

## NEW LEGISLATION

October 24, 2011

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>
B-98	10/24/11	P & Z	An ordinance approving the site plan related to construction of a 55,000 square foot/100-unit skilled nursing facility at 186 West Bath Road (Parcel No. 35-05985), and declaring an emergency.
B-99	10/24/11	Fin	An ordinance authorizing the Director of Finance to enter into a contract or contracts without competitive bidding with Wichert Insurance Services, Inc. for the professional services necessary to manage the City's risk management and insurance program and for the purchase of public entity insurance coverages, and declaring an emergency.
B-100	10/24/11	PI	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the resurfacing of Main Street between Howe Avenue and the southern corporation limit, and declaring an emergency.
B-101	10/24/11	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
B-102	10/24/11	PA	An ordinance authorizing the Mayor to execute an easement agreement with the State of Ohio, Environmental Protection Agency, establishing environmental covenants in connection with certain real property affected by the Cuyahoga Falls dam removal and Cuyahoga River Restoration Project, and declaring an emergency.

## CALENDAR

October 24, 2011

The following legislation will be up for passage at the Council Meeting on October 24, 2011.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-90	9/26/11	Fin	An ordinance authorizing the Director of Finance to enter into a contract with the City of Cleveland, Ohio to establish membership in the Central Collection Agency and for the purchase of certain income tax collections services, and declaring an emergency.
B-91	10/10/11	Fin	An ordinance authorizing the Director of Public Service to enter into a cooperative procurement agreement with the North Central Service Cooperative dba National Joint Powers Alliance ("NJPA"), waiving competitive bidding for the purchase of products, services, materials and supplies purchased through cooperative purchase agreements administered by NJPA, and declaring an emergency.
B-92	10/10/11	Fin	A resolution accepting the amounts and rates of taxation as certified by the Summit County Budget Commission, authorizing the necessary tax levies, certifying such authorization to the County Fiscal Officer, and declaring an emergency.
B-93	10/10/11	PI	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the reconstruction of Broad Boulevard between Second and Newberry Streets, and declaring an emergency.
B-94	10/10/11	PI	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the reconstruction of Howe Avenue between Main Street and Buchholzer Boulevard, and declaring an emergency.

B-95	10/10/11	PI	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the resurfacing of Tallmadge Road between Newberry Street and Clyde Avenue, and declaring an emergency.
B-96	10/10/11	PA	An ordinance amending Sections 929.05 and 929.06 of Title Five, Part Nine of the Codified Ordinances, enacting new Sections 929.07, 929.08, 929.09, 929.10, 929.11 and 929.12 thereof, relating to storm water pollution prevention plans, and declaring an emergency.
B-97	10/10/11	PA	An ordinance amending Sections 1336.01 and 1336.02 of Title Five, Part Thirteen of the Codified Ordinances, relating to clandestine drug labs, and declaring an emergency.

## PENDING LEGISLATION

October 24, 2011

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-53	5/9/11	PA	An ordinance enacting new Section 1366.06 of Title 7, Part 13 of the Codified Ordinances, relating to outdoor composting, and declaring an emergency.
B-54	5/9/11	PA	An ordinance amending Section 505.18 of Part 5 of the Codified Ordinances, relating to feeding of birds, and declaring an emergency.
B-70	6/27/11	PA	A resolution urging the Ohio General Assembly to promptly enact pending legislation which would regulate dangerous hallucinogenic substances that are currently being marketed as bath salts and plant food, by adding such substances to the list of controlled substances identified in Section 3719.41 of the Ohio Revised Code, and declaring an emergency.
B-72	7/11/11	Fin	An ordinance authorizing the Director of Public Service to issue an encroachment permit to the Judith Loving Trust for the purpose of installing and operating a private sanitary force main sewer in Quick Road, and declaring an emergency.
B-90	9/26/11	Fin	An ordinance authorizing the Director of Finance to enter into a contract with the City of Cleveland, Ohio to establish membership in the Central Collection Agency and for the purchase of certain income tax collections services, and declaring an emergency.
B-91	10/10/11	Fin	An ordinance authorizing the Director of Public Service to enter into a cooperative procurement agreement with the North Central Service Cooperative dba National Joint Powers Alliance ("NJPA"), waiving competitive bidding for the purchase of products, services, materials and supplies purchased through cooperative purchase agreements administered by NJPA, and declaring an emergency.
B-92 Sub	10/10/11	Fin	A resolution accepting the amounts and rates of taxation as certified by the Summit County Budget Commission, authorizing the

necessary tax levies, certifying such authorization to the County Fiscal Officer, and declaring an emergency.

B-93	10/10/11	PI	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the reconstruction of Broad Boulevard between Second and Newberry Streets, and declaring an emergency.
B-94	10/10/11	PI	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the reconstruction of Howe Avenue between Main Street and Buchholzer Boulevard, and declaring an emergency.
B-95	10/10/11	PI	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the resurfacing of Tallmadge Road between Newberry Street and Clyde Avenue, and declaring an emergency.
B-96	10/10/11	PA	An ordinance amending Sections 929.05 and 929.06 of Title Five, Part Nine of the Codified Ordinances, enacting new Sections 929.07, 929.08, 929.09, 929.10, 929.11 and 929.12 thereof, relating to storm water pollution prevention plans, and declaring an emergency.
B-97	10/10/11	PA	An ordinance amending Sections 1336.01 and 1336.02 of Title Five, Part Thirteen of the Codified Ordinances, relating to clandestine drug labs, and declaring an emergency.

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2011

8  
9 AN ORDINANCE APPROVING THE SITE PLAN RELATED  
10 TO CONSTRUCTION OF A 55,000 SQUARE FOOT/100-  
11 UNIT SKILLED NURSING FACILITY AT 186 WEST BATH  
12 ROAD (PARCEL NO. 35-05985), AND DECLARING AN  
13 EMERGENCY.  
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15  
16 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires  
17 that all affirmative decisions made by the Planning Commission be submitted to  
18 Council, and  
19

20 WHEREAS, site plan review by the Planning Commission is required for the  
21 construction of all new buildings in excess of 8,000 SF in the City of Cuyahoga  
22 Falls, Ohio, and  
23

24 WHEREAS, on October 18, 2011, the Planning Commission approved the major  
25 site plan for the construction of a 55,000 square foot/100-unit skilled nursing  
26 facility at 186 West Bath Road, within the City of Cuyahoga Falls, Ohio,  
27

28 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga  
29 Falls, County of Summit, and State of Ohio, that:  
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31 Section 1. The City Council approves the site plan for the construction of a  
32 55,000 square foot/100-unit skilled nursing facility, at 186 West Bath Road,  
33 Cuyahoga Falls, Ohio, in accordance with Cuyahoga Falls General Development  
34 Code regulations as stipulated in the Codified Ordinances of the City of Cuyahoga  
35 Falls and as approved by the Planning Commission as per the plans and final  
36 stipulations contained in File P-16-11-SP (plan and elevation views attached hereto  
37 as Exhibit "A").  
38

39 Section 2. Any other ordinances or resolutions or portions of ordinances and  
40 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
41 resolutions not inconsistent herewith and which have not previously been repealed  
42 are hereby ratified and confirmed.  
43

44 Section 3. It is found and determined that all formal actions of this Council  
45 concerning and relating to the adoption of this ordinance were adopted in an open  
46 meeting of this Council, and that all deliberations of this Council and of any of its  
47 committees that resulted in such formal action, were in meetings open to the  
48 public, in compliance with all legal requirements, to the extent applicable,  
49 including Chapter 107 of the Codified Ordinances.

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Section 4. 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 it is immediately necessary to permit timely and appropriate development of this property, 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

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Clerk of Council

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

10/24/11  
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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO  
8 ENTER INTO A CONTRACT OR CONTRACTS WITHOUT  
9 COMPETITIVE BIDDING WITH WICHERT INSURANCE SERVICES,  
10 INC. FOR THE PROFESSIONAL SERVICES NECESSARY TO  
11 MANAGE THE CITY'S RISK MANAGEMENT AND INSURANCE  
12 PROGRAM AND FOR THE PURCHASE OF PUBLIC ENTITY  
13 INSURANCE COVERAGES, AND DECLARING AN EMERGENCY.  
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15  
16 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and State of  
17 Ohio, that:

18  
19 Section 1. The Director of Finance is hereby authorized to enter into a contract or contracts,  
20 without competitive bidding, with Wichert Insurance Services, Inc., on the basis of its proposal dated  
21 October 21, 2011, for the professional services necessary to manage the City's risk management and  
22 insurance program, including purchase of comprehensive public entity insurance coverages, for a  
23 period of one year.  
24

25 Section 2. The Director of Finance is hereby authorized and directed to make payment for  
26 same from funds properly appropriated to the various departments of the City for these  
27 purposes, according to an apportionment of costs as between the departments.  
28

29 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions  
30 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
31 herewith and which have not previously been repealed are hereby ratified and confirmed.  
32

33 Section 4. 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 that  
35 all deliberations of this Council and of any of its committees that resulted in such formal action, were  
36 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,  
37 including 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  
41 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and  
42 appropriate development of this property, and provided it receives the affirmative vote of two thirds of  
43 the members elected or appointed to Council, it shall take effect and be in force immediately upon its  
44 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period  
45 allowed by law.  
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48 Passed: \_\_\_\_\_

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President of Council

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53 Clerk of Council

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

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Mayor

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58 10/24/11

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTION NO. - 2011

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9 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC  
10 SERVICE TO APPLY FOR AND ACCEPT FINANCIAL  
11 ASSISTANCE IN THE FORM OF A GRANT FROM THE U.S.  
12 DEPT. OF TRANSPORTATION, THROUGH THE AKRON  
13 METROPOLITAN AREA TRANSPORTATION STUDY (AMATS),  
14 FOR THE RESURFACING OF MAIN STREET BETWEEN  
15 HOWE AVENUE AND THE SOUTHERN CORPORATION  
16 LIMIT, AND DECLARING AN EMERGENCY.

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19 WHEREAS, the City Engineer has identified the need for and proposes the resurfacing  
20 of Main Street between Howe Avenue and the southern corporation limit (the "Project"), in  
21 the City of Cuyahoga Falls, and

22  
23 WHEREAS, the Akron Metropolitan Area Transportation Study (AMATS) is conducting a  
24 competitive grant process under which Federal Surface Transportation Funds may be made  
25 available to partially support construction costs for City sponsored projects,

26  
27 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,  
28 County of Summit and State of Ohio, that:

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30 Section 1. The Director of Public Service is authorized to apply for and accept financial  
31 assistance in the form of a grant from the U.S. Department of Transportation, through the  
32 Akron Metropolitan Area Transportation Study (AMATS), for the purpose of supporting  
33 construction costs related to the Project, as follows:

34  
35 Project Name: Main Street in the City of Cuyahoga Falls (Home Ave. in Akron)

36  
37 Description: Resurfacing of Main Street between Howe Avenue and the southern  
38 corporation limit (approximately 668 feet).

39  
40 Estimated Construction Cost: \$80,000 (Cuyahoga Falls portion).

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42 Section 2. This Council's authorization is granted with the following understandings:

- 43  
44 A. The City will bear one hundred percent (100%) of the cost of preliminary  
45 engineering.  
46 B. The City will bear one hundred percent (100%) of the total cost of those  
47 features requested by the City which are not eligible for Federal  
48 participation.  
49 C. The Federal share will assume eighty percent (80%) of the construction  
50 cost of the improvement not to exceed \$64,000. The City will be  
51 responsible for the local share.  
52 D. The City of Cuyahoga Falls is in receipt of and acknowledges the  
53 applicability of the AMATS "Funding Policy Guidelines" to this funding  
54 request.

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

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

Section 5. This resolution 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 it is immediately necessary to permit timely and appropriate development of this property, 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

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Clerk of Council

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

10/24/11  
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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2011

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9 AN ORDINANCE AMENDING THE TRAFFIC  
10 CONTROL FILE BY PROVIDING FOR INSTALLATION  
11 OF VARIOUS TRAFFIC CONTROL DEVICES, AND  
12 DECLARING AN EMERGENCY.  
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14 WHEREAS, site-specific traffic control regulations of the City are established  
15 and maintained in the "Traffic Control File," a document established and  
16 maintained by the Chief of Police pursuant to Chapter 305 of the Codified  
17 Ordinances, and  
18

19 WHEREAS, Section 305.02 of said Chapter requires that amendments to the  
20 Traffic Control File be made only through legislation passed by City Council,  
21

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

25 Section 1. Upon the recommendation of the Traffic Committee, the Traffic  
26 Control File is hereby amended as follows:  
27

- 28 (1) To prohibit parking on the east side of Elmwood Street from Pierce  
29 Avenue north to the first intersecting driveway.
- 30 (2) Remove "one hour only" between 7:00am - 6:00pm parking restriction  
31 on the north side of Highbridge Road between State Road and 20<sup>th</sup>  
32 Street.  
33

34 Section 2. The Chief of Police is hereby authorized and directed to note in  
35 the Traffic Control File the proper legends.  
36

37 Section 3. The Mayor is hereby authorized and directed to cause the  
38 installation or removal of the proper signage reflecting the above amendments.  
39

40 Section 4. Any other ordinances and resolutions or portions of ordinances  
41 and resolutions inconsistent herewith are hereby repealed but any ordinances  
42 and resolutions or portions of ordinances and resolutions not inconsistent  
43 herewith and which have not been previously repealed are hereby ratified and  
44 confirmed.  
45

46 Section 5. It is found and determined that all formal actions of this Council  
47 concerning and relating to the adoption of this ordinance were adopted in an  
48 open meeting of this Council and that all deliberations of this Council and of  
49 any of its committees that resulted in such formal action were in meetings open

50 to the public, in compliance with all legal requirements including Chapter 107  
51 of the Codified Ordinances.

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53 Section 6. This ordinance is hereby declared to be an emergency measure  
54 necessary for the preservation of the public peace, health, safety, convenience  
55 and welfare of the City of Cuyahoga Falls and the inhabitants thereof and  
56 provided it receives the affirmative vote of two-thirds of the members elected or  
57 appointed to Council, it shall take effect and be in force immediately upon its  
58 passage and approval by the Mayor; otherwise it shall take effect and be in force  
59 at the earliest period allowed by law.

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62 Passed: \_\_\_\_\_  
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64 President of Council

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67 Clerk of Council

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70 Approved: \_\_\_\_\_  
71 \_\_\_\_\_  
72 Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN  
8 EASEMENT AGREEMENT WITH THE STATE OF OHIO,  
9 ENVIRONMENTAL PROTECTION AGENCY, ESTABLISHING  
10 ENVIRONMENTAL COVENANTS IN CONNECTION WITH  
11 CERTAIN REAL PROPERTY AFFECTED BY THE CUYAHOGA  
12 FALLS DAM REMOVAL AND CUYAHOGA RIVER RESTORATION  
13 PROJECT, AND DECLARING AN EMERGENCY.  
14

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

17  
18 Section 1. The Mayor is hereby authorized to enter into an easement agreement with the  
19 State of Ohio, Environmental Protection Agency establishing environmental covenants in connec-  
20 tion with certain city-owned real property that will be affected by the Cuyahoga Falls Dam  
21 Removal and Cuyahoga River Restoration Project, substantially in the form of agreement placed  
22 on file with the Clerk of Council in Council File No. \_\_\_\_\_.  
23

24 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions  
25 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-  
26 nances and resolutions not inconsistent herewith and which have not previously been repealed  
27 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  
31 that all deliberations of this Council and of any of its committees that resulted in such formal  
32 action were in meetings open to the public, in compliance with all legal requirements including  
33 Chapter 107 of 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  
40 period allowed by law.  
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43 Passed: \_\_\_\_\_  
44 \_\_\_\_\_  
45 President of Council

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47 \_\_\_\_\_  
48 Clerk of Council

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51 Approved: \_\_\_\_\_  
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53 Mayor