

## NEW LEGISLATION

February 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-8	2/14/11	P-Z	An ordinance authorizing and approving the site plan to construct a 34,561 square foot school addition, parking lot improvements, detention basin and driveway construction at the Cuyahoga Valley Christian Academy at 4687 Wyoga Lake Road and declaring an emergency.
B-9	2/14/11	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with Sprint Solutions, Inc., to provide wireless data communication services for Police and Fire in-car data modems, and declaring an emergency.
B-10	2/14/11	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with One Communications Corp., to provide telephone services, and declaring an emergency.
B-11	2/14/11	Fin	An ordinance levying special assessments for the repair or replacement of sidewalks and drive approaches in the district known and designated by this Council as a Sidewalk Repair District for the year 2010 containing all necessary streets, alleys or public roadways within the corporate limits of the City of Cuyahoga Falls, and declaring an emergency.
B-12	2/14/11	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement or adjustment of concrete sidewalks, drive approaches and curbs at various locations in the City of Cuyahoga Falls, and declaring an emergency.

B-13	2/14/11	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with Paragrid, Inc., for the professional services, hardware and software necessary to upgrade the City's data network servers, and declaring an emergency.
B-14	2/14/11	PI	A resolution consenting to the repair and upgrade of the bin walls at the State Route 8/Howe Avenue interchange within the City of Cuyahoga Falls, by the State of Ohio, and declaring an emergency.
B-15	2/14/11	PI	A resolution creating for the year 2011 a Sidewalk and Drive Approach Repair or Replacement District containing such streets, alleys, or public roadways as are within the corporate limits of the City of Cuyahoga Falls, declaring the necessity of repairing or replacing the sidewalks and drive approaches abutting on such streets, alleys or public roadways within said corporate limits and providing the method for levying special assessments, and declaring an emergency.
B-16	2/14/11	PI	An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 6622 with Spano Brothers Construction Co., Inc., and declaring an emergency.
B-17	2/14/11	PA	An ordinance to approve current replacement pages to the Cuyahoga Falls Codified Ordinances, and declaring an emergency.

## CALENDAR

February 14, 2011

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

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-5	1/24/11	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials, supplies, equipment and services for use by the Electric Department during 2011, and declaring an emergency.
B-6	1/24/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for construction of the Howe Avenue and Main Street intersection improvements, and declaring an emergency.
B-7	1/24/11	CD	An ordinance authorizing the Director of Public Service to enter in to a contract or contracts, according to law, for professional design engineering services necessary for the reconstruction of Stone and Germaine streets, and declaring an emergency.

## PENDING LEGISLATION

February 14, 2011

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-110	9/13/10	Fin	An ordinance authorizing the Director of Finance to increase appropriations in the Street Construction, Maintenance and Repair Fund and the General Fund.
A-144	11/22/10	PA	An ordinance adopting the Report on Staffing for the City of Cuyahoga Falls for calendar year 2011, and declaring an emergency.
A-147 *	12/13/10	PZ	An ordinance amending Section 1131.05 of Chapter 1131, and Sections 1133.03 and 1133.04 of Chapter 1133, Title 3, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), enacting new Chapter 1137 of Title 3, Part 11 of the Codified Ordinances, relating to regulation of wind turbine facilities, and declaring an emergency.
B-5	1/24/11	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of certain materials, supplies, equipment and services for use by the Electric Department during 2011, and declaring an emergency.
B-6	1/24/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for construction of the Howe Avenue and Main Street intersection improvements, and declaring an emergency.
B-7	1/24/11	CD	An ordinance authorizing the Director of Public Service to enter in to a contract or contracts, according to law, for professional design engineering services necessary for the reconstruction of Stone and Germaine streets, and declaring an emergency.

\* Public Hearing 1-24-11

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2011

8  
9 AN ORDINANCE AUTHORIZING AND APPROVING THE SITE PLAN TO  
10 CONSTRUCT A 34,561 SQUARE FOOT SCHOOL ADDITION, PARKING  
11 LOT IMPROVEMENTS, DETENTION BASIN AND DRIVEWAY  
12 CONSTRUCTION AT THE CUYAHOGA VALLEY CHRISTIAN ACADEMY AT  
13 4687 WYOGA LAKE ROAD AND DECLARING AN EMERGENCY.  
14

15  
16 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires that all decisions made  
17 by the Planning Commission be submitted to Council, and  
18

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

22 WHEREAS, on February 1, 2011, the Planning Commission approved the major site plan for the  
23 construction of a 34,561 square foot school addition, parking lot improvements, detention basin and  
24 driveway construction at the Cuyahoga Valley Christian Academy at 4687 Wyoga Lake Road within the City  
25 of Cuyahoga Falls, Ohio.  
26

27 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,  
28 and State of Ohio, that:  
29

30 Section 1. This Council approves the site plan for the construction of a 34,561 square foot school  
31 addition, parking lot improvements, detention basin and driveway construction at the Cuyahoga Valley  
32 Christian Academy at 4687 Wyoga Lake Road Cuyahoga Falls, Ohio, in accordance with Cuyahoga Falls  
33 General Development Code regulations as stipulated in the Codified Ordinances of the City of Cuyahoga  
34 Falls and as approved by the Planning Commission as per the plans and final stipulations contained in File  
35 P-1-11-SP (plan and elevation views attached hereto as Exhibit "A").  
36

37 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent  
38 herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent  
39 herewith and which have not previously been repealed are hereby ratified and confirmed.  
40

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

47 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the  
48 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and  
49 the inhabitants thereof, for the reason that it is immediately necessary to permit timely and appropriate  
50 development of this property, and provided it receives the affirmative vote of two thirds of the members  
51 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and  
52 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.  
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55 Passed: \_\_\_\_\_

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President of Council

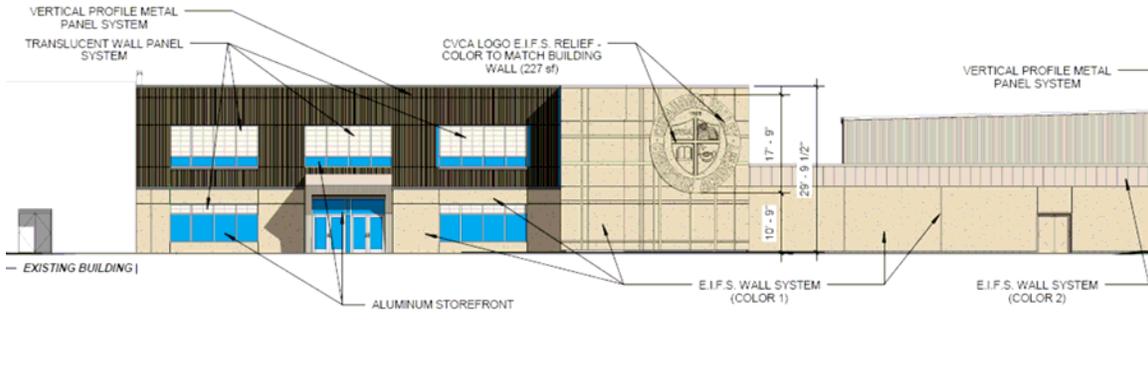
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Clerk of Council

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

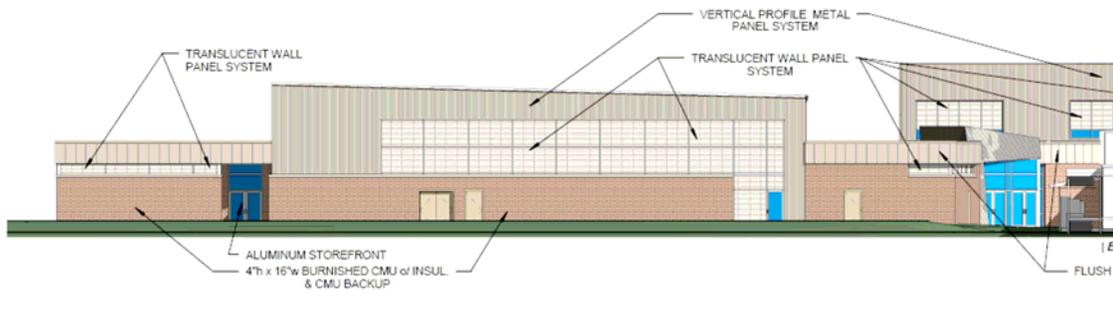
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Mayor

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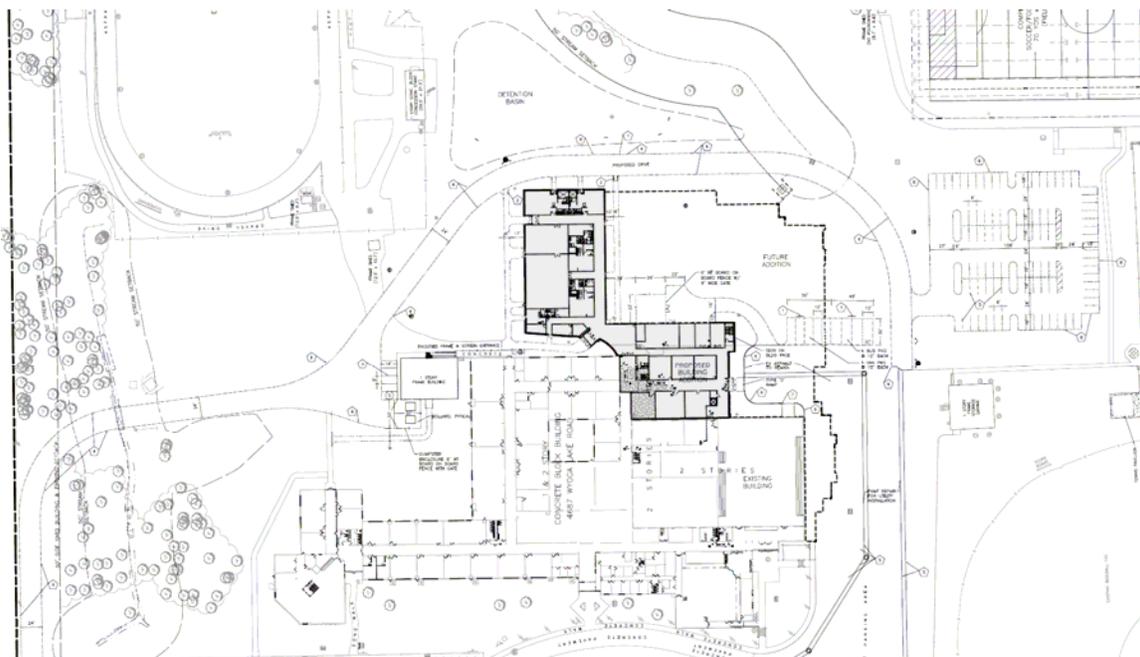
B-8  
Exhibit A



South Elevation



North Elevation



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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 PUBLIC  
8 SAFETY TO ENTER INTO A CONTRACT OR CONTRACTS,  
9 WITHOUT COMPETITIVE BIDDING, WITH SPRINT SOLUTIONS,  
10 INC., TO PROVIDE WIRELESS DATA COMMUNICATION SERVICES  
11 FOR POLICE AND FIRE IN-CAR DATA MODEMS, AND DECLARING  
12 AN EMERGENCY.  
13

14 WHEREAS, the purchase by contract of the equipment, services, materials or supplies identified  
15 herein is through participation in a contract between the vendor and the State of Ohio, Dept. of  
16 Administrative Services, and is thus exempt from competitive bidding requirements pursuant to Ohio  
17 Revised Code §125.04,  
18

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

21  
22 Section 1. The Director of Public Safety is hereby authorized to enter into a contact or  
23 contracts, without competitive bidding, with Sprint Solutions, Inc., to provide wireless data  
24 communication services for the Police and Fire Department in-car data modems.  
25

26 Section 2. The Director of Finance is hereby authorized and directed to make payment for same  
27 from funds properly appropriated.  
28

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

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

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

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President of Council

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Clerk of Council

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

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Mayor

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57 2/14/11

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2011

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7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SAFETY TO ENTER INTO A CONTRACT OR CONTRACTS,  
9 WITHOUT COMPETITIVE BIDDING, WITH ONE  
10 COMMUNICATIONS CORP., TO PROVIDE TELEPHONE SERVICES,  
11 AND DECLARING AN EMERGENCY.

12  
13 WHEREAS, the purchase by contract of the equipment, services, materials or supplies  
14 identified herein is through participation in a contract between the vendor and the State of Ohio,  
15 Dept. of Administrative Services, and is thus exempt from competitive bidding requirements  
16 pursuant to Ohio Revised Code §125.04,

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

20  
21 Section 1. The Director of Public Safety is hereby authorized to enter into a contact or  
22 contracts, without competitive bidding, with One Communications Corp., in order to provide to  
23 provide voice telephone services including local exchanges service, intraLATA toll service, and long  
24 distance service.

25  
26 Section 2. The Director of Finance is hereby authorized and directed to make payment for  
27 same from funds properly appropriated therefor.

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

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

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

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

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President of Council

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Clerk of Council

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

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Mayor

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57 2/14/11

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2011

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7 AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR  
8 THE REPAIR OR REPLACEMENT OF SIDEWALKS AND  
9 DRIVE APPROACHES IN THE DISTRICT KNOWN AND  
10 DESIGNATED BY THIS COUNCIL AS A SIDEWALK REPAIR  
11 DISTRICT FOR THE YEAR 2010 CONTAINING ALL  
12 NECESSARY STREETS, ALLEYS OR PUBLIC ROADWAYS  
13 WITHIN THE CORPORATE LIMITS OF THE CITY OF  
14 CUYAHOGA FALLS, AND DECLARING AN EMERGENCY.  
15

16 WHEREAS, Resolution 2-2010 passed by the Council of the City of Cuyahoga Falls on  
17 February 8, 2010, created a Sidewalk Repair or Replacement District for the year 2010 and  
18 determined the necessity of adjusting or replacing certain sidewalks within the district; and  
19

20 WHEREAS, such sidewalks within the district have been repaired or replaced;

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

25 Section 1. The portion of the total cost and expense of repairing or replacing sidewalks  
26 and driveway approaches located within the district known and designated by this Council  
27 as the Sidewalk Adjustment or Replacement District for the year 2010 to be paid for by  
28 special assessments is at the rate of \$12.00 per linear foot for replacement and \$5.00 per  
29 square foot for driveway approaches. That portion of the total cost of the improvement to be  
30 paid for by special assessments is hereby levied and assessed upon the lots and lands  
31 provided for in the schedule of special assessments now on file in the office of the Clerk of  
32 Council located in the Office of the Finance Director for this purpose, which special  
33 assessments are in proportion to the special benefits and are not in excess of any statutory  
34 limitation and which are hereby adopted and confirmed.  
35

36 Section 2. The assessment against each lot or parcel of land shall be payable in cash  
37 within thirty (30) days from the levy thereof in the office of the Finance Director with the  
38 further provision that all assessments thereof remaining unpaid at the expiration of said  
39 thirty days shall be certified by the Clerk of Council to the County Fiscal Officer to be placed  
40 on the tax duplicate and collected in two (2) semi-annual installments.  
41

42 Section 3. A copy of this ordinance shall be certified to the County Fiscal Officer by the  
43 Clerk of Council within twenty (20) days after its passage.  
44

45 Section 4. Any other ordinances or resolutions or portions of ordinances and  
46 resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances  
47 and resolutions not inconsistent herewith and which have not previously been repealed are  
48 hereby ratified and confirmed.  
49

50 Section 5. It is found and determined that all formal actions of this Council concerning  
51 and relating to the adoption of this ordinance were adopted in an open meeting of this  
52 Council and that all deliberations of this Council and of any of its Committees that resulted  
53 in such formal action were in meetings open to the public in compliance with all legal  
54 requirements including Chapter 107 of the Codified Ordinances.  
55

56 Section 6. This ordinance is hereby declared to be an emergency measure necessary for  
57 the preservation of the public peace, health, safety, convenience and welfare of the City of  
58 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of

59 two thirds of the members elected or appointed to Council, it shall take effect and be in force  
60 at the earliest period allowed by law.

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

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President of Council

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Clerk of Council

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

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Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2011

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8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
10 ACCORDING TO LAW, FOR THE REPLACEMENT OR  
11 ADJUSTMENT OF CONCRETE SIDEWALKS, DRIVE APPROACHES  
12 AND CURBS AT VARIOUS LOCATIONS IN THE CITY OF  
13 CUYAHOGA FALLS, AND DECLARING AN EMERGENCY.  
14

15 WHEREAS, pursuant to Resolution No. -2011, a sidewalk and drive approach replacement or  
16 adjustment district was created within the City of Cuyahoga Falls for the purpose of replacing or  
17 adjusting sidewalks, drive approaches and curbs throughout the City;  
18

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

21  
22 Section 1. The Director of Public Service is hereby authorized to enter into a contract or  
23 contracts, according to law, for replacement or adjustment of concrete sidewalks, drive approaches  
24 and curbs at various locations in the City of Cuyahoga Falls.  
25

26 Section 2. All bids submitted must conform to and be in accordance with the specifications for  
27 the same now on file in the Office of the City Engineer.  
28

29 Section 3. The Director of Finance is hereby authorized and directed to make payment for same  
30 from the Capital Projects Fund.  
31

32 Section 4. Any other ordinances and resolutions or portions of ordinances and resolutions  
33 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions or  
34 portions of ordinances and resolutions not inconsistent herewith and which have not previously been  
35 repealed are hereby ratified and confirmed.  
36

37 Section 5. It is found and determined that all formal actions of this Council concerning and  
38 relating to the adoption of this ordinance were adopted in an open meeting of this Council and that  
39 all deliberations of this Council and of any of its committees that resulted in such formal action were  
40 in meetings open to the public, in compliance with all legal requirements including, to the extent  
41 applicable, Chapter 107 of the Codified Ordinances.  
42

43 Section 6. This ordinance is hereby declared to be an emergency measure necessary for the  
44 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
45 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the  
46 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
47 passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest  
48 period allowed by law.  
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51 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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

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Mayor

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61 2/14/11

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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2011

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY  
8 TO ENTER INTO A CONTRACT OR CONTRACTS, WITHOUT  
9 COMPETITIVE BIDDING, WITH PARAGRID, INC., FOR THE  
10 PROFESSIONAL SERVICES, HARDWARE AND SOFTWARE  
11 NECESSARY TO UPGRADE THE CITY'S DATA NETWORK SERVERS,  
12 AND DECLARING AN EMERGENCY.  
13

14 WHEREAS, purchase of the hardware and software provided for under the contract authorized by this  
15 Ordinance is exempt from competitive selection procedures, pursuant to Ohio Revised Code §125.04(C),  
16

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

20 Section 1. The Director of Public Safety is hereby authorized to enter into a contact or contracts,  
21 without competitive bidding, with Paragrid, Inc., on the basis of its proposal dated February 3, 2011, for the  
22 professional services necessary to upgrade the City's data network servers, including hardware, software,  
23 installation, implementation and knowledge transfer.  
24

25 Section 2. The Director of Finance is hereby authorized and directed to make payment for same from  
26 the Capital Projects Fund, line item Capital Outlay.  
27

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

33 Section 4. It is found and determined that all formal actions of this Council concerning and relating  
34 to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations  
35 of this Council and of any of its committees that resulted in such formal action were in meetings open to  
36 the public, in compliance with all legal requirements including Chapter 107 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 Falls, and  
40 provided it receives the affirmative vote of two-thirds of the members elected or appointed to Council, it  
41 shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall  
42 take effect and be in force at the earliest period allowed by law.  
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45 Passed: \_\_\_\_\_  
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47 President of Council

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50 Clerk of Council

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53 Approved: \_\_\_\_\_  
54 \_\_\_\_\_  
55 Mayor

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57 2/14/11

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 RESOLUTION NO. - 2011

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7 A RESOLUTION CONSENTING TO THE REPAIR AND  
8 UPGRADE OF THE BIN WALLS AT THE STATE ROUTE  
9 8/HOWE AVENUE INTERCHANGE WITHIN THE CITY OF  
10 CUYAHOGA FALLS, BY THE STATE OF OHIO, AND  
11 DECLARING AN EMERGENCY.

12  
13 WHEREAS, the State of Ohio has identified the need for and proposes the repair  
14 and upgrade of the bin walls at the State Route 8/Howe Avenue interchange, in the City of  
15 Cuyahoga Falls, and

16  
17 WHEREAS, Ohio Revised Code §5521.01 specifies that the consent of this Council is  
18 required prior to the improvement of a state highway within the City’s corporate limits,  
19

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

22  
23 Section 1. This Council hereby consents the repair and upgrade of the bin walls at  
24 the State Route 8/Howe Avenue interchange, pursuant to the plans and specifications  
25 developed and included as part of the project identified as PID No. 88205, SUM-SR8-  
26 4.44BinWall by the State of Ohio, Dept. of Transportation, which project shall include the  
27 repair and upgrade of the bin walls at the State Route 8/Howe Avenue interchange.  
28

29 Section 2. This Council’s consent is granted with the following understandings:

- 30  
31 A. The City will agree to pay One Hundred Percent (100%) of the cost of  
32 those features requested by the City which are determined by the State  
33 and Federal Highway Administration to be unnecessary for the Project.  
34 B. Upon completion of the Project, and unless otherwise agreed, the City  
35 shall 1) provide adequate maintenance for the described Project in  
36 accordance with all applicable state and federal law, including, but not  
37 limited to, 23 USC §116; 2) provide ample financial provisions, as  
38 necessary, for the maintenance of the described Project; 3) maintain the  
39 right-of-way, keeping it free of obstructions; and 4) hold said right-of-  
40 way inviolate for public highway purposes.  
41

42 Section 3. The Clerk of Council is hereby directed to transmit to the Director of  
43 Transportation a certified copy of this Ordinance.  
44

45 Section 4. It is found and determined that all formal actions of this Council concerning  
46 and relating to the adoption of this resolution were adopted in an open meeting of this  
47 Council and that all deliberations of this Council and of any of its committees that resulted  
48 in such formal action were in meetings open to the public, in compliance with all legal  
49 requirements including Chapter 107 of the Codified Ordinances.  
50

51 Section 5. This resolution is hereby declared to be an emergency measure necessary for  
52 the preservation of the public peace, health, safety, convenience and welfare of the City of  
53 Cuyahoga Falls and the inhabitants thereof, and provided it received the affirmative vote of  
54 two-thirds of the members elected or appointed to Council, it shall take effect and be in

55 force immediately upon its passage and approval by the Mayor; otherwise it shall take effect  
56 and be in force at the earliest period allowed by law.

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

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President of Council

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Clerk of Council

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

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Mayor

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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 CREATING FOR THE YEAR 2011 A  
10 SIDEWALK AND DRIVE APPROACH REPAIR OR  
11 REPLACEMENT DISTRICT CONTAINING SUCH STREETS,  
12 ALLEYS, OR PUBLIC ROADWAYS AS ARE WITHIN THE  
13 CORPORATE LIMITS OF THE CITY OF CUYAHOGA FALLS,  
14 DECLARING THE NECESSITY OF REPAIRING OR  
15 REPLACING THE SIDEWALKS AND DRIVE APPROACHES  
16 ABUTTING ON SUCH STREETS, ALLEYS OR PUBLIC  
17 ROADWAYS WITHIN SAID CORPORATE LIMITS AND  
18 PROVIDING THE METHOD FOR LEVYING SPECIAL  
19 ASSESSMENTS, AND DECLARING AN EMERGENCY.  
20

21 WHEREAS, it is the opinion of this Council that certain sidewalks and drive approaches  
22 abutting on the streets, alleys or public roadways within the City of Cuyahoga Falls are in  
23 disrepair,  
24

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

28 Section 1. A Sidewalk and Drive Approach Repair and Replacement District is hereby  
29 created for the year 2011 containing those streets, alleys or public roadways within the  
30 corporate limits of the City of Cuyahoga Falls, and declaring the necessity of repairing or  
31 replacing the sidewalks and drive approaches abutting on such streets, alleys or public  
32 roadways, and to provide the method for levying assessments and the right to object to or  
33 appeal said assessment.  
34

35 Section 2. It is hereby declared that the repair or replacement of sidewalks and drive  
36 approaches abutting on necessary streets, alleys and public roadways within the Sidewalk  
37 and Drive Approach Repair or Replacement District is necessary and will be of general  
38 benefit within the City and of special benefit to property owners abutting said sidewalks  
39 and drive approaches.  
40

41 Section 3. Property abutting the necessary streets, alleys and public roadways receiving  
42 sidewalk repair or replacement within the District may be assessed by the linear foot of  
43 abutting sidewalk at the rate of one-half of the total cost of installing or adjusting a linear  
44 foot of sidewalk, with the remainder of such cost to be paid by the City. Property abutting  
45 the necessary streets, alleys and public roadways receiving drive approach repair or  
46 replacement within the District may be assessed by the square foot of drive approach at the  
47 rate of one-half of the total cost of installing or adjusting a square foot of drive approach,  
48 with the remainder of such cost to be paid by the City.  
49

50 Section 4. The assessment to be levied may be paid in full within thirty (30) days from  
51 the levy thereof in the office of the City Director of Finance, and all assessments thereof  
52 remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of  
53 Council to the County Auditor to be placed by him on the tax duplicate and collected in two  
54 (2) semi-annual installments.

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Section 5. Notice to the owners thereof shall be given by publishing the resolution establishing a sidewalk and drive approach repair or replacement district and setting forth the portion of the cost to be assessed, once each week for two weeks in a newspaper published and of general circulation to the City.

Section 6. If an owner objects to an assessment, he shall file his objections in writing with the Clerk of Council within ten (10) days after the last publication of the resolution as provided in Section 915.03 of the Codified Ordinances of the City of Cuyahoga Falls, thereupon, Council shall consider such objections and if they are found to be well taken, may remit such portion of the assessment against the property of the objecting owner as is deemed just or may determine by resolution that a portion or portions of the work described in the ordinance adopted pursuant to Sections 915.01 or 915.02 shall not be done. Any deficiency arising from such remitter may be made up from any fund of the City available for the public improvement of streets or by contributions from the owners desiring that the work be done.

Section 7. After the expiration of the time within which objections may be filed under Section 915.04 of the codified Ordinances of the City of Cuyahoga Falls and the disposition of objections, the Director of Public Service may proceed with the work mentioned in Sections 915.01 and 915.02 of the Codified Ordinances of the City of Cuyahoga Falls or if proceeding by contract, the legislative authority shall authorize the Service Director to advertise and take bids for the awarding of the necessary contracts subject to any determination by the Council that a portion or portions of such work shall not be done pursuant to Section 915.04 of the Codified Ordinances of the City of Cuyahoga Falls.

Section 8. 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 including, to the extent applicable, Chapter 107 of the Codified Ordinances.

Section 9. 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, 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 at the earliest period allowed by law.

Passed: \_\_\_\_\_  
President of Council

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

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

2/14/11  
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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 MODIFICATION OF CONTRACT  
9 NO. 6622 WITH SPANO BROTHERS CONSTRUCTION CO.,  
10 INC., AND DECLARING AN EMERGENCY.

11  
12 WHEREAS, under the authority of Ordinance 127-2010, the City, after competitive  
13 bidding, entered into Contract No. 6622 with Spano Brothers Construction Co., Inc., for the  
14 purposes of constructing Prospect Avenue between Second Street and Front Street; and  
15

16 WHEREAS, it is necessary to adjust the unit quantities of labor and material in the  
17 contract beyond what was originally estimated, and to authorize performance of additional  
18 work outside the scope of the contract made necessary by unforeseen site conditions, in  
19 order to complete the construction of Prospect Avenue between Second Street and Front  
20 Street, which changes will increase the estimated total contract price by an amount not  
21 exceeding \$67,628.22, which amount represents \$39,900 for emergency sewer repairs and  
22 \$27,728.22 for unforeseen electric utility work,  
23

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

27 Section 1. The Director of Public Service is hereby authorized to enter into a  
28 modification of Contract No. 6622 with Spano Brothers Construction Co., Inc., increasing  
29 the unit quantities of labor and material stated therein, and authorizing additional work  
30 made necessary by unforeseen site conditions, as necessary in the opinion of the Director  
31 of Public Service, but not to exceed an amount \$67,628.22 over the original estimated  
32 contract price. Said modification shall be prepared in writing and signed by the Director of  
33 Public Service, on behalf of the City, and the Contractor. The revised estimated contract  
34 price, for purposes of Section 181.06 of the Codified Ordinances, is \$434,987.32.  
35

36 Section 2. The Director of Finance is hereby authorized and directed to pay invoices  
37 for work based upon the Contract as modified, in an amount not to exceed \$67,628.22 over  
38 the original estimated contract price, \$39,900 of the overage to be paid from the Sewer  
39 Fund, Line Item Capital Outlay, and \$27,728.22 of the overage to be paid from the Electric  
40 Fund, Line Item Capital Outlay.  
41

42 Section 3. Any other ordinances and resolutions or portions of ordinances and  
43 resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances  
44 and resolutions or portions of ordinances and resolutions not inconsistent herewith and  
45 which have not previously been 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 open meeting  
49 of this Council and that all deliberations of this Council and of any of its committees that  
50 resulted in such formal action were in meetings open to the public, in compliance with all  
51 legal requirements including, to the extent applicable, Chapter 107 of the Codified  
52 Ordinances.  
53



2  
3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. -2011

6  
7 AN ORDINANCE TO APPROVE CURRENT REPLACEMENT  
8 PAGES TO THE CUYAHOGA FALLS CODIFIED ORDINANCES,  
9 AND DECLARING AN EMERGENCY.

10  
11 WHEREAS, certain provisions within the Codified Ordinances should be amended to conform  
12 with current State law as required by the Ohio Constitution; and

13  
14 WHEREAS, various ordinances and ordinance amendments of a general and permanent  
15 nature have been passed by Council which should be included in the Codified Ordinances; and

16  
17 WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane  
18 Company to prepare and publish such revision which is before Council;

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

22  
23 Section 1. The ordinances of the City of Cuyahoga Falls, Ohio, of a general and permanent  
24 nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters  
25 and sections within the 2010 Replacement Pages to the Codified Ordinances are hereby approved  
26 and adopted.

27  
28 Section 2. The following sections and chapters are hereby added, amended or repealed as  
29 respectively indicated in order to comply with current State law.

30  
31 Traffic Code

- 32
- 33 333.01 Driving or Physical Control While Under the Influence. (Amended)
- 34 333.031 Approaching a Public Safety, Emergency or Road Service Vehicle.  
35 (Amended)
- 36 335.01 Driver's License or Commercial Driver's License Required. (Amended)
- 37 335.02 Permitting Operation Without a Valid License. (Amended)
- 38 335.07 Driving Under License Suspension or Restriction. (Amended)
- 39 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation.  
40 (Amended)
- 41 335.10 Expired or Unlawful License Plates. (Amended)
- 42 335.12 Stopping After Accident Upon Streets. (Amended)
- 43 335.13 Stopping After Accident Upon Property Other Than Street. (Amended)
- 44 337.28 Use of Sunscreening Materials. (Amended)
- 45 337.29 Bumper Heights. (Amended)

46  
47 General Offenses Code

- 48
- 49 501.99 Penalties for Misdemeanors. (Amended)
- 50 517.01 Gambling Definitions. (Amended)
- 51 517.02 Gambling. (Amended)
- 52 517.06 Methods of Conducting a Bingo Game. (Amended)
- 53 517.07 Instant Bingo Conduct. (Amended)
- 54 529.07 Open Container Prohibited. (Amended)
- 55 537.14 Domestic Violence. (Amended)

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General Offenses Code (Cont.)

- 537.15 Temporary Protection Order. (Amended)
- 545.01 Theft and Fraud Definitions. (Amended)
- 545.05 Petty Theft. (Amended)
- 549.01 Weapons and Explosives Definitions. (Amended)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)
- 549.07 Underage Purchase of a Firearm. (Amended)

Fire Prevention Code

- 1501.04 Enforcement. (Amended)
- 1519.04 Possession, Sale or Discharge Prohibited. (Amended)

Section 3. The complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, and provided that it receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest period allowed by law.

Passed: \_\_\_\_\_  
President of Council

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

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