having a parking lot at Oakdale and only 17% were in favor of it. He said with those comments, he thanked president Maurer for the opportunity to express them. Mr. Soyars stated that their goal here is to improve neighborhoods. He said they already have a water tower in front of their yards. He said he knows it's only a handful of people, 20 houses around there but putting a parking lot there would just decrease housing. He said the people have spoken. He stated he used to be the Ward 2 councilman and he grew up in that east side neighborhood and now is not the time. He said he will be voting no. Mr. Endres stated he does acknowledge everyone's comments and opinions and he agrees totally with Mr. Wagner. He said one of his other concerns that he had, that has been addressed well would be the safety and the wear and tear of the streets on the residential neighborhood from the shuttle bus running. He said he wants to thank everyone that voiced their opinions – tonight and over the past weeks either by letter or by person. He said they are all valid, important decisions. He said the recommendation from the planning commission to rezone the former Oakdale school property from residential to office center – office center is actually O2 which is what is in the piece of legislation. He said basically for larger buildings and complexes that draw heavy, heavy traffic is also part of that concern. Summa Barberton Hospital is the applicant of this tonight and the decision to pursue this by the hospital is not financial but a strategic business decision. He said we must preserve our neighborhoods and not change the zoning for a city block in the center of a residential area. Mr. Lysenko stated he was at the hospital about a month ago and everything went well and it is a beautiful facility. He said he noticed they had some old black and white pictures up outside the cafeteria and from when the hospital first opened and the pictures had captions describing how they would like to expand in the future. He stated they wanted to expand back then and they still want to expand and in the future they will still want to expand. He said that is great but he thinks the priorities have to be in line and I think a priority for my ward and my neighborhood is not to have this sort of development placed in the middle of housing. He stated the property not zoned for parking is a primary use. He said a school could go there now, a church could go there now and those wouldn't be the intrusive property development that a parking lot for 300 spaces would be. He stated as Mr. Endres said, O2 office center isn't just for parking and the hospital said it wouldn't be 24 hour parking it would be maybe 24 hour parking in the beginning until they get

the old deck down then it would be day shift only employees. He said that is great if the hospital never leaves because the future owner might not want to do that or they might want to build something such as a large office building which would attract heavy traffic. He said he thinks this parking lot, if permitted, if the zoning change is permitted would forever change the character of this neighborhood which is a quiet, peaceful neighborhood. Mr. Lysenko said he heard the fact that the school shouldn't be required to pay the cost to maintain this property. He said he has asked about the insurance costs and has not gotten a concrete answer. He said he heard a question about liability issues and he doesn't think that is a valid concern, this from political subdivision immunity and other legal issues. The property is insured. He asked so what is the cost for maintaining the property for the schools. He said that is a personnel cost which nothing that he can recall has ever been quantified. Mr. Lysenko said the motives - they tell us they want to reinvest in the caring for the community and he doesn't doubt that they would but what they think they mean is that they are going to expend their current building and their current services which certainly may benefit the community and probably would for a number of reasons but how would it be measured in the future and how would we know and how will it ever be quantified for the people who surround the parking lot now. He said he doesn't know if it would or not but he don't think that Summa's motives are purely ultraistic. He said they are not a for profit corporation and sometimes considered to be a charitable organization, and they do a lot of charity work but they wouldn't be doing this if it wasn't going to benefit them financially in the future. He said just like any business wouldn't do this if it wasn't going to benefit them financially in the future. He said that should be considered when you consider your vote on this. Mr. Lysenko told Mr. Betts that he hates to disappoint him but he has 478 signatures on the Neighbor's United petition. He said he had overestimated it at some point and to forgive him for that but he still thinks that is significant. He said there are 478 signatures from people citywide. He stated only 181 of those are from the 2<sup>nd</sup> ward so that tells you that the people are saying that this is a decision that I'm maybe I'm making or when I vote no that this that I'm just thinking about the 2<sup>nd</sup> ward, well I'm not because there are people all over city that are pros to this and you have heard some of them here tonight and the petition has been left for each of you at your desk and I submitted the original to the Clerk of Council. He said he thanks Neighbor's United for circulating that petition. He said Summa, again we talk about reinvesting in the care for the community - well they invested certainly he will provide a laundry list of investments that he mentioned last time: 2011 - \$28 million Cancer Center, Akron City Hospital, 2012 - \$17.3 million ER in Barberton, Parkview Barberton Cancer Center - \$11.5, 2008 and 2009 - \$12.8 deck in Akron City Hospital, 2012 - \$49 million ER expansion at Akron City Hospital, 2012 - \$17 million Green emergency department. He said all of those total \$135.6 million and he thinks they should have thought about what they were going to do about the parking situation that they have known about for years in Barberton before they made these investments and he thinks building a new parking deck would also be an investment in the caring for the community. He said in closing he would like to say that parks and green space and open space and recreation areas in Barberton is one of the things that make Barberton a good place to live. He said Oakdale is one of those places right now. He said last time he walked by there with his wife and his dog and their baby they see a man playing fetch with his dog. He said it was beautiful out and he had that open space to do it in and he has seen him on other occasions, even with a foot of snow he had shoveled it, so he thinks that is an opportunity that would be gone and so would many others if we paved this green space or commit this green space to be paved. Mr. Lysenko asked for everyone to vote no on this as he will be and he thanks everyone

and the citizens in the 2<sup>nd</sup> ward and the Oakdale neighborhood. Mr. Megyes said he is not going to echo everything that the people have said but he has taken his time and walked up there, actually he has been up there 5 times – 2 times he walked it and 3 times he drove it. He said one time he drove up there after a major snow storm and all the snow was pushed off to the side, just like anybody's else in town, it gets pushed off to the side and goes on the sidewalk. He said he drives up there and the first thing he ran into is someone walking in the street. He said another time he went up there a car was parked in the street and somebody had to walk around the car and the next thing you know they are almost in the middle of the street. He said if children do this, they are not going to pay attention to what's going on all the time because they are kids so they could accidently be pushing somebody and he's seen them do this walking by my house around the lake, and they could accidently push somebody into a car. He said he doesn't think it is safe enough right now and he thinks the parking lot is too big, too many cars to be handled in that area in such a short time. Mr. Avant stated that if he is going to go down he is going to go down fighting. He said it isn't a real fight because he thinks we are all off on the wrong direction on this, about green space and he thinks Mr. Wagner might have missed some of the points in the past because a lot of the points he asked for were mentioned and explained earlier. He said there were a lot of concerns already answered and he doesn't understand why we still have some questions. He said we are missing the whole point of this. He said it is brought up that we're the representatives of the people but no we represent business, we represent the small business man, the large business man, or the paper boy. It doesn't matter we represent everybody and that is why we were elected to take that responsibility and sometimes to take it in an uneasy situation as we have today. He said last week a fellow mentioned how important it was to meet the needs of the businesses because we have lost so many and we are letting them go, well it hasn't been the fault of the past leadership in the city that has lost the businesses, it's just the way it went and we know that so we can't blame past councilman and mayor's in the past decades. He stated we have to keep what we have and we have to keep them strong and when a major employer has an opportunity to expand and invest \$20 million into our City. It is the city's leaders responsibility to promote that growth and improvement in our community. He stated Akron and Mayor Prusquellic is a good example and how he continues to grow and advance the City of Akron by making opportunities for businesses. He said we have to increase our tax base. He stated we are told every month, every week that our tax base is decreasing. Mr. Avant said that if we do that we might have to close some parks and the funds are on a slide and so we know we have to do something about that but Summa Health Systems is granting Summa Barberton Hospital this \$20 million to invest in our hospital, which is still ours you might say. He said we know how far in health care advancements that Barberton Citizen's Hospital has achieved since it has opened in 1957 and it opened in a neighborhood. He said it went from Wooster Road business area to a neighborhood on 5<sup>th</sup> Street right across from where we are talking about. He said now we have an opportunity to take a giant leap forward by a \$15 million investment toward continuance upgrading of machinery for diagnostic, radiology, oncology, cardiology, critical care and much more as well as increasing work space and utilizing current vacant work areas. He said much more future improvements can be made without the loss of funds that must be used toward deck inspections and maintenance and repairs in the future. Mr. Avant stated that you keep in mind that the bare equipment a health care facility has, the higher qualified medical professionals and technicians are more likely to desire to intern and practice in such a facility. He said look at this small town we live in, 9 square miles, 26,000 people and we can boast of having one of the leading hospital in Summit County. He said if we reject this

recommendation we are telling the corporation how to use their funds. He said we turn down their opportunity to purchase property and property that hasn't been paying any taxes, property that literally worthless so that they are able to invest \$15 million into the right causes. He stated if we do that we are telling them to dig a giant hole and bury it under concrete steel as a parking deck, a virtual money pit. He asked if that was our goal to have the tallest parking deck per capita in Summit County. He said in reference to Mr. Liddle's letter back on March 13<sup>th</sup>, he said that it does increase the probability of them returning or remaining in our City and the more that Summa can improve their facility now with the funds that they want to use the more Summa Health Systems will invest in them in the future. He said if we lose this chance now there may be fewer chances later. He said when he walked down the aisle when he visited the hospital, in the chemotherapy area, there were was being a lot of chemotherapy administered and the patients there – you could tell they were not concerned with the annual salaries and benefits that Mr. DeBord or his staff was making. He said to Mr. DeBord, no offense but they probably didn't know who Mr. DeBord was. He stated all they were concerned about what being healthy and being a survivor of cancer. He said it is Summa's goal to help to improve the quality and to save lives. Mr. Avant stated that is the whole point we are missing in this whole thing, we are worried about a little bit of park, a dog run versus saving lives and the folks in this group want this barren open space at every else's expense, the expense of the taxpayers, the school district, the city and most of all at the expense of the lives that would need the extensive care that Summa would be able to provide. He said us, the City Council rejecting this ordinance and this recommendation it is telling the public that we care more and put more importance on saving a small piece of sandstone barren property than saving the lives of the people who live in and around our Magic City. He said you could vote no but he is going to vote yes because he won't have it on his conscience. Mr. Judge stated that we all know the importance of this issue. He said we know the needs of Summa and we know the concerns of the residents. He stated despite the vote this evening, Council your job is not done. He said if this rezoning goes through as recommended by the Planning Commission, we need to work together with the schools, the residents and all of us, with Summa to make sure that this parking lot was done the way it was planned out to be. He said if this rezoning does not go through, your job is still not done. He said we need to work together, we have to work with the schools, we need to work with Summa and determine how we are going to fix the need that they have of parking. He said you also have to work with everyone on the Oakdale property and what the right fit is for that property. He said we need to have these discussions. He stated he knows that this is not an easy vote and he knows that they will vote with your heart but he asks that despite the vote that we have a meeting and we discuss these items because your job is not done no matter how you fall on the vote this evening. Mr. Maurer stated that for the benefit for the folks who have come out and spoke to council a number of times that the first point we have to make here is that this zoning change has already been approved by the Planning Commission. He said it is going to take a super majority to overrule the Planning Commission and that is in our Development Code and he stated it might be in our Charter as well. He said we have a situation here where we are going to be asked to sustain or overrule another agency/government of this City. He said he would also like to point out (Mr. Wagner it is 2 blocks not 3 but that is immaterial) the fact is that there was a super majority of the Planning Commission that passed it. He said this hospital was built by the citizens of this City because they recognized the need to provide healthcare for the people. He said the first one isn't even standing anymore. He said it was down on 3<sup>rd</sup> Street by Sterling Avenue and was a big green building and they tore it down about 8 – 10 years ago. He stated they moved it in the

1920's to the Wooster Road North property and he was born there and they opened a new facility in 1954 and during that entire time the hospital has been an asset to the City. He said it sold to an outfit called Quorum 1996 or 1998 and that is how the foundation was formed and that is why we have a whole new renovated school system. He said that is why we have a YMCA and that is why we have a lot of benefits that have gone to the citizens and the foundation has been able to spend \$80 million since its inception and they still have the money that Summa, at that time Quorum paid to the City. He said we are talking about an institution here that runs far deeper and far more historical than most people really care to think about because they are looking at the trees and they can't see the forest. He said he has tried very hard to be even handed and very objective at these preceding's and he plans to stay that way but the reality is that when the citizens had to sell park land 75% of that vote went to support that hospital. He said 75% of the people sold parkland to allow the hospital to expand so we are getting of mixed signals here and he suppose we can cook the books any way we want but the reality is that Citizens Hospital or Citizens Summa or Barberton Summa, whatever they want to call themselves doesn't really matter but what is fact is the matter is as Mr. Avant pointed out is an institution that is dedicated lives and serving the people of Barberton. He said one little parting comment that he would like to bring everybody to grips with, tomorrow is the 25<sup>th</sup> of March, that is significant to him because his mother died 7 years ago tomorrow from cancer. He said they took her to Wickliffe, Ohio to get her treated. He said when you are dying of cancer, he is here to tell you the last thing you want to do is get into an automobile and drive an hour to get there. He stated they did not have the cancer center to take care of his mother that we have now and that, ladies and gentlemen is what this is about. He said all the other stuff is details. He said he said his piece. Wagner, Debevec, Soyars, Endres, Lysenko, and Megyes voted "nay." Frey and Avant voted "yea." Motion failed.

### **APPOINTMENTS**

None.

### **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mr. Maurer stated there will no meeting next week. He said it is the fifth Monday of the month.

### **COMMUNICATION FROM THE MAYOR**

Mr. Judge stated that this Saturday, NDS will have their office open on 2<sup>nd</sup> Street to help residents with tax help from 8:00 am until Noon.

Mr. Judge said CCA will be available on Wednesday, April 9<sup>th</sup> from 1-7 at the finance department and Tuesday, April 15<sup>th</sup> from 1-7 also in the finance department.

Mr. Judge stated this past weekend they had their 2<sup>nd</sup> Annual Job Fair. He wanted to thank everyone who attended. He said they had a 65% increase in the number of vendors who attended this year versus last year. He said there were over 210 people attending looking for employment or services to help them gain employment. He said that is a huge success and they received a lot of great comments from the vendors and from the applicants.

Mr. Judge stated that this Friday all are invited to the groundbreaking ceremony for the new Towpath Bridge which will be in the southeast corner of the bridge going eastbound. He said that will be at 10:00 am.

Mr. Judge stated that County Council did pass the allocation of just over \$141,000 additional dollars to the City of Barberton, unmatched funds from Moving Ohio Forward and we have until September to spend those. He said we will tearing down a few homes with that and he thanks County Council for that.

Mr. Judge stated that this Friday is the Change for Change event at Tony's Speak Easy benefiting the Lake Anna Preservation Fund.

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

Adjourned: 8:40 P.M.

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Frederick S. Maurer  
President of Council

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Renee Fox  
Clerk of Council