

# 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 JULY 31, 2017

Regular Meeting held on July 24, 2017. All members were present except Hoch, later excused. Minutes from the previous meeting were approved.

### CONSENT AGENDA

1. ORDINANCE authorizing the Mayor to enter into and execute an Intergovernmental Agreement with Summit County allowing Summit County to administer the development of the Reserve at North Revere subdivision, which has various lots located within the City of Akron; and declaring an emergency. **PLANNING**
2. RESOLUTION declaring the necessity and intent of the City of Akron to appropriate fee simple interests in real property owned by Martha M. Nelson, located at 1052 Hazel Street, for the purposes of constructing, maintaining, repairing, enlarging, and reconstructing a sewer or sewers and waterlines for drainage, sewerage, and waterline purposes in connection with the Hazel Street Storage Basin Project (CSO Racks 10/11); and declaring an emergency. **PLANNING**
3. RESOLUTION declaring it necessary to improve certain streets in the City, between certain termini, by providing street-cleaning services and street lighting; and declaring an emergency. **PUBLIC SERVICE**
4. ORDINANCE authorizing the Director of Public Service to enter into an agreement with the Ohio Director of Transportation for improvements to State Route 8; declaring that said project is in the public interest; and declaring an emergency. **PUBLIC SERVICE**
5. ORDINANCE authorizing the Director of Public Service to enter into a contract with D.B. Development, LLC, for the private construction of sewer improvements in Canfield Road; and declaring an emergency. **PUBLIC SERVICE**

6. ORDINANCE authorizing the Director of Public Service or the Purchasing Agent to enter into a contract, without the formality of advertising for bids, with Assetworks for the purchase of Fleet Focus and Maintenance Management software and/or associated services; and declaring an emergency. **PUBLIC SERVICE**

## **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)

2. ORDINANCE amending Title 3, Chapter 31 of the Akron Code of Ordinances, to enact Article 3 “Neighborhood Advisory Associations,” Sections 31.43-31.47; and declaring an emergency. (6/19/17)

## **BUDGET AND FINANCE**

### **M. FREEMAN, CHAIRMAN**

#### **TIME:**

1. Ordinance authorizing the Purchasing Agent, without the formality of publicly advertising for bids, to enter into a contract or contracts with Engaged Public for the purchase of one-year subscriptions to Balancing Act PRO, Taxpayer Receipt, and Meeting Mode software services; and declaring an emergency. (6/5/17)

## **PLANNING**

### **J. FUSCO, CHAIRMAN**

#### **UP FOR PUBLIC HEARING JULY 31, 2017:**

1. ORDINANCE authorizing a Conditional Use to construct a car wash with motor vehicle sales and storage on the east side of Home Avenue, south of Success Road; and declaring an emergency. (7/17/17)
2. ORDINANCE authorizing a Conditional Use to construct a medical marijuana cultivation facility on the east side of Baltimore Avenue, north of Georgia Avenue; and declaring an emergency. (7/17/17)
3. ORDINANCE authorizing a Conditional Use to establish a medical marijuana cultivation facility at 1076 Home Avenue; and declaring an emergency. (7/17/17)

#### **PUBLIC HEARING TO BE SCHEDULED**

4. ORDINANCE authorizing a Conditional Use to place an electronic message center sign at 534-566 White Pond Drive; and declaring an emergency. (7/17/17)
5. ORDINANCE authorizing a Conditional Use to construct parking for an apartment development on the west side of State Road, south of Ascot Parkway; and declaring an emergency. (7/17/17)
6. ORDINANCE authorizing a Conditional Use to construct an oversized garage at 1670 Faye Road; and declaring an emergency.

**TIME:**

7. D-299 Petition of Fire Rock Ltd. For a Conditional Use to establish a medical marijuana cultivation facility at 1076 Home Avenue. (PC-2017-41-CU)
8. D-300 Petition of Joseph Scaccio for a Conditional Use to construct a medical marijuana cultivation facility on the east side of Baltimore Avenue, north of Georgia Avenue (PC-2017-40-CU)
9. D-301 Petition of RCS Development, LLC, for a Conditional Use to construct a car wash and establish motor vehicle sales at 1651 Home Avenue. (PC-2017-27-CU)
10. D-302 Petition of Gino Faciana for a Conditional Use to place an electronic message center sign at 534-566 White Pond Drive. (PC-2017-26-CU)
11. D-303 Petition of Joseph Sapp III for a Conditional Use to construct an oversized garage at 1670 Faye Road. (PC-2017-39-CU)
12. D-304 Petition of Bath Road Associates, LLC, for a Conditional Use to construct a parking lot for an apartment development on the west side of State Road, south of Ascot Parkway. (PC-2017-31-CU)
13. D-152. 2014-2018 Capital Investment and Community Development Program. (1/5/15)
14. 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)

**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**

**NO ITEMS:**

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

**NO ITEMS:**

**MISCELLANEOUS**

**FILED**

D-310 Notice of Transfer of D5, D6 liquor permit to Downtown Coffee Co Inc., dba Caps Sports Bar & Grille, 1260 E. Tallmadge Avenue (WARD 2)

D-28-17 - Summary of Income Tax Receipts through the end of June, 2017

***Motion to excuse Hoch. Motion Carried.***

**REPRESENTATION FROM VARIOUS DEPARTMENTS AND DIVISIONS:**

Mayor Horrigan, Annie McFadden, Deputy Chief of Staff; Marco Sommerville, Deputy Mayor for Intergovernmental Affairs/Senior Advisor; Don Rice, Director of Human Resources; Christine Curry, Director of Communications; Gert Wilms, Prosecutor; Brian Angeloni, Assistant Law Director; Steve Fricker, Deputy Director Finance; John Valle, Director of Neighborhood Assistance; Jason Segedy, Director of Planning

**COMMITTEE MEETINGS**  
**Scheduled for Monday, July 31, 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 8:06 p.m.

**Robert Keith, Clerk of Council**  
**ORDINANCES AND RESOLUTIONS PASSED JULY 24, 2017:**

ORD 241-2017 approving the sale of a vacant City-owned properties pursuant to the City’s “A Lot for A Little” Program; determining said properties are not needed for public use; and declaring an emergency. **VOTE 11-0 (Neal Abstained) (Hoch Absent)**

ORD 242-2017 directing the appropriation of a fee simple interest in real property owned by Aaron and Louise Bane, under a land contract with John Richards, Jr., located at 454 Wellington Avenue, for the purposes of constructing, maintaining, repairing, enlarging, and reconstructing a sewer or sewers and waterlines for drainage, sewerage and waterline purposes in connection with the Hazel Street Storage Basin Project (CSO Racks 10/11); declaring the intention of the City of Akron to proceed under Ohio Revised Code Section 163.06(A) and Article I; Section 19 of the Ohio Constitution for the appropriation of real property due to a public exigency; and declaring an emergency. **VOTE 11-0 (Neal Abstained) (Hoch Absent)**

ORD 243-2017 directing the appropriation of a fee simple interest in real property owned by Jeannette Bray, David Maddox, Margaret Parms, Lawrence Maddox, and Leonard Maddox, located at 246 Eastland Avenue, for the purposes of constructing, maintaining, repairing, enlarging, and reconstructing a sewer or sewers and waterlines for drainage, sewerage and waterline purposes in connection with the Hazel Street Storage Basin Project (CSO Racks 10/11); declaring the intention of the City of Akron to proceed under Ohio Revised Code Section 163.06(A) and Article I; Section 19 of the Ohio Constitution for the appropriation of real property due to a public exigency; and declaring an emergency. **VOTE 11-0 (Neal Abstained) (Hoch Absent)**

ORD 244-2017 authorizing the Director of Public Service or his designee, after publicly advertising for bids, to enter into a contract or contracts for the purchase of metalworking and fabrication equipment for the Motor Equipment Division; and declaring an emergency. **VOTE 11-0 (Neal Abstained) (Hoch Absent)**

ORD 245-2017 authorizing the Director of Public Service or his designee, after publicly advertising for bids through the Office of the Purchasing Agent, to enter into a contract or contracts for the repair of the roof at Joy Park Community Center; and declaring an emergency. **VOTE 11-0 (Neal Abstained) (Hoch Absent)**

ORD 246-2017 declaring it necessary to improve various off-street parking facilities in the Kenmore Business District and the Canton Road Business District by sealing, resurfacing and repairing, painting parking space stripes, sweeping, removing snow, cleaning sewer openings, providing lawn, turf, shrub and tree maintenance, litter and other general clean-up and otherwise improving and maintaining the same, and all when and where necessary; and declaring an emergency. **VOTE 11-0 (Neal Abstained) (Hoch Absent)**

ORD 247-2017 authorizing the Mayor to enter into and execute an Intergovernmental Agreement with Summit County and various other jurisdictions for the shared purchase, implementation and use of Matrix Case Management Software; and declaring an emergency. **VOTE 12-0 (Hoch Absent)**

ORD 248-2017 authorizing the Mayor to license or lease a portion of 952 E. Exchange Street to the Battered Women's Shelter of Summit & Medina Counties for the creation of a playground; and declaring an emergency. **VOTE 12-0 (Hoch Absent)**

ORD 249-2017 authorizing the Mayor to apply for grant funding through AMATS for Congestion Mitigation and Air Quality Improvement (CMAQ) funds that are available for use in the City of Akron's complete street improvement project to North Main Street; authorizing the expenditure of local funds in support of this grant; and declaring an emergency. **VOTE 12-0 (Hoch Absent)**

RES 250-2017 urging the United States Congress not to repeal the Affordable Care Act without a viable replacement proposal; and declaring an emergency. **VOTE 12-0 (Hoch Absent)**

### **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.