

## NEW LEGISLATION

November 14, 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-114	11/14/11	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, according to law, for the purchase of self-contained breathing apparatus sets and a rescue intervention pack, and declaring an emergency.
B-115	11/14/11	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts without competitive bidding with Genuine Parts Company for the operation of an automotive parts shop in a City facility located at 2560 Bailey Road, and for the purchase of auto and truck parts, for a period not to exceed three years, and declaring an emergency.
B-116	11/14/11	Fin	An ordinance amending Sections 151.01 and 151.05 of Title Five, Part One of the Codified Ordinances, relating to sick leave and vacation for eligible employees, and declaring an emergency.
B-117	11/14/11	Fin	An ordinance amending Section 303.10 of Title One, Part Three of the Codified Ordinances, relating to impounded vehicles, and declaring an emergency.
B-118	11/14/11	PA	A resolution expressing support for the construction of the Cuyahoga Falls/Silver Lake Police Memorial, and declaring an emergency.
B-119	11/14/11	PA	An ordinance subdividing the City into wards pursuant to the 2010 Federal Decennial Census, and declaring an emergency.

B-120      11/14/11      CD

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, and declaring an emergency.

## CALENDAR

November 14, 2011

The following legislation will be up for passage at the Council Meeting on November 14, 2011.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
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-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.
B-103	10/31/11	Fin	An ordinance providing for the issuance and sale of \$300,000 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, and declaring an emergency.
B-104	10/31/11	Fin	An ordinance providing for the issuance and sale of \$85,000 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, and declaring an emergency.

B-105	10/31/11	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, and declaring an emergency.
B-106	10/31/11	Fin	An ordinance providing for the issuance and sale of notes in the principal amount of \$300,000, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the City's Brookledge Golf Course, and declaring an emergency.
B-107	10/31/11	Fin	An ordinance providing for the issuance and sale of notes in the principal amount of \$8,000,000, 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, and declaring an emergency.

## PENDING LEGISLATION

November 14, 2011

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
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-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-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.
B-103	10/31/11	Fin	An ordinance providing for the issuance and sale of \$300,000 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, and declaring an emergency.

B-104	10/31/11	Fin	An ordinance providing for the issuance and sale of \$85,000 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, and declaring an emergency.
B-105	10/31/11	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, and declaring an emergency.
B-106	10/31/11	Fin	An ordinance providing for the issuance and sale of notes in the principal amount of \$300,000, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the City's Brookledge Golf Course, and declaring an emergency.
B-107	10/31/11	Fin	An ordinance providing for the issuance and sale of notes in the principal amount of \$8,000,000, 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, and declaring an emergency.

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SAFETY TO ENTER INTO A CONTRACT OR CONTRACTS,  
9 ACCORDING TO LAW, FOR THE PURCHASE OF SELF-  
10 CONTAINED BREATHING APPARATUS SETS AND A RESCUE  
11 INTERVENTION PACK, AND DECLARING AN EMERGENCY.

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

15  
16 Section 1. The Director of Public Safety is hereby authorized to enter into a contract or  
17 contracts, according to law, for the purchase of not to exceed twenty (20) self-contained breathing  
18 apparatus sets, extra face pieces, and a Rescue Intervention Team pack for use by the Fire  
19 Department.

20  
21 Section 2. The Director of Finance is hereby authorized and directed to make payment for  
22 same from the Capital Projects Fund, line item Capital Outlay.

23  
24 Section 3. 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  
26 ordinances and resolutions not inconsistent herewith and which have not previously been  
27 repealed are hereby ratified and confirmed.

28  
29 Section 4. 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 5. 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: \_\_\_\_\_  
52 \_\_\_\_\_  
53 Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR  
9 CONTRACTS WITHOUT COMPETITIVE BIDDING  
10 WITH GENUINE PARTS COMPANY FOR THE  
11 OPERATION OF AN AUTOMOTIVE PARTS SHOP IN A  
12 CITY FACILITY LOCATED AT 2560 BAILEY ROAD,  
13 AND FOR THE PURCHASE OF AUTO AND TRUCK  
14 PARTS, FOR A PERIOD NOT TO EXCEED THREE  
15 YEARS, AND DECLARING AN EMERGENCY.

16  
17 WHEREAS, Section 2 of the City Charter, adopted pursuant to Art. XVIII,  
18 Sections 3 and 7 of the Ohio Constitution, authorizes this Council to make ex-  
19 ception to the competitive bidding procedures set forth in the Revised Code,  
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21 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuya-  
22 hoga Falls, County of Summit and State of Ohio, that:

23  
24 Section 1.The Director of Public Service is hereby authorized to enter into an  
25 agreement with the Genuine Parts Company, a Georgia corporation licensed to  
26 do business in Ohio, to operate an on-site parts shop in the City Garage at  
27 2560 Bailey Road, and to purchase auto and truck parts as required for City  
28 vehicle operations, for a period not to exceed three years, substantially in the  
29 form of agreement placed on file with the Clerk of Council in Council File No.  
30 \_\_\_\_\_.

31  
32 Section 2.The Director of Finance is hereby authorized and directed to make  
33 payment for same from the Garage Fund.

34  
35 Section 3.Any other ordinances and resolutions or portions of ordinances  
36 and resolutions inconsistent herewith are hereby repealed but any ordinances  
37 and resolutions or portions of ordinances and resolutions not inconsistent  
38 herewith and which have not previously been repealed are hereby ratified and  
39 confirmed.

40  
41 Section 4.It is found and determined that all formal actions of this Council  
42 concerning and relating to the adoption of this ordinance were adopted in an  
43 open meeting of this Council and that all deliberations of this Council and of  
44 any of its committees that resulted in such formal action were in meetings open  
45 to the public, in compliance with all legal requirements including Chapter 107  
46 of 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 pro-  
51 vided 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: \_\_\_\_\_

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President of Council

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Clerk of Council

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

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Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2011

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8 AN ORDINANCE AMENDING SECTIONS 151.01 AND  
9 151.05 OF TITLE FIVE, PART ONE OF THE CODIFIED  
10 ORDINANCES, RELATING TO SICK LEAVE AND  
11 VACATION FOR ELIGIBLE EMPLOYEES, AND  
12 DECLARING AN EMERGENCY.

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

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17 Section 1. Sections 151.01 and 151.05 of the Codified Ordinances of the City of  
18 Cuyahoga Falls are hereby amended to read in full as follows (new text underlined;  
19 deleted text in ~~strike through~~):

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21 151.01 SICK LEAVE.

22 (a) Effective May 1, 1986, all full-time, permanent employees, and officials,  
23 including Fire and Police Department employees, supervisory and non-supervisory,  
24 classified, unclassified, elected and appointed employees and officials of the City,  
25 working forty hours per week, and not belonging to or included in any labor union  
26 bargaining agreement, shall be entitled, except as hereinafter provided, for each  
27 completed one month of service, to sick leave of one and one- quarter work days (10  
28 hours) with pay.

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30 (b) Sick Leave Uses. With the approval of the appropriate department head of  
31 the City, sick leave may be used by an employee for absence due to any of the following  
32 reasons:

33 (1) Illness, injury or pregnancy-related condition of the employee.

34 (2) Exposure of an employee to a contagious disease which could be  
35 communicated to and jeopardize the health of other employees.

36 (3) Examination of the employee, for health related purposes including  
37 medical, psychological, dental or optical examination, by an appropriate licensed  
38 practitioner.

39 (4) Illness, injury or pregnancy-related condition of a member of the  
40 employee's immediate family where the employee's presence is reasonably necessary for  
41 the health and welfare of the employee or affected family member.

42 (5) Examination for health related purposes including medical,  
43 psychological, dental or optical examination, for a member of the employee's immediate  
44 family where the employee's presence is reasonably necessary.

45 (6) Death in the employee's family.

46 (7) Other specific health or medical related conditions seriously affecting the  
47 employee, or a member of his immediate family where the employee's presence is  
48 reasonably necessary.

49 (8) "Immediate family" means an employee's spouse, children and the  
50 employees parents.

51 Sick leave shall not be used for work related injuries.

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53 (c) Sick leave, by reason of death in the employee's family shall be granted as  
54 follows:  
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Wife, husband, or child		Maximum of two weeks
Mother, father, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister, brother, or anyone in place of parent		Maximum of 5 days
Sister-in-law, brother-in-law, aunt, uncle, grandparents, grandchild		Maximum of 3 days
All other relatives		Maximum of 1 days

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(d) An employee who has been laid off, suspended, is on a leave of absence, or is on non-paid status of any kind with the City shall not accumulate or receive sick leave credit for such period of time. Sick leave taken shall be deducted on an hour for hour basis from an employee's accumulated sick leave. Sick leave shall not accrue for overtime or straight time in excess of forty hours per week.

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(e) An employee may use sick leave upon the notification of his supervisor or other designated individual in accordance with the policies established for call-in in his department. When making notification, the employee shall state the reason for the request for sick leave. If such notification is not made, the absence may be charged, upon the recommendation of the department or division head, to leave without pay or a disciplinary suspension.

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(f) Upon retirement, or termination in good standing from active service with the City and with ten (10) or more years of service with the City, all eligible employees except the Police Chief and Police Captains shall be paid one hundred percent (100%) of the value of their accrued sick leave credit up to a maximum of nine hundred sixty (960) hours. Upon retirement, or termination in good standing from active service with the City and with ten (10) or more years of service with the City, the Police Chief and Police Captains shall be paid one hundred percent (100%) of the value of their accrued sick leave credit up to a maximum of one thousand five hundred (1500) hours. The payment shall be based on the employee's rate of pay at the time of the payment. Such payment shall be made only once to an employee.

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An employee who:

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(1) Has ten years or more service with the City, and

(2) Has a sick leave balance of at least nine hundred sixty (960) hours (one thousand five hundred (1500) hours for the Police Chief and Police Captains).

(3) Is within the last three years of his employment with the City and

(4) Either:

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A. Has qualified for a service pension under the rules from the Ohio Public Employees' Retirement System or Ohio Police and Fire Pension System by reason of age and length of service, or

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B. Is within three years of qualifying for a service pension under the rules of said retirement systems by reason of age and length of service,

may elect to cash out accrued sick time in three equal and annual payments. All eligible employees except the Chief of Police and Police Captains may cash out accrued sick time up to three hundred and twenty (320) hours per payment. The Police Chief and Police Captains may cash out accrued sick time up to five hundred (500) hours per payment. These payments shall be based on the employee's rate of pay at the time of each payment. The eligible employee must declare his intent to retire within three years of the declaration and notify his Department Director and the Director of Finance of his election to cash out sick leave as provided herein at least thirty days prior to the first distribution of funds. All hours paid under this provision shall be deducted from the

100 payment of accrued sick leave as provided under this agreement. Any remaining sick  
101 leave credit may be used until the employee's retirement date at which time all  
102 remaining sick leave balance shall be deemed exhausted and no further sick leave  
103 payment will be allowed. Funds paid to the employee on an annual cash-out basis may  
104 be rolled over into an employee's deferred compensation account as allowed by plan  
105 rule or paid in cash as requested by the employee.

106 For the purpose of funding this sick leave cash-out payment, the Finance  
107 Director shall establish a fund and annually deposit a sum sufficient to cover the  
108 anticipated payout(s) under this provision. Money set aside in this fund shall only be  
109 used for the purpose of paying the benefit set forth in this section and for no other  
110 purpose.

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112 (g) Sick leave credit transferred into the City from the State or any other  
113 political subdivision shall not be converted into cash benefits. For the purposes thereof,  
114 sick leave credit earned in Cuyahoga Falls employment shall be the first charged for  
115 authorized illness.

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117 (h) In the event of death of an employee, unused sick leave in the maximum  
118 amount defined in subsection (f) hereof, shall become payable in a lump sum in the  
119 employee's name and given to his spouse or his estate if no spouse survives. Only sick  
120 leave credit earned by employment with the City may be converted into cash benefits  
121 upon retirement, disability retirement or death.

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123 (i) The responsible department or division head may require that an employee  
124 requesting sick leave furnish or submit to any or all of the following before any request  
125 for sick leave shall be approved:

126 (1) A detailed statement specifying the exact nature of the illness or injury;  
127 the name, address and phone number of the treating physician; and the anticipated  
128 number of days required to treat such illness or injury.

129 (2) A medical report from the employee's physician containing the  
130 information specified in subsection (i)(1) hereof.

131 (3) That the employee submits to a physical/psychological exam by a  
132 physician/psychiatrist/psychologist of the City's choice. The cost of any such required  
133 examination shall be borne by the City.

134 (4) Such exam shall relate only to the nature of the employee's illness. Failure to  
135 furnish, refusal to submit to or falsification of any of the above shall be grounds for  
136 disciplinary action, including dismissal.

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138 (j) Each department or division head shall maintain accurate attendance  
139 records of each employee under his or her supervision and shall report bi-weekly to the  
140 Finance Department any time taken off by an employee. For an employee to return to  
141 work with pay or receive sick leave benefits after being absent on three consecutive  
142 scheduled work days, he shall submit to the department head a satisfactory written  
143 statement attesting to the nature of his illness or disability and shall obtain the  
144 certificate of an attending physician all attesting to the propriety and reasonableness of  
145 the necessity to utilize sick leave pay benefits. Failure to provide or falsification of the  
146 above shall be grounds for denial of sick pay and/or disciplinary action, including  
147 dismissal. The Finance Director shall provide a written summary of each City  
148 employee's total sick leave absences and cash payments to Council, on an annual basis,  
149 by no later than January 30th of the next calendar year.

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151 (k) In special and meritorious cases of illness, or job related injury, sick leave  
152 may be extended or adjusted by order of Council. A request for an extension,  
153 accompanied by a certification of a licensed physician shall be submitted by such

154 department or division head to Council at its next scheduled meeting with a written  
155 opinion by such department or division head as to the merit of such request.

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157 (1) Nothing in this section shall be construed to interfere with existing unused  
158 sick leave credit in any department of the City where attendance records are maintained  
159 and credit has been given employees for unused sick leave.

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161 (m) A regular full-time non-bargaining employee with five or more years of  
162 service with a sick leave balance of at least 320 hours at the beginning of the calendar  
163 year for which this sick leave incentive program applies shall have the following options  
164 with regard to accumulated sick leave.

165 (1) Allow the unused sick leave balance earned to accrue to the  
166 employee's sick leave balance.

167 (2) Receive a cash benefit as follows:

168 A. An employee who did not use sick leave for the year may convert  
169 forty (40) hours of sick leave at a rate of 100% of the employee's hourly base rate of pay  
170 for the year in which the sick leave incentive was earned.

171 B. An employee who used more than zero but not more than eight  
172 hours of sick leave may convert forty (40) hours of sick leave at a rate of 75% of the  
173 employee's hourly base rate of pay for the year in which the sick leave incentive was  
174 earned.

175 C. An employee who used more than eight but not more than sixteen  
176 hours of sick leave may convert forty (40) hours of sick leave at a rate of 60% of the  
177 employee's hourly base rate of pay for the year in which the sick leave incentive was  
178 earned.

179 D. An employee who used more than sixteen but not more than  
180 twenty- four hours of sick leave may convert forty (40) hours of sick leave at a rate of  
181 50% of the employee's hourly base rate of pay for the year in which the sick leave  
182 incentive was earned.

183 E. An employee who used more than twenty-four but not more than  
184 thirty-two hours of sick leave may convert forty (40) hours of sick leave at a rate of 25%  
185 of the employee's hourly base rate of pay for the year in which the sick leave incentive  
186 was earned.

187 Employees meeting the above criteria must notify the Finance Department  
188 by January 15 of the year following the year for which sick leave incentive payment is  
189 sought and the cash disbursement shall be made on or about February 15.

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192 151.05 VACATIONS.

193 All full-time officers and employees of the City and the Cuyahoga Falls Municipal  
194 Court who are employed on a salary basis, an hourly basis or per diem basis, and who  
195 are not covered by a collective bargaining agreement, except elected officials, are hereby  
196 granted vacation benefits as set forth herein.

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198 (a) Vacation with pay:

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During the first calendar year of employment	No vacation
During the second calendar year of employment	1 day's vacation (8 hours) for each full month of employment of the previous calendar year up to a maximum of two calendar weeks (80 hours)
From 1 complete year through 5	2 weeks of vacation (80

complete years of service (City FLSA non-exempt employees and Court C1-C9 employees)	hours)
From 5 complete years through 8 complete years of complete service (City FLSA non-exempt employees and Court C1-C9 employees)	3 weeks of vacation (120 hours)
From 1 complete year through 8 years of complete service (City FLSA exempt employees and Court C10-C14 employees)	3 weeks of vacation (120 hours)
From 8 complete years of service through 13 complete years of service	4 weeks of vacation (160 hours)
From 13 complete years of service through 20 complete years of service	5 weeks of vacation (200 hours)
After 20 complete years of service	6 weeks of vacation (240 hours)

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Such employees shall receive the additional earned week of vacation on their anniversary date, meaning the initial date hired, when such employee has completed the transition year.

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(b) (1) An employee may carry over into the following year with the approval of his department or division head and certification to the Finance Department, one-half of his previous year's vacation, however, an employee may carry this vacation into the following year only.

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(2) Employees who have completed five years of service and who qualify for three weeks vacation pursuant to subsection (a) hereof shall be permitted to bank a maximum of one week of unused vacation time per year. The employees who qualify for four or five weeks vacation pursuant to subsection (a) hereof shall be permitted to bank a maximum of two weeks of unused vacation time per year, and employees who qualify for six weeks vacation pursuant to subsection (a) hereof shall be permitted to bank a maximum of three weeks of unused vacation time per year. Any vacation time banked pursuant to this section shall be banked at the rate at which it was earned.

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(3) Employees who have banked vacation time pursuant to this section shall, upon retirement or termination of employment, be paid a sum equal to the amount of vacation hours banked times the hourly rate of pay of such employee at the time(s) the vacation time was earned.

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(4) Prior to the end of each fiscal year employees must notify the Finance Department and designate whether their unused vacation time shall be banked or carried over pursuant to terms and conditions set forth in this section. Employees must choose either to bank or carry over their unused vacation time and they shall not be permitted to do both in any given year.

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(5) An employee who qualifies for three (3) weeks of vacation shall be permitted to sell a maximum of one (1) week of vacation; employees qualifying for four (4) or five (5) weeks of vacation shall be permitted to sell a maximum of two (2) weeks of vacation, and employees who qualify for six (6) weeks of vacation shall be permitted to sell a maximum of three (3) weeks of vacation. The following terms and conditions apply to the selling of vacations.

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A. Vacation sold in one (1) week increments may be sold at any time throughout the year.

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B. Vacation sold in whole hour increments less than or greater than a weekly increment may be sold in the second pay period of June or the second pay period of November, provided that in 2003, such vacation may be sold in the second pay period of July and the second pay period of November.

238 C. Vacation must be sold in the year in which it is credited to the  
239 employee; and

240 D. An employee may both bank and sell vacation, as provided  
241 herein, in the same year.

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243 (c) An employee who terminated his employment for any reason other than  
244 being discharged and is rehired shall regain all of his prior service for determining  
245 vacation due him on the January 1st next following one full year of new continuous  
246 service. An employee who has been discharged for cause and is rehired shall receive  
247 none of his prior service credit for determining vacation time. An employee who is being  
248 hired on a full time permanent basis after having worked as cooperative employee,  
249 temporary employee or part-time employee shall receive no credit toward vacation time  
250 for his prior part-time or temporary service. An employee who leaves employment for a  
251 reason other than being discharged for cause after January 1st following the calendar  
252 year of his employment and has been paid for at least one day in the year he leaves,  
253 shall receive a lump sum payment for unused accrued vacation time due such  
254 employee. For the purpose of determining the amount of unused accrued vacation due,  
255 the provisions of this section shall prevail. An employee who terminates his employment  
256 within the calendar year his employment began will receive no vacation pay upon  
257 termination.

258 An employee who is on sick leave, military leave, Worker's Compensation or injury  
259 compensation shall receive credit for such time toward vacation as if he were working  
260 his regular hours. An employee who is on layoff, leave of absence without pay or on  
261 suspension shall accrue no benefits toward vacation for the time he is not working. A  
262 temporary, part-time, cooperative or seasonal employee shall receive no vacation.

263 Any new employee with previous service as State, City, County or other municipal  
264 employee can transfer years of service toward vacation with letter from former employer  
265 to be added after ninety days but not to be taken until January 1, of year following  
266 starting date here.

267  
268 (d) All full-time employees who are serving at the pleasure of an elected or  
269 appointed official shall receive leave with pay upon the aforementioned schedule except  
270 that during the first calendar year of employment they shall be awarded up to one week  
271 (40 hours) of vacation for each six-month period of service. Such time may not be  
272 carried over, banked or cashed in.

273  
274 (e) In the event a full time salaried or hourly employee of the City resigns,  
275 retires or dies, such employee or his estate shall be credited with such unused vacation  
276 time as his service in the year prior and of the current year shall entitle him to receive,  
277 and such employee or his estate shall be paid for any unused vacation as of his last  
278 working day.

279  
280 (f) Employees who have been on Worker's Compensation for an entire calendar  
281 year as of December 31 of any year, beginning with December 31, 1986, shall be paid  
282 for that portion of their unused vacation in excess of the maximum carry-over allowed  
283 to such employees.

284 In the event a permanent salaried or hourly employee retires or dies, such employee  
285 or his estate shall be credited with such unused vacation time as his service in the year  
286 prior and of the current year shall entitle him to receive, and such employee or his  
287 estate shall be paid for any unused vacation as of his last working day.

288  
289 Section 2. The amendments to Sections 151.01 and 151.05 of the Codified  
290 Ordinances made by this Ordinance are effective January 1, 2012 and are not  
291 retrospective in effect.

292

293 Section 3. Existing Sections 151.01 and 151.05 of the Codified Ordinances, as  
294 amended by Ord. No. 99-2009, passed November 2, 2009, are hereby repealed.  
295

296 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions  
297 inconsistent herewith are hereby repealed, but any ordinances and resolutions not  
298 inconsistent herewith and which have not previously been repealed are hereby ratified  
299 and confirmed.  
300

301 Section 5. It is found and determined that all formal actions of this Council  
302 concerning and relating to the passage of this ordinance were taken in an open meeting  
303 of this Council and that all deliberations of this Council and of any committees that  
304 resulted in those formal actions were in meetings open to the public, in compliance with  
305 all legal requirements including Chapter 107 of the Codified Ordinances.  
306

307 Section 6. This ordinance is hereby declared to be an emergency measure necessary  
308 for the preservation of the public peace, health, safety, convenience and welfare of the  
309 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
310 affirmative vote of two-thirds of the members elected or appointed to Council, it shall  
311 take effect and be in force immediately upon its passage and approval by the Mayor;  
312 otherwise it shall take effect and be in force at the earliest period allowed by law.  
313

314  
315  
316 Passed: \_\_\_\_\_  
317 \_\_\_\_\_  
318 President of Council  
319

320  
321 \_\_\_\_\_  
322 Clerk of Council  
323

324 Approved \_\_\_\_\_  
325 \_\_\_\_\_  
326 Mayor  
327

327 11/14/11  
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2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AMENDING SECTION 303.10 OF TITLE  
8 ONE, PART THREE OF THE CODIFIED ORDINANCES,  
9 RELATING TO IMPOUNDED VEHICLES, AND DECLARING  
10 AN EMERGENCY.

11  
12 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,  
13 and State of Ohio, that:

14  
15 Section 1. Section 303.10 of the Codified Ordinances of the City of Cuyahoga Falls  
16 is hereby amended to read in full as follows (new text underlined; deleted text in  
17 ~~striketrough~~):

18  
19 303.10 TOWING, ~~AND~~ STORAGE AND ADMINISTRATIVE FEES.

20 (a) For services rendered by authorized towing companies, as set forth in Section  
21 303.09, such towing companies shall charge towing and storage for services rendered,  
22 an amount not to exceed that set forth in the following schedule:

	Service	Fee
(1)	For all towing services performed wholly within the City, except as otherwise provided for herein	\$125.00
(2)	For all towing services for a motorcycle tow with trailer performed wholly within the City	\$125.00
(3)	For storing vehicles for each 24 hour period or fraction thereof	\$ 12.00
(4)	For storing vehicles less than four hours	\$ 5.00
(5)	Towing with flatbed truck	\$150.00
(6)	Cleanup of accident site (removal of glass, injurious substances and normal debris where cleanup takes more than one hour)	\$25.00 per hour or fraction thereof

23  
24  
25 (b) There is hereby established an administrative charge in the amount of fifty  
26 dollars (\$50.00) which shall be assessed against the owner of any vehicle impounded  
27 pursuant to Section 303.07, for the purpose of recovering a portion of the City's  
28 administrative costs incurred in the removal and impounding of the vehicle. The  
29 administrative charge may be paid directly to the City, taxed as costs in any related civil  
30 or criminal proceeding, or collected with the towing and storage fees when the vehicle is  
31 claimed. Unless the authorized towing company holding the vehicle has received official  
32 notice that the fee has been paid, the fee shall be collected when the owner or the  
33 owner's representative claims the vehicle, and shall be remitted to the City by the  
34 towing company within thirty (30) days. An impounded vehicle shall not be released  
35 without the administrative charge first being paid. Any towing company failing to  
36 collect and remit the administrative charge in accordance with this subsection shall  
37 forfeit its designation as an authorized towing company under Section 303.09.

38  
39 (c) The fees set forth in subsection (a) hereof shall include the removal of glass,  
40 injurious substances and normal debris, resulting from accidents, from the public  
41 streets at the request of the Police Department.  
42

43 Section 2. Existing Section 303.10 of the Codified Ordinances, as amended by Ord.  
44 No. 51-2008, passed May 12, 2008, is hereby repealed.

45  
46 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions  
47 inconsistent herewith are hereby repealed, but any ordinances and resolutions not  
48 inconsistent herewith and which have not previously been repealed are hereby ratified  
49 and confirmed.

50  
51 Section 4. It is found and determined that all formal actions of this Council  
52 concerning and relating to the passage of this ordinance were taken in an open meeting  
53 of this Council and that all deliberations of this Council and of any committees that  
54 resulted in those formal actions were in meetings open to the public, in compliance with  
55 all legal requirements including Chapter 107 of the Codified Ordinances.

56  
57 Section 5. This ordinance is hereby declared to be an emergency measure necessary  
58 for the preservation of the public peace, health, safety, convenience and welfare of the  
59 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
60 affirmative vote of two-thirds of the members elected or appointed to Council, it shall  
61 take effect and be in force immediately upon its passage and approval by the Mayor;  
62 otherwise it shall take effect and be in force at the earliest period allowed by law.

63  
64  
65 Passed: \_\_\_\_\_  
66 \_\_\_\_\_  
67 President of Council

68  
69 \_\_\_\_\_  
70 Clerk of Council

71  
72  
73 Approved \_\_\_\_\_  
74 \_\_\_\_\_  
75 Mayor

76 11/14/11  
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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 RESOLUTION NO. - 2011

7  
8 A RESOLUTION EXPRESSING SUPPORT FOR THE  
9 CONSTRUCTION OF THE CUYAHOGA FALLS/SILVER LAKE  
10 POLICE MEMORIAL, AND DECLARING AN EMERGENCY.

11  
12 WHEREAS, the people of the City of Cuyahoga Falls have been protected and served by  
13 dedicated men and women of the Cuyahoga Falls Police Department, and

14  
15 WHEREAS, a committee has been established to construct and maintain the Cuyahoga  
16 Falls/Silver Lake Police Memorial, and

17  
18 WHEREAS, the memorial will honor members of the police department, past and present and  
19 encourage community appreciation of law enforcement, and

20  
21 WHEREAS, the memorial will provide a permanent place of reflection and remembrance for the  
22 family, friends and the community of fallen officers,

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. The Council of the City of Cuyahoga Falls expresses its support for the construction  
28 of the Cuyahoga Falls/Silver Lake Police Memorial to honor all of the men and women who have and  
29 will sacrifice the most for this community.

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

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

43  
44  
45 Passed: \_\_\_\_\_

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

46  
47  
48  
49  
50 \_\_\_\_\_  
Clerk of Council

51  
52  
53 Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

54  
55  
56  
57 11/14/11

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4  
5 CITY OF CUYAHOGA FALLS, OHIO

6  
7  
8 ORDINANCE NO. - 2011

9  
10 AN ORDINANCE SUBDIVIDING THE CITY INTO  
11 WARDS PURSUANT TO THE 2010 FEDERAL  
12 DECENNIAL CENSUS, AND DECLARING AN  
13 EMERGENCY.  
14

15 WHEREAS, Article IV, Section 7 of the City Charter provides that if a  
16 decennial census warrants the redistricting of wards, Council shall subdivide  
17 the City into wards, equal in number to the members of Council to be elected  
18 from wards, within ninety days after the first day of October of the year  
19 following the decennial census year, and  
20

21 WHEREAS, this Council finds that population trends occurring within the  
22 City of Cuyahoga Falls, as measured by the 2010 U.S. census, warrants the  
23 redistricting of the existing Council wards of the City in accordance with said  
24 census,  
25

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

29 Section 1. Pursuant to Article IV, Sections 2 and 7 of the City Charter, the  
30 City is hereby subdivided into eight wards as described by metes and bounds in  
31 conformance with Art. IV, §7 of the City Charter, as shown on the eight  
32 individual ward descriptions dated \_\_\_\_\_, 2011 and on the map entitled  
33 "Cuyahoga Falls City Council Wards," dated \_\_\_\_\_, 2011, all of the same  
34 being placed on file with the Clerk of Council in Council File No. \_\_\_\_\_.  
35

36 Section 2. The ward map and ward descriptions adopted by this Council in  
37 Ord. No. 170-2001 are superceded effective upon the effective date of this  
38 Ordinance, but subject to the applicable provisions of Art. IV, §7 of the City  
39 Charter.  
40

41 Section 3. Except as provided in Section 2 hereof, any other ordinances  
42 and resolutions or portions of ordinances and resolutions inconsistent herewith  
43 are hereby repealed but any ordinances and resolutions or portions of  
44 ordinances and resolutions not inconsistent herewith and which have not been  
45 previously repealed are hereby ratified and confirmed.  
46

47 Section 4. It is found and determined that all formal actions of this Council  
48 concerning and relating to the adoption of this ordinance were adopted in an  
49 open meeting of this Council and that all deliberations of this Council and of  
50 any of its committees that resulted in such formal action were in meetings open

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

53

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

61

62

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

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

64

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

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

\_\_\_\_\_  
Mayor

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2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
9 ACCORDING TO LAW, FOR THE DEMOLITION OF  
10 BUILDINGS AND REMOVAL OF DEMOLITION DEBRIS AT  
11 VARIOUS LOCATIONS IN THE CITY, AND CERTIFYING THE  
12 COST THEREOF TO THE COUNTY FISCAL OFFICER FOR  
13 COLLECTION IN THE MANNER PROVIDED BY LAW, AND  
14 DECLARING AN EMERGENCY.  
15

16 WHEREAS, the Building Official has declared the buildings identified in Section 1 below  
17 to be dangerous buildings within the meaning of Chapter 1335 of the Codified Ordinances;  
18 and  
19

20 WHEREAS, the Building Official has provided a notice to all owners and interested  
21 parties concerned with the buildings identified in Section 1 below, instructing such owners  
22 and interested parties as to the repairs required to make the buildings safe, ordering the  
23 owners to repair or demolish the buildings accordingly, and informing the owners and  
24 interested parties of their right of appeal under Section 1335.05 of said Chapter, and  
25

26 WHEREAS, no appeals of the Building Official’s orders have been received, and  
27

28 WHEREAS, no remediation of the conditions found by the Building Official have been  
29 attempted or accomplished by any of the owners or interested parties,  
30

31 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
32 County of Summit and State of Ohio, that:  
33

34 Section 1. This Council hereby finds and determines that the following described  
35 structures are insecure, unsafe, and structurally defective within the meaning of Ohio  
36 Revised Code §715.26, and are dangerous buildings within the meaning of Section 1335.01  
37 of the Codified Ordinances:  
38

- 39 (1) 2136 16<sup>th</sup> Street (all structures)
- 40 (2) 801 Tallmadge Road (all structures)
- 41 (3) 2142 6<sup>th</sup> Street (all structures)
- 42

43 Section 2. The Director of Public Service is authorized to enter into a contract or  
44 contracts, according to law, for the demolition of the dangerous buildings listed in Section 1  
45 above, and the removal of debris therefrom.  
46

47 Section 3. The Finance Director is authorized to make payment for same from the  
48 CDBG Fund, Line Item Contractual Other.  
49

50 Section 4. In accordance with Ohio Revised Code §715.26, the Finance Director is  
51 hereby directed to certify the costs of demolition and debris removal to the Clerk of Council  
52 who shall then certify the same to the Summit County Fiscal Officer for placement thereof  
53 on the tax duplicate together with interest and penalties provided by law.  
54

55        Section 5. Any other ordinance and resolutions or portions of ordinances and  
56 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions  
57 or portions of ordinances and resolutions not inconsistent herewith and which have not  
58 previously been repealed are hereby ratified and confirmed.  
59

60        Section 6. It is found and determined that all formal actions of this Council concerning  
61 and relating to the adoption of this ordinance were adopted in an open meeting of this  
62 Council and that all deliberations of this Council and of any of its committees that resulted  
63 in such formal action were in meetings open to the public, in compliance with all legal  
64 requirements including, to the extent applicable, including Chapter 107 of the Codified  
65 Ordinances.  
66

67        Section 7. This ordinance is hereby declared to be an emergency measure necessary for  
68 the preservation of the public peace, health, safety, convenience and welfare of the City of  
69 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of  
70 two thirds of the members elected or appointed to Council, it shall take effect and be in  
71 force immediately upon its passage and approval by the Mayor; otherwise it shall take effect  
72 and be in force at the earliest period allowed by law.  
73

74  
75 Passed: \_\_\_\_\_  
76 \_\_\_\_\_  
77 President of Council  
78

79 \_\_\_\_\_  
80 Clerk of Council  
81

82  
83 Approved: \_\_\_\_\_  
84 \_\_\_\_\_  
85 Mayor

86 11/14/11  
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