

****NEXT MEETING WILL BE JUNE 1, 2009****

AKRON, OHIO COUNCIL AGENDA OF MAY 18, 2009

Regular Meeting – Members all present. A non-sectarian prayer was said by Pastor Kevin Truex. The Pledge of Allegiance to the Flag was repeated in unison. Minutes of the previous regular meeting read and approved.

CONSENT AGENDA

NO ITEMS

**RULES
(J. CONTI, CHAIRMAN)**

NO ITEMS

**BUDGET AND FINANCE
(T. MERLITTI, CHAIRPERSON)**

NO ITEMS

**PLANNING
(J. CONTI, CHAIRMAN)**

FIRST READING AND REFERRED – UP FOR PUBLIC HEARING JUNE 1, 2009:

(1) Ordinance authorizing a Conditional Use to construct a garage within the side yard setback at 693 Kennebec Avenue. (D-301)

FIRST READING AND REFERRED:

(2) Ordinance authorizing an amendment to the 2008 Consolidated Plan and Community Development/Home Program, to include the Community Development Block Grant Recovery program (CDBG-R) as an eligible activity; authorizing the Director of Planning and Urban Development to enter into all necessary agreements for the operation and term of the activities; and declaring an emergency. (05/18/09)

TIME:

(3) D-301. Petition of Ryan & Christina Wooley for a Conditional Use to construct a garage within the side yard setback at 693 Kennebec Avenue. (PC-2009-26) (05/11/09)

(4) Ordinance authorizing a Conditional Use to construct a carport to the side property line at 487 Palisades Drive; and declaring an emergency. (D-239) (03/30/09)

(5) D-239. 1. Petition for a Conditional Use to construct a carport at 487 Palisades Drive. (PC-2009-06) (03/02/09)

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

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

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

TIME:

(1) D-268. One letter objecting to the Special Assessment Improvement District as per Res. No. 102-09. (03/30/09)

05/18/09

(2) D-274. One letter objecting to the improvement of Santee Avenue as per Res. No. 123-2009 (04/06/09)

(3) D-274-1. Two (2) letters objecting to the improvement of Dover Avenue et al, as per Res. No. 123-2009. (04/13/09)

(4) D-274-2. One letter objecting to the improvement of East Park Blvd. as per Res. No. 123-2009. (04/20/09)

(5) D-275. One letter objecting to the improvement of Carnegie Avenue as per Res. No. 129-2009 (2009 Phase I Arterial Collector Program) (04/06/09)

(6) D-275-1. One letter objecting to the 2009 Phase I Arterial Collector Program as per Res. No. 129-2009. (04/13/09)

(7) D-275-2. One letter objecting to the 2009 Phase I Arterial Collector Program as per Res. No. 129-2009. (04/20/09)

(8) D-276. One letter objecting to the improvement of Robindale Avenue as per Res. No. 130-2009 (2009 Phase I Residential Resurfacing Program) (04/06/09)

(9) D-276-1. Five (5) letters objecting to the 2009 Phase I Residential Resurfacing Program as per Res. No. 130-2009. (04/13/09)

(10) D-276-2. Three (3) letters objecting to the 2009 Phase I Residential Resurfacing Program as per Res. No. 130-2009.

(11) D-276-3. Three (3) letters and one petition with 32 signatures objecting to the 2009 Phase I Residential Resurfacing Program as per Res. No. 130-2009. (04/27/09)

(12) D-277. Three (3) letters objecting to the 2009 Phase I Unimproved Street Improvement Program as per Res. No. 131-2009. (04/06/09)

(13) D-277-1. Four (4) letters objecting to the 2009 Phase I Unimproved Street Improvement Program as per Res. No. 131-2009. (04/13/09)

(14) D-277-2. Four (6) letters and two (2) petitions objecting to the 2009 Phase I Unimproved Street Improvement Program as per Res. No. 131-2009. (04/20/09)

(15) D-277-3. One letter objecting to the 2009 Unimproved Street Resurfacing Program as per Res. No. 131-09.

(16) D-277-4. Two (2) letters objecting to the 2009 Phase I Unimproved Street Resurfacing Program as per Res. No. 131-2009. (05/04/09)

(17) D-284. Three (3) letters objecting to the 2009 Pavement Recycling Program as per Res. No. 128-2009. (04/20/09)

(18) D-285. One letter objecting to the Manchester Rd. Phase II Program as per Res. No. 160-2009. (04/20/09)

**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 JUNE 1, 2009:

(1) Resolution approving, with modification, the renewal application of Willie C. Culpepper to have agricultural property at 1655 Collier Road placed in an “agricultural district” pursuant to revised Code Section 929.01, et seq.; and declaring an emergency. (D-298) (05/11/09)

(2) Resolution approving, with modification, the renewal application of 1831 Wooster Avenue LLC to have agricultural property at 1831 Vernon Odom Boulevard placed in an “agricultural district” pursuant to Revised Code Section 929.01, et seq.; and declaring an emergency. (D-299) (05/11/09)

TIME:

(3) D-298. Renewal Application of Willie Culpepper to place his property in an Agricultural District. (05/04/09)

(4) D-299. Renewal Application of Joseph R. Munka to place his property in an Agricultural District. (05/04/09)

(5) Ordinance authorizing the expenditure of funds necessary to assist in the acquisition of the AHOPES facility at 838 Coburn Street by a qualified assisted living provider and to provide relocation assistance to the residents of said facility, and authorizing the City to forgive the loan the City provided AHOPES in 2007; and declaring an emergency. (05/11/09)

(6) 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)

(7) D-228. Petition for a Conditional Use to vary the development requirements to construct a retail building at 959 Copley Road. (PC-2008-111) (02/02/09)

(8) D-229. Petition for a Conditional Use to establish a law office at 2367 East Market Street. (PC-2008-121) (02/02/09)

(9) D-278. Petition for a Conditional Use to construct the Schumacher Community Learning Center at 1020 Hartford Avenue. Petitioner: Akron Public Schools. (PC-2009-14) (04/06/09)

(10) D-302. Petition of Mike Pruitt Realty, Ltd., for a Conditional Use to place a digital high-rise sign on property at 43 Pruitt Boulevard. (PC-2008-108) (05/11/09)

05/18/09

(11) D-303. Petition of Eric Kolb for a Conditional Use to establish a two-family dwelling at 344 Pioneer Street. (PC-2009-18) (05/11/09)

(12) D-304. Petition of Emerson Family Limited Partnership for a Conditional Use to establish a pallet recycling business at 1489 Kelly Avenue. (PC-2009-20) (05/11/09)

(13) D-305. Petition of Michelle Parker for a Conditional Use to establish a two-family dwelling at 520 Crosby Street. (PC-2009-22) (05/11/09)

(14) D-306. Petition of American Legion Post #449 for a Conditional Use to construct a parking lot on the west side of 17th Street SW, south of S. Kenmore Alley. (PC-2009-27) (05/11/09)

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-309. Seven (7) City Sidewalk petitions:

FILED: VIVA VOCE. D-32-14. Income Tax Receipts for period ending March 31, 2009.

FILED: VIVA VOCE. D-310. 2009 Quarterly Financial Report – First Quarter.

FILED: VIVA VOCE. D-311. Return Showing Service for the improvement of Raymond Street as per Res. No. 179-2009.

FILED: VIVA VOCE. D-312. Letter from Mayor Plusquellic informing the Clerk of Council that he is not resigning as Mayor of Akron.

REPRESENTATION FROM VARIOUS DEPARTMENTS AND DIVISIONS:

Dave Lieberth, Deputy Mayor Administration; Rick Merolla, Service Director; Cheri Cunningham, Assistant Law Director; Elaine Davidson, Assistant Law Director; Bob Bowman, Deputy Mayor Economic Development; John Moore, Planning Director; Diane Miller-Dawson, Finance Director; Heather Davis, Economic Development; Jim Masturzo, Deputy Mayor Labor Relations.

COMMITTEE MEETINGS

MONDAY,	JUNE 1, 2009	2:00 P.M.	PUBLIC SERVICE
MONDAY,	JUNE 1, 2009	2:15 P.M.	HEALTH & SOCIAL SERVICE
MONDAY,	JUNE 1, 2009	2:45 P.M.	ECONOMIC DEVELOPMENT AND JOB CREATION
MONDAY,	JUNE 1, 2009	3:00 P.M.	BUDGET AND FINANCE
MONDAY,	JUNE 1, 2009	3:15 P.M.	PUBLIC UTILITIES
MONDAY,	JUNE 1, 2009	3:30 P.M.	PUBLIC SAFETY
MONDAY,	JUNE 1, 2009	3:45 P.M.	PLANNING
MONDAY,	JUNE 1, 2009	3:45 P.M.	PARKS & RECREATION
MONDAY,	JUNE 1, 2009	3:45 P.M.	HOUSING

ON MOTION, Council adjourned at 8:10 p.m.

Bob Keith
Clerk of Council

ORDINANCES AND RESOLUTIONS PASSED MAY 18, 2009

ORD. NO. 212-2009 authorizing an amendment to the 2008 Consolidated Plan and Community Development/Home Program, to include the Homeless Prevention and Rapid Re-Housing Program (HPRP) as an eligible activity; authorizing the Director of Planning and Urban Development to enter into all necessary agreements for the operation and term of the activities; and declaring an emergency.

ORD. NO. 213-2009 ordering that an election submitting to the electors of the City of Akron the question of the recall of Mayor Donald L. Plusquellic be held June 23, 2009; and declaring an emergency.

ORD. NO. 214-2009 authorizing the issuance and sale of Waterworks System Mortgage Revenue Improvement and Refunding Bonds, Series 2009, of the City of Akron under Section 12, Article XVIII of the Constitution of the State of Ohio for the purpose of paying costs of improving the municipal water supply, treatment and distribution system and providing the funds necessary to refund Waterworks System Mortgage Revenue Improvement Refunding Bonds, Series 1996, and Waterworks System Mortgage Revenue Improvement and Refunding Bonds, Series 1998, both previously issued by the City; authorizing the signing of one or more supplemental indentures of mortgage; establishing certain funds of the City pursuant thereto; confirming the terms of a franchise under which, in case of foreclosure, the purchaser may operate the utility; authorizing the signing of Bond Purchase Agreements, Escrow Agreements and other documents in connection with the issuance and sale of the Series 2009 Bonds; authorizing the signing and distribution of preliminary and final official statements; and declaring an emergency.

ORD. NO. 215-2009 amending and/or supplementing Title 3, Chapter 35, of the Code of Ordinances by repealing existing Section 35.02 and enacting a new Section 35.02 to eliminate "City Picnic Day" as a holiday for bargaining unit members of the Akron Nurses Association, Local #1360 of the American Federation of State, County and Municipal Employees, the Civil Service Personnel Association, Inc., and permanent full-time management and non-bargaining unit employees in the classified service and award an additional "Personal Day" and to otherwise update and clarify that section; and declaring an emergency.

ORD. NO. 216-2009 providing for the issuance and sale of notes in the maximum principal amount of \$1,085,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of constructing and improving storm sewers and storm sewerage facilities within the City; and declaring an emergency.

ORD. NO. 217-2009 providing for the issuance and sale of notes in a maximum principal amount of \$2,600,000, in anticipation of the issuance of bonds, to retire notes issued for the purpose of paying additional costs of improving the municipal parks and recreational system by constructing, improving, and equipping parks and recreational facilities including Elizabeth Park, Towpath Trails, Canal Locks 3 and 4, and other parks and recreational facilities designated by the Director of Public Service; and declaring an emergency.

ORD. NO. 218-2009 providing for the issuance and sale of notes in the maximum principal amount of \$3,049,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of acquiring and installing equipment and signage within the City; and declaring an emergency.

ORD. NO. 219-2009 providing for the issuance and sale of notes in a maximum principal amount of \$3,267,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of constructing and improving public improvements in connection with certain economic development projects for commercial/industrial development, downtown development, and neighborhood business district development; and declaring an emergency.

ORD. NO. 220-2009 providing for the issuance and sale of notes in a maximum principal amount of \$5,119,000, in anticipation of the issuance of bonds, for the purpose of paying the additional costs of improving White Pond Drive and the Elizabeth Park Hope VI development project and retiring certain notes issued in 2008 for that purpose and for the purpose of improving other streets and properties within the City; and declaring an emergency.

ORD. NO. 221-2009 providing for the issuance and sale of notes in the maximum principal amount of \$5,186,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of improving the municipal parks and recreational system by constructing, renovating, and otherwise improving trails, parks, tennis courts, and other recreational facilities within the City; and declaring an emergency.

ORD. NO. 222-2009 providing for the issuance and sale of notes in the maximum principal amount of \$5,405,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of constructing, renovating, and otherwise improving buildings, fire stations, and other public facilities within the City; and declaring an emergency.

ORD. NO. 223-2009 providing for the issuance and sale of notes in a maximum principal amount of \$9,604,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of constructing, reconstructing, resurfacing, and otherwise improving certain arterial/collector streets, residential streets, bridges, and sidewalks within the City; and declaring an emergency.

ORD. NO. 224-2009 amending and/or supplementing Sections 111.093 and 111.094 of the Code of Ordinances of the City of Akron to revise the inspection and insurance requirements for licensing of “Carnivals”, and declaring an emergency.

RES. NO. 225-2009 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.

ORD. NO. 226-2009 authorizing the Director of Public Service to enter into a contract, after publicly advertising for bids, for construction of improvements to Manchester Road from Wilbeth Road to Waterloo Road; approving specifications therefore; and declaring an emergency.

ORD. NO. 227-2009 authorizing the Director of Public Service to enter into a contract with KMS & Associates to perform pavement repairs on I-76 just east of Martha Avenue; authorizing payment therefore; and declaring an emergency.

ORD. NO. 228-2009 authorizing the Director of Public Service to enter into an agreement with the Ohio Director of Transportation for the construction of improvements to the All-America Bridge; and declaring an emergency.

ORD. NO. 229-2009 approving and confirming the reappointments of Sandra M. Foster, Elizabeth Britton, Bernard M. Bear, and Mark S. Salchak and the appointments of Barbara O’Malley and James D. Switzer to the Metro Regional Transit Authority; and declaring an emergency.

RES. NO. 230-2009 expressing support for Mayor Don Plusquellic and urging Akron Citizens to vote against the recall of Mayor Don Plusquellic; and declaring an emergency.