

NEW LEGISLATION

January 14, 2013

Temp. No.	Introduced	Committee	Description
B-1	1/14/13	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials, supplies, and equipment for use by the Electric Division during 2013, and declaring an emergency.
B-2	1/14/13	Fin	An ordinance levying special assessments for the repair or replacement of sidewalks and drive approaches in the Sidewalk and Drive Approach Repair and Replacement District, for the year 2012, and declaring an emergency.
B-3	1/14/13	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the design-build services necessary to conduct the riparian restoration of Kelsey Creek, and for associated stream bank restoration, and declaring an emergency.
B-4	1/14/13	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement or adjustment of concrete sidewalks, drive approaches and curbs at various locations in the City of Cuyahoga Falls, and declaring an emergency.
B-5	1/14/13	PI	A resolution creating for the year 2013 a Sidewalk and Drive Approach Repair or Replacement District containing such streets, alleys, or public roadways within the corporate limits of the City of Cuyahoga Falls, declaring the necessity of repairing or replacing the sidewalks and drive approaches abutting on such streets, alleys or public roadways within said corporate limits and providing the method for levying special assessments, and declaring an emergency.

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CALENDAR

January 14, 2013

The following legislation will be up for passage at the Council Meeting on January 14, 2013.

Temp. No.	Introduced	Committee	Description
A-132	12/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain services, materials and supplies for use by the Water and Sewer Division during 2013, and declaring an emergency.
A-133	12/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain services, materials and supplies for use by the Sanitation Division during 2013, and declaring an emergency.
A-134	12/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain materials and supplies for use by the Streets Division during 2013, and declaring an emergency.
A-135	12/27/12	Fin	A resolution authorizing the Director of Public Service to apply for and accept a grant from the Summit/Akron Solid Waste Management Authority, and declaring an emergency.

A-136 12/27/12 Fin

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain materials, supplies and services for use by the Garage Division during 2013, and declaring an emergency.

A-137 Sub 12/27/12 Fin

An ordinance authorizing the Directors of Safety and Public Service to enter into a contract or contracts, according to law, for the purchase or lease of various vehicles for use by the city, and declaring an emergency.

PENDING LEGISLATION

January 14, 2013

Temp. No.	Introduced	Committee	Description
A-99 Sub	9/24/12	PA	An ordinance authorizing the Director of Public Service to issue an encroachment permit to Cole CK Portfolio I, LLC for the purpose of installing and operating a private sanitary force main sewer in Portage Trail Extension, and declaring an emergency.
A-101	9/24/12	PA	An ordinance authorizing the Park and Recreation Board to enter into a contract or contracts, according to law, for the construction of a storage and maintenance building at Brookledge Golf Course, and declaring an emergency.
A-113	11/12/12	Fin	An ordinance authorizing an amendment to the amended and restated contract for sale of land for private redevelopment with Portage Crossing, LLC (Contract No. 6779), and declaring an emergency.
A-117	11/26/12	Fin	An ordinance authorizing the Director of Finance to make salary supplement payments to eligible full-time employees of the City in Fiscal Year 2013, and declaring an emergency.
A-118	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6613 with the International Association of Firefighters, Local 494, and declaring an emergency.
A-119	11/26/12	Fin	An ordinance authorizing the Mayor to enter into an amendment of Contract No. 6709 with the American Federation of State, County and Municipal Employees, Local 2662 (AFSCME), and declaring an emergency.
A-120	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6640 with the Fraternal Order of Police, Ohio Labor Council, Inc., and declaring an emergency.

A-121	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6619 with the Ohio Patrolmen's Benevolent Association, and declaring an emergency.
A-122	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6616 with the Ohio Patrolmen's Benevolent Association, and declaring an emergency.
A-132	12/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain services, materials and supplies for use by the Water and Sewer Division during 2013, and declaring an emergency.
A-133	12/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain services, materials and supplies for use by the Sanitation Division during 2013, and declaring an emergency.
A-134	12/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain materials and supplies for use by the Streets Division during 2013, and declaring an emergency.
A-135	12/27/12	Fin	A resolution authorizing the Director of Public Service to apply for and accept a grant from the Summit/Akron Solid Waste Management Authority, and declaring an emergency.
A-136	12/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of annual requirements of certain materials, supplies and services for use by the Garage Division during 2013, and declaring an emergency.

A-137 Sub 12/27/12 Fin

An ordinance authorizing the Directors of Safety and Public Service to enter into a contract or contracts, according to law, for the purchase or lease of various vehicles for use by the city, and declaring an emergency.

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2013

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR
9 CONTRACTS, ACCORDING TO LAW, FOR THE
10 PURCHASE OF CERTAIN MATERIALS, SUPPLIES,
11 AND EQUIPMENT FOR USE BY THE ELECTRIC
12 DIVISION DURING 2013, AND DECLARING AN
13 EMERGENCY.

14
15 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
16 Summit and State of Ohio, that:

17
18 Section 1. The Director of Public Service is hereby authorized to enter into a
19 contract or contracts, according to law, for the purchase of the following
20 materials, supplies, and equipment for use by the Electric Division during
21 2013:

- | | | |
|----|--------------------------------|-------------------------------------|
| 22 | 23 Transformers | 23 Watthour Meters |
| 24 | 24 Meter Sockets | 24 Instrument Transformers |
| 25 | 25 Lamps | 25 Luminaires |
| 26 | 26 Cable and Wire | 26 Line Material |
| 27 | 27 Underground Material | 27 Switches |
| 28 | 28 Miscellaneous Hardware | 28 Surge Arresters/Fault Indicators |
| 29 | 29 Substation Battery | 29 Breaker Contacts |
| 30 | 30 Rubber Protection Equipment | |

31
32 Section 2. The Director of Finance is hereby authorized and directed to
33 make payment for same from the Electric Fund, line items Other Operations
34 and Capital Outlay.

35
36 Section 3. Any other ordinances or resolutions or portions of ordinances and
37 resolutions inconsistent herewith are hereby repealed, but any ordinances and
38 resolutions not inconsistent herewith and which have not previously been
39 repealed are hereby ratified and confirmed.

40
41 Section 4. It is found and determined that all formal actions of this
42 Council concerning and relating to the passage of this ordinance were taken in
43 an open meeting of this Council and that all deliberations of this Council and of
44 any committees that resulted in those formal actions were in meetings open to
45 the public, in compliance with all legal requirements including Chapter 107 of
46 the Codified Ordinances.

47
48 Section 5. This ordinance is hereby declared to be an emergency measure
49 necessary for the preservation of the public peace, health, safety, convenience
50 and welfare of the City of Cuyahoga Falls and the inhabitants thereof and
51 provided it receives the affirmative vote of two-thirds of the members elected or

52 appointed to Council, it shall take effect and be in force immediately upon its
53 passage and approval by the Mayor; otherwise it shall take effect and be in force
54 at the earliest period allowed by law.

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57 Passed: _____

President of Council

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Clerk of Council

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65 Approved: _____

Mayor

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67

68 1/14/13

69 O:\2013ords\electric.department.annual requirements.doc

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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2013

6
7 AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR
8 THE REPAIR OR REPLACEMENT OF SIDEWALKS AND
9 DRIVE APPROACHES IN THE SIDEWALK AND DRIVE
10 APPROACH REPAIR AND REPLACEMENT DISTRICT, FOR
11 THE YEAR 2012, AND DECLARING AN EMERGENCY.

12
13 WHEREAS, Resolution No. 6-2012, adopted by the Council of the City of Cuyahoga
14 Falls on February 28, 2012, created the Sidewalk and Drive Approach Repair and
15 Replacement District for the year 2012, and determined the necessity of adjusting or
16 replacing certain sidewalks and drive approaches within the district; and

17
18 WHEREAS, such sidewalks and drive approaches within the district have been
19 repaired or replaced;

20
21 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
22 County of Summit and State of Ohio, that:

23
24 Section 1. The portion of the total cost and expense of repairing or replacing
25 sidewalks and driveway approaches located within the Sidewalk and Drive Approach
26 Repair and Replacement District for the year 2012 to be paid for by special assessments
27 is hereby established at the rate of \$12.00 per linear foot for replacement and \$5.00 per
28 square foot for driveway approaches. That portion of the total cost of the improvement
29 to be paid for by special assessments is hereby levied and assessed upon the lots and
30 lands provided for in the schedule of special assessments now on file with the Clerk of
31 Council in Council File No. _____, which special assessments are in proportion to the
32 special benefits and are not in excess of any statutory limitation and which are hereby
33 adopted and confirmed.

34
35 Section 2. The assessment against each lot or parcel of land shall be payable in
36 cash within thirty (30) days from the levy thereof in the office of the Finance Director
37 with the further provision that all assessments thereof remaining unpaid at the
38 expiration of said thirty days shall be certified by the Clerk of Council to the County
39 Fiscal Officer to be placed on the tax duplicate and collected in two (2) semi-annual
40 installments.

41
42 Section 3. A certified copy of this ordinance shall be provided to the County Fiscal
43 Officer by the Clerk of Council within twenty (20) days after its passage.

44
45 Section 4. Any other ordinances or resolutions or portions of ordinances and
46 resolutions inconsistent herewith are hereby repealed, but any ordinances and
47 resolutions not inconsistent herewith and which have not previously been repealed are
48 hereby ratified and confirmed.

49
50 Section 5. It is found and determined that all formal actions of this Council
51 concerning and relating to the adoption of this ordinance were adopted in an open
52 meeting of this Council and that all deliberations of this Council and of any of its
53 Committees that resulted in such formal action were in meetings open to the public in
54 compliance with all legal requirements including Chapter 107 of the Codified
55 Ordinances.

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Section 6. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the members elected or appointed to Council, it shall take effect and be in force at the earliest period allowed by law.

Passed: _____
President of Council

Clerk of Council

Approved: _____
Mayor

1/14/13
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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2013

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8
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
10 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR
11 CONTRACTS, ACCORDING TO LAW, FOR THE
12 DESIGN-BUILD SERVICES NECESSARY TO CONDUCT
13 THE RIPARIAN RESTORATION OF KELSEY CREEK,
14 AND FOR ASSOCIATED STREAM BANK
15 RESTORATION, AND DECLARING AN EMERGENCY.
16

17 WHEREAS, Ohio Revised Code §153.65 *et seq.*, and Ohio Administrative Code
18 Section 153:1-6-02 *et seq.* provide a process for the competitive best-value
19 selection of design-build firms, under which public authorities such as the City of
20 Cuyahoga Falls may employ a competitive selection process for procurement of
21 design-build services without formal competitive bidding; and
22

23 WHEREAS, Article VI, Section 13 of the City Charter authorizes the City to
24 employ any procurement process provided in Ohio law for general law
25 municipalities,
26

27 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
28 Falls, County of Summit and State of Ohio, that:
29

30 Section 1. The Director of Public Service is hereby authorized to enter into a
31 contract or contracts, according to the law governing procurement of design-build
32 services, for the design-build services necessary to conduct the riparian restoration
33 of Kelsey Creek, and for associated stream bank restoration.
34

35 Section 2. The Director of Finance is hereby authorized and directed to make
36 payment for same from the Storm Drainage Utility Fund, line item Capital Outlay.
37

38 Section 3. Any other ordinances or resolutions or portions of ordinances and
39 resolutions inconsistent herewith are hereby are repealed, but any ordinances and
40 resolutions not inconsistent herewith and which have not previously been repealed
41 are hereby ratified and confirmed.
42

43 Section 4. It is found and determined that all formal actions of this Council
44 concerning and relating to the adoption of this ordinance were adopted in an open
45 meeting of this Council, and that all deliberations of this Council and of any of its
46 committees that resulted in such formal action, were in meetings open to the
47 public, in compliance with all legal requirements, to the extent applicable,
48 including Chapter 107 of the Codified Ordinances.
49

50 Section 5. This ordinance is hereby declared to be an emergency measure
51 necessary for the preservation of the public peace, health, safety, convenience and
52 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason

53 that it is immediately necessary to permit timely and appropriate development of
54 this property, and provided it receives the affirmative vote of two thirds of the
55 members elected or appointed to Council, it shall take effect and be in force
56 immediately upon its passage and approval by the Mayor; otherwise it shall take
57 effect and be in force at the earliest period allowed by law.
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61 Passed: _____
62 _____
63 President of Council

64 _____
65 Clerk of Council
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67 Approved: _____
68 _____
69 Mayor

70 1/14/13
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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2013

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
8 TO ENTER INTO A CONTRACT OR CONTRACTS, ACCORDING TO LAW,
9 FOR THE REPLACEMENT OR ADJUSTMENT OF CONCRETE
10 SIDEWALKS, DRIVE APPROACHES AND CURBS AT VARIOUS
11 LOCATIONS IN THE CITY OF CUYAHOGA FALLS, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, pursuant to Resolution No. ____-2013, a sidewalk and drive approach replacement or
15 adjustment district was created within the City of Cuyahoga Falls for the purpose of replacing or
16 adjusting sidewalks, drive approaches and curbs throughout the City;

17
18 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
19 Summit and State of Ohio, that:

20
21 Section 1. The Director of Public Service is hereby authorized to enter into a contract or contracts,
22 according to law, for replacement or adjustment of concrete sidewalks, drive approaches and curbs at
23 various locations in the City of Cuyahoga Falls.

24
25 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
26 from the Capital Projects Fund.

27
28 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
29 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions or
30 portions of ordinances and resolutions not inconsistent herewith and which have not previously been
31 repealed are hereby ratified and confirmed.

32
33 Section 4. It is found and determined that all formal actions of this Council concerning and relating
34 to the adoption of this ordinance were adopted in an open meeting of this Council and that all
35 deliberations of this Council and of any of its committees that resulted in such formal action were in
36 meetings open to the public, in compliance with all legal requirements including, to the extent
37 applicable, Chapter 107 of the Codified Ordinances.

38
39 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
40 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls
41 and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the members
42 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and
43 approval by the Mayor, otherwise, it shall take effect and be in force at the earliest period allowed by
44 law.

45
46 Passed: _____
47 _____
48 President of Council

49 _____
50 Clerk of Council

51
52 Approved: _____
53 _____
54 Mayor

54 1/14/13

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTION NO. - 2013

7
8
9 A RESOLUTION CREATING FOR THE YEAR 2013 A SIDEWALK AND
10 DRIVE APPROACH REPAIR OR REPLACEMENT DISTRICT
11 CONTAINING SUCH STREETS, ALLEYS, OR PUBLIC ROADWAYS
12 WITHIN THE CORPORATE LIMITS OF THE CITY OF CUYAHOGA
13 FALLS, DECLARING THE NECESSITY OF REPAIRING OR
14 REPLACING THE SIDEWALKS AND DRIVE APPROACHES
15 ABUTTING ON SUCH STREETS, ALLEYS OR PUBLIC ROADWAYS
16 WITHIN SAID CORPORATE LIMITS AND PROVIDING THE METHOD
17 FOR LEVYING SPECIAL ASSESSMENTS, AND DECLARING AN
18 EMERGENCY.

19
20 WHEREAS, it is the opinion of this Council that certain sidewalks and drive approaches
21 abutting on the streets, alleys or public roadways within the City of Cuyahoga Falls are in
22 disrepair,

23
24 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls, County of
25 Summit and State of Ohio, that:

26
27 Section 1. A Sidewalk and Drive Approach Repair or Replacement District is hereby created for
28 the year 2013 containing those streets, alleys or public roadways within the corporate limits of the
29 City of Cuyahoga Falls, and declaring the necessity of repairing or replacing the sidewalks and
30 drive approaches abutting on such streets, alleys or public roadways, and to provide the method
31 for levying assessments and the right to object to or appeal said assessment.

32
33 Section 2. It is hereby declared that the repair or replacement of sidewalks and drive
34 approaches abutting on necessary streets, alleys and public roadways within the Sidewalk and
35 Drive Approach Repair or Replacement District is necessary and will be of general benefit within
36 the City and of special benefit to property owners abutting said sidewalks and drive approaches.

37
38 Section 3. Property abutting the necessary streets, alleys and public roadways receiving
39 sidewalk repair or replacement within the District may be assessed by the linear foot of abutting
40 sidewalk at the rate of one-half of the total cost of installing or adjusting a linear foot of sidewalk,
41 with the remainder of such cost to be paid by the City. Property abutting the necessary streets,
42 alleys and public roadways receiving drive approach repair or replacement within the District may
43 be assessed by the square foot of drive approach at the rate of one-half of the total cost of installing
44 or adjusting a square foot of drive approach, with the remainder of such cost to be paid by the City.

45
46 Section 4. The assessment to be levied may be paid in full within thirty (30) days from the levy
47 thereof in the office of the City Director of Finance, and all assessments thereof remaining unpaid
48 at the expiration of said thirty (30) days shall be certified by the Clerk of Council to the County
49 Auditor to be placed by him on the tax duplicate and collected in two (2) semi-annual installments.

50
51 Section 5. Notice to the owners thereof shall be given by publishing the resolution establishing
52 a sidewalk and drive approach repair or replacement district and setting forth the portion of the
53 cost to be assessed, once each week for two weeks in a newspaper published and of general
54 circulation to the City.

55
56 Section 6. If an owner objects to an assessment, he shall file his objections in writing with the
57 Clerk of Council within ten (10) days after the last publication of the resolution as provided in
58 Section 915.03 of the Codified Ordinances of the City of Cuyahoga Falls, thereupon, Council shall
59 consider such objections and if they are found to be well taken, may remit such portion of the
60 assessment against the property of the objecting owner as is deemed just or may determine by
61 resolution that a portion or portions of the work described in the ordinance adopted pursuant to
62 Sections 915.01 or 915.02 shall not be done. Any deficiency arising from such remitter may be
63 made up from any fund of the City available for the public improvement of streets or by
64 contributions from the owners desiring that the work be done.
65

66 Section 7. After the expiration of the time within which objections may be filed under Section
67 915.04 of the codified Ordinances of the City of Cuyahoga Falls and the disposition of objections,
68 the Director of Public Service may proceed with the work mentioned in Sections 915.01 and 915.02
69 of the Codified Ordinances of the City of Cuyahoga Falls or if proceeding by contract, the legislative
70 authority shall authorize the Service Director to advertise and take bids for the awarding of the
71 necessary contracts subject to any determination by the Council that a portion or portions of such
72 work shall not be done pursuant to Section 915.04 of the Codified Ordinances of the City of
73 Cuyahoga Falls.
74

75 Section 8. It is found and determined that all formal actions of this Council concerning and
76 relating to the adoption of this resolution were adopted in an open meeting of this Council and that
77 all deliberations of this Council and of any of its Committees that resulted in such formal action
78 were in meetings open to the public in compliance with all legal requirements including, to the
79 extent applicable, Chapter 107 of the Codified Ordinances.
80

81 Section 9. This resolution is hereby declared to be an emergency measure necessary for the
82 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
83 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the
84 members elected or appointed to Council, it shall take effect and be in force at the earliest period
85 allowed by law.
86
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88 Passed: _____
89 _____
90 President of Council
91

92 _____
93 Clerk of Council
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96 Approved: _____
97 _____
98 Mayor
99