

## NEW LEGISLATION

October 8, 2012

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-102	10/8/12	P&Z	An ordinance approving a conditional zoning certificate for the operation of a vehicle repair facility and outdoor sales lot at 1559 State Road, in an MU-4 Mixed Use District, and declaring an emergency.
A-103	10/8/12	Fin	A resolution accepting the amounts and rates of taxation as certified by the Summit County Budget Commission, authorizing the necessary tax levies, certifying such authorization to the County Fiscal Officer, and declaring an emergency.
A-104	10/8/12	Fin	An ordinance authorizing the Director of Finance to enter into a contract or contracts without competitive bidding with Wichert Insurance Services, Inc. for the professional services necessary to manage the City's risk management and insurance program and for the purchase of public entity insurance coverages, and declaring an emergency.
A-105	10/8/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts without competitive bidding with Karvo Paving Company for emergency pavement repairs to a portion of Graham Road, and declaring an emergency.
A-106	10/8/12	Fin	An ordinance authorizing the Director of Law to enter into a settlement agreement regarding the legal claim of Associated Materials, LLC, and declaring an emergency.

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A-107	10/8/12	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for construction of a 4,397 square foot warehouse addition to a City-owned building at 2550 Bailey Road, and declaring an emergency.
A-108	10/8/12	PI	An ordinance authorizing the Director of Public Service to enter into a contract with the Ohio Department of Transportation for the Improvement of State Road between Graham and Quick Roads, authorizing the Director of Finance to pay the City's estimated share of the costs therefor, and declaring an emergency.
A-109	10/8/12	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

## CALENDAR

October 8, 2012

The following legislation will be up for passage at the Council Meeting on October 8, 2012.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-93	9/24/12	Fin	An ordinance providing for the issuance and sale of Notes in the principal amount of \$7,000,000, in anticipation of the issuance of Bonds, for the purpose of paying a portion of the costs of constructing a community recreation center and acquiring real estate and interests in real estate therefor, and declaring an emergency.
A-94	9/24/12	Fin	An ordinance providing for the issuance and sale of Notes in the principal amount of \$1,400,000, in anticipation of the issuance of Bonds, for the purpose of constructing improvements to portions of State Road and Portage Trail, including, where necessary, constructing or replacing sidewalks and curbs, installing water and sewer lines, constructing turning lanes, installing traffic signals and lighting, and all related improvements, and declaring an emergency.
A-95	9/24/12	Fin	An ordinance assigning and/or re-assigning the various job classifications of the City to appropriate established pay grades, and declaring an emergency.

A-96	9/24/12	Fin	An ordinance amending Section 2 of Ord. No. 63-2012 to designate additional sources of funding for the construction of public improvements authorized thereunder, and declaring an emergency.
A-97	9/24/12	PA	An ordinance amending Section 129.01 of Title Five, Part One of the Codified Ordinances, relating to authorized staffing of the Police Department, and declaring an emergency.
A-100	9/24/12	PA	An ordinance authorizing the Mayor to enter into a Franchise Agreement including pole attachment rights with OneCommunity, Inc., and declaring an emergency.

## PENDING LEGISLATION

October 8, 2012

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-85 **	9/10/12	PZ	An ordinance re-zoning Parcel No. 02-12047 (2307 23 <sup>rd</sup> Street) from R-4 ("Urban Density Residential") to MU-4 ("Sub-Urban Corridor"), authorizing a corresponding amendment of the City's Official Zone Maps, and declaring an emergency.
A-91	9/10/12	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, certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.
A-93	9/24/12	Fin	An ordinance providing for the issuance and sale of Notes in the principal amount of \$7,000,000, in anticipation of the issuance of Bonds, for the purpose of paying a portion of the costs of constructing a community recreation center and acquiring real estate and interests in real estate therefor, and declaring an emergency.
A-94	9/24/12	Fin	An ordinance providing for the issuance and sale of Notes in the principal amount of \$1,400,000, in anticipation of the issuance of Bonds, for the purpose of constructing improvements to portions of State Road and Portage Trail, including, where necessary, constructing or replacing sidewalks and curbs, installing water and sewer lines, constructing turning lanes, installing traffic signals and lighting, and all related improvements, and declaring an emergency.
A-95	9/24/12	Fin	An ordinance assigning and/or re-assigning the various job classifications of the City to appropriate established pay grades, and declaring an emergency.

A-96	9/24/12	Fin	An ordinance amending Section 2 of Ord. No. 63-2012 to designate additional sources of funding for the construction of public improvements authorized thereunder, and declaring an emergency.
A-97	9/24/12	PA	An ordinance amending Section 129.01 of Title Five, Part One of the Codified Ordinances, relating to authorized staffing of the Police Department, and declaring an emergency.
A-98	9/24/12	PA	An ordinance amending Section 131.01 of Title Five, Part One of the Codified Ordinances, relating to authorized staffing of the Fire Department, and declaring an emergency.
A-99	9/24/12	PA	An ordinance authorizing the Director of Public Service to issue an encroachment permit to Cole CK Portfolio I, LLC for the purpose of installing and operating a private sanitary force main sewer in Portage Trail Extension, and declaring an emergency.
A-100	9/24/12	PA	An ordinance authorizing the Mayor to enter into a Franchise Agreement including pole attachment rights with OneCommunity, Inc., and declaring an emergency.
A-101	9/24/12	PA	An ordinance authorizing the Park and Recreation Board to enter into a contract or contracts, according to law, for the construction of a storage and maintenance building at Brookledge Golf Course, and declaring an emergency.

\*\* Public Hearing 10/22/12

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AMENDING SECTION 131.01 OF TITLE  
8 FIVE, PART ONE OF THE CODIFIED ORDINANCES,  
9 RELATING TO AUTHORIZED STAFFING OF THE FIRE  
10 DEPARTMENT, AND DECLARING AN EMERGENCY.

11  
12 WHEREAS, Article III, Section 8 of the City Charter authorizes this Council to  
13 provide for the authorized staffing of officers and employees in the Fire Department; and

14  
15 WHEREAS, under Article XVIII, Section 3 of the Ohio Constitution, exercise of the  
16 City's discretion in appointments and promotions within the classified service of the  
17 City is a matter of local self-government (*State ex rel. Bednar v. City of North Canton*  
18 (1994) 69 Ohio St. 3d 278); and

19  
20 WHEREAS, Article VII, Section 2 of the City Charter expressly authorizes this  
21 Council to enact ordinances with respect to appointments and promotions that will  
22 prevail over state statutory provisions in case of conflict,

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

26  
27 Section 1. Section 131.01 of the Codified Ordinances of the City of Cuyahoga Falls  
28 is hereby amended to read in full as follows (new text underlined; deleted text in  
29 ~~strikethrough~~):

30  
31 131.01 CREATION AND COMPOSITION.

32 (a) There is hereby created the Fire Department of the City, ~~consisting of the~~  
33 ~~Fire Chief and such additional officers and personnel as provided by ordinance of~~  
34 ~~Council.~~ Subject to the sufficiency of annual or supplemental appropriations therefor,  
35 the Fire Department shall be composed of officers and other personnel not to exceed the  
36 following:

37  
38 Officers:

- 39 1 Chief
- 40 1 Assistant Chief
- 41 3 Captains
- 42 16 Lieutenants
- 43 52 Firefighters

44  
45 Other Personnel:

- 46 1 Office Manager
- 47 1 Secretary I
- 48 1 Regular Part-Time Laborer
- 49 1 Temporary Part-Time Laborer

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51  
52 (b) The actual number of positions shall be determined by the Director of Public  
53 Safety in accordance with the annual appropriations made by the Council for personnel  
54 expenditures in the Fire Department. The actual number of positions shall be reported  
55 to Council in the Annual Report on Staffing required under Section 123.07 of these  
56 Ordinances. Establishment or abolishment of positions within the limits set forth in

57 subsection (a) above shall be deemed effected upon submission of the Annual Report on  
58 Staffing or supplements thereto. Vacancies in classified positions shall be filled only  
59 upon request of the Director of Public Safety for a certified list of candidates from the  
60 Civil Service Commission, or as otherwise provided in the rules of the Commission. The  
61 Director of Public Safety is authorized to leave positions vacant for a period not to  
62 exceed one year, due to lack of sufficient appropriations, changes in the organizational  
63 structure of the Department, or for other managerial or fiscal reasons.

64  
65 Section 2. Existing Section 131.01 of the Codified Ordinances, as re-enacted by  
66 Ord. No. 45-1998, passed March 9, 1998, is hereby repealed.

67  
68 Section 3. Ordinance No. 178-2004, passed December 29, 2004, is hereby repealed.

69  
70 Section 4. Any other ordinances and resolutions or portions of ordinances and  
71 resolutions inconsistent herewith are hereby repealed but any ordinances and  
72 resolutions or portions of ordinances and resolutions not inconsistent herewith and  
73 which have not previously been repealed are hereby ratified and confirmed.

74  
75 Section 5. It is found and determined that all formal actions of this Council  
76 concerning and relating to the adoption of this ordinance were adopted in an open  
77 meeting of this Council and all deliberations of this Council and any of its committees  
78 that resulted in such formal action were in meetings open to the public, in compliance  
79 with all legal requirements including Chapter 107 of the Codified Ordinances.

80  
81 Section 6. This ordinance is hereby declared to be an emergency measure necessary  
82 for the preservation of the public peace, health, safety, convenience and welfare of the  
83 City of Cuyahoga Falls and the inhabitants thereof and provided it receives the  
84 affirmative vote of two-thirds of the members elected or appointed to Council, it shall  
85 take effect and be in force immediately upon its passage and approval by the Mayor;  
86 otherwise it shall take effect and be in force at the earliest period allowed by law.

87  
88  
89 Passed \_\_\_\_\_

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

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Clerk of Council

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97 Approved: \_\_\_\_\_

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Mayor

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2012

8  
9 AN ORDINANCE APPROVING A CONDITIONAL ZONING  
10 CERTIFICATE FOR THE OPERATION OF A VEHICLE  
11 REPAIR FACILITY AND OUTDOOR SALES LOT AT  
12 1559 STATE ROAD, IN AN MU-4 MIXED USE  
13 DISTRICT, AND DECLARING AN EMERGENCY.

14  
15 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires  
16 that all affirmative decisions made by the Planning Commission be submitted to  
17 Council; and

18  
19 WHEREAS, the Planning Commission jurisdiction to grant a conditional zoning  
20 certificate relative to certain uses in certain districts, subject to the approval of this  
21 Council, pursuant to Section 1113.08 of the Codified Ordinances, and

22  
23 WHEREAS, on October 2, 2012, the Planning Commission approved the  
24 issuance of a conditional zoning certificate for the operation of a vehicle repair  
25 facility and outdoor sales lot at 1559 State Road (Parcel Nos. 02-02756, 02-15266,  
26 02-00120, 02-00121, 02-00122, 02-00123, 02-00124, 02-00182, 02-00183 and  
27 02-00184), within the City of Cuyahoga Falls, Ohio.

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

31  
32 Section 1. This Council approves the issuance of a conditional zoning certificate  
33 for the operation of a vehicle repair facility and outdoor sales lot at 1559 State  
34 Road (Parcel Nos. 02-02756, 02-15266, 02-00120, 02-00121, 02-00122, 02-00123,  
35 02-00124, 02-00182, 02-00183 and 02-00184), Cuyahoga Falls, Ohio, situated an  
36 MU-4 Mixed Use Center District, as provided for in the Codified Ordinances of the  
37 City of Cuyahoga Falls and as approved by the Planning Commission as per the  
38 plans and stipulations contained in File P-23-12-CZ, and as further detailed in the  
39 plan and elevation drawings set forth in Exhibit A hereto. This approval is without  
40 prejudice to the City's right of revocation.

41  
42 Section 2. Any other ordinances or resolutions or portions of ordinances and  
43 resolutions inconsistent herewith be and the same are hereby repealed, but any  
44 ordinances and resolutions not inconsistent herewith and which have not  
45 previously been repealed are hereby ratified and confirmed.

46  
47 Section 3. 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  
49 meeting of this Council, and that all deliberations of this Council and of any of its  
50 committees that resulted in such formal action, were in meetings open to the

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

53  
54 Section 4. This ordinance is hereby declared to be an emergency measure  
55 necessary for the preservation of the public peace, health, safety, convenience and  
56 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason  
57 that it is immediately necessary to permit timely and appropriate development of  
58 this property, and provided it receives the affirmative vote of two thirds of the  
59 members elected or appointed to Council, it shall take effect and be in force  
60 immediately upon its passage and approval by the Mayor; otherwise it shall take  
61 effect and be in force at the earliest period allowed by law.

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

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68 Clerk of Council

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70 Approved: \_\_\_\_\_  
71 \_\_\_\_\_  
72 Mayor

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75 O:\2012ords\Conditional Use Permit P-23-12-CZ 1559 State.doc



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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 RESOLUTION NO. - 2012

6  
7 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES  
8 OF TAXATION AS CERTIFIED BY THE SUMMIT COUNTY  
9 BUDGET COMMISSION, AUTHORIZING THE NECESSARY  
10 TAX LEVIES, CERTIFYING SUCH AUTHORIZATION TO THE  
11 COUNTY FISCAL OFFICER, AND DECLARING AN  
12 EMERGENCY.

13  
14 WHEREAS, the City, in accordance with the provisions of law, has previously filed  
15 Alternative Tax Budget Information with the Summit County Fiscal Officer for the fiscal  
16 year beginning January 1, 2013; and

17  
18 WHEREAS, on September 24, 2012 the Budget Commission of Summit County certified  
19 its action thereon to the City, together with an estimate by the County Fiscal Officer of the  
20 rate of each tax necessary to be levied by the City and what part thereof is without and  
21 what part thereof is within the Charter tax limitation,

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

25  
26 Section 1. The amounts and rates of taxation as determined by the Budget  
27 Commission in its certification are hereby accepted.

28  
29 Section 2. There shall be and hereby is levied on the tax duplicate of the said City the  
30 rate of each tax necessary to be levied within and without the Charter limitation as follows:

Purpose	Amount to be Derived from Levies Inside Charter Limit	Amount Approved by Budget Commission outside Charter Limit	County Fiscal Officer's Estimate of Tax Rate to be Levied	
			Inside Charter Limit	Outside Charter Limit
General Fund	\$9,892,173		\$10.40	
Police Pension	285,350		.30	
Fire Pension	285,350		.30	

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32  
33 Section 3. The Clerk of Council is authorized and directed to forward a certified copy  
34 of this resolution to the County Fiscal Officer.

35  
36 Section 4. Any other ordinances and resolutions or portions of ordinances and  
37 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions  
38 or portions of ordinances and resolutions not inconsistent herewith and which have not  
39 previously been repealed are hereby ratified and confirmed.

40  
41 Section 5. It is found and determined that all formal actions of this Council concerning  
42 and relating to the adoption of this resolution were adopted in an open meeting of this

43 Council and that all deliberations of this Council and of any of its committees that resulted  
44 in such formal action were in meetings open to the public, in compliance with all legal  
45 requirements including Chapter 107 of the Codified Ordinances.

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

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56 Passed: \_\_\_\_\_  
57 \_\_\_\_\_  
58 President of Council

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60 \_\_\_\_\_  
61 Clerk of Council

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64 Approved: \_\_\_\_\_  
65 \_\_\_\_\_  
66 Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 FINANCE TO ENTER INTO A CONTRACT OR  
9 CONTRACTS WITHOUT COMPETITIVE BIDDING WITH  
10 WICHERT INSURANCE SERVICES, INC. FOR THE  
11 PROFESSIONAL SERVICES NECESSARY TO MANAGE  
12 THE CITY'S RISK MANAGEMENT AND INSURANCE  
13 PROGRAM AND FOR THE PURCHASE OF PUBLIC  
14 ENTITY INSURANCE COVERAGES, AND DECLARING  
15 AN EMERGENCY.

16  
17  
18 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 Finance is hereby authorized to enter into a contract  
22 or contracts, without competitive bidding, with Wichert Insurance Services, Inc.,  
23 on the basis of its proposal dated \_\_\_\_\_, 2012, for the professional  
24 services necessary to manage the City's risk management and insurance program,  
25 including purchase of comprehensive public entity insurance coverages, for a  
26 period of one year.

27  
28 Section 2. The Director of Finance is hereby authorized and directed to make  
29 payment for same from funds properly appropriated to the various departments of  
30 the City for these purposes, according to an apportionment of costs as between the  
31 departments.

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

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

44  
45 Section 5. This ordinance is hereby declared to be an emergency measure  
46 necessary for the preservation of the public peace, health, safety, convenience and  
47 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason  
48 that it is immediately necessary to permit timely and appropriate development of  
49 this property, and provided it receives the affirmative vote of two thirds of the  
50 members elected or appointed to Council, it shall take effect and be in force

51 immediately upon its passage and approval by the Mayor; otherwise it shall take  
52 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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66 10/8/12

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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT  
9 AND/OR CONTRACTS WITHOUT COMPETITIVE  
10 BIDDING WITH KARVO PAVING COMPANY FOR  
11 EMERGENCY PAVEMENT REPAIRS TO A PORTION OF  
12 GRAHAM ROAD, AND DECLARING AN EMERGENCY.

13  
14 WHEREAS, on September 7, 2012, two adjacent water mains in Graham Road  
15 failed at a point abutting 180 Graham Road, requiring immediate excavation and  
16 repair; and

17  
18 WHEREAS, Ohio Revised Code §735.051 authorizes this Council to waive  
19 formal competitive bidding and advertising for contracts where there is a real and  
20 present emergency arising in connection with the operation and maintenance of a  
21 municipally-owned utility; and

22  
23 WHEREAS, there exists a real and present emergency in connection with  
24 damage to the pavement of Graham Road between 144 and 180 Graham Road, due  
25 to the aforementioned water main failures, such that normal competitive bidding  
26 for the pavement repair contract cannot be accomplished without unreasonable  
27 risk to public safety,

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

31  
32 Section 1. The Director of Public Service is hereby authorized to enter into a  
33 contract and/or contracts without competitive bidding with Karvo Paving Company  
34 for emergency repair to approximately 400 linear feet of the pavement of Graham  
35 Road, from 144 to 180 Graham Road, as a result of water main failures on  
36 September 7, 2012.

37  
38 Section 2. The Director of Finance is authorized to make payment for same from  
39 the Water Fund, line item Capital Outlay.

40  
41 Section 3. Any other ordinances or resolutions or portions of ordinances and  
42 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
43 resolutions not inconsistent herewith and which have not previously been repealed  
44 are hereby ratified and confirmed.

45  
46 Section 4. It is found and determined that all formal actions of this Council  
47 concerning and relating to the adoption of this ordinance were adopted in an open  
48 meeting of this Council, and that all deliberations of this Council and of any of its  
49 committees that resulted in such formal action, were in meetings open to the

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

52  
53 Section 5. This ordinance is hereby declared to be an emergency measure  
54 necessary for the preservation of the public peace, health, safety, convenience and  
55 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason  
56 that it is immediately necessary to permit timely and appropriate development of  
57 this property, and provided it receives the affirmative vote of two thirds of the  
58 members elected or appointed to Council, it shall take effect and be in force  
59 immediately upon its passage and approval by the Mayor; otherwise it shall take  
60 effect and be in force at the earliest period allowed by law.

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

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68 Clerk of Council

69 Approved: \_\_\_\_\_  
70 \_\_\_\_\_  
71 Mayor

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2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF LAW TO  
8 ENTER INTO A SETTLEMENT AGREEMENT REGARDING THE  
9 LEGAL CLAIM OF ASSOCIATED MATERIALS, LLC, AND  
10 DECLARING AN EMERGENCY.

11  
12 WHEREAS, on June 12, 2012, Associated Materials, LLC filed a legal claim against the City of  
13 Cuyahoga Falls relative to events occurring on June 5, 2012; and

14  
15 WHEREAS, the parties have negotiated a proposed resolution of all of the issues involved in  
16 the claim,

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

20  
21 Section 1. The Director of Law is hereby authorized to execute a settlement agreement  
22 relative to the above-captioned claim, on the basis of the proposal negotiated and presented to  
23 City Council on October 8, 2012.

24  
25 Section 2. The Director of Finance is hereby authorized and directed to make payment for  
26 same from the Electric Fund.

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

44  
45  
46 Passed: \_\_\_\_\_

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

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49  
50 \_\_\_\_\_  
Clerk of Council

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53  
54 Approved \_\_\_\_\_

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Mayor

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58 10/8/12

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2012

7  
8  
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
11 ACCORDING TO LAW, FOR CONSTRUCTION OF A 4,397 SQUARE  
12 FOOT WAREHOUSE ADDITION TO A CITY-OWNED BUILDING AT  
13 2550 BAILEY ROAD, AND DECLARING AN EMERGENCY.  
14

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

18  
19 Section 1. The Director of Public Service is hereby authorized to enter into a contract or  
20 contracts, according to law, for the construction of a 4,397 square foot warehouse addition to a City-  
21 owned building at 2550 Bailey Road.  
22

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

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

30 Section 4. It is hereby found and determined that all formal actions of this Council concerning  
31 and 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 action,  
33 were in meetings open to the public, in compliance with all legal requirements, to the extent  
34 applicable, including Chapter 107 of the 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  
38 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and  
39 appropriate development of this property, and provided it receives the affirmative vote of two thirds of  
40 the members elected or appointed to Council, it shall take effect and be in force immediately upon its  
41 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period  
42 allowed by law.  
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46 Passed: \_\_\_\_\_

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

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

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54 Approved: \_\_\_\_\_

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Mayor

55  
56 10/8/12

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A CONTRACT WITH THE OHIO  
9 DEPARTMENT OF TRANSPORTATION FOR THE  
10 IMPROVEMENT OF STATE ROAD BETWEEN GRAHAM AND  
11 QUICK ROADS, AUTHORIZING THE DIRECTOR OF  
12 FINANCE TO PAY THE CITY'S ESTIMATED SHARE OF THE  
13 COSTS THEREFOR, AND DECLARING AN EMERGENCY.  
14

15 WHEREAS, pursuant to Ord. No. 137-2010, passed December 28, 2010, this Council  
16 authorized the Director of Public Service to cooperate with the Ohio Department of  
17 Transportation ("ODOT") in the design and reconstruction of State Road between Bath and  
18 Steels Corners Road, and authorized the City's financial participation in such design and  
19 reconstruction; and  
20

21 WHEREAS, in cooperation with ODOT, the project termini have been extended southerly  
22 to Graham Road and northerly to Quick Road; and  
23

24 WHEREAS, the improvement will include widening and reconstruction of 2.32 miles of  
25 State Road between Graham and Quick Roads; the reconstruction and upgrade  
26 signalization of the Bath Road; the Ascot Parkway and the Steels Corners Road  
27 intersections, including new curb, walks, on-street bike lanes, resurfacing, drainage,  
28 signing and pavement markings, lying within the City of Cuyahoga Falls (hereinafter the  
29 "Improvement"); and  
30

31 WHEREAS, it is understood that the City will cooperate with the Director of  
32 Transportation by agreeing to assume and bear one hundred percent (100%) of the entire  
33 cost of the Improvement, less the amount of Federal-aid Earmarks and AMATS funds set  
34 aside by the ODOT Director of Transportation for the financing of this improvement from  
35 funds allocated by the Federal Highway Administration, U.S. Department of Transportation,  
36 and further, the City will agree to assume and bear one hundred percent (100%) of the cost  
37 of Right-of-Way, excluding in-house Right-of-Way charges incurred by the State; and  
38

39 WHEREAS, the City's share of the cost of the Improvement is now estimated in the  
40 amount of One Million Five Hundred Ninety Five Thousand Three Hundred Seventy and  
41 00/100 Dollars, (\$1,595,370.00), but said estimated amount is to be adjusted in order that  
42 the City's ultimate share of said improvement shall correspond with said percentages of  
43 actual costs when said actual costs are determined; and  
44

45 WHEREAS, the estimated cost of the City's share of the cost of the Improvement has  
46 previously been appropriated for this purpose in the City's Capital Projects Fund; and  
47

48 WHEREAS, The ODOT Director of Transportation has approved said legislation proposing  
49 cooperation and has caused to be made plans and specifications and an estimate of cost  
50 and expense for improving the above described highway and has transmitted copies of the  
51 same to this Council; and  
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53 WHEREAS, this Council desires the ODOT Director of Transportation to proceed with the  
54 aforesaid highway improvement,

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

Section 1. The Director of Public Service is authorized to enter into contract with the State of Ohio, Department of Transportation, on the basis of the draft contract now on file with the Clerk of Council in Council File No. \_\_\_\_\_, for the improvement of State Road between Graham and Quick Roads as described herein, which contract provides for the payment by the City of the amount of money set forth hereinafter for supporting construction of the Improvement.

Section 2. The Director of Finance is authorized to pay the sum of One Million Five Hundred Ninety Five Thousand Three Hundred Seventy and 00/100 Dollars (\$1,595,370.00) to the State Treasurer or pursuant to escrow agreement with the State of Ohio to pay the City's estimated share of the cost of the Improvement.

Section 3. This Council requests the ODOT Director of Transportation to proceed with the aforesaid highway Improvement, with the understanding that under the contract authorized in Section 1 above, the City is committed to pay the full cost of the Improvement over and above the amount to be paid from Federal funds.

Section 4. The Clerk of Council is hereby directed to transmit to the Director of Transportation a certified copy of this Ordinance.

Section 5. 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, to the extent applicable, including Chapter 107 of the Codified Ordinances.

Section 6. 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 received 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

10/8/12

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2012

8  
9 AN ORDINANCE AMENDING THE TRAFFIC  
10 CONTROL FILE BY PROVIDING FOR INSTALLATION  
11 OF VARIOUS TRAFFIC CONTROL DEVICES, AND  
12 DECLARING AN EMERGENCY.  
13

14 WHEREAS, site-specific traffic control regulations of the City are established  
15 and maintained in the "Traffic Control File," a document established and  
16 maintained by the Chief of Police pursuant to Chapter 305 of the Codified  
17 Ordinances, and  
18

19 WHEREAS, Section 305.02 of said Chapter requires that amendments to the  
20 Traffic Control File be made only through legislation passed by City Council,  
21

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

25 Section 1. Upon the recommendation of the Traffic Committee, the Traffic  
26 Control File is hereby amended as follows:  
27

- 28 (1) To prohibit parking on the east side of Maplewood Ave. (odd-  
29 numbered addresses) from Birchwood Ave. to the southerly terminus  
30 of Maplewood Ave.
- 31 (2) To prohibit parking on the east side (odd-numbered addresses) of  
32 Issaquah Street from the southerly intersection of Issaquah Street  
33 and Richmond Road to a point 55' south.
- 34 (3) To prohibit parking on the south side (odd-numbered addresses) of  
35 Richmond Road from the southerly intersection of Issaquah Street  
36 and Richmond Road to a point 75' east.
- 37 (4) To prohibit parking on the eastern side (odd-numbered addresses) of  
38 Richmond Road in the curve north of Hoch Drive, from address nos.  
39 2305 through 2339.
- 40 (5) To prohibit parking on the north side of Marguerite Ave. from the  
41 driveway at 133 Marguerite Ave. to Bailey Road.  
42

43 Section 2. The Chief of Police is hereby authorized and directed to note in  
44 the Traffic Control File the proper legends.  
45

46 Section 3. The Mayor is hereby authorized and directed to cause the  
47 installation or removal of the proper signage reflecting the above amendments.  
48

49 Section 4. Any other ordinances and resolutions or portions of ordinances  
50 and resolutions inconsistent herewith are hereby repealed but any ordinances

51 and resolutions or portions of ordinances and resolutions not inconsistent  
52 herewith and which have not been previously repealed are hereby ratified and  
53 confirmed.

54  
55 Section 5. It is found and determined that all formal actions of this Council  
56 concerning and relating to the adoption of this ordinance were adopted in an  
57 open meeting of this Council and that all deliberations of this Council and of  
58 any of its committees that resulted in such formal action were in meetings open  
59 to the public, in compliance with all legal requirements including Chapter 107  
60 of the Codified Ordinances.

61  
62 Section 6. This ordinance is hereby declared to be an emergency measure  
63 necessary for the preservation of the public peace, health, safety, convenience  
64 and welfare of the City of Cuyahoga Falls and the inhabitants thereof and  
65 provided it receives the affirmative vote of two-thirds of the members elected or  
66 appointed to Council, it shall take effect and be in force immediately upon its  
67 passage and approval by the Mayor; otherwise it shall take effect and be in force  
68 at the earliest period allowed by law.

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71 Passed: \_\_\_\_\_  
72 \_\_\_\_\_  
73 President of Council

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75 \_\_\_\_\_  
76 Clerk of Council

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79 Approved: \_\_\_\_\_  
80 \_\_\_\_\_  
81 Mayor

82 10/8/12  
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