

## NEW LEGISLATION

October 11, 2010

The following legislation has been temporarily assigned to the below-stated committee by the Clerk of Council:

| <b>Temp. No.</b> | <b>Introduced</b> | <b>Committee</b> | <b>Description</b>  |
|------------------|-------------------|------------------|---|
| A-126            | 10/11/10          | PI               | A resolution declaring the necessity of and intention to appropriate certain interests in real property necessary for the improvement of Chart Road between Keyser parkway and Northampton Road   |
| A-127            | 10/11/10          | PA               | An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts without competitive bidding with Commercial Fitness Solutions, Inc, for the purchase of fitness equipment for the Natatorium Recreation and Wellness Center |
| A-128            | 10/11/10          | CD               | An ordinance authorizing the Mayor to cancel a Community Reinvestment Area Tax Abatement Agreement with Sungki & Michelle Leemaster, repealing Ord. No. 98-2009   |
| A-129            | 10/11/10          | CD               | An ordinance amending Ordinance No. 69-2006, passed June 26, 2006, to expand the scope of the zoning districts in the Cuyahoga Falls Community Reinvestment Area where real property improvements may be eligible for negotiated tax exemptions           |

## CALENDAR

October 11, 2010

The following legislation will be up for passage at the Council Meeting on October 11, 2010.

| <b>Temp. No.</b> | <b>Introduced</b> | <b>Committee</b> | <b>Description</b>  |
|------------------|-------------------|------------------|---|
| A-116            | 9/27/10           | Fin              | An ordinance providing for the issuance and sale of \$170,000 Notes, in anticipation of the issuance of Bonds, for the purpose of paying a portion of the costs of improving the City's water system by replacing the waterline in Taft Avenue and replacing the dehumidification units at the City's Water Treatment Plant   |
| A-117            | 9/27/10           | Fin              | An ordinance providing for the issuance and sale of \$350,000 Notes, in anticipation of the issuance of Bonds, for the purpose of constructing a public festival site to be known as Falls River Square, including an amphitheatre, pavilion, outdoor ice skating area and water fountain and related improvements  |
| A-118            | 9/27/10           | Fin              | An ordinance providing for the issuance and sale of Notes in the principal amount of \$9,000,000, in anticipation of the issuance of Bonds, for the purpose of paying a portion of the costs of constructing a community recreation center and acquiring real estate and interests in real estate therefor  |
| A-119            | 9/27/10           | Fin              | An ordinance providing for the issuance and sale of Notes in the maximum principal amount of \$900,000, in anticipation of the issuance of Bonds, for the purpose of paying costs of improving the City's Brookledge Golf Course  |
| A-120            | 9/27/10           | Fin              | An ordinance providing for the issuance and sale of \$550,000 Notes, in anticipation of the issuance of Bonds, for the purpose of paying a portion of the costs of improving State Road between Graham Road and Steels Corner Road by widening, constructing sidewalks and storm water management facilities and installing lighting and traffic signals, where necessary, and all related improvements |
| A-121            | 9/27/10           | Fin              | An ordinance providing for the issuance and sale of \$250,000 Notes, in anticipation of the   |

issuance of Bonds, for the purpose of improving Front Street from State Route 8 to Oakpark Boulevard, Hudson Drive from Front Street to State Route 8, and Bailey Road in and around its intersection with Front Street, by widening the pavement and constructing or reconstructing curbs, sidewalks, and driveway approaches, and installing traffic signalization, sanitary and storm sewers and water lines, where necessary, together with all necessary appurtenances and related improvements thereto, and acquiring real estate and interests in real estate therefor

A-122            9/27/10            Fin

An ordinance providing for the issuance and sale of \$1,000,000 Notes, in anticipation of the issuance of Bonds, for the purpose of paying a portion of costs of constructing a State Route 8 interchange at Seasons Road, including construction and installation of water, storm sewer and sanitary sewer lines, traffic signalization, street lighting and related improvements

A-123            9/27/10            PA

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition of buildings and removal of demolition debris at various locations in the city, and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law

A-125            9/27/10            PI

An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 6502 with Liberta Construction Co., Inc. dba Cioffi Construction

## PENDING LEGISLATION

October 11, 2010

| <b>Temp. No.</b> | <b>Introduced</b> | <b>Committee</b> | <b>Description</b>   |
|------------------|-------------------|------------------|--|
| A-74             | 6/14/10           | Fin              | An ordinance eliminating biweekly pay for the members of the Civil Service Commission  |
| A-91             | 6/28/10           | PI               | An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for improvements to the Portage Trail and Northampton Road intersection   |
| A-96             | 7/6/10            | PA               | An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article III, Section 2, and declaring an emergency    |
| A-99             | 7/6/10            | PA               | An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 2, 2010, which amendment will revise Article VIII, section 1.1, and declaring an emergency |
| A-110            | 9/13/10           | Fin              | An ordinance authorizing the Director of Finance to increase appropriations in the Street Construction, Maintenance and Repair Fund and the General Fund   |
| A-116            | 9/27/10           | Fin              | An ordinance providing for the issuance and sale of \$170,000 Notes, in anticipation of the issuance of Bonds, for the purpose of paying a portion of the costs of improving the City's water system by replacing the waterline in Taft Avenue and replacing the dehumidification units at the City's Water Treatment Plant          |
| A-117            | 9/27/10           | Fin              | An ordinance providing for the issuance and sale of \$350,000 Notes, in anticipation of the issuance of Bonds, for the purpose of constructing a public festival site to be known as Falls River Square, including an amphitheatre, pavilion, outdoor ice skating area and water fountain and related improvements                   |

|       |         |     |   |
|-------|---------|-----|---|
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| A-121 | 9/27/10 | Fin | An ordinance providing for the issuance and sale of \$250,000 Notes, in anticipation of the issuance of Bonds, for the purpose of improving Front Street from State Route 8 to Oakpark Boulevard, Hudson Drive from Front Street to State Route 8, and Bailey Road in and around its intersection with Front Street, by widening the pavement and constructing or reconstructing curbs, sidewalks, and driveway approaches, and installing traffic signalization, sanitary and storm sewers and water lines, where necessary, together with all necessary appurtenances and related improvements thereto, and acquiring real estate and interests in real estate therefor |
| A-122 | 9/27/10 | Fin | An ordinance providing for the issuance and sale of \$1,000,000 Notes, in anticipation of the issuance of Bonds, for the purpose of paying a portion of costs of constructing a State Route 8 interchange at Seasons Road, including construction and installation of water, storm sewer and sanitary sewer lines, traffic signalization, street lighting and related improvements  |
| A-123 | 9/27/10 | PA  | An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition of buildings and removal of   |

demolition debris at various locations in the city, and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law

A-124      9/27/10      PA

An ordinance authorizing the Director of Public Service to enter into an agreement for professional services with American Municipal Power, Inc. For the establishment, operation and management of an energy efficiency program to be known as "Efficiency Smart Power Plant,"

A-125      9/27/10      PI

An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 6502 with Liberta Construction Co., Inc. dba Cioffi Construction

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4 CITY OF CUYAHOGA FALLS, OHIO

5 RESOLUTION NO. - 2010

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9 A RESOLUTION DECLARING THE NECESSITY OF AND INTENTION TO  
10 APPROPRIATE CERTAIN INTERESTS IN REAL PROPERTY NECESSARY  
11 FOR THE IMPROVEMENT OF CHART ROAD BETWEEN KEYSER  
12 PARKWAY AND NORTHAMPTON ROAD, AND DECLARING AN  
13 EMERGENCY.

14  
15 WHEREAS, the City wishes to repair, improve and widen Chart Road between Keyser Parkway and  
16 Northampton Road, a road which shall be open to the public without charge, and

17  
18 WHEREAS, this Council finds and determines that the acquisition of permanent general utility  
19 easements and temporary construction easements is a proper public use associated with the improvement,  
20 as contemplated in Art. I, §19 of the Ohio Constitution,

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

24  
25 Section 1. This Council considers it necessary and hereby declares its intention to appropriate, for  
26 public purposes, certain temporary and permanent interests in real property necessary for the improvement  
27 of Chart Road between Keyser Parkway and Northampton Road, namely, the utility easements described in  
28 the Exhibits numbered A(2-GU), A(5-GU), A(5-T), A(8-GU), A(8-T), A(9-GU), A(9-T), A(13-GU), A(13-T), A(16-  
29 T), A(17-GU), A(17-T), A(18-T), A(19-GU), A(19-T), A(20-GU), A(20-T), A(23-GU), A(23-T), A(25-GU), A(25-T),  
30 A(26-GU), A(26-T), A(37-T), A(38-T), A(39-GU), and A(40-T), all of which are on file with the Clerk of Council  
31 and incorporated as if fully rewritten herein.

32  
33 Section 2. The Mayor is hereby authorized to cause written notice of the adoption of this resolution to  
34 be given to the owners, persons in possession, or others having an interest of record in one or more of the  
35 properties described in the Exhibits hereto. The notice shall be served and returned according to law.

36  
37 Section 3. It is found and determined that all formal actions of this Council concerning and relating  
38 to the adoption of this resolution were adopted in an open meeting of this Council and that all deliberations  
39 of this Council and of any of its committees that resulted in such formal action were in meetings open to  
40 the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the  
41 Codified Ordinances.

42  
43 Section 4. This resolution is hereby declared to be an emergency measure necessary for the  
44 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and  
45 the inhabitants thereof, and provided it received the affirmative vote of two-thirds of the members elected or  
46 appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the  
47 Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

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50 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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58 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

59  
60 10/11/10

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2010

8  
9 AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION  
10 BOARD TO ENTER INTO A CONTRACT OR CONTRACTS WITHOUT  
11 COMPETITIVE BIDDING WITH COMMERCIAL FITNESS  
12 SOLUTIONS, INC, FOR THE PURCHASE OF FITNESS EQUIPMENT  
13 FOR THE NATATORIUM RECREATION AND WELLNESS CENTER,  
14 AND DECLARING AN EMERGENCY.

15  
16 WHEREAS, the Precor exercise and fitness equipment installed at the Natatorium Recreation and  
17 Wellness Center is a unique and non-fungible product serving as an integral part of the Center; and

18  
19 WHEREAS, the Parks and Recreation Board seeks to expand its existing array of Precor exercise  
20 equipment at the Center; and

21  
22 WHEREAS, Commercial Fitness Solutions, Inc. is the sole source purveyor of Precor exercise and  
23 fitness equipment in this region,

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

27  
28 Section 1. The Parks and Recreation Board is hereby authorized and directed to enter into a  
29 contract or contracts without competitive bidding with Commercial Fitness Solutions, Inc., on the basis  
30 of its proposal dated October 7, 2010, for the purchase of six (6) Precor adaptive motion trainers, five  
31 (5) Precor upright stationary bicycles, and associated service agreements, for the Natatorium Recreation  
32 and Wellness Center.

33  
34 Section 2. The Finance Director is authorized and directed to make payment for same from the  
35 Leisure Time Fund, line item Capital Outlay.

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

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

47  
48 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
49 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls  
50 and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the members  
51 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and  
52 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by  
53 law.

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56 Passed: \_\_\_\_\_  
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58 President of Council

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62 Clerk of Council

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64 Approved: \_\_\_\_\_  
65 \_\_\_\_\_  
66 Mayor

67 10/11/10

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. -2010  
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9 AN ORDINANCE AUTHORIZING THE MAYOR TO CANCEL A  
10 COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENT  
11 WITH SUNGKI & MICHELLE LEEMASTER, REPEALING ORD. NO. 98-  
12 2009, AND DECLARING AN EMERGENCY.  
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14  
15 WHEREAS, pursuant to the authority of Ordinance No. 98-2009, the City, on or about September 14,  
16 2009, entered into a Community Reinvestment Area Tax Abatement Agreement with Sungki Leemaster and  
17 Michelle Leemaster to provide real property tax exemptions for proposed construction of a new facility at  
18 2241 Oakwood Drive; and  
19

20 WHEREAS, the proposed project has been cancelled;

21  
22 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,  
23 and State of Ohio, that:  
24

25 Section 1. The Mayor is authorized to cancel the Community Reinvestment Area Tax Abatement  
26 Agreement entered into with Sungki Leemaster and Michelle Leemaster on or about September 14, 2009, to  
27 provide notice of same to the Ohio Department of Development, the Summit County Fiscal Officer, or any  
28 other person or agency requiring such notice, and to perform any other act required to cancel the contract  
29 and/or terminate associated tax exemptions.  
30

31 Section 2. Ordinance No. 98-2009 is hereby repealed.  
32

33 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent  
34 herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent  
35 herewith and which have not previously been repealed are hereby ratified and confirmed.  
36

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

42 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
43 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and  
44 the inhabitants thereof, for the reason that it is immediately necessary to permit timely and appropriate  
45 development of this property, and provided it receives the affirmative vote of two thirds of the members  
46 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and  
47 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.  
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50 Passed: \_\_\_\_\_  
51 \_\_\_\_\_  
52 President of Council

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54 \_\_\_\_\_  
55 Clerk of Council  
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58 Approved: \_\_\_\_\_  
59 \_\_\_\_\_  
60 Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2010

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9 AN ORDINANCE AMENDING ORDINANCE NO. 69-2006,  
10 PASSED JUNE 26, 2006, TO EXPAND THE SCOPE OF THE  
11 ZONING DISTRICTS IN THE CUYAHOGA FALLS COMMUNITY  
12 REINVESTMENT AREA WHERE REAL PROPERTY  
13 IMPROVEMENTS MAY BE ELIGIBLE FOR NEGOTIATED TAX  
14 EXEMPTIONS, AND DECLARING AN EMERGENCY.  
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16  
17 WHEREAS, on June 26, 2006, this Council passed Ordinance No. 69-2006, establishing the  
18 Cuyahoga Falls Community Reinvestment Area (the "Area"); and  
19

20 WHEREAS, in accordance with Ohio Revised Code §§3735.66 and 3735.67, the City has  
21 established a program providing for real property tax exemptions in the Area for the purpose of  
22 encouraging the renovation of existing structures and the construction of new structures; and  
23

24 WHEREAS, Ord. No. 69-2006 limited the availability of real property tax exemptions to  
25 certain portions of the Area based upon zoning district classification; and  
26

27 WHEREAS, the City wishes to expand the availability of tax exemptions in the Area to  
28 permitted uses in districts zoned MU-4 (Sub-Urban Corridor), RM (Mixed Density Residential  
29 Overlay) and C-1 (Commercial District), and to mixed use developments in districts zoned MU-4  
30 and RM, all of which previously were not included in the exemption program,  
31

32 NOW THEREFORE, BE IT ORDAINED by the City of Cuyahoga Falls, County of Summit,  
33 Ohio, that:  
34

35 Section 1: Section 3 of Ordinance No. 69-2006 is hereby amended to read in full as follows:  
36

37 Section 3: Within the Community Reinvestment Area, the percentage of the  
38 tax exemption on the increase in the assessed valuation resulting from  
39 improvements to commercial and industrial real property and the term of those  
40 exemptions shall be negotiated on a case-by-case basis in advance of  
41 construction or remodeling occurring according to the rules outlined in the ORC  
42 Section 3765.67. The results of the negotiation as approved by this Council will  
43 be set in writing in a Community Reinvestment Area Agreement as outlined in  
44 ORC Section 3735.671. For purposes of this Ordinance, only permitted uses per  
45 the City of Cuyahoga Falls General Development Code within districts zoned MU-  
46 1, (Rural Neighborhood Center), MU-3, (Sub-Urban Center), MU-4, (Sub-Urban  
47 Corridor), RM (Mixed Density Residential Overlay), C-1, (Commercial District), E-  
48 1, (Employment District) or M-1, (Manufacturing District), shall be eligible for  
49 consideration.  
50

51 For properly zoned mixed use developments including residential, located in the  
52 MU-1, MU-3, MU-4 and RM zoning districts, a tax exemption on the increase in  
53 the assessed valuation resulting from improvements as described in ORC Section  
54 3735.67 shall be granted upon proper application by the property owner and  
55 certification thereof by the designated Housing Officer for the following types of  
56 improvements and for the following periods and exemption percentages:  
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58 Renovation and new construction may be negotiated up to 15 years  
59 and shall be negotiated on a case-by-case basis in advance of  
60 construction occurring.  
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The Summit County Enterprise Zone job creation guidelines shall be used in evaluating the terms and percentages. If renovation qualifies for exemption, during the period of exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

Section 2: Existing Section 3 of Ord. No. 69-2006 is hereby repealed.

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

Section 4: The Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in compliance with the law.

Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that the immediate effectiveness of this Ordinance is required in order to designate the Community Reinvestment Area in order to induce projects to go forward that will create jobs and employment opportunities, enhance the availability of adequate housing and improve the economic welfare of the people, wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

10/11/10

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