

**AKRON, OHIO COUNCIL AGENDA OF OCTOBER 19, 2009**

Regular Meeting- All members present. A non-sectarian prayer was said by Councilman Mike Freeman. The Pledge of Allegiance to the Flag was repeated in unison. Minutes of the previous regular meeting read and approved.

**CONSENT AGENDA**

(1) Ordinance authorizing the Director of Health to enter into personal service contracts with various organizations to provide local AIDS Health Education, Prevention and Support Services in accordance with an approved grant from the Ohio Department of Health; authorizing payment therefor; and declaring an emergency. **(HEALTH AND SOCIAL SERVICE)**

(2) Ordinance authorizing the Director of Health to enter into a contract with Keep Akron Beautiful, Inc. for the provision of private property trash and litter removal services; authorizing payment therefor; and declaring an emergency. **(HEALTH AND SOCIAL SERVICE)**

(3) Ordinance authorizing the Director of Health to enter into a personal services contract with Cereatha Boyd for WIC Immunization Technical Services; authorizing payment therefor; and declaring an emergency. **(HEALTH AND SOCIAL SERVICE)**

(4) Ordinance approving the historic designation of 795 and 803 West Market Street as a historic landmark; and declaring an emergency. **(ECONOMIC DEVELOPMENT AND JOB CREATION)**

**RULES**

**(J. CONTI, CHAIRMAN)**

**NO ITEMS**

**BUDGET AND FINANCE**

**(T. MERLITTI, CHAIRPERSON)**

**FIRST READING AND REFERRED:**

(1) Ordinance authorizing the Mayor to enter into a contract with the Butch Reynolds Care for Kids Foundation for the implementation of after-school and summer programs; authorizing payment therefor; and declaring an emergency. (10/20/09)

**PLANNING**

**(J. CONTI, CHAIRMAN)**

**UP FOR PUBLIC HEARING OCTOBER 26, 2009:**

(1) Ordinance authorizing a Conditional Use to place a fence to within 3 feet 6 inches of East Wilbeth Road at 397-399 South Firestone Boulevard; and declaring an emergency. (D-378) (PC-2009-52) (10/05/09)

**TIME:**

(2) D-378. Petition of David Saffles for a Conditional Use to vary the building line to construct a fence at 397-399 S. Firestone Blvd. (PC-2009-52) (9/14/09)

(3) Ordinance authorizing a Conditional Use to construct a carport to the side property line at 487 Palisades Drive; and declaring an emergency. (D-239) (3/30/09)

(4) D-205. 2009 Capital Investment and Community Development Program (12/15/08)

(5) D-206. 2008-2012 Capital Investment & Community Development Program (01/05/09)

(6) D-239.1. Petition for a Conditional Use to construct a carport at 487 Palisades Drive.  
(PC-2009-06)(03/02/09)

**FILED:**

(7) D-377. Petition of Vince and Erika Yurick for a Conditional Use to construct an addition at 555 Piccadilly Circle (PC-2009-49) (9/14/09)

(8) D-358. Petition of Jon Kopsky for a Conditional Use to construct an oversized garage at 1629 Hyde Park Avenue (PC-2009-46) (07/06/09)

**PUBLIC SERVICE  
(J. HURLEY, CHAIRMAN)**

**NO ITEMS**

**PUBLIC UTILITIES  
(K. JONES, CHAIRMAN)**

**NO ITEMS**

**PUBLIC SAFETY  
(J. SHEALEY, CHAIRMAN)**

**NO ITEMS**

**PARKS AND RECREATION  
(K. CRAWFORD, CHAIRPERSON)**

**NO ITEMS**

**HOUSING  
(M. FREEMAN, CHAIRMAN)**

**NO ITEMS**

**HEALTH AND SOCIAL SERVICE  
(R. GREENE, CHAIRPERSON)**

**NO ITEMS**

**ECONOMIC DEVELOPMENT & JOB CREATION  
(T. ALBANESE, CHAIRPERSON)**

**UP FOR PUBLIC HEARING OCTOBER 26, 2009:**

(1) Ordinance authorizing a Conditional Use to establish an auto repair shop at 2166-2174 East Avenue; and declaring an emergency. (D-379) (PC-2009-50) (10/05/09)

**TIME:**

(2) D-379. Petition of Renee Bartlow for a Conditional Use to establish an auto repair shop at 2166 East Avenue. (PC-2009-50) (9/14/09)

(3) Ordinance approving and authorizing execution of a Development Agreement among the City, County of Summit, Summit County Port Authority and Bridgestone Firestone North American Tire, LLC; and declaring an emergency. (11/17/08)

(4) D-336. Petition of Jerry Wear for a Conditional Use to establish a welding shop and auto repair business at 298 ½ E. Cuyahoga Falls Avenue. (PC-2009-29) (06/15/09)

(5) D-381. Petition of Twin Oakes Associates for a Conditional Use to construct an assisted living facility at 1111 W. Market Street. (PC-2009-59)(9/14/09)

(6) D-410. Petition of James Massey for a Conditional Use to expand a non-conforming automobile repair shop at 1338 Newton Street. (PC-2008-114) (10/05/09)

(7) D-411. Petition of The Terra Group, dba L & M Key Investors, for a conditional Use to place a projecting sign over the South Main Street right-of-way at 219 S. Main Street. (PC-2009-63) (10/05/09)

(8) D-412. Councilmatic request to investigate the vacation of Mallison Street north of Euclid Avenue to construct a parking lot for the Akron Zoo. (PC-2009-64) (10/05/09)

**FILE:**

(9) D-380. Petition of O'Reilly Automotive, Inc., for a Conditional Use to construct an auto parts store on the east side of S. Arlington Street, north of Jenkins Blvd. (PC-20090-54) (9/14/09)

(10) D-383. Petition of Goodyear Heights Presbyterian Church for a Conditional Use to construct an oversized sign at 1430 Goodyear Blvd. (PC-2009-61)(9/14/09)

(11) D-382. Petition of George Istocki for a conditional Use to construct a restaurant at 444 E. Exchange Street. (PC-2009-60)(9/14/09)

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**READ IN BUT NOT PASSED ON OCTOBER 27, 2008:**

(1) Resolution honoring and recognizing the sacrifices and contributions of Akron Veterans and honoring their service by designating Waterloo Road between Kelly Avenue and Wingate Avenue as the "Akron Veterans Corridor." (10/27/08)

**MISCELLANEOUS**

**FILED: VIVA VOCE. D-417.** One (1) City Sidewalk Program Petition (411 E. Wilbeth Road)

**FILED: VIVA VOCE. D-418.** Petition for the improvement of Rexford Street from Conrad Avenue to Nesmith Lake Blvd. 57% of property owner's signatures. (WARD 9)

**FILED: VIVA VOCE. D-419.** Notice of Transfer of C1, C2 liquor permits to AM PM 2414, 1614 Merriman Road. (WARD 1)

**FILED: VIVA VOCE. D-420.** Notice of Transfer of D2, D2X, D3, D3A liquor permits to 18 W. Miller Avenue. (WARD 5)

**FILED: VIVA VOCE. D-421.** Notice of New D5 liquor permit to Akron Diner, LLC, 520 E. Market Street. (WARD 2)

**FILED: VIVA VOCE. D-422.** Notice of Transfer of D2, D2X, D3 liquor permits to L. J. Edsall Enterprises, LLC, 2214 Manchester Road. (WARD 9)

**FILED: VIVA VOCE. D-423.** Notice of Transfer of D1, D3, D3A liquor permits to Happy Landing, 641 Massillon Road, 1<sup>st</sup> floor Unit B & Basement. (WARD 10)

**FILED: VIVA VOCE. D-424.** Notice of Transfer of C1, C2 liquor permits to BP Oil & Gas pumps, 316 E. Market Street. (WARD 2)

**FILED: VIVA VOCE. D-425.** Notice of Transfer of D5, D6 liquor permits to Cilantro Thai & Sushi Restaurant, 326 S. Main Street, 1<sup>st</sup> floor and basement. (WARD 5)

**FILED: VIVA VOCE. D-426.** Notice of Stock of D5, D6 liquor permits to Piatto Restaurant, 326 S. Main Street. (WARD 5)

**FILED: VIVA VOCE. D-427.** Notice of Transfer of D2, D2X, D3, D3A liquor permits to Our Nada, LLC, 1305 E. Archwood Avenue & Patio. (WARD 10)

**FILED: VIVA VOCE. D-428.** Report of the Blue Ribbon Safety Committee of the Northwest Akron Block Watch Association. (WARD 8)

**FILED: VIVA VOCE. D-429.** Return Showing Service for the improvement of Girard Street as per Res. No. 348-2009.

**REPRESENTATION FROM VARIOUS DEPARTMENTS AND DIVISIONS:**

Dave Lieberth, Deputy Mayor – Administration; Ron Williamson, Deputy Director; Diane Miller-Dawson, Finance Director; Cheri Cunningham, Law Director; Tom Quade, Director of Health; Mike Antenucci, Zoning; Rick Merolla, Service Director; Abraham Wescott, Development Services; Helen Tomic, Comprehensive Planning; Adele Roth, Economic Development; Billy Soule, Assistant to the Mayor; John Moore, Planning Director.

**COMMITTEE MEETINGS**

MONDAY,	OCTOBER 26, 2009	2:00 P.M.	PUBLIC SERVICE
MONDAY,	OCTOBER 26, 2009	2:15 P.M.	HEALTH & SOCIAL SERVICE
MONDAY,	OCTOBER 26, 2009	2:30 P.M.	PLANNING
MONDAY,	OCTOBER 26, 2009	2:30 P.M.	PARKS & RECREATION
MONDAY,	OCTOBER 26, 2009	2:45 P.M.	ECONOMIC DEVELOPMENT AND JOB CREATION
MONDAY,	OCTOBER 26, 2009	3:00 P.M.	BUDGET AND FINANCE
MONDAY,	OCTOBER 26, 2009	3:15 P.M.	PUBLIC UTILITIES
MONDAY,	OCTOBER 26, 2009	3:30 P.M.	PUBLIC SAFETY
MONDAY,	OCTOBER 26, 2009	3:45 P.M.	HOUSING

ON MOTION, Council adjourned at 7:41 p.m.

**Bob Keith**  
**Clerk of Council**

## **ORDINANCES AND RESOLUTIONS PASSED OCTOBER 19, 2009**

**ORD. NO. 437-2009** authorizing the Purchasing Agent to enter into a contract with Thermo Fisher Scientific Environmental Instruments, Inc. for the purchase of a Continuous PM2.5 Monitor; authorizing payment therefor; and declaring an emergency.

**ORD. NO. 438-2009** authorizing the Director of Health to enter into a personal services contract with Gloria Dandridge for services as a clerical assistant for the Lead-Based Paint Hazard Control Program; authorizing payment therefor; and declaring an emergency.

**ORD. NO. 439-2009** authorizing the Director of Finance to pay costs associated with the City's participation in miscellaneous organizations, associations and agencies; and declaring an emergency. (9/14/09)

**ORD. NO. 440-2009** authorizing a Conditional Use to construct an addition within the side yard area at 555 Piccadilly Circle, and declaring an emergency.

**ORD. NO. 441-2009** authorizing the Mayor, the Director of Public Service, the Director of Health, and/or the Director of Finance to purchase miscellaneous supplies and repair parts and labor for machinery and equipment used by various divisions of the departments of the City for a period of one (1) year; authorizing payment therefor; and declaring an emergency.

**ORD. NO. 442-2009** authorizing a Conditional Use to construct an auto parts store on the east side of South Arlington Street, north of Jenkins Boulevard; and declaring an emergency.

**ORD. NO. 443-2009** authorizing a Conditional Use to construct an oversized sign at 1430 Goodyear Boulevard; and declaring an emergency.

**ORD. NO. 444-2009** accepting the amounts and rates as determined by the Budget Commission of Summit County and authorizing the necessary tax levies and certifying them to the County Fiscal Officer.

**RES. NO. 445-2009** declaring it necessary to improve Hilbish Avenue between the termini of Triplett Boulevard and East Market Street by paving; grading; constructing and reconstructing curbs, concrete sidewalks and driveway approaches; installing roof drain pipes; installing street lighting; and planting trees; and declaring an emergency.

**RES. NO. 446-2009** amending Resolution No. 428-2009, passed October 5, 2009, by correcting the number of installment payments for the special assessments provided for therein; repealing Section 8 of said resolution as it was passed on October 5, 2009; and declaring an emergency.

**ORD. NO. 447-2009** authorizing the Mayor to file an application and enter into an agreement with the Ohio Governor's Highway Safety Office for funding from the FFY 2010 High Visibility Enforcement Overtime Grant; authorizing the Mayor to enter into a contract to implement the grant; and declaring an emergency.

**ORD. NO. 448-2009** authorizing the Mayor to apply for funds and enter into an agreement with the "2010 Project Safe Neighborhoods" grant administered through the State of Ohio, Office of Criminal Justice Services; and declaring an emergency.

**RES. NO. 449-2009** declaring the necessity and intent of the City of Akron to appropriate a fee simple interest and temporary easement interest in certain real property owned by SUR&R Auto Parts Inc., located at 1969 South Main Street, for the purposes of constructing, reconstructing, making or repairing roads that are open to the public in conjunction with the SUM/South Main Street Roadway Improvements; declaring the necessity and intention of the City of Akron to proceed under Ohio Revised Code Section 163.06 (B) for the purpose of constructing, reconstructing, making or repairing roads that are open to the public without charge; and declaring an emergency.

**RES. NO. 450-2009** declaring the necessity and intent of the City of Akron to appropriate a fee simple interest and temporary easement interest in certain real property owned by Pauline Hallamay located at 2004 South Main Street, for the purposes of constructing, reconstructing, making or repairing roads that are open to the public in conjunction with the SUM/South Main Street Roadway Improvements; declaring the necessity and intention of the City of Akron to proceed under Ohio Revised Code Section 163.06 (B) for the purpose of constructing, reconstructing, making or repairing roads that are open to the public without charge; and declaring an emergency.

**RES. NO. 451-2009** declaring the necessity and intent of the City of Akron to appropriate a fee simple interest and temporary easement interest in certain real property owned by Hallamay Color Lab Inc., located at 2008 South Main Street, for the purposes of constructing, reconstructing, making or repairing roads that are open to the public in conjunction with the SUM/South Main Street Roadway Improvements; declaring the necessity and intention of the City of Akron to proceed under Ohio Revised Code Section 163.06 (B) for the purpose of constructing, reconstructing, making or repairing roads that are open to the public without charge; and declaring an emergency.

**RES. NO. 452-2009** declaring the necessity and intent of the City of Akron to appropriate a fee simple interest and temporary easement interest in certain real property owned by Speedway Superamerica, LLC located at 2129 South Main Street, for the purposes of constructing, reconstructing, making or repairing roads that are open to the public in conjunction with the SUM/South Main Street Roadway Improvements; declaring the necessity and intention of the City of Akron to proceed under Ohio Revised Code Section 163.06 (B) for the purpose of constructing, reconstructing, making or repairing roads that are open to the public without charge; and declaring an emergency.

**ORD. NO. 453-2009** accepting conveyance(s) by deed of estates in fee simple of property in the City of Akron, for the SUM. S. MAIN STREET ROADWAY IMPROVEMENTS project; authorizing payment therefor; and declaring an emergency.

**ORD. NO. 454-2009** authorizing the Mayor to file an application with the U.S. Department of Housing and Urban Development for the Supportive Housing Program for funds for the homeless; and declaring an emergency.

**RES. NO. 455-2009** declaring the necessity and intent of the City of Akron to appropriate a fee simple interest in real property owned by Rev. John Hosea and Zelma Yarborough (deceased) located at 250 North Howard Street, for the purposes of eliminating conditions of blight and preventing the recurrence of blight and furthering the objectives of the Hickory Corridor/Cascade Locks Renewal Area Plan; and declaring an emergency.