

NEW LEGISLATION

July 30, 2012

Temp. No.	Introduced	Committee	Description
A-81	7/30/12	PZ	An ordinance re-zoning parcels 02-05240, 02-05241, 02-14014, 02-01811, 02-18517, 02-18768, 02-18769, 02-20436, 02-20437, 02-20439 and 02-02885 from MU-4 ("Sub-Urban Corridor") to C-1 ("Commercial District"), authorizing a corresponding amendment of the City's Official Zone Maps, and declaring an emergency.
A-82	7/30/12	Fin	A resolution granting Council's consent to an extension of time for the sale of certain real property to Portage Crossing, LLC, pursuant to Contract No. 6779, as amended, and declaring an emergency.
A-83	7/30/12	CD	An ordinance providing for supplemental appropriations of money for capital expenditures of the City of Cuyahoga Falls from the Community Development Block Grant Fund, and declaring an emergency.

CALENDAR

July 30, 2012

The following legislation will be up for passage at the Council Meeting on July 30, 2012.

Temp. No.	Introduced	Committee	Description
A-69	6/25/12	PA	An ordinance amending Sections 111.03 and 111.05 of Title One, Part One of the Codified Ordinances, relating to the Rules of City Council, and declaring an emergency.
A-73	7/16/12	Fin	An ordinance providing for the issuance and sale of \$8,600,000 principal amount of Notes, in anticipation of the issuance of Bonds, for the purpose of revitalizing the State Road Redevelopment Area by acquiring, clearing and improving certain properties in that area, and declaring an emergency.
A-74	7/16/12	Fin	An ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$5,700,000 to advance refund certain of the City's outstanding Recreation Improvement Bonds, Series 2004, which were issued for the purpose of paying a portion of the costs of constructing and equipping a community recreation center, and acquiring real estate and interests in real estate therefor; authorizing execution and delivery of a Bond Registrar Agreement and Bond Purchase Agreement with respect to the Refunding Bonds and an Escrow Agreement with respect to the refunding of the Outstanding Bonds, and related matters; and declaring an emergency.

A-75	7/16/12	Fin	An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$3,100,000, in anticipation of the issuance of bonds, for the purpose of paying costs of widening State Road from Graham Road to Quick Road by constructing and installing sidewalks, bike lanes, curbs, storm water management improvements, signalization and street lighting and other improvements, and declaring an emergency.
A-76	7/16/12	Fin	An ordinance providing for supplemental appropriations of money for transfer to the compensated absences fund from the various funds hereinafter set forth, and declaring an emergency.
A-77	7/16/12	Fin	An ordinance authorizing the Director of Public Service to enter into a third modification of Contract No. 6347 with URS Corporation, for professional design engineering services related to improvements to State Road from Graham Road to Steels Corners Road, and declaring an emergency.
A-78	7/16/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for overhead line clearance services including tree maintenance, tree and brush removal services, and mowing, for a period not to exceed two years, and declaring an emergency.

A-79	7/16/12	PA	An ordinance authorizing the Mayor to enter into a License Agreement with the Summit County Educational Service Center for the use of a City-owned parking lot at Harrington Field, 2610 Oakwood Drive, and declaring an emergency.
A-80	7/16/12	PA	A resolution expressing support for and urging passage of Issue 5, the Woodridge Local School District tax levy, at the special election to be held on August 7, 2012, and declaring an emergency.

PENDING LEGISLATION

July 30, 2012

Temp. No.	Introduced	Committee	Description
A-69	6/25/12	PA	An ordinance amending Sections 111.03 and 111.05 of Title One, Part One of the Codified Ordinances, relating to the Rules of City Council, and declaring an emergency.
A-73	7/16/12	Fin	An ordinance providing for the issuance and sale of \$8,600,000 principal amount of Notes, in anticipation of the issuance of Bonds, for the purpose of revitalizing the State Road Redevelopment Area by acquiring, clearing and improving certain properties in that area, and declaring an emergency.
A-74	7/16/12	Fin	An ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$5,700,000 to advance refund certain of the City's outstanding Recreation Improvement Bonds, Series 2004, which were issued for the purpose of paying a portion of the costs of constructing and equipping a community recreation center, and acquiring real estate and interests in real estate therefor; authorizing execution and delivery of a Bond Registrar Agreement and Bond Purchase Agreement with respect to the Refunding Bonds and an Escrow Agreement with respect to the refunding of the Outstanding Bonds, and related matters; and declaring an emergency.
A-75	7/16/12	Fin	An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$3,100,000, in anticipation of the issuance of bonds, for the purpose of paying costs of widening State Road from Graham Road to Quick Road by constructing and installing sidewalks, bike lanes, curbs, storm water management improvements, signalization and street lighting and other improvements, and declaring an emergency.

A-76	7/16/12	Fin	An ordinance providing for supplemental appropriations of money for transfer to the compensated absences fund from the various funds hereinafter set forth, and declaring an emergency.
A-77	7/16/12	Fin	An ordinance authorizing the Director of Public Service to enter into a third modification of Contract No. 6347 with URS Corporation, for professional design engineering services related to improvements to State Road from Graham Road to Steels Corners Road, and declaring an emergency.
A-78	7/16/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for overhead line clearance services including tree maintenance, tree and brush removal services, and mowing, for a period not to exceed two years, and declaring an emergency.
A-79	7/16/12	PA	An ordinance authorizing the Mayor to enter into a License Agreement with the Summit County Educational Service Center for the use of a City-owned parking lot at Harrington Field, 2610 Oakwood Drive, and declaring an emergency.
A-80	7/16/12	PA	A resolution expressing support for and urging passage of Issue 5, the Woodridge Local School District tax levy, at the special election to be held on August 7, 2012, and declaring an emergency.

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AMENDING SECTIONS 111.03 and
8 111.05 OF TITLE ONE, PART ONE OF THE CODIFIED
9 ORDINANCES, RELATING TO THE RULES OF CITY
10 COUNCIL, AND DECLARING AN EMERGENCY.

11
12
13 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,
14 and State of Ohio, that:

15
16 Section 1. Sections 111.03 and 111.05 of the Codified Ordinances of the City of
17 Cuyahoga Falls are hereby amended to read in full as follows (new text underlined;
18 deleted text in ~~strikethrough~~):

19
20 111.03 MEETINGS.

21 (a) Council Meetings. The regular meetings of Council shall be held on the first,
22 second, third and fourth Mondays of each month, except that Council shall not
23 be in session during the month of August. At regular meetings held on the first
24 and third Mondays of each month, the Order of Business for Regular Council
25 Meetings shall be dispensed with when there is Standing Committee business.
26 However, the Mayor, President of Council, or any three (3) members may require
27 that the Order of Business for Regular Council Meetings be observed if any of
28 them provide at least twenty-four (24) hours written notice of a request therefor
29 to each member of Council, served personally or left at their usual place of
30 residence. Notwithstanding the foregoing, at any meeting where the Order of
31 Business has been dispensed with, upon a motion duly made and seconded
32 followed by the affirmative vote of a two-thirds majority of all members of
33 Council requesting that the Order of Business be observed, the Presiding Officer
34 shall conduct the meeting in accordance with the Order of Business as provided
35 herein. All meetings of Council shall be held at the place periodically designated
36 as Council Chambers at 6:30 p.m. When the first, second, third, or fourth
37 Monday of any month falls on a day the Municipal offices are closed for a
38 holiday, the regular meeting of Council shall be held on the next day that the
39 Municipal offices are open for regular business. By the vote of two-thirds (2/3)
40 of the members, Council may cancel, reschedule, or designate any other another
41 place and time for the holding of any regular meeting or meetings. Notice to the
42 public of such actions shall be provided pursuant to subsection (f) of this
43 Section. Except as provided in Paragraph (e) below, all meetings of Council are
44 declared to be public meetings open to the public at all times. All resolutions,
45 rules, regulations and/or formal actions shall be considered by Council at
46 meetings open to the public.

47
48 (b) Council Committee Meetings. Council Committee Meetings are meetings of
49 City Council wherein the business of the Standing Committees is conducted in
50 the presence of the Council. Regular Council Standing Committee meetings may
51 be held during any regular or special Council meetings held on the first and
52 third Mondays of each month, or at such other times as may be when notice
53 thereof is announced during a regular or special council meeting, or provided
54 pursuant to subsections (d), (f), (g) and (h) of this Section. provided, however,

55 ~~that it shall take a two thirds (2/3) vote of Council to recess into a Committee~~
56 ~~meeting during a regular or special Council meeting.~~

57
58 (c) Special Council Meetings. The Mayor, President of Council, or any three (3)
59 members may call a special meeting of Council with at least twenty-four (24)
60 hours written notice to each member of Council, served personally or left at their
61 usual place of residence and at least twenty-four (24) hours written notice to the
62 news media that have requested notice, except in the event of an emergency
63 requiring immediate official action, in which case the individual(s) calling the
64 meeting shall orally notify each member and the news media requesting notice
65 immediately of the time, place, and purpose of the meeting. The notice of the
66 special meeting required herein shall contain a statement of the business for the
67 transaction of which such special meeting may be called. No business shall be
68 transacted at any special meeting of Council except the particular business for
69 which said meeting was called.
70

71 (d) Special Committee Meetings. The Chairman or any two (2) members may
72 call a special meeting of a Committee with at least twenty-four (24) hours written
73 notice to each member, served personally or left at their usual place of residence
74 and at least twenty-four (24) hours written notice to the news media that have
75 requested notice, except in the event of an emergency requiring immediate
76 official action, in which case the individual(s) calling the meeting shall orally
77 notify each member and the news media requesting notice immediately of the
78 time, place, and purpose of the meeting. The notice of the special meeting
79 required herein shall contain a statement of the business for the transaction of
80 which such special meeting may be called. No business shall be transacted at
81 any special meeting of a Committee except the particular business for which
82 said meeting was called.
83

84 (e) Executive Sessions. The Council may hold an Executive Session, from which
85 the public is excluded, for any of the following purposes:

86 (1) Personnel matters, including the appointment, employment, dismissal,
87 discipline, promotion, demotion or compensation of one or more public
88 employees or officials;

89 (2) Purchase, sale, or the development of real property where premature
90 disclosure of information would give an unfair competitive or bargaining
91 advantage to a person, or otherwise adversely affect the general public interest;

92 (3) Imminent or pending litigation;

93 (4) Preparing for, conducting, or reviewing negotiations or bargaining
94 sessions with public employees concerning their compensation or other terms
95 and conditions of their employment;

96 (5) Matters required to be kept confidential by Federal law or rules of State
97 statutes;

98 (6) Specialized details of security arrangements where disclosure of the
99 matters discussed might reveal information that could be used for the purpose
100 of committing, or avoiding prosecution for, a violation of the law;

101 (7) The employment of, or discussions with, legal counsel or concerning
102 confidential reports or proposals submitted by such counsel.

103 An Executive Session may be held upon the determination by a majority of a
104 quorum of the Council, by a roll call vote, to hold such a session, setting forth
105 the general purpose or purposes for which such session will be held. All formal
106 action of Council, such as the enactment of legislation or the adoption of rules
107 or recommendations, shall be taken in an open meeting. All Executive sessions,
108 and the reasons therefore, shall be noticed in the minutes of Council.
109

110 (f) Notice of Meetings. The Clerk shall post a copy of Section 111.03 and shall
111 check periodically to ensure the Rule remains posted. The Clerk shall promptly
112 post a statement of the time and place of any organizational meeting, special
113 meeting, regular meeting scheduled at a time or place other than as provided
114 herein, or any adjournment or recess of a regular or special meeting to another
115 day. Notices of all meetings shall be posted on the City's website, as well as at
116 City Hall and at the Natatorium Health & Wellness Center.

117
118 (g) Requested Advance Notice of Meetings by the Public. The Clerk shall provide
119 to any person, upon written request, reasonable advance notice, as provided in
120 section 107.05 of the Codified Ordinances, of all meetings at which any specific
121 type of public business is to be discussed. Requests for such advance
122 notification of meetings shall specify: 1) the name, address and phone number of
123 the person making the request; and 2) the method in which notices can be
124 delivered, whether via email, mail or fax. Any such requests shall be effective for
125 one year from the date of filing with the Clerk or until the Clerk receives written
126 notice from such person canceling or modifying such request, whichever is
127 earlier.

128
129 (h) Meeting Information Made Available. Any person may visit or telephone the
130 Law Department (330-971-8190) during the office's regular business hours to
131 determine, based on information then available at that office: the time and place
132 of regular meetings; the time, place and purposes of any then known special
133 meetings; and whether the agenda of such future meeting(s) states that any
134 specific type of public business, identified by such person, is to be discussed at
135 such meeting.

136
137 (i) Order of Business for Regular Council Meetings. At all regular meetings the
138 business of Council shall be transacted in the following order and, except as
139 provided in subsection (a) hereof, no deviation shall be made without the
140 approval of a two-thirds (2/3) majority vote of Council.

- 141 (1) Roll Call.
- 142 (2) Invocation.
- 143 (3) Pledge of Allegiance to the Flag.
- 144 (4) Additions, Corrections or Deletions in Council Minutes of the Previous
145 Meeting.
- 146 (5) Reading of Petitions, Claims, Communications and Reports of City
147 Officials, As Presented.
- 148 (6) Introduction of New Ordinances and Resolutions.
- 149 (7) Public Hearings, As Scheduled.
- 150 (8) Reports of Special Council Committees, As Scheduled.
- 151 (9) Reports of Council's Standing Committees.
- 152 (10) Announce Schedule of Council Committee Meetings.
- 153 (11) Miscellaneous Business.
- 154 (12) Adjournment.

155
156 111.05 LEGISLATION.

157 (a) Request for Legislation and Delivery to Council.

158 (1) Unless a request for the Regular Order of Business is made pursuant to
159 Section 111.03(a), new legislation shall be accepted for introduction only at
160 Council meetings regularly scheduled for the second or fourth Monday of any
161 month, except August, or at a Special Meeting of Council. All material for
162 legislation shall be in the hands of the Director of Law by noon on the
163 Wednesday preceding such meetings. ~~a regularly scheduled meeting of Council.~~
164 The Director of Law or assistant shall review all proposed legislation prior to

165 submission to the Clerk of Council for placement on the agenda to be in the
166 manner prescribed by law.

167 (2) The Department of Law shall cause to have delivered to all Council
168 members all legislation to be introduced at the regularly scheduled Council
169 meetings by the Friday before the regularly scheduled Monday meetings. Council
170 shall not consider any ordinance or resolution that has been in the hands of the
171 Council members less than forty-eight (48) hours preceding a Council meeting.
172 This rule may be suspended by a vote of two-thirds (2/3) of all Council
173 members, provided, however, that the legislation to be considered must be read
174 by the Clerk in its entirety.

175
176 (b) Presenting Ordinances and Resolutions to Council. Proposed ordinances
177 and resolutions shall be introduced in written or printed form. Each one shall
178 contain only one subject, which shall be clearly stated in the title. The exception
179 is a general appropriation ordinance, which may contain the various subjects
180 and accounts for which money is to be appropriated.

181
182 (c) Legislation Numbering, Sponsorship and Title. All ordinances and
183 resolutions shall be known by their temporary number, sponsor and title.
184 Ordinances and resolutions adopted by Council shall be numbered
185 consecutively, beginning with the number one (1) each year and the number
186 shall be followed by the year of passage.

187
188 (d) Emergency Measures. When an emergency measure is presented to Council,
189 the nature of the emergency shall be stated and defined. Ordinances
190 appropriating money may be passed as emergency measures. Emergency
191 ordinances and resolutions must receive a two-thirds (2/3) majority vote of all
192 members of Council in order to retain emergency status.

193
194 (e) Reading of Legislation. All ordinances and resolutions shall, before
195 adoption, be read once by title only, any law of the State of Ohio to the contrary
196 notwithstanding. Provided, however, that upon a motion duly made and
197 seconded followed by the affirmative vote of a majority of all members of Council
198 requesting that any ordinance or resolution be read in full prior to being
199 submitted to a vote on adoption, the Clerk shall read said ordinance or
200 resolution one time in full.

201
202 (f) Legislation Assignment to Committee. On the day the ordinance or
203 resolution is introduced, the measure shall be referred by the President to the
204 appropriate Committee. Once the measure is referred to a Committee, the
205 Committee shall report as soon as the Committee has had an opportunity to
206 study the measure and make a recommendation, unless at that time a motion to
207 table to the next regular meeting is supported by a majority of those members
208 present and voting.

209
210 Section 2. Existing Sections 111.03 and 111.05 of the Codified Ordinances, as
211 enacted by Ord. No. 94-2010, passed September 13, 2010, are hereby repealed.

212
213 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions
214 inconsistent herewith are hereby repealed, but any ordinances and resolutions not
215 inconsistent herewith and which have not previously been repealed are hereby ratified
216 and confirmed.

217
218 Section 4. It is found and determined that all formal actions of this Council
219 concerning and relating to the passage of this ordinance were taken in an open meeting

220 of this Council and that all deliberations of this Council and of any committees that
221 resulted in those formal actions were in meetings open to the public, in compliance with
222 all requirements including Chapter 107 of the Codified Ordinances.
223

224 Section 5. This ordinance is hereby declared to be an emergency measure necessary
225 for the preservation of the public peace, health, safety, convenience and welfare of the
226 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the
227 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
228 take effect and be in force immediately upon its passage and approval by the Mayor;
229 otherwise it shall take effect and be in force at the earliest period allowed by law.
230

231
232 Passed: _____
233 _____
234 President of Council
235

236 _____
237 Clerk of Council
238

239
240 Approved _____
241 _____
242 Mayor

243 6/25/12
244 O:\2012ords\amend-111.03 and 111.05 v.2

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2012

8
9 AN ORDINANCE RE-ZONING PARCELS 02-05240, 02-
10 05241, 02-14014, 02-01811, 02-18517, 02-18768, 02-
11 18769, 02-20436, 02-20437, 02-20439 AND 02-02885
12 FROM MU-4 (“SUB-URBAN CORRIDOR”) TO C-1
13 (“COMMERCIAL DISTRICT”), AUTHORIZING A
14 CORRESPONDING AMENDMENT OF THE CITY’S
15 OFFICIAL ZONE MAPS, AND DECLARING AN
16 EMERGENCY.

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

21
22 WHEREAS, the Planning Commission has non-exclusive jurisdiction to review
23 and approve, deny, or approve with conditions an application for re-zoning of land
24 in accordance with the General Plan, pursuant to Section 1113.07 of the Codified
25 Ordinances; and

26
27 WHEREAS, on July 24, 2012 the Planning Commission approved and
28 recommended the re-zoning of parcels 02-05240, 02-05241, 02-14014, 02-01811,
29 02-18517, 02-18768, 02-18769, 02-20436, 02-20437, 02-20439 and 02-02885
30 from MU-4 (“Sub-Urban Corridor”) to C-1 (“Commercial District”), as more fully
31 described in File P-16-12-Z and in the proposed Official Zone Map amendment
32 attached hereto as Exhibit “A;” and

33
34 WHEREAS, this Council finds that the procedural and notice requirements
35 applicable to re-zoning, as established in Section 1113.07(F)(3) of the Codified
36 Ordinances, have been faithfully observed,

37
38 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
39 Falls, County of Summit, and State of Ohio, that:

40
41 Section 1. The zoning classification of the parcels of real property known as
42 Summit County Parcel Nos. 02-05240, 02-05241, 02-14014, 02-01811, 02-18517,
43 02-18768, 02-18769, 02-20436, 02-20437, 02-20439, and 02-02885, is hereby
44 changed from MU-4 (“Sub-Urban Corridor”) to C-1 (“Commercial District”), as more
45 fully described in Planning Commission File P-16-12-Z and in the proposed Official
46 Zone Map amendment attached hereto as Exhibit “A.” The Director of Community
47 Development is hereby authorized to amend the City’s official zone maps to reflect
48 the change in classification made hereby.
49

50 Section 2. Any other ordinances or resolutions or portions of ordinances and
51 resolutions inconsistent herewith are hereby repealed, but any ordinances and
52 resolutions not inconsistent herewith and which have not previously been repealed
53 are hereby ratified and confirmed
54

55 Section 3. 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 open
57 meeting of this Council, and that all deliberations of this Council and of any of its
58 committees that resulted in such formal action, were in meetings open to the
59 public, in compliance with all legal requirements including, to the extent
60 applicable, Chapter 107 of the Codified Ordinances.
61

62 Section 4. This ordinance is hereby declared to be an emergency measure
63 necessary for the preservation of the public peace, health, safety, convenience and
64 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason
65 that it is immediately necessary to permit timely and appropriate development of
66 this property, and provided it receives the affirmative vote of two thirds of the
67 members elected or appointed to Council, it shall take effect and be in force
68 immediately upon its passage and approval by the Mayor; otherwise it shall take
69 effect and be in force at the earliest period allowed by law.
70

71
72 Passed: _____
73 _____
74 President of Council

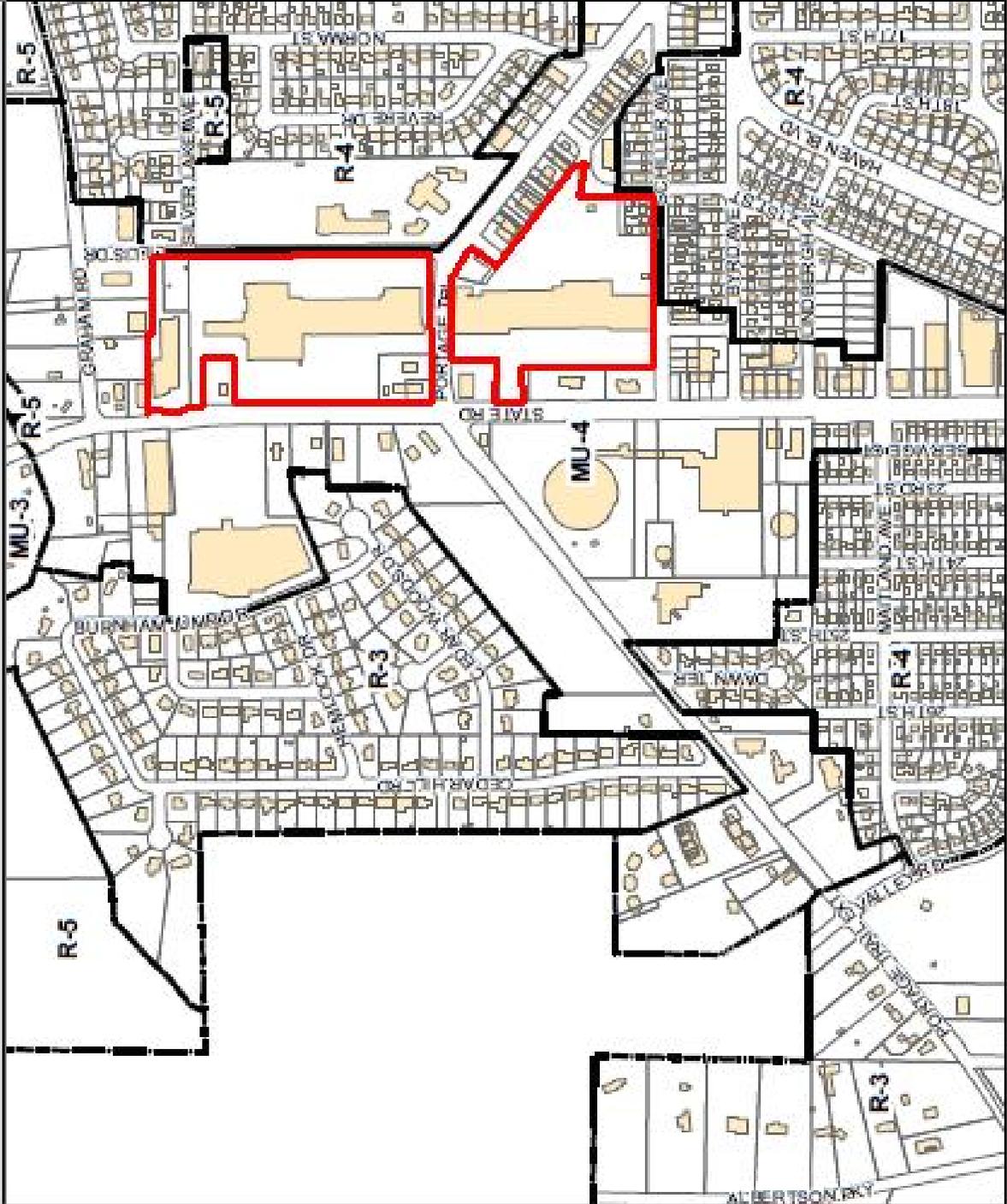
75
76 _____
77 Clerk of Council
78

79
80 Approved: _____
81 _____
82 Mayor

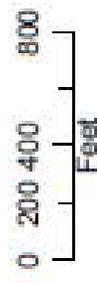
83 7/30/12

84 O:\2012ords\P-16-12-Z Portage Crossing Re-zoning.doc

City of Cuyahoga Falls Zoning Districts



- Zoning District Classifications**
- R-R Rural Residential
 - R-1 Large-Lot Residential
 - R-2 Low Density Residential
 - R-3 Sub-Urban Density Residential
 - R-4 Urban Density Residential
 - R-5 Mixed Density Residential
 - R-6 Urban Mixed Density Residential
 - MU-1 Rural Neighborhood Center
 - MU-2 Neighborhood Center
 - MU-3 Sub-Urban Center
 - MU-4 Sub-Urban Center
 - MU-5 Urban Center
 - MU-6 Downtown
 - C-1 Commercial District
 - E-1 Employment District
 - M-1 Manufacturing District
 - NP-1 National Park District



NOTE: Zoning and property boundaries are subject to frequent change. This map is not a substitute for a legal description.

Prepared By:
 Community Development Department
 Division of Planning & Zoning
 City of Cuyahoga Falls
 2510 Second St. P.O. Box 361
 Cuyahoga Falls, OH 44221-0361
 Tel. (330) 971-4136
 Fax (330) 971-4388
 Email: development@cityofcuyahogafalls.com

Ordinance 94-2005
 July 25, 2005
 Revised:
 Ordinance 62-2009
 July 27, 2009

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTION NO. -2012

7
8 A RESOLUTION GRANTING COUNCIL’S CONSENT
9 TO AN EXTENSION OF TIME FOR THE SALE OF
10 CERTAIN REAL PROPERTY TO PORTAGE CROSSING,
11 LLC, PURSUANT TO CONTRACT NO. 6779, AS
12 AMENDED, AND DECLARING AN EMERGENCY.
13

14 WHEREAS, to eliminate blighted and deteriorated conditions, the City
15 acquired certain real property, consisting of Parcel Nos. 02-11652, 02-11653,
16 02-16737, 02-16738, 02-16739 and 02-16740 (nka Parcel Nos. 02-20436, 02-
17 20437 and 02-20439) and known as the State Road Shopping Center (the
18 “Shopping Center Property”) and demolished certain structures thereon; and
19

20 WHEREAS, pursuant to the authority of Ord. No. 11-2010, and for the
21 purpose of preventing the recurrence of those conditions of blight and
22 deterioration, to provide for the productive development and reuse of the
23 Property and for the purpose of creation of jobs and employment opportunities,
24 the City entered into a Contract for the Sale of Land for Private Redevelopment
25 (Contract No. 6779), dated March 11, 2010 (the “Agreement”), for the sale of the
26 Shopping Center Property as well as Parcel Nos. 02-18768, 02-18769 and 02-
27 02885 (collectively the “Property”) to Portage Crossing, LLC (the “Redeveloper”);
28 and
29

30 WHEREAS, pursuant to the authority of Ord. No. 62-2012, the City entered
31 into an Amended and Restated Contract for Sale of Land for Private
32 Redevelopment (the “Amended Agreement”) which provides a date certain for
33 the sale of the Property to the Redeveloper; and
34

35 WHEREAS, the City and the Redeveloper have agreed to extend the date, as
36 set forth in Section 1 of the Amended Agreement, for closing the sale of the
37 Property to the Redeveloper, subject to the consent of this Council as required
38 by the Amended Agreement,
39

40 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
41 Cuyahoga Falls, County of Summit, Ohio, that:
42

43 Section 1. This Council hereby consents to and approves the extension of
44 the date for closing the sale of the Property under Section 1 of the Amended
45 Agreement to October 31, 2012, and authorizes, ratifies and confirms the
46 written extension of that closing date by the Mayor and Director of Community
47 Development to October 31, 2012.
48

49 Section 2. It is found and determined that all formal actions of this Council
50 concerning and relating to the passage of this ordinance were taken in an open

51 meeting of this Council and that all deliberations of this Council and of any of
52 its committees that resulted in those formal actions were in meetings open to
53 the public, in compliance with the law.

54
55 Section 3. This resolution is hereby declared to be an emergency measure
56 necessary for the immediate preservation for the public peace, health and safety
57 of the City, and for the further reason that it is necessary to extend the date of
58 closing so that the Property may be sold and redeveloped in order to prevent the
59 recurrence of conditions of deterioration and blight and to create jobs and
60 employment opportunities, wherefore, this resolution shall be in full force and
61 effect immediately upon its passage and approval by the Mayor.

62
63
64 Passed: _____
65 _____
66 President of Council

67
68 _____
69 Clerk of Council

70
71
72 Approved: _____
73 _____
74 Mayor

75 7/30/12
76 O:\2012ords\Contract Extension only #2-Portage Crossing.DOC

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE PROVIDING FOR SUPPLEMENTAL
8 APPROPRIATIONS OF MONEY FOR CAPITAL EXPENDITURES
9 OF THE CITY OF CUYAHOGA FALLS FROM THE COMMUNITY
10 DEVELOPMENT BLOCK GRANT FUND, AND DECLARING AN
11 EMERGENCY.

12
13 WHEREAS, Article VI, Sections 7 and 8 of the City Charter provide that City Council may
14 revise, amend, and supplement budgetary appropriations during the fiscal year, and may
15 authorize the transfer of unencumbered appropriations within various accounts,

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

19
20 Section 1. In order to provide moneys to pay capital expenditures during fiscal year 2012,
21 moneys are hereby appropriated from the un-appropriated fund balances of the departments or
22 divisions as set forth as follows:

Funds	Department	Appropriation Category	Amount
CDBG	Community Development	Capital Outlays	\$292,933.00

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

29
30 Section 3. It is found and determined that all formal actions of this Council concerning and
31 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
32 that all deliberations of this Council and of any of its committees that resulted in such formal
33 action were in meetings open to the public, in compliance with all legal requirements including
34 Chapter 107 of the Codified Ordinances.

35
36 Section 4. 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, and provided it receives the affirmative vote of two-thirds of the
39 members elected or appointed to Council, it shall take effect and be in force immediately upon its
40 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
41 period allowed by law.

42
43
44 Passed: _____

President of Council

45
46
47
48 _____
Clerk of Council

49
50
51
52 Approved: _____

Mayor

53
54 7/30/12

2
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
9 MODIFICATION OF CONTRACT NO. 6670 WITH MS
10 CONSULTANTS, INC., AND DECLARING AN
11 EMERGENCY.
12

13 WHEREAS, pursuant to the authority of Ord. No. 8-2011, passed February
14 14, 2011, the Director of Public Service entered into Contract No. 6670, with
15 MS Consultants, Inc., for professional construction inspection, recordkeeping,
16 construction administration, and testing services necessary to supplement the
17 regularly employed professional staff of the Engineering Department for the
18 purpose of managing the Howe Avenue/Main Street Intersection Improvements
19 Project (the "Project"); and
20

21 WHEREAS, it is necessary to adjust the scope of work beyond what was
22 originally estimated, due to unforeseen utility conflict and coordination issues,
23 extending the duration of the Project beyond what was originally anticipated,
24 and requiring additional professional staff time as necessary to perform
25 professional services through completion of the Project, which additional staff
26 time will increase the total contract price by an amount not exceeding
27 \$53,096.57,
28

29 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of
30 Cuyahoga 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 modification of Contract No. 6670 with MS Consultants, Inc., on the basis of its
34 proposal dated July 13, 2012, in an amount not to exceed \$53,096.57. The
35 total contract price after modification as authorized herein shall not exceed
36 \$243,123.61.
37

38 Section 2. The Director of Finance is hereby authorized and directed to make
39 payment for same from the Capital Projects Fund.
40

41 Section 3. Any other ordinances and resolutions or portions of ordinances
42 and resolutions inconsistent herewith are hereby repealed, but any ordinances
43 and resolutions or portions of ordinances and resolutions not inconsistent
44 herewith and which have not previously been repealed are hereby ratified and
45 confirmed.
46

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

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

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

61
62
63 Passed: _____
64 _____
65 President of Council

66
67 _____
68 Clerk of Council

69
70
71 Approved: _____
72 _____
73 Mayor

74 7/30/12
75 O:\2012ords\MS Consultants Contract Mod.doc