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Jan. 23, 2023

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For immediate release

Challenging City Council Ordinances to Sell White Pond Wetlands

LEAD for Pollinators and advocates to Save White Pond filed a challenge in the Court of Common Pleas to the Akron City Council vote of Dec. 12, 2022 to sell the White Pond Wetlands for rental housing development. LEAD for Pollinators and advocates of SAVE WHITE POND are represented by Mendenhall Law Group.

Land sales approved through City Council are required by code to pass by a two-thirds majority (COA Code §34.27). [Akron Municipal Code](#) §34.27 reads:

34.27 - Procedure for sale of City real estate.

On a finding by Council that real estate is not needed for public use, the property shall be advertised for sale once a week for three consecutive weeks in a newspaper of general circulation within the city, and shall be conveyed to the highest bidder upon approval of the Board of Control. However, advertising may be dispensed with and the sale made to a named grantee at a fixed price when Council specifically so authorizes (sic) by a two-thirds vote of its members.

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Additionally, the language of the ordinance approving the development agreement and the sale of the land has a similar two-thirds vote stipulation, stating in Section 5:

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare for the reason that immediate execution of the development is necessary to expedite the promotion of urban revitalization and redevelopment, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Only seven members of Council voted to approve the sale at the regular City Council Meeting on December 12, 2022. A two-thirds majority vote would require nine members of council to approve the sale. In a letter from the City Law Department, they claim the Ordinance does not align with the City Charter. So, therefore, the vote is still invalid as the ordinance on which the vote was made does not align with the City Charter.

At the Dec. 12 Council meeting the Council President stated that in the future, it will be better if the City talks with neighbors of development projects before getting this far into the process. Citizen involvement in government is certainly a best practice, and transparency and communication are key to citizens trusting their government. Yet, a similar situation occurred four years ago when the City wanted to have the Humane Office confiscate “nuisance” bee hives from beekeepers. In drafting that legislation no one from the City spoke with beekeepers. At the last minute the beekeepers came to the rescue of the Humane Officer as we were concerned for his health in moving 60-120 pound bee hives, as well as the City creating their own nuisance bee yard of confiscated hives. The City did not learn from that legislation that talking with the neighbors and experts will help the City actually draft reasonable legislation. Talking with, engaging with, and listening to citizens, neighbors, scientists, and in the case of water related projects, outreach to those impacted downstream of any project is the best practice for community planning and development.

There are still many unanswered questions concerning the proposed sale of this land. The project design has changed many times since June, due in great part, to citizen comments, and the issue of building on wetlands, but why does it keep changing? In reducing amenities on this site, reducing the number of units and retail will then reduce revenue generated, so what is the new total of revenue from this project? The City purchased this land fifteen years ago for \$7.5 million, and is selling it to a developer for only \$750,000. The City claims the project will generate \$55 million dollars, then why is the City not selling the land for \$7.5 million? Why is the City, and subsequently the taxpayers, taking such a loss on the sale of this land? Considering the previous EPA assessment of these wetlands, is the City simply passing off all costs of wetland remediation with decades of toxic chemical accumulation onto the developer? And, how do those costs impact the project’s revenue generation the City has

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touted? Will the developer simply build the project, manage it for a year or two then turn it all into condos with a Homeowner's Association left to bear the cost burdens of flooding, the effects of remaining toxic chemicals on the land to the residents, and the impact of mosquito borne diseases due to an unhealthy ecosystem damaged by the development? The proposed development also does not fully address the stormwater release into these wetlands from Fairlawn Heights. Changing the wetlands does not change all of the storm water runoff from the hill surrounding these wetlands.

LEAD for Pollinators and the SAVE WHITE POND neighbors do not support the housing development project on White Pond wetlands. This land on White Pond Dr. should remain in its natural state to continue to provide free ecological service to this neighborhood, and the greater Akron and Summit County community for its valuable contribution to community health, mosquito control, pest control, and flood control.

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