

NEW LEGISLATION

November 28, 2011

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

Temp. No.	Introduced	Committee	Description
B-121	11/28/11	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts for cleaning services at the Municipal Building, and declaring an emergency.
B-122	11/28/11	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts for the purchase of preventive maintenance and repair services related to specialized vehicles and equipment used by the Sanitation Department, and declaring an emergency.
B-123	11/28/11	Fin	An ordinance authorizing the Director of Finance to enter into a contract or contracts without competitive bidding with Comdoc, Inc., for the lease of printers, copy machines, and facsimile machines for a period not to exceed five years, and declaring an emergency.
B-124	11/28/11	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.
B-125	11/28/11	Fin	An ordinance authorizing the Mayor to enter into a contract or contracts without competitive bidding with Finley Fire Equipment Company, Inc for weekly vehicle maintenance services, and declaring an emergency.
B-126	11/28/11	PA	An ordinance authorizing the Director of Law to enter into a contract or contracts with Mazanec, Raskin & Ryder Co., LPA,

for legal services related to pending and potential tort and employment litigation, and declaring an emergency.

CALENDAR

November 28, 2011

The following legislation will be up for passage at the Council Meeting on November 28, 2011.

Temp. No.	Introduced	Committee	Description
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.

PENDING LEGISLATION

November 28, 2011

Temp. No.	Introduced	Committee	Description
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-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.

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3 CITY OF CUYAHOGA FALLS, OHIO

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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

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) No administrative charge under subsection (b) shall be imposed against a towing
40 company that obtains a salvage title to a motor vehicle in its possession, pursuant to
41 Section 4505.11 of the Ohio Revised Code.

43 (d) The fees set forth in subsection (a) hereof shall include the removal of glass,
44 injurious substances and normal debris, resulting from accidents, from the public
45 streets at the request of the Police Department.

46
47 Section 2. Existing Section 303.10 of the Codified Ordinances, as amended by Ord.
48 No. 51-2008, passed May 12, 2008, is hereby repealed.

49
50 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions
51 inconsistent herewith are hereby repealed, but any ordinances and resolutions not
52 inconsistent herewith and which have not previously been repealed are hereby ratified
53 and confirmed.

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

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

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69 Passed: _____
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71 President of Council

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74 Clerk of Council

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77 Approved _____
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79 Mayor

80 11/14/11
81 O:\2011ords\amend 303.10 Sub. 11.28.11.doc

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3 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO - 2011

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8
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS FOR
11 CLEANING SERVICES AT THE MUNICIPAL BUILDING, AND
12 DECLARING AN EMERGENCY.
13

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 Director of Public Service is hereby authorized to enter into a contact or
19 contracts, according to law, for cleaning services for the Municipal Building, for a period not to
20 exceed two years.

21
22 Section 2. The Finance Director is authorized and directed to make payment for same from
23 funds properly appropriated.
24

25 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
26 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
27 ordinances and resolutions not inconsistent herewith and which have not previously been
28 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 Section 121.22 of the Ohio Revised Code.
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 the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the
39 members elected or appointed to Council, it shall take effect and be in force immediately upon its
40 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
41 period allowed by law.
42

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44 Passed: _____

President of Council

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49 Clerk of Council

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52 Approved: _____

Mayor

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55 11/28/11

2
3 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO - 2011

7
8
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS FOR
11 THE PURCHASE OF PREVENTIVE MAINTENANCE AND REPAIR
12 SERVICES RELATED TO SPECIALIZED VEHICLES AND
13 EQUIPMENT USED BY THE SANITATION DEPARTMENT, AND
14 DECLARING AN EMERGENCY.
15

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

19
20 Section 1. The Director of Public Service is hereby authorized to enter into a contact or
21 contracts, according to law, for preventive maintenance and repair services related to specialized
22 vehicles and equipment used by the Sanitation Department.
23

24 Section 2. The Finance Director is authorized and directed to make payment for same from
25 the Sanitation Fund, Line Item Maintenance and Repair.
26

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

32 Section 4. It is found and determined that all formal actions of this Council concerning and
33 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
34 that all deliberations of this Council and of any of its committees that resulted in such formal
35 action were in meetings open to the public, in compliance with all legal requirements including
36 Section 121.22 of the Ohio Revised Code.
37

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

President of Council

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51 _____
Clerk of Council

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54 Approved: _____

Mayor

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57 11/28/11

58 O:\2011ords\truck maintenance services

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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2011

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7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE
8 TO ENTER INTO A CONTRACT OR CONTRACTS WITHOUT
9 COMPETITIVE BIDDING WITH COMDOC, INC., FOR THE LEASE
10 OF PRINTERS, COPY MACHINES, AND FACSIMILE MACHINES
11 FOR A PERIOD NOT TO EXCEED FIVE YEARS, AND
12 DECLARING AN EMERGENCY.

13
14 WHEREAS, the purchase by contract of the equipment, services, materials or supplies
15 identified herein is through participation in a contract between the vendor and the State of Ohio,
16 Dept. of Administrative Services, and is thus exempt from competitive bidding requirements
17 pursuant to Ohio Revised Code §125.04,
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. The Director of Finance is hereby authorized to enter into a contract or contracts
23 without competitive bidding with Comdoc, Inc., on the basis of its proposal dated _____,
24 for the lease of printers, copy machines, and facsimile machines as necessary for City operations,
25 for a period not to exceed five years.

26
27 Section 2. The Director of Finance is hereby authorized and directed to make payment for
28 same from the Information Services Fund, line item Other Operations.
29

30 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
31 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
32 ordinances and resolutions not inconsistent herewith and which have not previously been
33 repealed are hereby ratified and confirmed.
34

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

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

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53 _____
54 Clerk of Council

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57 Approved: _____
58 _____
59 Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 RESOLUTION NO. - 2011

6
7 A RESOLUTION REQUESTING THE SUMMIT COUNTY FISCAL
8 OFFICER TO MAKE ADVANCE DISTRIBUTION OF TAX
9 RECEIPTS PAYABLE TO THE CITY OF CUYAHOGA FALLS, AND
10 DECLARING 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
17 county treasury to the credit of the account of the local authority, to the extent such tax receipts
18 are lawfully 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
21 of Summit and State of Ohio, that:

22
23 Section 1. In accordance with Ohio Revised Code §321.34, the City of Cuyahoga Falls
24 hereby requests that the County Fiscal Officer make advance distribution of local tax receipts
25 now in collection and normally payable in 2012, for the 2011 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
29 that all deliberations of this Council and of any of its committees that resulted in such formal
30 action were in meetings open to the public, in compliance with all legal requirements including
31 Chapter 107 of 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
36 the members elected or appointed to Council, it shall take effect and be in force immediately
37 upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the
38 earliest period allowed by law.
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42 Passed: _____
43 _____
44 President of Council

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46 _____
47 Clerk of Council

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50 Approved: _____
51 _____
52 Mayor

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 WITHOUT COMPETITIVE BIDDING WITH FINLEY FIRE
10 EQUIPMENT COMPANY, INC. FOR WEEKLY VEHICLE
11 MAINTENANCE SERVICES, AND DECLARING AN EMERGENCY.

12
13 WHEREAS, Finley Fire Equipment Company, Inc. is the sole source purveyor of certified
14 maintenance services for Pierce fire apparatus in this region;

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

18
19 Section 1. The Director of Public Safety is hereby authorized to enter into a contract or
20 contracts without competitive bidding with Finley Fire Equipment Company, Inc., on the basis of
21 its proposal dated October 31, 2011, for weekly vehicle maintenance services for Pierce fire
22 apparatus.

23
24 Section 2. The Director of Finance is hereby authorized and directed to make payment for
25 same from the General Fund, Fire Department, line item Other Operations.

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

31
32 Section 4. It is found and determined that all formal actions of this Council concerning and
33 relating to the passage of this ordinance were taken in an open meeting of this Council and that
34 all deliberations of this Council and of any committees that resulted in those formal actions were
35 in meetings open to the public, in compliance with all legal requirements including Chapter 107
36 of the Codified Ordinances.

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

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46 Passed: _____
47 _____
48 President of Council

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51 _____
52 Clerk of Council

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54 Approved: _____
55 _____
56 Mayor

57 11/28/11

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2011

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7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF LAW TO
9 ENTER INTO A CONTRACT OR CONTRACTS WITH MAZANEC,
10 RASKIN & RYDER CO., LPA, FOR LEGAL SERVICES RELATED TO
11 PENDING AND POTENTIAL TORT AND EMPLOYMENT LITIGATION,
12 AND DECLARING AN EMERGENCY.
13

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

16
17 Section 1. The Director of Law is hereby authorized to enter into a contract or contracts with
18 Mazanec, Raskin & Ryder Co., LPA for legal services related to pending and potential tort and
19 employment litigation arising out of events occurring between October 22, 2003 and October 21,
20 2008.
21

22 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
23 from the General Fund, Law Department, Line Item, Other.
24

25 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
26 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
27 herewith and which have not previously been 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 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 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, for the reason that it is immediately necessary to permit timely and
38 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
39 the members elected or appointed to Council, it shall take effect and be in force immediately upon its
40 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
41 allowed by law.
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44 Passed: _____
45 _____
46 President of Council

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48 _____
49 Clerk of Council

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52 Approved: _____
53 _____
54 Mayor

55 11/28/11