

NEW LEGISLATION

September 10, 2012

Temp. No.	Introduced	Committee	Description
A-85	9/10/12	PZ	An ordinance re-zoning Parcel No. 02-12047 (2307 23 rd 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-86	9/10/12	Fin	An ordinance authorizing the Director of Community Development to enter into a second modification of Contract No. 6519 with SRW Environmental Services, Inc. for professional environmental assessment services related to remediation of certain real property known as 4610 State Road (Parcel No. 37-00002), and declaring an emergency.
A-87	9/10/12	PI	A resolution consenting to the improvement of Howe Avenue from Main Street to Buchholzer Boulevard within the City of Cuyahoga Falls, by the State of Ohio, authorizing financial cooperation therefor, and declaring an emergency.
A-88	9/10/12	PI	An ordinance authorizing the Director of Public Service to cooperate with the Director of the Ohio Department of Transportation in the improvement of Howe Avenue from Main Street to Buchholzer Boulevard; to enter into a contract or contracts with the State of Ohio for the purpose of contributing the City's share of the costs therefor, to enter into a contract or contracts, according to law, for related preliminary design engineering services, and declaring an emergency.
A-89	9/10/12	PA	An ordinance amending the Traffic Control File by providing for installation of

various traffic control devices, and declaring an emergency.

A-90 9/10/12 PA

An ordinance authorizing the Director of Public Safety to enter into a contract or contracts without competitive bidding with Finley Fire Equipment Company, Inc. for the purchase of a "Hurst Jaws of Life" brand hydraulic rescue tool set, 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-92 9/10/12 CD

A resolution accepting the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council concerning enterprise zone and community reinvestment area tax exemption agreements within the City of Cuyahoga Falls, and declaring an emergency.

CALENDAR

September 10, 2012

The following legislation will be up for passage at the Council Meeting on September 10, 2012.

Temp. No.	Introduced	Committee	Description
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.

PENDING LEGISLATION

September 10, 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-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.

* Public Hearing 9/10/12

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2012

8
9 AN ORDINANCE RE-ZONING PARCEL NO. 02-12047
10 (2307 23RD STREET) FROM R-4 ("URBAN DENSITY
11 RESIDENTIAL") TO MU-4 ("SUB-URBAN CORRIDOR"),
12 AUTHORIZING A CORRESPONDING AMENDMENT OF
13 THE CITY'S OFFICIAL ZONE MAPS, AND DECLARING
14 AN EMERGENCY.

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

19
20 WHEREAS, the Planning Commission has non-exclusive jurisdiction to review
21 and approve, deny, or approve with conditions an application for re-zoning of land in
22 accordance with the General Plan, pursuant to Section 1113.07 of the Codified
23 Ordinances; and

24
25 WHEREAS, on August 21, 2012 the Planning Commission approved and
26 recommended the re-zoning of Parcel No. 02-12047 (2307 23rd Street) from R-4
27 ("Urban Density Residential") to MU-4 ("Sub-Urban Corridor"), as more fully
28 described in Planning Commission File P-18-12-Z and in the proposed Official Zone
29 Map amendment attached hereto as Exhibit "A;" and

30
31 WHEREAS, this Council finds that the procedural and notice requirements
32 applicable to re-zoning, as established in Section 1113.07(F)(3) of the Codified
33 Ordinances, have been faithfully observed,

34
35 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
36 Falls, County of Summit, and State of Ohio, that:

37
38 Section 1. The zoning classification of the parcel of real property known as
39 Summit County Parcel No. 02-12047 (2307 23rd Street) is hereby changed from R-4
40 ("Urban Density Residential") to MU-4 ("Sub-Urban Corridor"), as more fully
41 described in Planning Commission File P-18-12-Z and in the proposed Official Zone
42 Map amendment attached hereto as Exhibit "A." The Director of Community
43 Development is hereby authorized to amend the City's official zone maps to reflect
44 the change in classification made hereby.

45
46 Section 2. Any other ordinances or resolutions or portions of ordinances and
47 resolutions inconsistent herewith are hereby repealed, but any ordinances and
48

48 resolutions not inconsistent herewith and which have not previously been
49 repealed are hereby ratified and confirmed.

50
51 Section 3. It is found and determined that all formal actions of this Council
52 concerning and relating to the adoption of this ordinance were adopted in an open
53 meeting of this Council, and that all deliberations of this Council and of any of its
54 committees that resulted in such formal action, were in meetings open to the public,
55 in compliance with all legal requirements including, to the extent applicable, Chapter
56 107 of the Codified Ordinances.

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

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68 Passed: _____
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70 President of Council

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73 Clerk of Council

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76 Approved: _____
77 _____
78 Mayor

79 9/10/12
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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2012

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
9 COMMUNITY DEVELOPMENT TO ENTER INTO A
10 SECOND MODIFICATION OF CONTRACT NO. 6519
11 WITH SRW ENVIRONMENTAL SERVICES, INC. FOR
12 PROFESSIONAL ENVIRONMENTAL ASSESSMENT
13 SERVICES RELATED TO REMEDIATION OF CERTAIN
14 REAL PROPERTY KNOWN AS 4610 STATE ROAD
15 (PARCEL NO. 37-00002), AND DECLARING AN
16 EMERGENCY.
17

18 WHEREAS, pursuant to the authority of Ord. No. 96-2009, the Director of
19 Community Development entered into Contract No. 6519, with SRW Environmental
20 Services, Inc., for the purpose of obtaining the professional services necessary to
21 conduct oversight and assessment related to environmental remediation of certain
22 real property known as 4610 State Road (Parcel No. 37-00002), pursuant to a grant
23 from the State of Ohio; and
24

25 WHEREAS, pursuant to Ord. No. 41-2011, the Director of Community
26 Development entered into a first modification of Contract No. 6519; and
27

28 WHEREAS, for the project to proceed, additional professional services are
29 necessary in order to conduct supervision of additional, unanticipated remediation
30 activity and preparation of regulatory documents related to the remediation work,
31

32 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
33 Falls, County of Summit and State of Ohio, that:
34

35 Section 1. The Director of Community Development is hereby authorized to enter
36 into a second modification of Contract No. 6519, with SRW Environmental Services,
37 Inc., on the basis of its proposal dated September 4, 2012, in an amount not to
38 exceed \$39,000. The total contract price after modification as authorized herein
39 shall not exceed \$240,654.
40

41 Section 2. The Director of Finance is hereby authorized and directed to make
42 payment for same from the Capital Projects Fund.
43

44 Section 3. Any other ordinances and resolutions or portions of ordinances and
45 resolutions inconsistent herewith are hereby repealed, but any ordinances and
46 resolutions or portions of ordinances and resolutions not inconsistent herewith and
47 which have not previously been repealed are hereby ratified and confirmed.
48

49 Section 4. It is found and determined that all formal actions of this Council
 50 concerning and relating to the adoption of this ordinance were adopted in an open
 51 meeting of this Council and that all deliberations of this Council and of any of its
 52 committees that resulted in such formal action were in meetings open to the public,
 53 in compliance with all legal requirements including, to the extent applicable, Chapter
 54 107 of the Codified Ordinances.
 55

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

64 Passed: _____
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 66 President of Council
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 69 Clerk of Council
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 72 Approved: _____
 73 _____
 74 Mayor
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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 RESOLUTION NO. - 2012

6
7 A RESOLUTION CONSENTING TO THE IMPROVEMENT OF
8 HOWE AVENUE FROM MAIN STREET TO BUCHHOLZER
9 BOULEVARD WITHIN THE CITY OF CUYAHOGA FALLS, BY
10 THE STATE OF OHIO, AUTHORIZING FINANCIAL
11 COOPERATION THEREFOR, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, the State of Ohio has identified the need for and proposes the improvement
15 of Howe Avenue from Main Street to Buchholzer Boulevard,

16
17 WHEREAS, Ohio Revised Code §5521.01 specifies that the consent of this Council is
18 required prior to the improvement of a state highway within the City’s corporate limits,

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

22
23 Section 1. This Council hereby consents to the improvement of Howe Avenue from Main
24 Street to Buchholzer Boulevard, pursuant to the plans and specifications developed and
25 included as part of the project identified as PID No. 93819, SUM-Howe Avenue [CR602], by
26 the State of Ohio, Dept. of Transportation (“ODOT”), which project shall include the removal
27 and replacement of pavement, signage, light poles, and storm sewers as needed to
28 reconstruct the roadway.

29
30 Section 2. This Council’s consent is granted with the following understanding:

- 31
- 32 A. The City will participate in the cost of eligible right-of-way and
- 33 construction activities at a minimum of twenty percent (20%) of total
- 34 cost. Any costs above the fund manager’s stated federal maximums will
- 35 be the responsibility of the City. This includes the construction contract
- 36 and construction engineering.
- 37 B. The City will further agree to pay One Hundred Percent (100%) of the
- 38 cost of those features requested by the City which are determined by the
- 39 State and Federal Highway Administration to be unnecessary for the
- 40 Project.
- 41 C. The City will agree to acquire and/or make available to ODOT, in
- 42 accordance with current State and Federal regulations, all necessary
- 43 right-of-way required for the described project. The City will agree to be
- 44 responsible for all utility accommodations, relocation, and
- 45 reimbursement and will agree that all such accommodations, relocation
- 46 and reimbursements shall comply with the current provisions of 23 CFR
- 47 Chapter 645 and the ODOT Utilities Manual.
- 48 D. Upon completion of the described project, and unless otherwise agreed
- 49 upon, the City will agree to: (1) provide adequate maintenance for the
- 50 project in accordance will all applicable state and federal law including,
- 51 but not limited to 23 USC §116, (2) provide ample financial provisions, as
- 52 necessary, for maintenance of the described project, (3) maintain the
- 53 right-of-way, keeping it free of obstructions, and (4) hold said right-of-way
- 54 inviolate for public highway purposes.
- 55

56 Section 3. The Clerk of Council is hereby directed to transmit to the Director of
57 Transportation a certified copy of this Ordinance.
58

59 Section 4. It is found and determined that all formal actions of this Council concerning
60 and relating to the adoption of this resolution were adopted in an open meeting of this
61 Council, and that all deliberations of this Council and of any of its committees that resulted
62 in such formal action, were in meetings open to the public, in compliance with all legal
63 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.
64

65 Section 5. This resolution is hereby declared to be an emergency measure necessary for
66 the preservation of the public peace, health, safety, convenience and welfare of the City of
67 Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately necessary
68 to permit timely and appropriate development of this property, and provided it receives the
69 affirmative vote of two thirds of the members elected or appointed to Council, it shall take
70 effect and be in force immediately upon its passage and approval by the Mayor; otherwise it
71 shall take effect and be in force at the earliest period allowed by law.
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76 Passed: _____

President of Council

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Clerk of Council

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84 Approved: _____

Mayor

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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 PUBLIC SERVICE TO COOPERATE WITH THE
9 DIRECTOR OF THE OHIO DEPARTMENT OF
10 TRANSPORTATION IN THE IMPROVEMENT OF HOWE
11 AVENUE FROM MAIN STREET TO BUCHHOLZER
12 BOULEVARD; TO ENTER INTO A CONTRACT OR
13 CONTRACTS WITH THE STATE OF OHIO FOR THE
14 PURPOSE OF CONTRIBUTING THE CITY'S SHARE OF
15 THE COSTS THEREFOR, TO ENTER INTO A CONTRACT
16 OR CONTRACTS, ACCORDING TO LAW, FOR RELATED
17 PRELIMINARY DESIGN ENGINEERING SERVICES, AND
18 DECLARING AN EMERGENCY.

19
20 WHEREAS, the State of Ohio has identified the need for and proposes the
21 improvement of Howe Avenue from Main Street to Buchholzer Boulevard, in the City
22 of Cuyahoga Falls, identified by the Dept. of Transportation ("ODOT") as project PID
23 No. 93819, SUM-Howe Avenue [CR602], which project shall include the removal of
24 pavement, signage, light poles, and storm sewers as needed to reconstruct the
25 roadway,

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

29
30 Section 1. The Director of Public Service is hereby authorized to cooperate with
31 the Director of Transportation of the State of Ohio in the improvement of Howe
32 Avenue between Main Street and Buchholzer Boulevard, in the City of Cuyahoga
33 Falls, as specified in the plans and specifications developed and associated with
34 project PID No. 93819, SUM-Howe Avenue [CR602].

35
36 Section 2. The Director of Public Service is authorized to enter into contract with
37 the State of Ohio providing for payment by the City of the agreed portion of the cost
38 of the project, which contract may, at the Director's discretion, contain terms and
39 conditions reflecting the following:

- 40
41 A. The City will participate in the cost of eligible right-of-way and
42 construction activities at a minimum of twenty percent (20%) of
43 total cost. Any costs above the fund manager's stated federal
44 maximums will be the responsibility of the City. This includes the
45 construction contract and construction engineering.
46 B. The City will further agree to pay One Hundred Percent (100%) of
47 the cost of those features requested by the City which are

48 determined by the State and Federal Highway Administration to be
49 unnecessary for the Project.

- 50 C. The City will agree to acquire and/or make available to ODOT, in
51 accordance with current State and Federal regulations, all
52 necessary right-of-way required for the described project. The City
53 will agree to be responsible for all utility accommodations,
54 relocation, and reimbursement and will agree that all such
55 accommodations, relocation and reimbursements shall comply
56 with the current provisions of 23 CFR Chapter 645 and the ODOT
57 Utilities Manual.
- 58 D. Upon completion of the described project, and unless otherwise
59 agreed upon, the City will agree to: (1) provide adequate
60 maintenance for the project in accordance with all applicable state
61 and federal law including, but not limited to 23 USC §116, (2)
62 provide ample financial provisions, as necessary, for maintenance
63 of the described project, (3) maintain the right-of-way, keeping it
64 free of obstructions, and (4) hold said right-of-way inviolate for
65 public highway purposes.
- 66 E. The City will agree that if Federal Funds are used to pay the cost of
67 any consultant contract, the City shall comply with 23 CFR §172 in
68 the selection of its consultant and the administration of the
69 consulting contract. Further, the City will agree to incorporate
70 ODOT's "Specifications for Consulting Services" as a contract
71 document in all of its consulting contracts. The City will agree to
72 require, in a scope of services clause, that all plans prepared by the
73 consultant must conform to ODOT's current design standards and
74 that the consultant shall be responsible for ongoing consultant
75 involvement during the construction phase of the project. The City
76 will agree to include a completion schedule acceptable to ODOT
77 and to assist ODOT in rating the consultant's performance through
78 ODOT's Consultant Evaluation System.

79
80 Section 3. The Director of Public Service is authorized to enter into a contract or
81 contracts, according to law, with ODOT pre-qualified consultants for the preliminary
82 engineering phase of the Project and to enter into contracts with the State of Ohio,
83 Director of Transportation necessary to complete the above described project. Upon
84 the request of ODOT, the Director of Public Service may assign all rights, title, and
85 interests of the City of Cuyahoga Falls to ODOT arising from any agreement with its
86 consultant in order to allow ODOT to direct additional or corrective work, recover
87 damages due to errors or omissions, and to exercise all other contractual rights and
88 remedies afforded in law or equity.

89
90 Section 4. The Clerk of Council is hereby directed to transmit to the Director of
91 Transportation a certified copy of this Ordinance.

92
93 Section 5. Any other ordinances or resolutions or portions of ordinances and
94 resolutions inconsistent herewith are hereby repealed, but any ordinances and

95 resolutions not inconsistent herewith and which have not previously been repealed
96 are hereby ratified and confirmed.

97
98 Section 6. It is found and determined that all formal actions of this Council
99 concerning and relating to the adoption of this ordinance were adopted in an open
100 meeting of this Council, and that all deliberations of this Council and of any of its
101 committees that resulted in such formal action, were in meetings open to the public,
102 in compliance with all legal requirements, to the extent applicable, including Chapter
103 107 of the Codified Ordinances.

104
105 Section 7. This ordinance is hereby declared to be an emergency measure
106 necessary for the preservation of the public peace, health, safety, convenience and
107 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason that
108 it is immediately necessary to permit timely and appropriate development of this
109 property, and provided it receives the affirmative vote of two thirds of the members
110 elected or appointed to Council, it shall take effect and be in force immediately upon
111 its passage and approval by the Mayor; otherwise it shall take effect and be in force
112 at the earliest period allowed by law.

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115 Passed: _____
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117 President of Council

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119 _____
120 Clerk of Council

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123 Approved: _____
124 _____
125 Mayor

125 9/10/12

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5 CITY OF CUYAHOGA FALLS, OHIO

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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 remove the prohibition on left turns exiting 461 Graham Road onto
29 eastbound Graham Road (repeal subsection 2 of Ord. No. 51-2009,
30 Section 1).
31

32 Section 2. The Chief of Police is hereby authorized and directed to note in
33 the Traffic Control File the proper legends.
34

35 Section 3. The Mayor is hereby authorized and directed to cause the
36 installation or removal of the proper signage reflecting the above amendments.
37

38 Section 4. Any other ordinances and resolutions or portions of ordinances
39 and resolutions inconsistent herewith are hereby repealed but any ordinances
40 and resolutions or portions of ordinances and resolutions not inconsistent
41 herewith and which have not been previously repealed are hereby ratified and
42 confirmed.
43

44 Section 5. It is found and determined that all formal actions of this Council
45 concerning and relating to the adoption of this ordinance were adopted in an
46 open meeting of this Council and that all deliberations of this Council and of
47 any of its committees that resulted in such formal action were in meetings open
48 to the public, in compliance with all legal requirements including Chapter 107
49 of the Codified Ordinances.
50

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

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Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

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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 PUBLIC
8 SAFETY TO ENTER INTO A CONTRACT OR CONTRACTS
9 WITHOUT COMPETITIVE BIDDING WITH FINLEY FIRE
10 EQUIPMENT COMPANY, INC. FOR THE PURCHASE OF A
11 "HURST JAWS OF LIFE" BRAND HYDRAULIC RESCUE TOOL
12 SET, AND DECLARING AN EMERGENCY.

13
14 WHEREAS, Finley Fire Equipment Company, Inc. is the sole source purveyor of "Hurst Jaws
15 of Life" brand hydraulic rescue tool sets in this region;

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. The Director of Public Safety is hereby authorized to enter into a contract or
21 contracts without competitive bidding with Finley Fire Equipment Company, Inc., on the basis of
22 its proposal dated September 4, 2012, for the purchase of a "Hurst Jaws of Life" brand hydraulic
23 rescue tool set.

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

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46 Passed: _____

President of Council

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Clerk of Council

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54 Approved: _____

Mayor

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57 9/10/12

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2012

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
10 ACCORDING TO LAW, FOR THE DEMOLITION OF
11 BUILDINGS AND REMOVAL OF DEMOLITION DEBRIS AT
12 VARIOUS LOCATIONS IN THE CITY, CERTIFYING THE COST
13 THEREOF TO THE COUNTY FISCAL OFFICER FOR
14 COLLECTION IN THE MANNER PROVIDED BY LAW, AND
15 DECLARING AN EMERGENCY.
16

17 WHEREAS, the Building Official has declared the buildings identified in Section 1 below
18 to be dangerous buildings within the meaning of Chapter 1335 of the Codified Ordinances;
19 and
20

21 WHEREAS, the Building Official has provided a notice to all owners and interested
22 parties concerned with the buildings identified in Section 1 below, instructing such owners
23 and interested parties as to the repairs required to make the buildings safe, ordering the
24 owners to repair or demolish the buildings accordingly, and informing the owners and
25 interested parties of their right of appeal under Section 1335.05 of said Chapter; and
26

27 WHEREAS, no appeals of the Building Official's orders have been received; and
28

29 WHEREAS, no remediation of the conditions found by the Building Official have been
30 attempted or accomplished by any of the owners or interested parties,
31

32 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
33 County of Summit and State of Ohio, that:
34

35 Section 1. This Council hereby finds and determines that the following described
36 structures are insecure, unsafe, and structurally defective within the meaning of Ohio
37 Revised Code §715.26, and dangerous buildings within the meaning of Section 1335.01 of
38 the Codified Ordinances:
39

- 40 (1) 2512 9th Court (all structures)
- 41 (2) 1532 Falls Avenue (all structures)
- 42

43 Section 2. The Director of Public Service is authorized to enter into a contract or
44 contracts, according to law, for the demolition of the dangerous buildings listed in Section 1
45 above, and the removal of debris therefrom.
46

47 Section 3. The Finance Director is authorized to make payment for same from the CDBG
48 Fund, Line Item Contractual Other.
49

50 Section 4. In accordance with Ohio Revised Code §715.26, the Finance Director is
51 hereby directed to certify the costs of demolition and debris removal to the Clerk of Council
52 who shall then certify the same to the Summit County Fiscal Officer for placement thereof
53 on the tax duplicate together with interest and penalties provided by law.
54

55 Section 5. Any other ordinance and resolutions or portions of ordinances and
56 resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances

57 and resolutions or portions of ordinances and resolutions not inconsistent herewith and
58 which have not previously been repealed are hereby ratified and confirmed.

59
60 Section 6. It is found and determined that all formal actions of this Council concerning
61 and relating to the adoption of this ordinance were adopted in an open meeting of this
62 Council and that all deliberations of this Council and of any of its committees that resulted
63 in such formal action were in meetings open to the public, in compliance with all legal
64 requirements including, to the extent applicable, including Chapter 107 of the Codified
65 Ordinances.

66
67 Section 7. This ordinance is hereby declared to be an emergency measure necessary for
68 the preservation of the public peace, health, safety, convenience and welfare of the City of
69 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of
70 two thirds of the members elected or appointed to Council, it shall take effect and be in force
71 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and
72 be in force at the earliest period allowed by law.

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75 Passed: _____
76 _____
77 President of Council

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80 Clerk of Council

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83 Approved: _____
84 _____
85 Mayor

85 9/10/12

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 RESOLUTION NO. - 2012

8
9 A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF
10 THE TAX INCENTIVE REVIEW COUNCIL AND THE
11 COMMUNITY REINVESTMENT AREA HOUSING COUNCIL
12 CONCERNING ENTERPRISE ZONE AND COMMUNITY
13 REINVESTMENT AREA TAX EXEMPTION AGREEMENTS
14 WITHIN THE CITY OF CUYAHOGA FALLS, AND DECLARING
15 AN EMERGENCY.
16

17
18 WHEREAS, the City of Cuyahoga Falls has designated certain areas within the city as
19 Enterprise Zones pursuant to Ohio Revised Code ("R.C.") §§5709.61-69, and as Community
20 Reinvestment Areas, pursuant to R.C. §3735.65 *et seq.*; and
21

22 WHEREAS, pursuant to these statutes, the City of Cuyahoga Falls has entered into
23 Enterprise Zone and Community Reinvestment Area tax exemption agreements (the "tax
24 exemption agreements") with various property owners in the mentioned areas for the
25 abatement of portions of the property owners' real property and/or tangible personal
26 property taxes as incentives for the businesses and homeowners to invest in the community;
27 and
28

29 WHEREAS, the City has established a Tax Incentive Review Council pursuant to R.C.
30 §5709.85, and a Community Reinvestment Area Housing Council pursuant to Ord. No. 95-
31 2004, for the purpose of annually assessing whether each owner of property exempted from
32 taxation pursuant to a tax exemption agreement has complied with the agreement; and
33

34 WHEREAS, the Tax Incentive Review Council is required to annually submit written
35 recommendations to this Council concerning whether each tax exemption agreement subject
36 to its review should be continued, modified or cancelled; and
37

38 WHEREAS, this Council has received the recommendations of the Tax Incentive Review
39 Council and the Community Reinvestment Area Housing Council relative to tax exemption
40 agreements in effect in calendar year 2011; and
41

42 WHEREAS, R.C. §5709.85 requires the legislative authority of a local government
43 granting Enterprise Zone or Community Reinvestment Area tax exemptions to accept, reject
44 or modify all or any portion of the recommendations of its Tax Incentive Review Council,
45

46 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,
47 County of Summit, and State of Ohio, that:
48

49 Section 1. This Council hereby accepts the recommendations of the Tax Incentive
50 Review Council and the Community Reinvestment Area Housing Council for tax exemption
51 agreements in effect during 2011, as follows:
52

<u>Tax Exemption Agreement with:</u>	<u>Recommendation</u>
ACME Twelve LLC	Continue
Alro Steel Corporation	Continue

57	Americhem, Inc.	Continue
58	Andrea H. Folatko, DDS & Crooked River Properties	Continue
59	Ansco Machine	Continue
60	B&B Towing	Continue
61	CFP, Ltd.	Continue
62	Decker Fasteners	Continue
63	GOJO Industries	Continue
64	JUZO Investments, Ltd.	Continue
65	Pilot Plastics	Continue
66	Roadrunner Dawes Freight Systems, Inc, et al	Continue
67	S. Lee & Judith Ann Combs & GS Steel	Continue
68	SGS Tool Company	Continue
69	Village at Watermark, LLC	Continue
70	Valley Savings Bank & First Akron Development Corp	Continue
71	Calvert, Carolyn	Continue
72	Thomas, Charles & Tina	Continue
73	Maki, William & Virginia	Continue
74	Rado, Kim	Continue
75	Hoover, Frederick & Carol	Continue
76	Long, Jim & Tracy	Continue
77	Endlich, Lucy	Continue
78	Jatich, Adam	Continue
79	Xie, Chun Lin & Mei Zhen Li	Continue
80	Breen (LoCasio), Mary	Continue
81	Ehrenfried, Patrick & Susan	Continue
82	Hanselman, Sterling & Jennifer	Continue
83	Rinehart, Richard	Continue
84	Sharma, Rajesh	Continue
85	Presto, Michael	Continue
86	Alfera, Vincent & Connie	Continue
87	Adkins, Ronald & Michelle	Continue
88	Spiroff, John	Continue
89	Tompkin, William	Continue
90	Tasich, Joseph	Continue
91	Falitico, Carmine & Diane	Continue
92	Richard, Don & Cosma	Continue
93	Bombard, Jennifer	Continue
94	McDevitt, Gregory & Cheryl	Continue

95
96 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions
97 inconsistent herewith are hereby repealed, but any ordinances and resolutions not
98 inconsistent herewith and which have not previously been repealed are hereby ratified and
99 confirmed.

100
101 Section 3. It is found and determined that all formal actions of this Council concerning
102 and relating to the acceptance of this resolution were adopted in an open meeting of this
103 Council, and that all deliberations of this Council and of any of its committees that resulted
104 in such formal action, were in meetings open to the public, in compliance with all legal
105 requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.
106

107 Section 4. This resolution is hereby declared to be an emergency measure necessary for
108 the preservation of the public peace, health, safety, convenience and welfare of the City of
109 Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately necessary
110 to permit timely and appropriate development of this property, and provided it receives the
111 affirmative vote of two thirds of the members elected or appointed to Council, it shall take
112 effect and be in force immediately upon its passage and approval by the Mayor; otherwise it

113 shall take effect and be in force at the earliest period allowed by law.

114

115 Passed: _____

President of Council

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118

119

120

Clerk of Council

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123 Approved: _____

Mayor

124

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127 O:2012ords/Tax Incentive Review Council