

NEW LEGISLATION

November 22, 2010

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

Temp. No.	Introduced	Committee	Description
A-141	11/22/10	Fin	An ordinance providing for supplemental and/or amended appropriations of money for current operating expenses and capital expenditures of the City of Cuyahoga Falls, and authorizing the transfer of appropriations within and for the various funds hereinafter set forth, and declaring an emergency.
A-142	11/22/10	Fin	An ordinance establishing annual appropriations of money for the current expenses, capital expenditures and other expenses of the City of Cuyahoga Falls for the fiscal year ending December 31, 2011, and declaring an emergency.
A-143	11/22/10	Fin	A resolution requesting the Summit County Fiscal Officer to make advance distribution of tax receipts payable to the City of Cuyahoga Falls, and declaring an emergency.
A-144	11/22/10	PA	An ordinance adopting the Report on Staffing for the City of Cuyahoga Falls for calendar year 2011, and declaring an emergency.
A-145	11/22/10	PA	An ordinance authorizing the Mayor to issue an encroachment permit to David E. Aronson to construct and maintain certain improvements which will encroach into the public right-of-way at 3241-3245 Oakwood Drive, and declaring an emergency.

CALENDAR

November 22, 2010

The following legislation will be up for passage at the Council Meeting on November 22, 2010.

Temp. No.	Introduced	Committee	Description
A-137	11/8/10	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of various storm sewers on 4 th Street South of Sackett Avenue and on Sackett Avenue east of 4 th Street, and declaring an emergency.
A-138	11/8/10	PI	An ordinance authorizing and directing the appropriation of certain interests in real property abutting Chart Road between Keyser Parkway and Northampton Road, necessary for the improvement thereof, and declaring an emergency.
A-139	11/8/10	PA	An ordinance authorizing the Mayor to enter into an agreement with Summit County to provide for the enforcement of state building codes within the territorial jurisdiction of Cuyahoga Falls, to request an administrative rule change permitting such enforcement, authorizing certain separation benefits for affected employees accepting alternative employment with Summit County, and declaring an emergency.
A-140	11/8/10	PA	An ordinance authorizing the Director of Public Service to enter into an energy purchase agreement known as the "AMPGS Replacement Energy Schedule," with American Municipal Power, Inc., and declaring an emergency.

PENDING LEGISLATION

November 22, 2010

Temp. No.	Introduced	Committee	Description
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-137	11/8/10	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of various storm sewers on 4 th Street South of Sackett Avenue and on Sackett Avenue east of 4 th Street, and declaring an emergency.
A-138	11/8/10	PI	An ordinance authorizing and directing the appropriation of certain interests in real property abutting Chart Road between Keyser Parkway and Northampton Road, necessary for the improvement thereof, and declaring an emergency.
A-139	11/8/10	PA	An ordinance authorizing the Mayor to enter into an agreement with Summit County to provide for the enforcement of

state building codes within the territorial jurisdiction of Cuyahoga Falls, to request an administrative rule change permitting such enforcement, authorizing certain separation benefits for affected employees accepting alternative employment with Summit County, and declaring an emergency.

A-140

11/8/10

PA

An ordinance authorizing the Director of Public Service to enter into an energy purchase agreement known as the "AMPGS Replacement Energy Schedule," with American Municipal Power, Inc., and declaring an emergency.

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2010

6
7 AN ORDINANCE PROVIDING FOR SUPPLEMENTAL AND/OR
8 AMENDED APPROPRIATIONS OF MONEY FOR CURRENT
9 OPERATING EXPENSES AND CAPITAL EXPENDITURES OF THE
10 CITY OF CUYAHOGA FALLS, AND AUTHORIZING THE
11 TRANSFER OF APPROPRIATIONS WITHIN AND FOR THE
12 VARIOUS FUNDS HEREINAFTER SET FORTH, AND DECLARING
13 AN EMERGENCY.
14

15 WHEREAS, Article VI, Sections 7 and 8 of the City Charter provide that City Council may
16 revise, amend, and supplement budgetary appropriations during the fiscal year, and may
17 authorize the transfer of unencumbered appropriations within various accounts,
18

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

22 Section 1. In order to provide moneys to pay employee compensation, other expenses and
23 capital expenditures during the fiscal year 2010, moneys are hereby appropriated, re-
24 appropriated and transferred from the unexpended appropriations and from the un-appropriated
25 fund balances of the departments or divisions as set forth in Exhibit A attached hereto and made
26 a part hereof.
27

28 Section 2. 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
30 or portions of ordinances and resolutions not inconsistent herewith and which have not
31 previously been repealed are hereby ratified and confirmed.
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33 Section 3. It is found and determined that all formal actions of this Council concerning and
34 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
35 that all deliberations of this Council and of any of its committees that resulted in such formal
36 action were in meetings open to the public, in compliance with all legal requirements including
37 Chapter 107 of the Codified Ordinances.
38

39 Section 4. 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
41 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
42 members elected or appointed to Council, it shall take effect and be in force immediately upon its
43 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
44 period allowed by law.
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47 Passed: _____

President of Council

Clerk of Council

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55 Approved: _____

Mayor

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57 11/22/10

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2010

6
7 AN ORDINANCE ESTABLISHING ANNUAL APPROPRIATIONS OF
8 MONEY FOR THE CURRENT EXPENSES, CAPITAL
9 EXPENDITURES AND OTHER EXPENSES OF THE CITY OF
10 CUYAHOGA FALLS FOR THE FISCAL YEAR ENDING DECEMBER
11 31, 2011, AND DECLARING AN EMERGENCY.

12
13 WHEREAS, Ohio Revised Code §5705.38 requires local taxing authorities to pass an annual
14 appropriations measure classified so as to set forth the amounts appropriated to each office,
15 department and division of the taxing authority; and

16
17 WHEREAS, Article VI, Section 6 of the City Charter requires the Mayor to submit an estimated
18 budget for the coming fiscal year showing the requested allotments of the appropriations and
19 estimated income for each office or department for the calendar year;

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

23
24 Section 1. In order to provide for the current expenses, capital expenditures, and other
25 expenses of the City of Cuyahoga Falls for the fiscal year ending December 31, 2011, the sums
26 summarized in Exhibit A, which is attached hereto incorporated herein by reference, are hereby
27 appropriated and authorized for encumbrance and/or expenditure as provided therein.

28
29 Section 2. The fund transfers set forth in detail in Exhibit A2, and incorporated herein by
30 reference, are hereby authorized and approved.

31
32 Section 3. The budget for each office and department of the City is hereby determined and
33 approved as set forth in Exhibit B, which is attached hereto and incorporated herein by reference,
34 and the expenditures authorized therein, and to the amount authorized, shall be made in accordance
35 with the line items identified in Exhibit B, and any disbursements within any line item set forth in
36 Exhibit B may be paid out of the appropriations made therefor.

37
38 Section 4. No transfers of sums shall be made between departments. Transfers of sums from
39 one line item listed in Exhibit B to another line item, within the same department, at any time within
40 the fiscal year which exceed in the aggregate seven percent (7%) of the amount originally
41 appropriated in the line item from which the transfer is made, or \$10,000.00, whichever is less, shall
42 be prohibited unless authorized by ordinance or resolution of Council.

43
44 Section 5. Any amounts encumbered in a fiscal year prior to fiscal year 2011 in any and all
45 funds of the City, are hereby re-appropriated for the purpose of expenditure in 2011 or thereafter.

46
47 Section 6. All funds not individually listed in this ordinance but included in the 2011
48 Alternative Tax Budget Information of the City of Cuyahoga Falls and included in the Amended
49 Official Certificate of Estimated Resources for 2011 as issued by the County of Summit Budget
50 Commission are hereby appropriated for the purpose of encumbrance and/or expenditure.

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52 Section 7. Any other ordinances or resolutions or portions of ordinances and resolutions
53 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions not
54 inconsistent herewith and which have not previously been repealed are hereby ratified and
55 confirmed.

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57 Section 8. It is found and determined that all formal actions of this Council concerning and
58 relating to the passage of this ordinance were taken in an open meeting of this Council and that all
59 deliberations of this Council and of any committees that resulted in those formal actions were in
60 meetings open to the public, in compliance with all legal requirements including Chapter 107 of the
61 Codified Ordinances.

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Section 9. 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 for the reason that authority is required for the payment of operating, other and capital expense of the City of Cuyahoga Falls 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 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed: _____
President of Council

Clerk of Council

Approved: _____
Mayor

11/22/10
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3 CITY OF CUYAHOGA FALLS, OHIO

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5 RESOLUTION NO. - 2010

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7 A RESOLUTION REQUESTING THE SUMMIT COUNTY FISCAL
8 OFFICER TO MAKE ADVANCE DISTRIBUTION OF TAX RECEIPTS
9 PAYABLE TO THE CITY OF CUYAHOGA FALLS, AND DECLARING
10 AN EMERGENCY.

11
12 WHEREAS, Ohio Revised Code §321.33 provides for semi-annual distribution of tax receipts
13 collected by the County Fiscal Officer and payable to the City of Cuyahoga Falls, and
14

15 WHEREAS, Ohio Revised Code §321.34 provides that when local authorities by resolution so
16 request, the County Fiscal Officer shall make advance payment of tax receipts that are in the county
17 treasury to the credit of the account of the local authority, to the extent such tax receipts are lawfully
18 applicable to the purpose of the current fiscal year in which the request is made;
19

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

23 Section 1. In accordance with Ohio Revised Code §321.34, the City of Cuyahoga Falls hereby
24 requests that the County Fiscal Officer make advance distribution of local tax receipts now in
25 collection and normally payable in 2011, for the 2010 tax year.
26

27 Section 2. It is found and determined that all formal actions of this Council concerning and
28 relating to the adoption of this resolution were adopted in an open meeting of this Council and that
29 all deliberations of this Council and of any of its committees that resulted in such formal action were
30 in meetings open to the public, in compliance with all legal requirements including Chapter 107 of
31 the Codified Ordinances.
32

33 Section 3. This resolution is hereby declared to be an emergency measure necessary for the
34 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
35 Falls and the inhabitants thereof, and provided it received the affirmative vote of two-thirds of the
36 members elected or appointed to Council, it shall take effect and be in force immediately upon its
37 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
38 allowed by law.
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42 Passed: _____

President of Council

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47 Clerk of Council

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50 Approved: _____

Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. -2010

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7 AN ORDINANCE ADOPTING THE REPORT ON STAFFING FOR THE
8 CITY OF CUYAHOGA FALLS FOR CALENDAR YEAR 2011, AND
9 DECLARING AN EMERGENCY.

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11 WHEREAS, Ordinance 137-1994, passed October 24, 1994, provides that, not later than
12 December 31st of each year, the Mayor shall present and the Council shall consider and adopt a
13 Report on Staffing setting forth the anticipated number of full and part-time officers, clerks and
14 employees who may be employed in each department and job classification by the City of Cuyahoga
15 Falls in the next following calendar year;

16
17 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
18 Summit and State of Ohio, that:

19
20 Section 1. The Report on Staffing for the City of Cuyahoga Falls for calendar year 2011,
21 submitted by the Mayor and attached hereto, is hereby adopted, and the same shall remain on file
22 with the Clerk of Council during the next following calendar year.

23
24 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions
25 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions or
26 portions of ordinances and resolutions not inconsistent herewith and which have not previously been
27 repealed are hereby ratified and confirmed.

28
29 Section 3. It is found and determined that all formal actions of this Council concerning and
30 relating to the adoption of this ordinance were adopted in an open meeting of this Council and that
31 all deliberations of this Council and of any of its committees that resulted in such formal action were
32 in meetings open to the public, in compliance with all legal requirements including Chapter 107 of
33 the Codified Ordinances.

34
35 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
36 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
37 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
38 members elected or appointed to Council, it shall take effect and be in force immediately upon its
39 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
40 allowed by law.

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43 Passed: _____
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45 President of Council

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48 Clerk of Council

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51 Approved: _____
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53 Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2010

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7 AN ORDINANCE AUTHORIZING THE MAYOR TO ISSUE AN
8 ENCROACHMENT PERMIT TO DAVID E. ARONSON TO
9 CONSTRUCT AND MAINTAIN CERTAIN IMPROVEMENTS WHICH
10 WILL ENCROACH INTO THE PUBLIC RIGHT-OF-WAY AT 3241-
11 3245 OAKWOOD DRIVE, AND DECLARING AN EMERGENCY

12
13 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County
14 of Summit and State of Ohio, that:

15
16 Section 1. The Mayor is hereby authorized to issue an encroachment permit, according to
17 law, to David E. Aronson, owner of the premises located at 3241-3245 Oakwood Drive, to
18 construct and maintain certain improvements at the said premises which will encroach into the
19 abutting public right-of-way, to wit: portions of a parking lot and a roof projection.

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21 Section 2. The Director of Law shall prepare and approve the terms and conditions of the
22 encroachment permit authorized hereby, and shall include such provisions as are necessary to
23 protect the public interest, in conjunction with the requirements of the City Engineer.

24
25 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
26 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions
27 or portions of ordinances and resolutions not inconsistent herewith and which have not
28 previously been repealed are hereby ratified and confirmed.

29
30 Section 4. It is found and determined that all formal actions of this Council concerning and
31 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
32 that all deliberations of this Council and of any of its committees that resulted in such formal
33 action were in meetings open to the public, in compliance with all legal requirements including
34 Chapter 107 of the Codified Ordinances.

35
36 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
37 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
38 Falls, and provided it receives the affirmative vote of two-thirds of the members elected or
39 appointed to Council, it shall take effect and be in force immediately upon its passage and
40 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed
41 by law.

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44 Passed: _____
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46 President of Council

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49 Clerk of Council

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52 Approved: _____
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54 Mayor