

1 RESOLUTION NO. 2010-340

2
3 SPONSOR Mr. Pry

4
5 DATE July 26, 2010 COMMITTEE Planning

6
7 **A Resolution authorizing the County Executive to execute an addendum to the Agreement**
8 **For Building Inspection Services contract with the City of Akron to permit the County**
9 **Department of Building Standards to perform post construction commercial site**
10 **improvement inspections for commercial projects within the territorial jurisdiction of the**
11 **City of Akron, for the Executive, and declaring an emergency.**

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13 WHEREAS, on or about January 31, 2009, pursuant to authority granted by this Council
14 in Resolution No. 2009-004, the County Executive executed an agreement with the City of
15 Akron which authorized the County Department of Building Standards to review building plans,
16 issue permits and conduct inspections of structures within the territorial jurisdiction of the City
17 of Akron in accordance with the provisions of Chapters 3781 and 3791 of the Ohio Revised
18 Code and as more fully set forth in the enabling Resolution and aforesaid Agreement; and

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20 WHEREAS, amendments or modifications to the aforesaid Agreement must be set forth
21 in writing and adopted, if necessary, by the legislative Council of the City and County as more
22 fully set forth in Section 16 of the aforementioned Agreement; and

23
24 WHEREAS, on or about June 28, 2010, the Council of the County of Summit adopted
25 Resolution No. 2010-295, enacting Section 1305.25 of the Codified Ordinances of the County of
26 Summit, entitled "Commercial Site Improvement Inspection", and Section 1307.13 of the
27 Codified Ordinances of the County of Summit entitled "Commercial Site Improvement
28 Inspection Fees" which establish the ability of the County Department of Building Standards to
29 perform commercial site improvement inspections pursuant to an agreement with municipalities
30 and townships; and

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32 WHEREAS, the City of Akron and the County of Summit both desire to execute an
33 addendum to the Agreement For Building Inspection Services to allow the County Department
34 of Building Standards to perform post construction commercial site improvement inspections
35 within the territorial jurisdiction of the City of Akron, Ohio; and

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37 WHEREAS, this Council has determined by reviewing all pertinent information that it is
38 necessary and in the best interest of the County of Summit to authorize the Executive to execute
39 the aforementioned addendum;

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41 NOW THEREFORE, BE IT RESOLVED, by the Council of the County of Summit, State
42 of Ohio, that:

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2 PAGE TWO

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4 SECTION 1

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6 The County Executive is hereby authorized to execute an Addendum to the Agreement
7 For Building Inspection Services with the City of Akron setting forth the scope of duties, manner
8 of performance and all essential terms and conditions whereby the County of Summit will
9 exercise post construction commercial site improvement inspections within the territorial
10 jurisdiction of the City of Akron, Ohio, a copy of said Addendum being attached hereto as
11 Exhibit "A" and incorporated by reference as if fully re-written herein. The Addendum to the
12 Agreement For Building Inspection Services is approved with changes therein not inconsistent
13 with this Resolution and not substantially adverse to the County which shall be approved by the
14 County Executive.

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16 SECTION 2

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18 This Resolution is hereby declared to be an emergency in the interest of the health, safety
19 and welfare of the citizens of Summit County, Ohio, and for the further reason to authorize the
20 County Executive to execute an addendum agreement.

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22 SECTION 3

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24 Provided this Resolution receives the affirmative vote of eight members, it shall take
25 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
26 effect and be in force at the earliest time provided by law.

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28 SECTION 4

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30 It is found and determined that all formal actions of this Council concerning and relating
31 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
32 deliberations of this Council and any of its committees that resulted in such formal action, were
33 in meetings open to the public, in compliance with all legal requirements, including Section
34 121.22 of the Ohio Revised Code.

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7 INTRODUCED July 19, 2010
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9 ADOPTED July 26, 2010
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11 Shirley P. Green
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13 CLERK OF COUNCIL
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Don Poda
PRESIDENT OF COUNCIL

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17 APPROVED July 27, 2010
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21 EXECUTIVE Russell M. Ry
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24 ENACTED EFFECTIVE July 27, 2010

Voice Vote: 9-0 YES: Comunale, Crossland, Feeman, Poda, Prentice,
Rodgers, Schmidt, Shapiro, Smith ABSENT: Crawford & Kostandaras

ADDENDUM TO AGREEMENT FOR BUILDING INSPECTION SERVICES

THIS ADDENDUM, entered into on the ____ day of July, 2010, amends the Agreement For Building Inspection Services entered into on or about the 31st day of January, 2009, by and between the County of Summit, Ohio, (hereinafter "County"), and the City of Akron, Ohio (hereinafter "City"), collectively the "parties".

WITNESSETH:

WHEREAS, on or about the 31st day of January, 2009, the parties entered into an Agreement for Building Inspection Services (hereinafter the "Agreement") whereby the City granted the County authority to review building plans and issue building permits and to make building inspections within the territorial jurisdiction of the City in accordance with the provisions of Chapters 3781 and 3791 of the Ohio Revised Code and as more fully set forth in the aforesaid Agreement; and

WHEREAS, amendments or modifications to the aforesaid Agreement must be set forth in writing and adopted, if necessary, by the legislative body of both the City and County as more fully set forth in Section 16 of the aforesaid Agreement; and

WHEREAS, on or about June 28, 2010, the Council for the County of Summit adopted Resolution 2010-295, enacting Section 1305.25 of the Codified Ordinances of the County of Summit entitled "Commercial Site Improvement Inspection" and Section 1307.13 of the Codified Ordinances of the County of Summit entitled "Commercial Site Improvement Inspection Fees" which established the ability of the County Department of Building Standards to perform commercial site improvement inspections pursuant to an agreement with municipalities and townships; and

WHEREAS, City desires to contract with the County for the performance of post-construction commercial site improvement inspections by the County Department of Building standards within the territorial jurisdiction of the City of Akron, Ohio.

NOW THEREFORE, the parties hereby amend the Agreement For Building Inspection Services as follows:

SECTION ONE. Commercial Site Improvement Plans, whether for new sites or modifications, repair or additions to existing sites will continue to be submitted to the Engineer of the City of Akron for pre-construction review and site plan approval of all commercial site projects located within the territorial jurisdiction of the City of Akron.

SECTION TWO. The Commercial Site Improvement Plan shall set forth the location and specifications of the following commercial site improvements, in addition to the location of all structures to be located on the site:

1. Graded areas
2. Paved areas/Parking lots/Driveways
3. Parking lot stripping
4. Sidewalks
5. Curbs
6. Catch Basins
7. Retention/Detention Basins, including inlets and outlets
8. Storm sewers/Drainage Pipes
9. Manholes

SECTION THREE. After a commercial site plan has been approved by the City Engineer, in addition to any required Building Permits, an applicant shall also apply to the County Department of Building Standards for a Commercial Site Improvement Permit and shall be required to demonstrate the approval of the City Engineer of the City of Akron prior to issuance of said Commercial Site Improvement Permit.

SECTION FOUR. The County Building Department agrees to inspect site improvements for compliance with the approved commercial site improvement plan. County agrees it shall not issue a Certificate of Occupancy or any comparable authorization to use or occupy until such time as the Building Department has inspected and approved as compliant with the commercial site improvement plan all required site improvements

SECTION FIVE. In addition to the Commercial Site Plan Permit, every applicant shall be required to obtain commercial plan permits and pay any fees associated with said permits as may be adopted by lawful Ordinance of the Council of the County of Summit and as may be amended by County Council thereafter.

IN WITNESS WHEREOF, the parties hereby sign this Addendum and the same shall be effective as of the date signed by the County Executive.

CITY OF AKRON

DONALD L. PLUSQUELLIC, Mayor

Date

COUNTY OF SUMMIT

RUSSELL M. PRY, County Executive

Date

APPROVED AS TO FORM:

CHERRI B. CUNNINGHAM, Director of Law

Date

RICHARD E. DOBBINS, General Counsel

Date