

NEW LEGISLATION

April 11, 2011

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

Temp. No.	Introduced	Committee	Description
B-41	4/11/11	Fin	An ordinance enacting new Section 933.122 of Title 5, Part 9 of the Codified Ordinances, relating to rates for renewable energy, and declaring an emergency.
B-42	4/11/11	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of a trailer-mounted valve maintenance and vacuum system, and declaring an emergency.
B-43	4/11/11	Fin	An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts without competitive bidding with WESCO Distribution, Inc. for emergency purchase of a 1500 kVA, 2.4kV/7.2kV primary voltage padmount transformer, and declaring an emergency.
B-44	4/11/11	PA	A resolution expressing support for Issue 16, a operating tax levy for the benefit of the Cuyahoga Falls Library, and declaring an emergency.
B-45	4/11/11	CD	An ordinance approving the FY 2011 Community Development Block Grant Annual Action Plan, and declaring an emergency.

CALENDAR

April 11, 2011

The following legislation will be up for passage at the Council Meeting on April 11, 2011.

Temp. No.	Introduced	Committee	Description
B-34	3/28/11	PZ	An ordinance approving the site plan related to construction of a 22,000 square foot/48 unit assisted living facility at 1691 Queens Gate Circle (Parcel No. 02-20378) and declaring an emergency.
B-35	3/28/11	Fin	An ordinance authorizing the Director of Public Service to enter into an energy purchase agreement known as the "EDI Landfill Energy Schedule" with American Municipal Power, Inc., and declaring an emergency.
B-37	3/28/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for construction of an electrical substation at 3535 State Road, including construction of an associated 23kV pole line, and declaring an emergency.
B-39	3/28/11	PA	An ordinance enacting new Section 133.01 of Title 5, Part 1 of the Codified Ordinances, amending Sections 1306.01, 1306.02, 1306.03 and 1306.05 of Title 1, Part 13 thereof, relating to duties of the Chief Building Official, and declaring an emergency.
B-40	3/28/11	CD	An ordinance authorizing the Mayor to enter into a Modification of Contract No. 6519 with SRW Environmental Services, Inc., and declaring an emergency.

PENDING LEGISLATION

April 11, 2011

Temp. No.	Introduced	Committee	Description
B-34	3/28/11	PZ	An ordinance approving the site plan related to construction of a 22,000 square foot/48 unit assisted living facility at 1691 Queens Gate Circle (Parcel No. 02-20378) and declaring an emergency.
B-35	3/28/11	Fin	An ordinance authorizing the Director of Public Service to enter into an energy purchase agreement known as the "EDI Landfill Energy Schedule" with American Municipal Power, Inc., and declaring an emergency.
B-36	3/28/11	PI	A resolution declaring the necessity of and intention to appropriate certain interests in real property necessary to establish a pedestrian walkway between Dominic Drive and North Hidden Valley Drive, and declaring an emergency.
B-37	3/28/11	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for construction of an electrical substation at 3535 State Road, including construction of an associated 23kV pole line, and declaring an emergency.
B-38	3/28/11	PA	An ordinance amending Sections 516.01, 516.02, 516.03 and 516.04 of Chapter 516, Part Five of the Codified Ordinances, enacting new Sections 516.05 and 516.06 thereof, relating to minors' curfew, and declaring an emergency.
B-39	3/28/11	PA	An ordinance enacting new Section 133.01 of Title 5, Part 1 of the Codified Ordinances, amending Sections 1306.01, 1306.02, 1306.03 and 1306.05 of Title 1, Part 13 thereof, relating to duties of the Chief Building Official, and declaring an emergency.
B-40	3/28/11	CD	An ordinance authorizing the Mayor to enter into a Modification of Contract No. 6519 with SRW Environmental Services, Inc., 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 ENACTING NEW SECTION 933.122 OF TITLE 5,
8 PART 9 OF THE CODIFIED ORDINANCES, RELATING TO RATES
9 FOR RENEWABLE ENERGY, AND DECLARING AN EMERGENCY.

10
11 WHEREAS, pursuant to Ord. No. 32-2011, the City has entered into contract with American
12 Municipal Power, Inc. in order to purchase, for resale, certain renewable energy products to be known
13 as the EcoSmart Choice program, and

14
15 WHEREAS, under the EcoSmart Choice program, residential and commercial customers of the
16 Cuyahoga Falls Electric System will be offered the option to purchase renewable energy products on a
17 per kWh basis as part of their base electric load,

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. New Section 933.122 of the Codified Ordinances of the City of Cuyahoga Falls is
23 hereby enacted to read in full as follows:

24
25 933.122 RENEWABLE ENERGY SURCHARGE

26 To the extent available, a renewable energy choice may be procured by the City and made available
27 at cost to customers wishing to participate. For those customers choosing the renewable energy
28 product, the monthly charge will be surcharged at the rate then currently experienced by the City in
29 procuring the renewable energy product. Participating customers shall be informed of the surcharge
30 rate in advance, and the customer's participation in the program shall be noted on each bill. The
31 customer will be provided at least thirty (30) days notice of any changes in the surcharge rate.
32 Customers may terminate participation in the renewable energy program upon giving thirty (30) days
33 notice to the City.

34
35 Section 2. Any ordinances or resolutions or portions of ordinances and resolutions inconsistent
36 herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which
37 have not previously been repealed are hereby ratified and confirmed.

38
39 Section 3. It is found and determined that all formal actions of this Council concerning and
40 relating to the passage of this ordinance were taken in an open meeting of this Council and that all
41 deliberations of this Council and of any committees that resulted in those formal actions were in
42 meetings open to the public, in compliance with all legal requirements including Chapter 107 of the
43 Codified Ordinances.

44
45 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
46 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls
47 and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the members
48 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and
49 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by
50 law.

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53 Passed: _____

President of Council

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Clerk of Council

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61 Approved _____

Mayor

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64 4/11/11

65 O:\2011ords\enact C.O. 933.122 Renewable Energy Rates

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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
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR
9 CONTRACTS, ACCORDING TO LAW, FOR THE
10 PURCHASE OF A TRAILER-MOUNTED VALVE
11 MAINTENANCE AND VACUUM SYSTEM, AND
12 DECLARING AN EMERGENCY.

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

16
17 Section 1. The Director Public Service is hereby authorized to enter into a contract
18 or contracts, according to law, for the purchase of a trailer-mounted valve maintenance
19 and vacuum system (e.g., "Trav-L-Vac") for use by the Water, Sewer, and Storm Water
20 Departments.

21
22 Section 2. The Director of Finance is hereby directed to make payment for same out
23 of the Water, Sewer, and Storm Water Drainage Utility funds, line item Capital Outlay.

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

29
30 Section 4. It is found and determined that all formal actions of this Council
31 concerning and relating to the passage of this ordinance were taken in an open meeting
32 of this Council and that all deliberations of this Council and of any committees that
33 resulted in those formal actions were in meetings open to the public, in compliance with
34 all legal requirements including Chapter 107 of the Codified Ordinances.

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

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44 Passed: _____

President of Council

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Clerk of Council

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52 Approved _____

Mayor

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54 4/11/11

55 O:\2011ords\Valve Maintenance Trailer-purchase

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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 SERVICE
8 TO ENTER INTO A CONTRACT AND/OR CONTRACTS WITHOUT
9 COMPETITIVE BIDDING WITH WESCO DISTRIBUTION, INC. FOR
10 EMERGENCY PURCHASE OF A 1500 kVA PADMOUNT
11 TRANSFORMER, AND DECLARING AN EMERGENCY.

12
13 WHEREAS, due to a change in the anticipated electrical load of a customer project under construction,
14 the project requires a type of electrical transformer that is not kept in stock, and

15
16 WHEREAS, there exists a real and present emergency in connection with providing timely electrical
17 service to the mentioned customer, such that normal competitive bidding for the purchase of the required
18 transformer cannot be accomplished without unreasonable risk to public services,

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

22
23 Section 1. The Director of Public Service is hereby authorized to enter into a contract and/or
24 contracts without competitive bidding, according to law, with WESCO Distribution, Inc. for emergency
25 purchase of a 1500 kVA, 2.4kV/7.2kV primary voltage padmount transformer.

26
27 Section 2. The Director of Finance is hereby authorized and directed to make payment for same from
28 the Electric Fund, Line Item Capital Outlay.

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

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

38
39 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
40 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and
41 the inhabitants thereof and provided it receives the affirmative vote of two thirds of the members elected or
42 appointed 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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58 4/11/11

59 O:\2011ords\Transformer Purchase - emergency

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 RESOLUTION NO. - 2011

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9 A RESOLUTION EXPRESSING SUPPORT FOR ISSUE 16, A
10 OPERATING TAX LEVY FOR THE BENEFIT OF THE
11 CUYAHOGA FALLS LIBRARY, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, the Cuyahoga Falls Library is an asset to the community, and

15
16 WHEREAS, Issue 16, a 1.9 mill operating tax levy will appear on the
17 primary/special election ballot on May 3, 2011, to benefit the library, and

18
19 WHEREAS, funds generated by the passage of Issue 16 will be used for daily
20 operations of the library,

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

24
25 Section 1. The Council and Administration of the City of Cuyahoga Falls express
26 their support for and urges the passage of the proposed operating levy, Issue 16, for the
27 benefit of the Cuyahoga Falls Library.

28
29 Section 2. It is found and determined that all formal actions of this Council
30 concerning and relating to the passage of this resolution were taken in an open meeting
31 of this Council and that all deliberations of this Council and of any committees that
32 resulted in those formal actions were in meetings open to the public, in compliance with
33 all legal requirements including Chapter 107 of the Codified Ordinances.

34
35 Section 3. This resolution is hereby declared to be an emergency measure necessary
36 for the preservation of the public peace, health, safety, convenience and welfare of the
37 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the
38 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
39 take effect and be in force immediately upon its passage and approval by the Mayor;
40 otherwise it shall take effect and be in force at the earliest period allowed by law.

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43 Passed: _____

President of Council

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Clerk of Council

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51 Approved _____

Mayor

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54 4/11/11

55 O:\2011ords\Library Levy Reso. in support

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2011

7
8 AN ORDINANCE APPROVING THE FY 2011 COMMUNITY
9 DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN,
10 AND DECLARING AN EMERGENCY.

11
12 WHEREAS, Subpart C of Part 91, Title 24 of the Code of Federal Regulations requires
13 that the City submit, as a part of the annual submission of its consolidated plan, an action
14 plan that includes a certification that the consolidated plan is authorized under state and
15 local law and that the City possesses the legal authority to carry out the programs for
16 which it is seeking funding,

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

20
21 Section 1. The 2011 Community Development Block Grant Annual Action Plan, and the
22 programs contained in the City’s consolidated plan, are hereby approved, and the
23 Community Development Department is authorized to carry out the programs contained in
24 these documents.

25
26 Section 2. Any other ordinances or resolutions or portions of ordinances and
27 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
28 not inconsistent herewith and which have not previously been repealed are hereby ratified
29 and confirmed.

30
31 Section 3. It is found and determined that all formal actions of this Council concerning
32 and relating to the adoption of this ordinance were adopted in an open meeting of this
33 Council, and that all deliberations of this Council and of any of its committees that resulted
34 in such formal action, were in meetings open to the public, in compliance with all legal
35 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

36
37 Section 4. This ordinance is hereby declared to be an emergency measure necessary for
38 the preservation of the public peace, health, safety, convenience and welfare of the City of
39 Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately necessary
40 to permit timely and appropriate development of this property, and provided it receives the
41 affirmative vote of two thirds of the members elected or appointed to Council, it shall take
42 effect and be in force immediately upon its passage and approval by the Mayor; otherwise it
43 shall take effect and be in force at the earliest period allowed by law.

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46 Passed: _____
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48 President of Council

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52 Clerk of Council

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54 Approved: _____
55 _____
56 Mayor

57 4/11/11