

**NEW LEGISLATION**

November 26, 2012

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-114	11/26/12	Fin	An ordinance establishing annual appropriations of money for the current expenses, capital expenditures and other expenses of the City of Cuyahoga Falls for the fiscal year ending December 31, 2013, and declaring an emergency.
A-115	11/26/12	Fin	A resolution requesting the Summit County Fiscal Officer to make advance distribution of tax receipts payable to the City of Cuyahoga Falls, and declaring an emergency.
A-116	11/26/12	Fin	An ordinance providing for supplemental and/or amended appropriations of money for current operating expenses and capital expenditures of the City of Cuyahoga Falls, and authorizing the transfer of appropriations within and for the various funds hereinafter set forth, and declaring an emergency.
A-117	11/26/12	Fin	An ordinance authorizing the Director of Finance to make salary supplement payments to eligible full-time employees of the City in Fiscal Year 2013, and declaring an emergency.
A-118	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6613 with the International Association of Firefighters, Local 494, and declaring an emergency.
A-119	11/26/12	Fin	An ordinance authorizing the Mayor to enter into an amendment of Contract No. 6709 with the American Federation of State, County and Municipal Employees, Local 2662 (AFSCME), and declaring an emergency.
A-120	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6640 with the Fraternal Order of Police, Ohio Labor Council, Inc.,

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and declaring an emergency.

A-121	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6619 with the Ohio Patrolmen's Benevolent Association, and declaring an emergency.
A-122	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6616 with the Ohio Patrolmen's Benevolent Association, and declaring an emergency.
A-123	11/26/12	Fin	An ordinance authorizing the Mayor to enter into an amendment of Contract No. 6657 with the Utility Workers' Union of America, Local 399, and declaring an emergency.
A-124	11/26/12	PA	A resolution making certain findings relative to the transfer of a Type D-1 liquor permit to Riser Foods Company dba Giant Eagle, 230 Howe Avenue, and declaring an emergency.

## CALENDAR

November 26, 2012

The following legislation will be up for passage at the Council Meeting on November 26, 2012.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
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.

## PENDING LEGISLATION

November 26, 2012

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
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-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-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.
A-111	11/12/12	P&Z	An ordinance approving the site plan related to construction a 22,000 square foot commercial greenhouse at 1820 Akron-Peninsula Road (Parcel No. 35-02321), and declaring an emergency.
A-112	11/12/12	P&Z	An ordinance approving a conditional zoning certificate for the operation of tow lot/impound lot at 488 East Steels Corners Road (Parcel No. 35-03916), in an E-1 Employment District, and declaring an emergency.
A-113	11/12/12	Fin	An ordinance authorizing an amendment to the amended and restated contract for sale of land for private redevelopment with Portage Crossing, LLC (Contract No. 6779), and declaring an emergency.

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE ESTABLISHING ANNUAL APPROPRIATIONS OF  
8 MONEY FOR THE CURRENT EXPENSES, CAPITAL  
9 EXPENDITURES AND OTHER EXPENSES OF THE CITY OF  
10 CUYAHOGA FALLS FOR THE FISCAL YEAR ENDING DECEMBER  
11 31, 2013, AND DECLARING AN EMERGENCY.

12  
13 WHEREAS, Ohio Revised Code §5705.38 requires local taxing authorities to pass an annual  
14 appropriations measure classified so as to set forth the amounts appropriated to each office,  
15 department and division of the taxing authority; and

16  
17 WHEREAS, Article VI, Section 6 of the City Charter requires the Mayor to submit an estimated  
18 budget for the coming fiscal year showing the requested allotments of the appropriations and  
19 estimated income for each office or department for the calendar year;

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

23  
24 Section 1. In order to provide for the current expenses, capital expenditures, and other  
25 expenses of the City of Cuyahoga Falls for the fiscal year ending December 31, 2013, the sums  
26 summarized in Exhibit A, which is attached hereto incorporated herein by reference, are hereby  
27 appropriated and authorized for encumbrance and/or expenditure as provided therein.

28  
29 Section 2. The fund transfers set forth in detail in Exhibit A2, and incorporated herein by  
30 reference, are hereby authorized and approved.

31  
32 Section 3. The budget for each office and department of the City is hereby determined and  
33 approved as set forth in Exhibit B, which is attached hereto and incorporated herein by reference,  
34 and the expenditures authorized therein, and the amount authorized, shall be made in accordance  
35 with the line items identified in Exhibit B, and any disbursements within any line item set forth in  
36 Exhibit B may be paid out of the appropriations made therefor.

37  
38 Section 4. No transfers of sums shall be made between departments. Transfers of sums from  
39 one line item listed in Exhibit B to another line item, within the same department, at any time within  
40 the fiscal year which exceed in the aggregate seven percent (7%) of the amount originally  
41 appropriated in the line item from which the transfer is made, or \$10,000.00, whichever is less, shall  
42 be prohibited unless authorized by ordinance or resolution of Council.

43  
44 Section 5. Any amounts encumbered in a fiscal year prior to fiscal year 2013 in any and all  
45 funds of the City, are hereby re-appropriated for the purpose of expenditure in 2013 or thereafter.

46  
47 Section 6. All funds not individually listed in this ordinance but included in the 2013  
48 Alternative Tax Budget Information of the City of Cuyahoga Falls and included in the Amended  
49 Official Certificate of Estimated Resources for 2013 as issued by the County of Summit Budget  
50 Commission are hereby appropriated for the purpose of encumbrance and/or expenditure.

51  
52 Section 7. Any other ordinances or resolutions or portions of ordinances and resolutions  
53 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
54 herewith and which have not previously been repealed are hereby ratified and confirmed.

55  
56 Section 8. It is found and determined that all formal actions of this Council concerning and  
57 relating to the passage of this ordinance were taken in an open meeting of this Council and that all  
58 deliberations of this Council and of any committees that resulted in those formal actions were in  
59 meetings open to the public, in compliance with all legal requirements including Chapter 107 of the  
60 Codified Ordinances.  
61

62        Section 9. This ordinance is hereby declared to be an emergency measure necessary for the  
63 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
64 Falls and the inhabitants thereof for the reason that authority is required for the payment of  
65 operating, other and capital expense of the City of Cuyahoga Falls and provided it receives the  
66 affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and  
67 be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect  
68 and be in force at the earliest period allowed by law.

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71 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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79 Approved: \_\_\_\_\_

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Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 RESOLUTION NO. - 2012

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7 A RESOLUTION REQUESTING THE SUMMIT COUNTY FISCAL  
8 OFFICER TO MAKE ADVANCE DISTRIBUTION OF TAX  
9 RECEIPTS PAYABLE TO THE CITY OF CUYAHOGA FALLS, AND  
10 DECLARING AN EMERGENCY.

11  
12 WHEREAS, Ohio Revised Code §321.33 provides for semi-annual distribution of tax receipts  
13 collected by the County Fiscal Officer and payable to the City of Cuyahoga Falls, and  
14

15 WHEREAS, Ohio Revised Code §321.34 provides that when local authorities by resolution so  
16 request, the County Fiscal Officer shall make advance payment of tax receipts that are in the  
17 county treasury to the credit of the account of the local authority, to the extent such tax receipts  
18 are lawfully applicable to the purpose of the current fiscal year in which the request is made;  
19

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

22  
23 Section 1. In accordance with Ohio Revised Code §321.34, the City of Cuyahoga Falls  
24 hereby requests that the County Fiscal Officer make advance distribution of local tax receipts  
25 now in collection and normally payable in 2013, for the 2012 tax year.  
26

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

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

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46 \_\_\_\_\_  
47 Clerk of Council

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50 Approved: \_\_\_\_\_  
51 \_\_\_\_\_  
52 Mayor

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE PROVIDING FOR SUPPLEMENTAL AND/OR  
8 AMENDED APPROPRIATIONS OF MONEY FOR CURRENT  
9 OPERATING EXPENSES AND CAPITAL EXPENDITURES OF THE  
10 CITY OF CUYAHOGA FALLS, AND AUTHORIZING THE  
11 TRANSFER OF APPROPRIATIONS WITHIN AND FOR THE  
12 VARIOUS FUNDS HEREINAFTER SET FORTH, AND DECLARING  
13 AN EMERGENCY.

14  
15 WHEREAS, Article VI, Sections 7 and 8 of the City Charter provide that City Council may  
16 revise, amend, and supplement budgetary appropriations during the fiscal year, and may  
17 authorize the transfer of unencumbered appropriations within various accounts,  
18

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

21  
22 Section 1. In order to provide moneys to pay employee compensation, other expenses and  
23 capital expenditures during the fiscal year 2012, moneys are hereby appropriated, re-  
24 appropriated and transferred from the unexpended appropriations and from the un-appropriated  
25 fund balances of the departments or divisions as set forth in Exhibit A attached hereto and made  
26 a part hereof.

27  
28 Section 2. 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  
31 repealed are hereby ratified and confirmed.

32  
33 Section 3. 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  
35 that all deliberations of this Council and of any of its committees that resulted in such formal  
36 action were in meetings open to the public, in compliance with all legal requirements including  
37 Chapter 107 of the Codified Ordinances.

38  
39 Section 4. 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 the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the  
42 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
43 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
44 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 11/26/12

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 FINANCE TO MAKE SALARY SUPPLEMENT PAYMENTS  
9 TO ELIGIBLE FULL-TIME EMPLOYEES OF THE CITY IN  
10 FISCAL YEAR 2013, AND DECLARING AN EMERGENCY.

11  
12 WHEREAS, as a result of the financial crisis of 2008 and resulting nationwide  
13 recession, full-time bargaining and non-bargaining employees of the City were asked to  
14 and did accept concessions including salary reductions and the cancellation of  
15 customary pay increases during the last four years, in order for the City to maintain a  
16 balanced budget; and

17  
18 WHEREAS, the loyalty, sacrifice and community spirit of the City’s employees has  
19 enabled the City to provide high quality services to its residents notwithstanding the  
20 recent unfavorable economic conditions; and

21  
22 WHEREAS, no full-time employees of the City are currently scheduled to receive any  
23 salary increases for the foreseeable future; and

24  
25 WHEREAS, the City has received unanticipated one-time estate tax revenues during  
26 Fiscal Year 2012 which, while inadequate to support permanent salary adjustments,  
27 could be used to compensate employees who bore the burden of recession-mandated  
28 budget austerity during the last four years,

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

32  
33 Section 1. Notwithstanding and as an exception to Ord. Nos. 132-2010, 82-1987,  
34 79-1987, and 109-1986, the Director of Finance is hereby authorized to make a one-  
35 time salary supplement payment to each eligible full-time employee of the City, in the  
36 amount of Three Thousand Five Hundred Dollars (\$3,500.00), in Fiscal Year 2013, but  
37 no later than January 31, 2013. In order to be eligible for the salary supplement, an  
38 employee must have been employed full-time by the City on June 30, 2012 and  
39 December 31, 2012, and remain an employee of the City as of January 18, 2013.  
40 Employees whose salaries are determined through collective bargaining shall be eligible  
41 upon amendment of the applicable collective bargaining agreement. In addition,  
42 members of City Council and the Clerk of Council shall each be eligible to receive salary  
43 supplement payments in the amount of One Thousand Two Hundred Fifty Dollars  
44 (\$1,250.00), provided the other eligibility conditions have been met.

45  
46 Section 2. The Director of Finance is hereby authorized and directed to make the  
47 referenced payments from the various funds as appropriated for this purpose.

48  
49 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions  
50 inconsistent herewith are hereby repealed, but any ordinances and resolutions not  
51 inconsistent herewith and which have not previously been repealed are hereby ratified  
52 and confirmed.

53  
54 Section 4. It is found and determined that all formal actions of this Council  
55 concerning and relating to the passage of this ordinance were taken in an open meeting

56 of this Council and that all deliberations of this Council and of any committees that  
57 resulted in those formal actions were in meetings open to the public, in compliance with  
58 all legal requirements including Chapter 107 of the Codified Ordinances.

59

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

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68 Passed: \_\_\_\_\_

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

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Clerk of Council

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76 Approved: \_\_\_\_\_

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Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
8 SECOND AMENDMENT OF CONTRACT NO. 6613 WITH THE  
9 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL  
10 494, AND DECLARING AN EMERGENCY.

11  
12 WHEREAS, pursuant to the authority of Ord. No. 112-2010, the Mayor entered into a collec-  
13 tive bargaining agreement (Contract No. 6613) with the International Association of Firefighters,  
14 Local 494 (IAFF), representing firefighters; and

15  
16 WHEREAS, pursuant to the authority of Ord. No. 84-2011, the Mayor and IAFF entered into a  
17 First Amendment of Contract No. 6613; and

18  
19 WHEREAS, the Mayor and his representatives and the IAFF have bargained collectively and  
20 in good faith and said bargaining has resulted in a tentative agreement on a second amendment  
21 to Contract No. 6613, and

22  
23 WHEREAS, on or about November 15, 2012, the membership of IAFF ratified said amend-  
24 ment,

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

28  
29 Section 1. The Mayor is hereby authorized to enter into a second amendment of Contract  
30 No. 6613 with the International Association Of Firefighters, Local 494, (IAFF), representing fire-  
31 fighters, substantially in the form of agreement placed on file with the Clerk of Council in Council  
32 File No. \_\_\_\_\_.

33  
34 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions  
35 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-  
36 nances and resolutions not inconsistent herewith and which have not previously been repealed  
37 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 adoption of this ordinance were adopted in an open meeting of this Council and  
41 that all deliberations of this Council and of any of its committees that resulted in such formal  
42 action were in meetings open to the public, in compliance with all legal requirements including  
43 Chapter 107 of the 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  
47 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the  
48 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
49 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
50 period allowed by law.

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53 Passed: \_\_\_\_\_  
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55 President of Council

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58 \_\_\_\_\_  
59 Clerk of Council

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61 Approved: \_\_\_\_\_  
62 \_\_\_\_\_  
63 Mayor

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO  
8 AN AMENDMENT OF CONTRACT NO. 6709 WITH THE  
9 AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL  
10 EMPLOYEES LOCAL 2662 (AFSCME), AND DECLARING AN  
11 EMERGENCY.

12  
13 WHEREAS, pursuant to the authority of Ord. No. 88-2011, the Mayor entered into a collective  
14 bargaining agreement (Contract No. 6709) with the American Federation of State, County and  
15 Municipal Employees, Local 2662 (AFSCME), representing various classifications of employees;  
16 and

17  
18 WHEREAS, the Mayor and his representatives and AFSCME have bargained collectively and  
19 in good faith and said bargaining has resulted in a tentative agreement on an amendment to Con-  
20 tract No. 6709; and

21  
22 WHEREAS, on or about November 14, 2012, the membership of AFSCME ratified said  
23 amendment,

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

27  
28 Section 1. The Mayor is hereby authorized to enter into an amendment of Contract No. 6709  
29 with the American Federation of State, County and Municipal Employees, Local 2662 (AFSCME),  
30 representing various classifications of employees, substantially in the form of agreement placed  
31 on file with the Clerk of Council in Council File No. \_\_\_\_\_.

32  
33 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions  
34 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-  
35 nances and resolutions not inconsistent herewith and which have not previously been repealed  
36 are hereby ratified and confirmed.

37  
38 Section 3. It is found and determined that all formal actions of this Council concerning and  
39 relating to the adoption of this ordinance were adopted in an open meeting of this Council and  
40 that all deliberations of this Council and of any of its committees that resulted in such formal  
41 action were in meetings open to the public, in compliance with all legal requirements including  
42 Chapter 107 of the Codified Ordinances.

43  
44 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the  
45 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
46 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the  
47 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
48 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
49 period allowed by law.

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52 Passed: \_\_\_\_\_  
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54 President of Council

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56 \_\_\_\_\_  
57 Clerk of Council

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60 Approved: \_\_\_\_\_  
61 \_\_\_\_\_  
62 Mayor

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
8 SECOND AMENDMENT OF CONTRACT NO. 6640 WITH THE  
9 FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC.,  
10 AND DECLARING AN EMERGENCY.

11  
12 WHEREAS, pursuant to the authority of Ord. No. 125-2010, the Mayor entered into a collec-  
13 tive bargaining agreement (Contract No. 6640) with the Fraternal Order of Police, Ohio Labor  
14 Council, Inc. ("FOP"), representing dispatchers, and

15  
16 WHEREAS, pursuant to the authority of Ord. No. 87-2011, the Mayor and the FOP entered  
17 into a First Amendment of Contract No. 6640; and

18  
19 WHEREAS, the Mayor and his representatives and the FOP have bargained collectively and in  
20 good faith and said bargaining has resulted in a tentative agreement on an amendment to Con-  
21 tract No. 6640, and

22  
23 WHEREAS, on or about November 19, 2012, the membership of FOP ratified said amend-  
24 ment;

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

28  
29 Section 1. The Mayor is hereby authorized to enter into a second amendment of Contract  
30 No. 6640 with the Fraternal Order of Police, Ohio Labor Council, Inc. ("FOP"), representing dis-  
31 patchers, substantially in the form of agreement placed on file with the Clerk of Council in  
32 Council File No. \_\_\_\_\_.

33  
34 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions  
35 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-  
36 nances and resolutions not inconsistent herewith and which have not previously been repealed  
37 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 adoption of this ordinance were adopted in an open meeting of this Council and  
41 that all deliberations of this Council and of any of its committees that resulted in such formal  
42 action were in meetings open to the public, in compliance with all legal requirements including  
43 Chapter 107 of the 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  
47 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the  
48 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
49 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
50 period allowed by law.

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53 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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61 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

62  
63 11/26/12

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
8 SECOND AMENDMENT OF CONTRACT NO. 6619 WITH THE  
9 OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND  
10 DECLARING AN EMERGENCY.

11  
12 WHEREAS, pursuant to the authority of Ord. No. 139-2010, the Mayor entered into a collec-  
13 tive bargaining agreement (Contract No. 6619) with the Ohio Patrolmen's Benevolent Association  
14 ("OPBA"), representing patrol officers and community service officers ("CSOs"), and  
15

16 WHEREAS, pursuant to the authority of Ord. No. 85-2011, the Mayor and OPBA entered into  
17 a First Amendment of Contract No. 6619; and  
18

19 WHEREAS, the Mayor and his representatives and the OPBA (representing patrol officers and  
20 CSOs) have bargained collectively and in good faith and said bargaining has resulted in a tenta-  
21 tive agreement on a second amendment to Contract No. 6619, and  
22

23 WHEREAS, on or about November 15, 2012, the membership of OPBA ratified said amend-  
24 ment,  
25

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

29 Section 1. The Mayor is hereby authorized to enter into a second amendment of Contract  
30 No. 6619 with the Ohio Patrolmen's Benevolent Association (representing patrol officers and  
31 CSOs), substantially in the form of agreement placed on file with the Clerk of Council in Council  
32 File No. \_\_\_\_\_.  
33

34 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions  
35 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-  
36 nances and resolutions not inconsistent herewith and which have not previously been repealed  
37 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 adoption of this ordinance were adopted in an open meeting of this Council and  
41 that all deliberations of this Council and of any of its committees that resulted in such formal  
42 action were in meetings open to the public, in compliance with all legal requirements including  
43 Chapter 107 of the 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  
47 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the  
48 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
49 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
50 period allowed by law.  
51

52  
53 Passed: \_\_\_\_\_

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

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

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60  
61 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

62 11/26/12

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
8 SECOND AMENDMENT OF CONTRACT NO. 6616 WITH THE  
9 OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND  
10 DECLARING AN EMERGENCY.

11  
12 WHEREAS, pursuant to the authority of Ord. No. 126-2010, the Mayor entered into a collec-  
13 tive bargaining agreement (Contract No. 6616) with the Ohio Patrolmen's Benevolent Association  
14 ("OPBA"), representing sergeants and lieutenants, and

15  
16 WHEREAS, pursuant to the authority of Ord. No. 86-2011, the Mayor and OPBA entered into  
17 a First Amendment of Contract No. 6616; and

18  
19 WHEREAS, the Mayor and his representatives and the OPBA (representing sergeants and  
20 lieutenants) have bargained collectively and in good faith and said bargaining has resulted in a  
21 tentative agreement on a second amendment to Contract No. 6616, and

22  
23 WHEREAS, on or about November 14, 2012, the membership of OPBA ratified said amend-  
24 ment,

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

28  
29 Section 1. The Mayor is hereby authorized to enter into a second amendment of Contract  
30 No. 6616 with the Ohio Patrolmen's Benevolent Association (representing sergeants and lieuten-  
31 ants), substantially in the form of agreement placed on file with the Clerk of Council in Council  
32 File No. \_\_\_\_\_.

33  
34 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions  
35 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-  
36 nances and resolutions not inconsistent herewith and which have not previously been repealed  
37 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 adoption of this ordinance were adopted in an open meeting of this Council and  
41 that all deliberations of this Council and of any of its committees that resulted in such formal  
42 action were in meetings open to the public, in compliance with all legal requirements including  
43 Chapter 107 of the 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  
47 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the  
48 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
49 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
50 period allowed by law.

51  
52  
53 Passed: \_\_\_\_\_

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

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

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60  
61 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

62  
63 11/26/12

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2012

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO  
8 AN AMENDMENT OF CONTRACT NO. 6657 WITH THE UTILITY  
9 WORKERS' UNION OF AMERICA, LOCAL 399, AND DECLARING  
10 AN EMERGENCY.

11  
12 WHEREAS, pursuant to the authority of Ord. No. 27-2011, the Mayor entered into a collective  
13 bargaining agreement (Contract No. 6657) with the Utility Workers' Union of America, Local 399  
14 (UWUA), representing various classifications of employees; and

15  
16 WHEREAS, the Mayor and his representatives and UWUA have bargained collectively and in  
17 good faith and said bargaining has resulted in a tentative agreement on an amendment to Con-  
18 tract No. 6657; and

19  
20 WHEREAS, on or about \_\_\_\_\_, 2012, the membership of UWUA ratified said  
21 amendment,

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

25  
26 Section 1. The Mayor is hereby authorized to enter into an amendment of Contract No. 6657  
27 with the Utility Workers' Union of America, Local 399, representing various classifications of em-  
28 ployees, substantially in the form of agreement placed on file with the Clerk of Council in Council  
29 File No. \_\_\_\_\_.

30  
31 Section 2. 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 ordi-  
33 nances and resolutions not inconsistent herewith and which have not previously been repealed  
34 are hereby ratified and confirmed.

35  
36 Section 3. It is found and determined that all formal actions of this Council concerning and  
37 relating to the adoption of this ordinance were adopted in an open meeting of this Council and  
38 that all deliberations of this Council and of any of its committees that resulted in such formal  
39 action were in meetings open to the public, in compliance with all legal requirements including  
40 Chapter 107 of the Codified Ordinances.

41  
42 Section 4. 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  
44 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the  
45 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
46 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
47 period allowed by law.

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49  
50 Passed: \_\_\_\_\_

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

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

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57  
58 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 RESOLUTION NO. - 2012

7  
8  
9 A RESOLUTION MAKING CERTAIN FINDINGS  
10 RELATIVE TO THE TRANSFER OF A TYPE D-1  
11 LIQUOR PERMIT TO RISER FOODS COMPANY dba  
12 GIANT EAGLE, 230 HOWE AVENUE, AND DECLARING  
13 AN EMERGENCY.  
14

15 WHEREAS, Riser Foods Company dba Giant Eagle is seeking the transfer of a  
16 Type D-1 liquor permit to its location at 230 Howe Avenue, Cuyahoga Falls; and  
17

18 WHEREAS, the Ohio Revised Code ("R.C.") prohibits the issuance of certain D-  
19 series liquor permits beyond a maximum specified by a formula contained in R.C.  
20 §4303.29(B)(2)(a), unless the transfer is to an economic development project; and  
21

22 WHEREAS, R.C. §4303.29 specifies that the Superintendent of Liquor Control  
23 shall determine whether the proposed recipient of the liquor permit is an economic  
24 development project based upon several factors including, but not limited to  
25 whether the local municipal corporation acknowledges that the transfer of the  
26 liquor permit will be to an economic development project,  
27

28 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga  
29 Falls, State of Ohio, that:  
30

31 Section 1. This Council finds and determines that the proposed transfer of a  
32 Type D-1 liquor permit to Riser Foods Company dba Giant Eagle, at the store  
33 located at 230 Howe Avenue, Cuyahoga Falls, is a transfer to an economic  
34 development project within the meaning of R.C. §4303.29(B)(2).  
35

36 Section 2. The Clerk of Council shall provide a certified copy of this Resolution  
37 to the Superintendent of Liquor Control.  
38

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

46 Section 4. This resolution is hereby declared to be an emergency measure  
47 necessary for the preservation of the public peace, health, safety, convenience and  
48 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it  
49 received the affirmative vote of two-thirds of the members elected or appointed to

50 Council, it shall take effect and be in force immediately upon its passage and  
51 approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
52 period allowed by law.

53

54

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

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59

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

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63

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

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11/26/12

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