

City of Cuyahoga Falls
Department of Law
Memorandum

To: Members of City Council
Mayor Don L. Robart
From: Paul A. Janis
Date: February 25, 2011
Re: Rules Suspension

In your packet for Monday evening are Temp. Ords. B-20 and B-21, approving the payment of two moral claims.

In accordance with past practice, in order to permit the expeditious processing of the above claims, we are requesting that the rules be suspended to permit Council to consider and vote on these pieces of legislation on Monday evening.

Also in your packet is Temp. Ord. B-19 authorizing a modification of Contract No. 6609 that is for window replacement at the Municipal Building. Because of the long lead time associated with custom manufacture of windows for the municipal building, and the possibility of increased costs associated with delay, we are requesting that Council suspend its rules in order to consider and vote on this ordinance on Monday evening.

Thank you for your consideration.

NEW LEGISLATION

February 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-19	2/28/11	Fin	An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 6609 with Jamieson-Ricca Company, and declaring an emergency.
B-20	2/28/11	Fin	An ordinance authorizing payment of the Moral Claim of the Estate of Thelma Karamelo as approved by the Claims Commission, and declaring an emergency.
B-21	2/28/11	Fin	An ordinance authorizing payment of the Moral Claim of Nick Calcagno as approved by the Claims Commission, and declaring an emergency.
B-22	2/28/11	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with Innoprise Software, Inc., for the professional services necessary to install, maintain and operate an enterprise software system, including associated software licensing, and declaring an emergency.
B-23	2/28/11	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, according to law, for replacement of the entry vestibule at the Cuyahoga Falls Natatorium Health and Wellness Center, and declaring an emergency.
B-24	2/28/11	PA	An ordinance authorizing the Mayor to enter into a mutual aid agreement with various political subdivisions located within Summit County in order to provide and receive police services including accident investigation services in participation with the Summit County Crash Response Team, and declaring an emergency.

CALENDAR

February 28, 2011

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

Temp. No.	Introduced	Committee	Description
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-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.

* Public Hearing 1-24-11

PENDING LEGISLATION

February 28, 2011

Temp. No.	Introduced	Committee	Description
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-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.

* Public Hearing 1-24-11

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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2011

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE
8 TO ENTER INTO A MODIFICATION OF CONTRACT NO. 6609 WITH
9 JAMIESON-RICCA COMPANY, AND DECLARING AN EMERGENCY.

10
11 WHEREAS, under the authority of Ordinance 50-2010, the City, after competitive bidding, entered into
12 Contract No. 6609 with Jamieson-Ricca Company for the purposes of replacing windows at the Municipal
13 Building;

14
15 WHEREAS, it is necessary to adjust the unit quantities of labor and material in the contract beyond
16 what was originally estimated, in order to complete the window replacement at the Municipal Building,
17 which changes will increase the estimated total contract price by an amount not exceeding \$27,721.00.

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

21
22 Section 1. The Director of Public Service is hereby authorized to enter into a modification of Contract
23 No. 6609 with Jamieson-Ricca Company, increasing the unit quantities of labor and material stated therein,
24 but not to exceed an amount \$27,721.00 over the original estimated contract price. Said modification shall
25 be prepared in writing and signed by the Director of Public Service on behalf of the City.

26
27 Section 2. The Director of Finance is hereby authorized and directed to pay invoices for work based
28 upon the Contract as modified, in an amount not to exceed \$27,721.00 over the original estimated contract
29 price, to be paid from the Capital Projects Fund, line item Capital Outlay.

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

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

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

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49 Passed: _____

President of Council

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53 Approved: _____

Clerk of Council

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Mayor

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2011

8
9 AN ORDINANCE AUTHORIZING PAYMENT OF THE MORAL
10 CLAIM OF THE ESTATE OF THELMA KARAMELO AS
11 APPROVED BY THE CLAIMS COMMISSION, AND DECLARING
12 AN EMERGENCY.

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

16
17 Section 1. The Director of Finance is hereby authorized to pay the moral claim of the
18 Estate of Thelma Karamelo in the amount of \$1,990.00 as approved by the Claims Commission
19 on February 14, 2011.

20
21 Section 2. The Director of Finance is hereby authorized and directed to make payment for
22 same from the Water Department Fund, line item Other Operations.

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
30 and relating to the adoption of this ordinance were adopted in an open meeting of this Council
31 and 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
36 the preservation of the public peace, health, safety, convenience and welfare of the City of
37 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of
38 two-thirds of the members elected or appointed to Council, it shall take effect and be in force
39 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in
40 force at the earliest period allowed by law.

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43 Passed: _____
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45 President of Council

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48 Clerk of Council

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51 Approved: _____
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53 Mayor

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55 2/28/11

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2011

8
9 AN ORDINANCE AUTHORIZING PAYMENT OF THE MORAL
10 CLAIM OF NICK CALCAGNO AS APPROVED BY THE CLAIMS
11 COMMISSION, 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 Finance is hereby authorized to pay the moral claim of Nick
17 Calcagno in the amount of \$600.00 as approved by the Claims Commission on February 14,
18 2011.

19
20 Section 2. The Director of Finance is hereby authorized and directed to make payment for
21 same from the Water Department Fund, line item Other Operations.

22
23 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
24 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
25 ordinances and resolutions not inconsistent herewith and which have not previously been
26 repealed are hereby ratified and confirmed.

27
28 Section 4. It is found and determined that all formal actions of this Council concerning
29 and relating to the adoption of this ordinance were adopted in an open meeting of this Council
30 and that all deliberations of this Council and of any of its committees that resulted in such formal
31 action were in meetings open to the public, in compliance with all legal requirements including
32 Chapter 107 of the Codified Ordinances.

33
34 Section 5. This ordinance is hereby declared to be an emergency measure necessary for
35 the preservation of the public peace, health, safety, convenience and welfare of the City of
36 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of
37 two-thirds of the members elected or appointed to Council, it shall take effect and be in force
38 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in
39 force at the earliest period allowed by law.

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42 Passed: _____
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44 President of Council

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47 Clerk of Council

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50 Approved: _____
51 _____
52 Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2011

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SAFETY TO ENTER INTO A CONTRACT OR CONTRACTS,
9 WITHOUT COMPETITIVE BIDDING, WITH INNOPRISE SOFTWARE,
10 INC., FOR THE PROFESSIONAL SERVICES NECESSARY TO
11 INSTALL, MAINTAIN AND OPERATE AN ENTERPRISE SOFTWARE
12 SYSTEM, INCLUDING ASSOCIATED SOFTWARE LICENSING, AND
13 DECLARING AN EMERGENCY.
14

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

17
18 Section 1. The Director of Public Safety is hereby authorized to enter into a contact or
19 contracts, without competitive bidding, with Innoprise, Software, Inc., on the basis of its proposal
20 dated February 24, 2011, for the professional services necessary to install, maintain and operate a
21 full enterprise software system, including implementation, data conversion, training, upgrades,
22 modifications, and technical support, as well as software licensing.
23

24 Section 2. The Director of Finance is hereby authorized and directed to make payment for lump
25 sum implementation and software licensing fees from the Capital Projects Fund, line item Capital
26 Outlay, and for maintenance fees from funds properly appropriated therefor.
27

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

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

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

President of Council

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Clerk of Council

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54 Approved: _____

Mayor

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2011

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9 AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION
10 BOARD TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, FOR REPLACEMENT OF THE ENTRY
12 VESTIBULE AT THE CUYAHOGA FALLS NATATORIUM HEALTH
13 AND WELLNESS CENTER, AND DECLARING AN EMERGENCY.

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

17
18 Section 1. The Parks and Recreation Board is hereby authorized and directed to enter into a
19 contract or contracts, according to law, for construction services involving replacement of the entry
20 vestibule at the Cuyahoga Falls Natatorium Health and Wellness Center.

21
22 Section 2. The Finance Director is authorized and directed to make payment for same from the
23 Leisure Time Fund and Recreation Levy Fund, line item Capital Outlay.

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 repealed are
28 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 that all
32 deliberations of this Council and of any of its committees that resulted in such formal action were in
33 meetings open to the public, in compliance with all legal requirements including Chapter 107 of the
34 Codified Ordinances.

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

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44 Passed: _____
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46 President of Council

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49 Clerk of Council

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52 Approved: _____
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54 Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2011

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
8 MUTUAL AID AGREEMENT WITH VARIOUS POLITICAL
9 SUBDIVISIONS LOCATED WITHIN SUMMIT COUNTY IN ORDER
10 TO PROVIDE AND RECEIVE POLICE SERVICES INCLUDING
11 ACCIDENT INVESTIGATION SERVICES IN PARTICIPATION WITH
12 THE SUMMIT COUNTY CRASH RESPONSE TEAM, AND
13 DECLARING AN EMERGENCY.

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

16
17 Section 1. The Mayor is hereby authorized to enter into a mutual aid agreement with
18 various political subdivisions located within Summit County in order to provide and receive police
19 services including accident investigation services in participation with the Summit County Crash
20 Response Team, under which the City may provide and receive police services including the
21 investigation of serious traffic crashes.

22
23 Section 2. Any ordinances or resolutions or portions of ordinances and resolutions
24 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
25 herewith and which have not previously been repealed are hereby ratified and confirmed.

26
27 Section 3. It is found and determined that all formal actions of this Council concerning and
28 relating to the passage of this ordinance were taken in an open meeting of this Council and that
29 all deliberations of this Council and of any committees that resulted in those formal actions were
30 in meetings open to the public, in compliance with all legal requirements including Chapter 107
31 of the Codified Ordinances.

32
33 Section 4. This ordinance 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 receives the affirmative vote of two-thirds of the
36 members elected or appointed to Council, it shall take effect and be in force immediately upon its
37 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
38 period allowed by law.

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41 Passed _____

President of Council

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Clerk of Council

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47 Approved _____

Mayor

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