

AKRON, OHIO COUNCIL AGENDA OF FEBRUARY 1, 2010

Regular Meeting- All members present, except Freeman, later excused. A non-sectarian prayer was said by Rev. Hampton of the First Apostolic Faith Church. The Pledge of Allegiance to the Flag was repeated in unison. Minutes of the previous regular meeting read and approved.

CONSENT AGENDA

(1) Ordinance ratifying the actions of the Director of Public Service to enter into a contract with Kenmore Construction Co. for the emergency repair of the Canal Interceptor; authorizing payment thereof; and declaring an emergency. **(PUBLIC SERVICE)**

RULES

(T. MERLITTI, CHAIRMANPERSON)

NO ITEMS

BUDGET AND FINANCE

(T. MERLITTI, CHAIRPERSON)

NO ITEMS

PLANNING

(J. FUSCO, CHAIRMAN)

FIRST READING AND REFERRED – UP FOR PUBLIC HEARING FEBRUARY 22, 2010:

(1) Ordinance approving, with modification, the renewal application of Amy and William Dunkler to have agricultural property at 1395 Collier Road placed in an “agricultural district” pursuant to Revised Code Section 929.01, *et seq.*; and declaring an emergency. (D-16) (02/01/10)

REFERRED:

(2) D-16. Renewal application of Amy and William Dunkler to place their property at 1395 Collier Road in an agricultural district. (02/01/10)

(3) D-17. Renewal application of Frank & Mary Politz to place their property at 1661 Dreisbach Dr., in an agricultural district. (02/01/10)

TIME:

(4) Resolution adopting the 2010 Capital Investment and Community Development Program, also known as the Capital Investment Budget; and declaring an emergency. (01/25/10) **(Note: Public Hearing held 02/01/10. Committee requested time. Granted: Viva Voce)**

(5) 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)

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

(7) D-464. 2010 Capital Investment & Community Development Program. (12/14/09)

(8) D-1. 2009-2013 Capital Investment & Community Development Program. (01/04/10)

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

TIME:

(1) D-451. One (1) letter objecting to the improvement of Frank Blvd. as per Res. No. 491-2009. (11/30/09)

(2) D-451-1. Sixteen (16) letters objecting to the improvement of Frank Blvd as per Res. No. 491-2009. (12/07/09)

(3) D-451-2. Three (3) letters objecting to the improvement of Frank Blvd as per Res. No. 491-2009. (12/14/09)

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

NO ITEMS

**PUBLIC SAFETY
(K. CRAWFORD, CHAIRPERSON)**

NO ITEMS

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

NO ITEMS

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

NO ITEMS

**HEALTH AND SOCIAL SERVICE
(R. OTTERMAN, CHAIRMAN)**

NO ITEMS

**ECONOMIC DEVELOPMENT & JOB CREATION
(L. OMOBIEN, CHAIRPERSON)**

UP FOR PUBLIC HEARING FEBRUARY 22, 2010:

(1) Ordinance authorizing a Conditional Use to construct signage at 1040-1050 East Tallmadge Avenue; and declaring an emergency. (01/25//10) (D-9)

FIRST READING AND REFERRED:

(2) Resolution declaring the necessity and intent of the City of Akron to appropriate a fee simple interest in real property owned by Albert and Charlene Brock located at 675 Mallison Avenue, for the purposes of eliminating conditions of blight and preventing the recurrence of blight and furthering objectives of the Edgewood Urban Renewal Plan; and declaring an emergency. (02/01/10)

(3) Ordinance directing the appropriation of a fee simple interest in real property owned by Kevin K. Preston, located at 663-665 Mallison Avenue, for the purposes of eliminating conditions of blight and preventing the recurrence of blight and furthering the objectives of the Edgewood Urban Renewal Plan; and declaring an emergency. (02/01/10)

(4) Ordinance directing the appropriation of a fee simple interest in real property owned by IWB, LLC, located at 667 Mallison Avenue, for the purposes of eliminating conditions of blight and preventing the recurrence of blight and furthering the objectives of the Edgewood Urban Renewal Plan; and declaring an emergency. (02/01/10)

TIME:

(5) Ordinance amending and/or supplementing the Code of Ordinances Title 15, Chapter 153, "Zoning Code", Section 153.140 "Definitions" by adding Biomedical Incentive Zone and by adding Article 18. Biomedical Incentive Zone and Section 153.590 "Biomedical Incentive Zone Development Conditions: to reflect the addition of the Biomedical Incentive Zone; and declaring an emergency. (PC-2009-76) **(NOTE: Public Hearing held 01/25/10. Committee requested Time. Granted: Viva Voce) (02/01/10: Offered by Omobien: A Substitute Ordinance, with a similar title, as an amendment. Committee requested Time. Granted: Viva Voce)**

(6) Ordinance amending and/or supplementing the Code of Ordinances Title 15, Chapter 153, "Zoning Code" amending Section 153.200 "Division of city into districts", Section 153.205 "Use districts", and Section 153.225 "Classifications of Uses"; and by adding Section 153.296 "Biomedical Use District-Class UB"; and declaring an emergency. (PC-2009-76) **(NOTE: Public Hearing held 01/25/10. Committee requested Time. Granted: Viva Voce)**

(7) Ordinance amending The Zoning Map by changing the Opportunity Park (R-89) Classification, Retail Business Use (U3, H3, A5) Classification, Retail Business Use (U3, H5, A5) Classification, Retail Business Use (U3, H5, A5) Classification, Institutional Use (UHD, H3, A5) Classification, and Commercial Use (U4, H4, A5) Classification on property bounded by Buchtel Avenue on the north, Falor Avenue on the south, Bowery Street on the east, and Pine Street on the west to a Biomedical Use District (UB, H5, A1) Classification; and declaring an emergency.

(8) Ordinance amending The Zoning Map by changing the Commercial Use District (U4, H3, A1) Classification, Retail Business Use District (U3, H5, A5) Classification, Retail Business Use District (U3, H1, A3) Classification, Apartment Use District (U2, H4, A5) Classification, Apartment Use District (U2, H1, A2) Classification, and UPD-10 District Classification on property bounded by Perkins Street and Adams Street on the north, Mill Street and East Market Street on the south, Route 8 on the east, and Summit Street on the west to a Biomedical Use District (UB, H5, A1) Classification; and declaring an emergency.

(9) Ordinance amending The Zoning Map by changing the Retail Business Use District (U3, H2, A4) Classification, on property addressed as 303 West Exchange Street to a Biomedical Use District (UB, H2, A1) Classification; and declaring an emergency.

(10) Ordinance amending The Zoning Map by changing the Retail Business Use District (U3, H4, A5) Classification of property addressed as 597 East Market Street to an Institutional Use District (UHD, H5, A1) Classification; and declaring an emergency.

(11) Ordinance amending The Zoning Map by changing the Retail Business Use District (U3, H1, A3) Classification on property addressed as 457 East Market Street, the Retail Business Use (U3, H3, A5) Classification on property addressed as 395 East Market Street, and the Retail Business Use (U3, H3, A5) Classification on property addressed as 411 East Market Street to a Institutional Use District (UHD, H5, A1) Classification; and declaring an emergency.

(12) Ordinance amending The Zoning Map by changing the Opportunity Park (R-89), and Retail Business Use District (U3, H3, A5) Classification on property north of First Bancorp Drive, south of Center Street, east of Pine Street and Water Street, and west of Route 59 to a Institutional Use District (UHD, H5, A1) Classification; and declaring an emergency.

(13) Ordinance amending The Zoning Map by changing the UPD-10 District Classification on property north of Adams Street and Bluff Street extended, and west of the intersection of Adams Street and Union Street to a Limited Business Use (ULB, H3, A1) District; and declaring an emergency.

(14) Ordinance amending The Zoning Map by changing the UPD-10 District Classification on property on the east side of College Street north of Perkins Street and west of the RR tracks; on the north side of Bluff Street west from the RR tracks to a distance 105 feet west of the centerline of Prospect Street to an Apartment House Use District (U2, H3, A1) Classification; and declaring an emergency.

(15) Ordinance amending The Zoning Map by changing the Commercial Use District (U4, H4, A4) Classification and Ordinary Industry Use District (U5, H4, A4) Classification on property south of Ash Street, north of Bowery Street, and west of Quaker Street to a Retail Business Use District (U3, H4, A4) Classification; and declaring an emergency.

(16) Ordinance amending The Zoning Map by changing the UPD-10 Use District Classification on property south of Perkins Street, west of Summit Street, and east of Maiden Lane to a Retail Business Use District (U3, H5, A5) Classification, and declaring an emergency.

(17) Ordinance amending The Zoning Map by changing the UPD-10 Use District Classification on property north of Perkins Street, east of Maiden Lane, and west of Prospect Street extended, to a Commercial Use District (U4, H3, A1) Classification; and declaring an emergency.

(18) Ordinance amending The Zoning Map by changing the UPD-10 Use District Classification on property north of Perkins Street and Bluff Street, south of Ridge Street, east of Maiden Lane, and to a point 106 feet west of Prospect Street; and the Ordinary Industry Use District (U5, H3, A1) Classification on property addressed as 133 North Summit Street to a Commercial Use District (U4, H3, A1) Classification; and declaring an emergency.

(19) Ordinance amending The Zoning Map by changing the UPD-10 Use District Classification on property north of Perkins Street, south of the terminus of Bluff Street extended, east of the RR tracks, and west of Union Street to a Commercial Use District (U4, H3, A1) Classification; and declaring an emergency.

(20) Ordinance amending The Zoning Map by changing the Single Family Residence Use District (U1, H1, A1) R-89, Commercial Use District (U4, H4, A3), and Ordinary Industry Use District (U5, H5, A5) Classifications on property north of West Exchange Street, west of Locust Street and west of Water Street, and south of West State Street to a Institutional Use District (UHD, H5, A1) Classification, and declaring an emergency.

(21) Ordinance amending The Zoning Map by changing the Apartment House Use District (U2, H2, A4) Classification on property addressed as 182 Wills Avenue and 156 Locust Street to a Institutional Use District (UHD, H2, A4) Classification; and declaring an emergency.

(22) 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)

(23) D-8. Petition for a Conditional Use to permit the construction of the Buchtel/Perkins Community Learning Center at 1040 Copley Road. (PC-2009-81) (01/25/10)

(24) D-9. Petition for a Conditional Use to construct signage at 1040-1050 East Tallmadge Avenue. (PC-2009-82) (01/25/10)

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-18. Notice of New D5 liquor permit to Dominic Michael DiLullo dba Tommys Pub, 1548 Home Avenue. (WARD 2)

Motion by Merlitti to excuse Freeman. Carried: Viva Voce.

REPRESENTATION FROM VARIOUS DEPARTMENTS AND DIVISIONS:

Mayor Plusquellic; Dave Lieberth, Deputy Mayor Administration; Ron Williamson, Deputy Service Director; Cheri Cunningham, Director of Law; John Moore, Planning Director; Bob Bowman, Deputy Mayor Economic Development; Mark Moore, Comprehensive Planning; Monika Kirbawy, Comprehensive Planning; Abraham Westcott, Development Services; Debbie Forfia, Assistant Director of Law.

COMMITTEE MEETINGS

MONDAY,	FEBRUARY 8, 2010	2:00 P.M.	PUBLIC SERVICE
MONDAY,	FEBRUARY 8, 2010	2:30 P.M.	PLANNING
MONDAY,	FEBRUARY 8, 2010	2:45 P.M.	ECONOMIC DEVELOPMENT AND JOB CREATION
MONDAY,	FEBRUARY 8, 2010	3:00 P.M.	BUDGET AND FINANCE
MONDAY,	FEBRUARY 8, 2010	3:15 P.M.	PUBLIC UTILITIES
MONDAY,	FEBRUARY 8, 2010	3:30 P.M.	PUBLIC SAFETY
MONDAY,	FEBRUARY 8, 2010	3:45 P.M.	HOUSING
MONDAY,	FEBRUARY 8, 2010	4:00 P.M.	HEALTH AND SOCIAL SERVICE

ON MOTION, Council adjourned at 7:30 p.m.

Bob Keith
Clerk of Council

ORDINANCES AND RESOLUTIONS PASSED FEBRUARY 1, 2010

ORD. NO. 24-2010 authorizing the Director of Public Service to enter into a contract, after publicly advertising for bids, for the replacement of Electrical Switchgear at the Lake Rockwell Water Plant; approving specifications therefore; and declaring an emergency.

ORD. NO. 25-2010 authorizing the Purchasing Agent to donate a HP Laser Jet 5Si Series Printer and three toners to the Weed and Seed Program; and declaring an emergency.

ORD. NO. 26-2010 establishing and describing the boundaries of the Community Reinvestment Area, designating a Housing Officer to administer the program, and creating a Community Reinvestment Area Housing Council; and declaring an emergency.

ORD. NO. 27-2010 authorizing the execution of a Community Reinvestment Area Compensation Agreement between the Board of Education of the Akron City School District, City of Akron, and E.C. Limited Partnership, and declaring an emergency.

RES. NO. 28-2010 naming the service road located between South Main Street and Broadway, north of Bartges and south of Selle, as “Rosa Parks Drive,” and declaring an emergency.

ORD. NO. 29-2010 authorizing the Director of Public Service to enter into an agreement with the Ohio Department of Transportation for the construction of a new roadway, Eagle Street, which will connect S. Martha Avenue and the proposed Seiberling Way; and declaring an emergency.

ORD. NO. 30-2010 authorizing the Director of Public Service to enter into an agreement with the Ohio Director of Transportation for the replacement of signs on the I-76 East Leg; and declaring an emergency.

RES. NO. 31-2010 urging the Ohio Legislature to enact House Bill 313 to authorize the creation of a county land reutilization corporation and allow the county treasurer to utilize alternative redemption periods in actions to foreclose abandoned lands; and declaring an emergency.