

# CITY OF AKRON, OHIO



*Marilyn Keith, President*  
*Margo Sommerville, Vice-President*  
*Donnie Kammer, President Pro-Tem*

## Members of Council:

Jeff Fusco, <b>At-Large</b>	Tara Mosley Samples, <b>Ward 5</b>
Linda Omobien, <b>At-Large</b>	Bob Hoch, <b>Ward 6</b>
Veronica Sims, <b>At-Large</b>	Donnie Kammer, <b>Ward 7</b>
Rich Swirsky, <b>Ward 1</b>	Marilyn Keith, <b>Ward 8</b>
Bruce Kilby, <b>Ward 2</b>	Mike Freeman, <b>Ward 9</b>
Margo Sommerville, <b>Ward 3</b>	Zack Milkovich, <b>Ward 10</b>
Russel Neal, <b>Ward 4</b>	<a href="http://www.akroncitycouncil.org">www.akroncitycouncil.org</a>

## COUNCIL AGENDA FOR JUNE 5, 2017

Regular Meeting held on May 22, 2017. All members were present. Minutes of the previous meeting read and approved.

### CONSENT AGENDA

1. ORDINANCE approving the sale of a vacant City-owned property pursuant to the City's "A Lot for A Little" Program, in order to facilitate the productive re-use of the property and reducing the cost to the City and the taxpayers in maintaining vacant lots; determining said property is not needed for public use; and declaring an emergency. **(PLANNING)**
2. ORDINANCE authorizing the Director of Public Service, through the Land Acquisition Agent, to purchase the real property located at 1044 Hazel Street, Akron, Ohio for the CSO Rack 10/11 Storage Basin Project; and declaring an emergency. **(PLANNING)**
3. ORDINANCE authorizing the Director of Public Service to enter into an agreement and grant an easement on City-owned property near Triplett Boulevard and Lansing Road to The East Ohio Gas Company dba Dominion East Ohio; and declaring an emergency. **(PLANNING)**
4. ORDINANCE authorizing the Director of Public Service to apply for and enter into a grant agreement with the Ohio Department of Transportation ("ODOT") for the repair/replacement of pavement areas and markings at the Akron Fulton Airport; and declaring an emergency. **(PUBLIC SERVICE)**

5. ORDINANCE authorizing the Director of Public Service to apply for and enter into a grant agreement with the Ohio Water Development Authority (“OWDA”) for a research and development grant aimed at exploring the potential use of water treatment byproduct in preventing harmful algal blooms; and declaring an emergency. **(PUBLIC UTILITIES)**
  
6. ORDINANCE authorizing the Director of Public Service through the Purchasing Agent to enter into a contract, without the formality of advertising for bids, with Norris Brothers Co., Inc., for the removal and replacement of four (4) vertical turbine pump sole plates located at the Akron Water Plant, 1570 Ravenna Road, Kent, Ohio (the “Water Plant”); and declaring an emergency. **(PUBLIC UTILITIES)**
  
7. ORDINANCE repealing Title 11 “Business Regulations,” Chapter 111 “Regulations Governing Specific Businesses,” Article 20 “Movers and Moving Companies,” in order to align with current standard practices; amending Title 11 “Business Regulations,” Chapter 111 “Regulations Governing Specific Businesses,” Article 37 “Petting Zoos,” Section 111.999 “Penalty”; and declaring an emergency. **(PUBLIC SAFETY)**
  
8. ORDINANCE amending Ordinance 63-2017, which re-authorized the My Neighborhood Our Akron City Council Grant Agreement Program for the year 2017; and declaring an emergency. **(PARKS AND RECREATION)**

## **RULES**

**M. SOMMERVILLE, CHAIRWOMAN**

### **TIME:**

(1) Ordinance amending and/or supplementing Title 3 “Administration,” Chapter 30 “Mayor and Council,” Section 30.11 “Limits on Noncash Monetary and In-kind Contributions and Loans” to increase the contribution limits for mayoral and council candidates; and declaring an emergency. (NOTE: Public Hearing held 12/12/16. Committee requested Time. Granted: Viva Voce)

## **BUDGET AND FINANCE**

**M. FREEMAN, CHAIRMAN**

### **NO ITEMS:**

## **PLANNING**

**J. FUSCO, CHAIRMAN**

### **UP FOR PUBLIC HEARING JUNE 5, 2017:**

(1) ORDINANCE authorizing a Conditional Use to construct a detached garage at 1885 6<sup>th</sup> Street, S.W.; and declaring an emergency. 5/15/17

**TIME:**

(2) D-260. Petition of David McNeil for a Conditional Use to construct a detached garage at 1885 6<sup>th</sup> St SW.

(3) D-152. 2014-2018 Capital Investment and Community Development Program. (1/5/15)

(4) D-31. Petition of Lonnie Jones for a Conditional Use to establish a rooming house at 460 South Maple Street. (PC-2012-15)(04/16/12)

**FILED:**

(5) D-242. Petition of Pay it Forward Pets for a Conditional Use to establish an overnight boarding facility at 1496 North Portage Path. (4/10/17)

(6) D-243. Petition of Sheetz, Inc., for a Conditional Use to construct a car wash at 20 West Waterloo Road. (4/10/17)

**PUBLIC SERVICE  
B. HOCH, CHAIRMAN**

**NO ITEMS**

**PUBLIC UTILITIES  
R. NEAL, CHAIRMAN**

**TIME:**

(1) Ordinance establishing a formula for the maximum amount to be billed with respect to the sewer portion of any City of Akron-issued utility bill; and declaring an emergency. (7/11/16) **(NOTE: On 7/25/16, a Second Substitute Amendment was read in. The Committee requested time.)**

**PUBLIC SAFETY  
D. KAMMER, CHAIRMAN**

**NO ITEMS**

**PARKS AND RECREATION  
R. NEAL, CHAIRMAN**

**NO ITEMS**

**HOUSING  
T. MOSLEY SAMPLES, CHAIRWOMAN**

**NO ITEMS**

**HEALTH AND SOCIAL SERVICE  
L. OMOBIEN, CHAIRWOMAN**

**NO ITEMS**

**ECONOMIC DEVELOPMENT & JOB CREATION  
M. SOMMERVILLE, CHAIRWOMAN**

**FIRST READING AND REFERRED:**

1. ORDINANCE authorizing the Director of Public Service through the Purchasing Agent, after publicly advertising for bids, to enter into a contract or contracts for the lease/rental and/or purchase of a mobile LED screen; and declaring an emergency. (5-22-17)

**GREEN/SUSTAINABILITY  
R. SWIRSKY, CHAIRMAN**

**NO ITEMS:**

**MISCELLANEOUS**

**FILED:**

**D-267** Notice of Transfer of C1, C2, D6 liquor permit to Maharaj Store,, Inc. DBA Sunrise Convenient Food Mart, 978 Brown Street (Ward 5)

**D-268** Notice of Transfer of C1 C2 liquor permit to Pandhak LLC, 316 E. Market Street (WARD 1)

**D-28-15** Income Tax Receipts through the end of April 2017.

**REPRESENTATION FROM VARIOUS DEPARTMENTS AND DIVISIONS:**

Mayor Horrigan, James Hardy, Chief of Staff; Annie McFadden, Deputy Chief of Staff; Brian Angeloni, Assistant Law Director, Marco Sommerville, Deputy Mayor for Intergovernmental Affairs/Senior Advisor; Charles Brown, Deputy Mayor for Public Safety; John Valle, Director of Neighborhood Assistance, John Moore, Service Director; Jason Segedy, Director of Planning; Gert Wilms, Prosecutor; Craig Morgan, Prosecutor’s Office; Steve Fricker, Deputy Director Finance; Adele Roth, Deputy Planning Director for Economic Development; Terry Albanese, Assistant to the Mayor/Education, Health & Families

**COMMITTEE MEETINGS  
Scheduled for Monday, June 5, 2017:**

<b>1:00 P.M.</b>	<b>Green/Sustainability</b>	<b>2:30 P.M.</b>	<b>Health &amp; Social Service</b>
<b>1:30 P.M.</b>	<b>Planning</b>	<b>2:45 P.M.</b>	<b>Economic Development &amp; Job Creation</b>
<b>2:00 P.M.</b>	<b>Public Service</b>	<b>3:00 P.M.</b>	<b>Budget &amp; Finance</b>
<b>2:15 P.M.</b>	<b>Public Safety</b>	<b>3:30 P.M.</b>	<b>Housing</b>
<b>2:15 P.M.</b>	<b>Parks &amp; Recreation</b>		
<b>2:30 P.M.</b>	<b>Public Utilities</b>		

On Motion, Council adjourned at 8:26 p.m.

**Robert Keith, Clerk of Council**

**ORDINANCES AND RESOLUTIONS PASSED MAY 22, 2017:**

**ORD.158-2017** finding that the acquisition of the JC Penney store at Rolling Acres Mall is necessary to carry out the City’s public purpose of eliminating and preventing the recurrence of conditions that prevent sound economic growth; authorizing the Mayor or his designee to accept on behalf of the City the donation of the building pursuant to such terms as approved by the Director of Law; and declaring an emergency.

*Vote: 13-0*

**ORD.159-2017** authorizing the Director of Public Service to enter into a contract, after requesting quotes for the emergency demolition of the former JC Penney store at Rolling Acres Mall; and declaring an emergency. *Vote: 13-0*

**ORD.160-2017** authorizing the Director of Public Service to enter into a contract or contracts, after publicly advertising for bids, for the purchase and application of asphaltic concrete, pavement removal and riser rings for various streets in the 2017 Unimproved Streets Resurfacing Program, including alternates; approving specifications therefor; and declaring an emergency. *Vote: 13-0*

**ORD.161-2017** authorizing the Director of Public Service to enter into a contract or contracts, after publicly advertising for bids, for the purchase and application of asphaltic concrete, pavement removal, and riser rings for various streets in the 2017 Residential Streets Resurfacing Program, including alternates; approving specifications therefor; and declaring an emergency. *Vote: 13-0*

**ORD.162-2017** authorizing the Director of Public Service to enter into a contract or contracts, after publicly advertising for bids, for the purchase and application of asphaltic concrete, pavement removal, and riser rings for various streets in the 2017 Arterial Collector Streets Resurfacing Program, including alternates; approving specifications therefor; and declaring an emergency. *Vote: 13-0*

**ORD.163-2017** authorizing the Director of Public Service to enter into a contract or contracts, after publicly advertising for bids, to rebuild the undercarriage of a bulldozer; approving specifications therefor; and declaring an emergency. *Vote: 13-0*

**ORD.164-2017** authorizing the Purchasing Agent to enter into a contract or contracts, after publicly advertising for bids, for the purchase of parts, materials, and labor for security fence upgrades at the Akron water plant at the Lake Rockwell Reservoir; approving specifications therefor; and declaring an emergency. *Vote: 13-0*

**ORD.165-2017** ratifying the actions of the Director of Public Service in contracting with Kenmore Construction Co., Inc. for emergency repair of a 36-inch water main on West North Street near Ravine Street; authorizing payment therefor; and declaring an emergency. *Vote: 13-0*

**ORD.166-2017** authorizing the Director of Public Service, through the Land Acquisition Agent, to purchase the real property located at 370 Hilbish Avenue, Akron, Ohio for C.D. Land Banking purposes; and declaring an emergency. *Vote: 13-0*

**ORD.167-2017** accepting a vacation plat for a portion of Sycamore Avenue, south of West Dartmore Avenue and north of West Rosewood Avenue; and declaring an emergency. *Vote: 13-0*

**ORD.168-2017** authorizing the Director of Public Service, through the Office of the Purchasing Agent, to enter into a contract, without the formality of advertising for bids, for the repair of a 2015 Ford F-550 utility truck utilized by the Water Distribution Division; and declaring an emergency. *Vote: 13-0*

**ORD.169-2017** authorizing the Director of Public Service to enter into contracts, without publicly advertising for bids, for the purchase and/or lease of various new and/or used vehicles for undercover use by the Akron Police Department; and declaring an emergency. *Vote: 13-0*

**ORD.170-2017** authorizing the Director of Public Service to apply for and enter into an agreement with Waste Management, for 2017 grant funds available through Waste Management's Think Green Grant Initiative; and declaring an emergency. *Vote: 13-0*

**RES.171-2017** expressing sympathy to the families, friends and loved ones of the individuals who lost their lives in the house fire that occurred at the 600 block of Fultz Street in Akron during the early morning hours of May 15, 2017; and declaring an emergency. *Vote: 13-0*

## **Frequently Used Terms**

**Consent Agenda:** One or more ordinances and/or resolutions that can be acted on at one time under a single motion.

**Refer / Time:** When Council delays taking any action on a piece of legislation until a future meeting.

**Declaring an Emergency:** Allows Council to dispense with the requirement that a piece of legislation be read at three separate Council meetings, and allows the legislation to go into effect earlier than 30 days from passage of the legislation.

**Suspension of the Rules:** Allows Council, upon a two-thirds vote, to temporarily suspend or set aside the Rules of Procedure for Council. This motion is most commonly used to pass legislation as an emergency (see above).

**Amend:** A proposal to alter the text of an ordinance or resolution by substituting, adding, or deleting language.

**Legislation:** An official act of Council that takes the form of either an ordinance or a resolution (see below).

**Ordinance:** A formal act of Council. Examples of ordinance topics include: authorizing the Director of Public Service to enter into a contract for the construction of a project, approving a union agreement, approving a conditional use application, or amending the Codified Ordinances of the City.

**Resolution:** A formal expression of the opinion or will of Council. Examples of resolution topics include congratulating a local high school that has won a state championship, supporting or opposing a bill pending before the Ohio General Assembly, or approving the appointment of members of a board or commission.

**Substitute Offered as an Amendment:** An amended version of an ordinance or resolution that replaces an earlier version before Council.

**Motion:** A formal request for consideration of a proposal for action by Council members. Examples include a motion to pass an ordinance, a motion to amend, or a motion for time.

**Second:** An indication by a member of Council, other than the member who made the motion, that he or she agrees that the proposed motion should be considered.

**Executive Session:** A closed-door session of Council for the purpose of discussing a particular confidential matter, in accordance with law.

**Roll Call:** When the names of Council members are called out by the Clerk of Council to confirm their vote on the previous motion.

**Public Hearing:** When a hearing is held before Council or a committee of Council on a particular piece of legislation. Members of the public wishing to testify before Council at a public hearing are asked to first take an oath to swear or affirm that the testimony they will provide is the truth.

**Public Speaking Period:** The portion of a regular Council meeting where members of the public are invited to address Council for three minutes on topics that are germane and relevant to Council business. Members of the public are asked to provide their name and address, and to refrain from making personal attacks or disrespectful remarks.

**Minutes:** The official record of a meeting of Council or a committee of Council.

**Committee:** *A smaller group of members of Council that meet to consider legislation before it is considered or voted upon by all of Council. Standing committees are established by the Rules of Procedure of Council and have five members each. Special committees are appointed by the President. Committee meetings take place on Monday afternoons.*

**Quorum:** *The minimum number of members who must be present to officially conduct business. A quorum of Council is a majority of the all of the members of Council, a quorum of a committee is three members.*

**Abstain:** *When a member of Council elects not to vote on a particular motion.*

**“Aye” or “Yea”:** *an affirmative or favorable vote on a motion.*

**“Nay” or “No”:** *a negative or unfavorable vote on a motion.*

**Roberts Rules of Order:** *A manual on parliamentary procedure. In the absence of any provision governing matters of business in either the Rules of Procedure of Council, the laws of the State of Ohio, or the City Charter, Roberts Rules of Order, Newly Revised shall be the standard of parliamentary procedure for Council.*

**Chairperson:** *The member of Council who presides over a particular committee and its meetings. In the absence of the Chairperson the Vice-Chairperson shall preside over the committee.*

**President:** *The member of Council who presides over Council and its meetings. In the absence of the President, the Vice President shall be the presiding officer. In the absence of either the President or the Vice President the President Pro Tem shall be the presiding officer.*