

## NEW LEGISLATION

September 23, 2013

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-64*	9/23/13	PZ	An ordinance designating a Revitalization Signage Area for the Portage Crossing Redevelopment Site consisting of Parcel Nos. 02-05240, 02-05241, 02-14014, 02-01811, 02-18517, 02-18768, 02-18769, 02-20436, 02-20437, 02-20439 and 02-02885, authorizing a corresponding amendment of the City's official zone maps, making certain findings in connection therewith, and declaring an emergency.
B-65	9/23/13	PZ	An ordinance approving a Minor Plat for a Minor Subdivision of land at 2374 and 2386 Second Street (Parcel Nos. 02-00787 and 02-13215), and declaring an emergency.
B-66	9/23/13	PZ	An ordinance approving the preliminary and final subdivision plat of Portage Crossing No. 1 Subdivision, vacating portions of Coolidge Avenue, 21 <sup>st</sup> Street, and two Service Drives located therein, and declaring an emergency.
B-67	9/23/13	Fin	An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 6486 with RS Resources Inc., dba Employ-Temps Staffing Services, and declaring an emergency.
B-68	9/23/13	Fin	An ordinance authorizing the Director of Public Service to enter into a contract for employment agency services related to seasonal and occasional employees, and declaring an emergency.
B-69	9/23/13	Fin	An ordinance authorizing the Mayor to enter into a settlement agreement in the case of Melisa Makcen v. City of Cuyahoga Falls, et al., and declaring an emergency.

Please Recycle Waste Paper

B-70	9/23/13	Fin	An ordinance authorizing the Director of Community Development to enter into a third 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.
B-71	9/23/13	Fin	An ordinance authorizing the Director of Finance to enter into a contract or contracts without competitive bidding with Wichert Insurance Services, Inc. for the professional services necessary to manage the City's risk management and insurance program and for the purchase of public entity insurance coverages, and declaring an emergency.
B-72	9/23/13	PA	An ordinance approving the application of Portage Crossing, LLC for the designation of a Community Entertainment District at the Portage Crossing Redevelopment Site, making certain findings in connection therewith, and declaring an emergency.

\*Public Hearing 11/4/13

## CALENDAR

September 23, 2013

The following legislation will be up for passage at the Council Meeting on September 23, 2013.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-59	9/9/13	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
B-60	9/9/13	PA	An ordinance authorizing the Director of Public Service to issue an encroachment permit to Boston Buckeye Realty, LLC for the purpose of installing a business identification sign in a portion of State Road abutting the property at 1760 State Road (Parcel No. 02-00019), and declaring an emergency.
B-61	9/9/13	CD	An ordinance approving an amendment to the Community Development Block Grant Annual Action Plan for Fiscal Year 2012, and declaring an emergency.
B-62	9/9/13	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.
B-63	9/9/13	CD	An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement jointly with the Tamarkin Company, Giant Eagle, Inc. and GetGo

Partners South (GP), LLC, and  
declaring an emergency.

## PENDING LEGISLATION

September 23, 2013

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-51	7/8/13	PA	A resolution approving an amendment to the Summit County 9-1-1 Plan to include the Southwest Summit Council of Governments as a public safety answering point, and declaring an emergency.
B-55	7/22/13	PA	An ordinance amending Section 131.01 of Title Five, Part One of the Codified Ordinances, relating to authorized staffing of the Fire Department, and declaring an emergency.
B-59	9/9/13	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
B-60	9/9/13	PA	An ordinance authorizing the Director of Public Service to issue an encroachment permit to Boston Buckeye Realty, LLC for the purpose of installing a business identification sign in a portion of State Road abutting the property at 1760 State Road (Parcel No. 02-00019), and declaring an emergency.
B-61	9/9/13	CD	An ordinance approving an amendment to the Community Development Block Grant Annual Action Plan for Fiscal Year 2012, and declaring an emergency.
B-62	9/9/13	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.

B-63

9/9/13

CD

An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement jointly with the Tamarkin Company, Giant Eagle, Inc. and GetGo Partners South (GP), LLC, and declaring an emergency.

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2013

7  
8 AN ORDINANCE DESIGNATING A REVITALIZATION  
9 SIGNAGE AREA FOR THE PORTAGE CROSSING  
10 REDEVELOPMENT SITE CONSISTING OF PARCEL  
11 NOS. 02-05240, 02-05241, 02-14014, 02-01811, 02-  
12 18517, 02-18768, 02-18769, 02-20436, 02-20437, 02-  
13 20439 AND 02-02885, AUTHORIZING A  
14 CORRESPONDING AMENDMENT OF THE CITY'S  
15 OFFICIAL ZONE MAPS, MAKING CERTAIN FINDINGS  
16 IN CONNECTION THEREWITH, AND DECLARING AN  
17 EMERGENCY.  
18

19 WHEREAS, the General Development Code of the City of Cuyahoga Falls (Part  
20 11 of the Codified Ordinances ("C.O.)) provides a procedure for the waiver of  
21 signage regulations for unique commercial districts where such waiver will meet  
22 the needs of a community of businesses and others to communicate with residents  
23 of and visitors to Cuyahoga Falls; and  
24

25 WHEREAS, C.O. §1146.06(G)(2)(a) provides that the Planning Commission may  
26 recommend and the Council may designate an area within any commercial district  
27 included in any Council-designated redevelopment area as a Revitalization Signage  
28 Area; and  
29

30 WHEREAS, on September 17, 2013 the Planning Commission approved and  
31 recommended the designation of a Revitalization Signage Area for the Portage  
32 Crossing redevelopment site consisting of Parcel Nos. 02-05240, 02-05241, 02-  
33 14014, 02-01811, 02-18517, 02-18768, 02-18769, 02-20436, 02-20437, 02-20439  
34 and 02-02885 (hereinafter "Portage Crossing RSA"); and  
35

36 WHEREAS, in accordance with C.O. §1146.06(G)(6), the Planning Commission  
37 has approved a Revitalization Signage Area Plan for the Portage Crossing RSA  
38 (hereinafter the "RSA Plan"), which plan is on file with the Clerk of Council in  
39 Council File No. \_\_\_\_\_; and  
40

41 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires  
42 that all affirmative decisions made by the Planning Commission be submitted to  
43 Council; and  
44

45 WHEREAS, this Council finds that the procedural and notice requirements  
46 applicable to the designation of revitalization signage areas, as established in C.O.  
47 §§1113.07(F)(3) and 1146.06(G)(9), have been faithfully observed,  
48

49 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga  
50 Falls, County of Summit, and State of Ohio, that:  
51

52 Section 1. A Revitalization Signage Area is hereby designated pursuant to C.O.  
53 §1146.06(G), consisting of the real property known as Summit County Parcel Nos.  
54 02-05240, 02-05241, 02-14014, 02-01811, 02-18517, 02-18768, 02-18769, 02-  
55 20436, 02-20437, 02-20439, and 02-02885 (“Portage Crossing RSA”), as further  
56 depicted on the site plan attached hereto as Exhibit “A.” The Director of  
57 Community Development is hereby authorized to amend the City’s official zone  
58 maps to reflect the designation made hereby.  
59

60 Section 2. The RSA Plan for the Portage Crossing RSA, dated August 27, 2013  
61 and on file with the Clerk of Council in Council File No.\_\_\_\_\_, is hereby confirmed  
62 and approved. The substantive and procedural requirements of the RSA Plan shall  
63 be enforceable as if fully rewritten herein.  
64

65 Section 3. To the extent the RSA Plan contains provisions which would  
66 otherwise require this Council’s waiver of the sign restrictions identified in C.O.  
67 §1146.06(G)(4), such restrictions are hereby waived in accordance therewith. The  
68 remainder of C.O. §1146.06(G) remains applicable.  
69

70 Section 4. This Council finds and determines as follows:

- 71
- 72 a. The Portage Crossing RSA will serve 5 or more businesses.
- 73 b. The Portage Crossing RSA will draw attention to an important part of
- 74 a major retail or entertainment concentration.
- 75 c. A concentration of less restricted signage as contemplated in the
- 76 Portage Crossing RSA is not likely to significantly impair traffic
- 77 safety.
- 78 d. A concentration of less restricted signage as contemplated in the
- 79 Portage Crossing RSA will not create undue nuisance effects in
- 80 adjacent residential areas.
- 81 e. The Portage Crossing RSA will reduce the need for signage at
- 82 locations outside the RSA.
- 83 f. The Portage Crossing RSA is part of a larger revitalization activity
- 84 and is not an isolated sign display.
- 85 g. The signage proposed in the RSA Plan enhances the visual
- 86 environment of the area in a way consistent with the color and visual
- 87 stimulation characteristics of an important commercial area.
- 88 h. The signage proposed in the RSA Plan is coordinated so that signs
- 89 complement other signs and buildings and open spaces rather than
- 90 being random or conflicting.
- 91 i. The concentration of less restricted signage as contemplated in the
- 92 RSA Plan creates a pleasing effect of liveliness and excitement rather
- 93 than a jarring effect of discord and clutter.
- 94 j. The signage proposed in the RSA Plan creates a unique or very
- 95 special commercial atmosphere that sets the district apart rather
- 96 than just being an agglomeration of signs.
- 97 k. The signage proposed in the RSA Plan will deliver messages from 5 or
- 98 more businesses.  
99

100 Section 5. Any other ordinances or resolutions or portions of ordinances and  
101 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
102 resolutions not inconsistent herewith and which have not previously been repealed  
103 are hereby ratified and confirmed

104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134

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

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

Passed: \_\_\_\_\_  
\_\_\_\_\_ President of Council

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

Approved: \_\_\_\_\_  
\_\_\_\_\_ Mayor

9/23/13  
O:\2013ords\P-26-13-Z Portage Crossing Revitalization Signage Area



2  
3  
4  
5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2013

8  
9 AN ORDINANCE APPROVING A MINOR PLAT FOR A  
10 MINOR SUBDIVISION OF LAND AT 2374 AND 2386  
11 SECOND STREET (PARCEL NOS. 02-00787 AND 02-  
12 13215), AND DECLARING AN EMERGENCY.

13  
14 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires  
15 that all affirmative decisions made by the Planning Commission be submitted to  
16 Council; and

17  
18 WHEREAS, the Planning Commission has jurisdiction to review and reverse the  
19 denial of a Minor Plat Application, pursuant to Section 1113.02(E) of the Codified  
20 Ordinances; and

21  
22 WHEREAS, on September 17, 2013 the Planning Commission approved a Minor  
23 Plat consisting of a Minor Subdivision of land (minor subdivision) for Parcel Nos.  
24 02-00787 and 02-13215 at 2374 and 2386 Second Street, in an R-6 Urban Mixed-  
25 Density Residential District,

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. This Council approves the Minor Plat Application for a Minor  
31 Subdivision of land (minor subdivision) for Parcel Nos. 02-00787 and 02-13215 at  
32 2374 and 2386 Second Street, Cuyahoga Falls, Ohio, as approved by the Planning  
33 Commission subject to any and all conditions reflected in File P-25-13-MS and the  
34 Codified Ordinances of the City of Cuyahoga Falls, and as depicted in the plan  
35 attached hereto as Exhibit "A."

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

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

48  
49 Section 4. This ordinance is hereby declared to be an emergency measure  
50 necessary for the preservation of the public peace, health, safety, convenience and

51 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason  
52 that it is immediately necessary to permit timely and appropriate development of  
53 this property, and provided it receives the affirmative vote of two thirds of the  
54 members elected or appointed to Council, it shall take effect and be in force  
55 immediately upon its passage and approval by the Mayor; otherwise it shall take  
56 effect and be in force at the earliest period allowed by law.

57  
58 Passed: \_\_\_\_\_  
59 \_\_\_\_\_  
60 President of Council

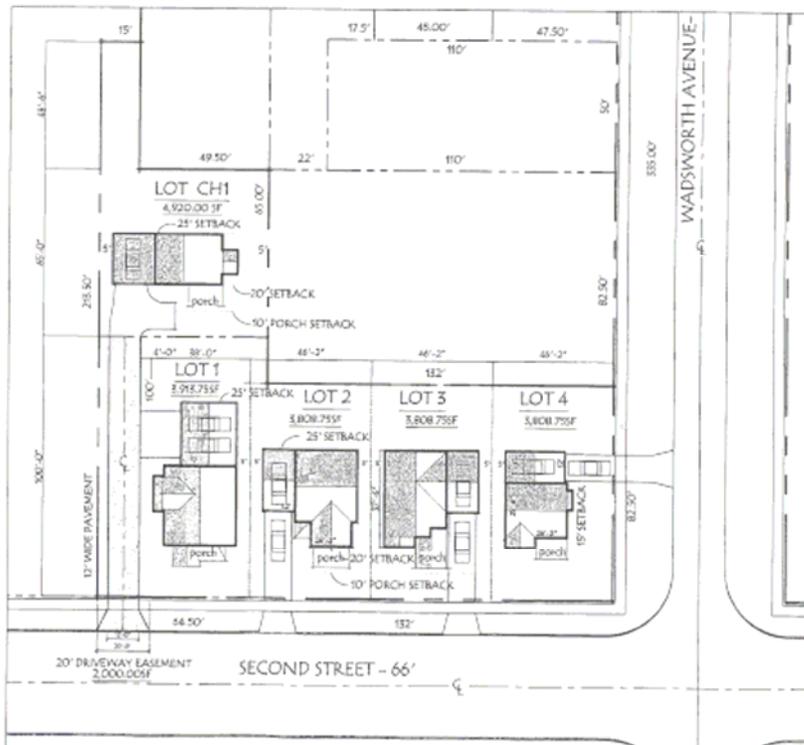
61 \_\_\_\_\_  
62 Clerk of Council

63  
64 Approved: \_\_\_\_\_  
65 \_\_\_\_\_  
66 Mayor

67 9/23/13  
68 O:\2013ords\P-25-13-MS Nahas Subdivision.doc  
69



**Figure 1 - Proposed Second Street Elevation**



**Figure 2 - Proposed Lot Reconfiguration**

2  
3  
4  
5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2013

8  
9 AN ORDINANCE APPROVING THE PRELIMINARY AND  
10 FINAL SUBDIVISION PLAT OF PORTAGE CROSSING  
11 NO. 1 SUBDIVISION, VACATING PORTIONS OF  
12 COOLIDGE AVENUE, 21<sup>ST</sup> STREET, AND TWO  
13 SERVICE DRIVES LOCATED THEREIN, AND  
14 DECLARING 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, all subdivision of land in the city is subject to the conditions set  
21 forth in Sections 1113.03 and 1113.04 of the Codified Ordinances and prior review  
22 and approval of the Planning Commission; and  
23

24 WHEREAS, on September 17, 2013 the Planning Commission approved the  
25 preliminary and final subdivision plat of the Portage Crossing No. 1 Subdivision  
26 (Parcel Nos. 02,20436, 02-05241, 02-05240, 02-14014, 02-01811, 02-18517, 02-  
27 18768,02-20437,02-20439, and 02-02885) bounded by State Road, Portage Trail,  
28 21<sup>st</sup> Street, and Schiller Avenue, within the City of Cuyahoga Falls, Ohio,  
29

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

33 Section 1.This Council approves the preliminary and final plat of the Portage  
34 Crossing No. 1 Subdivision, in accordance with the Cuyahoga Falls General  
35 Development Code regulations as set forth in the Codified Ordinances and as  
36 approved by the Planning Commission, subject to the conditions contained in File  
37 P-27-13-S, and as further depicted on the subdivision plat attached hereto as  
38 Exhibit "A."  
39

40 Section 2. Portions of Coolidge Avenue, 21<sup>st</sup> Street, Service Drive No. 1 and  
41 Service Drive No. 3 (of the former J.H. Schiller West Falls Allotment) as shown on  
42 the subdivision plat for vacation are hereby vacated. Title to vacated public streets  
43 and ways shall vest in the abutting property owners according to the centerline  
44 established for said streets and ways by the City Engineer.  
45

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

51 Section 4. 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  
55 public, in compliance with all legal requirements, to the extent applicable,  
56 including Chapter 107 of the Codified Ordinances.

57  
58 Section 5. 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  
61 that it is immediately necessary to permit timely and appropriate development of  
62 this property, and provided it receives the affirmative vote of two thirds of the  
63 members elected or appointed to Council, it shall take effect and be in force  
64 immediately upon its passage and approval by the Mayor; otherwise it shall take  
65 effect and be in force at the earliest period allowed by law.

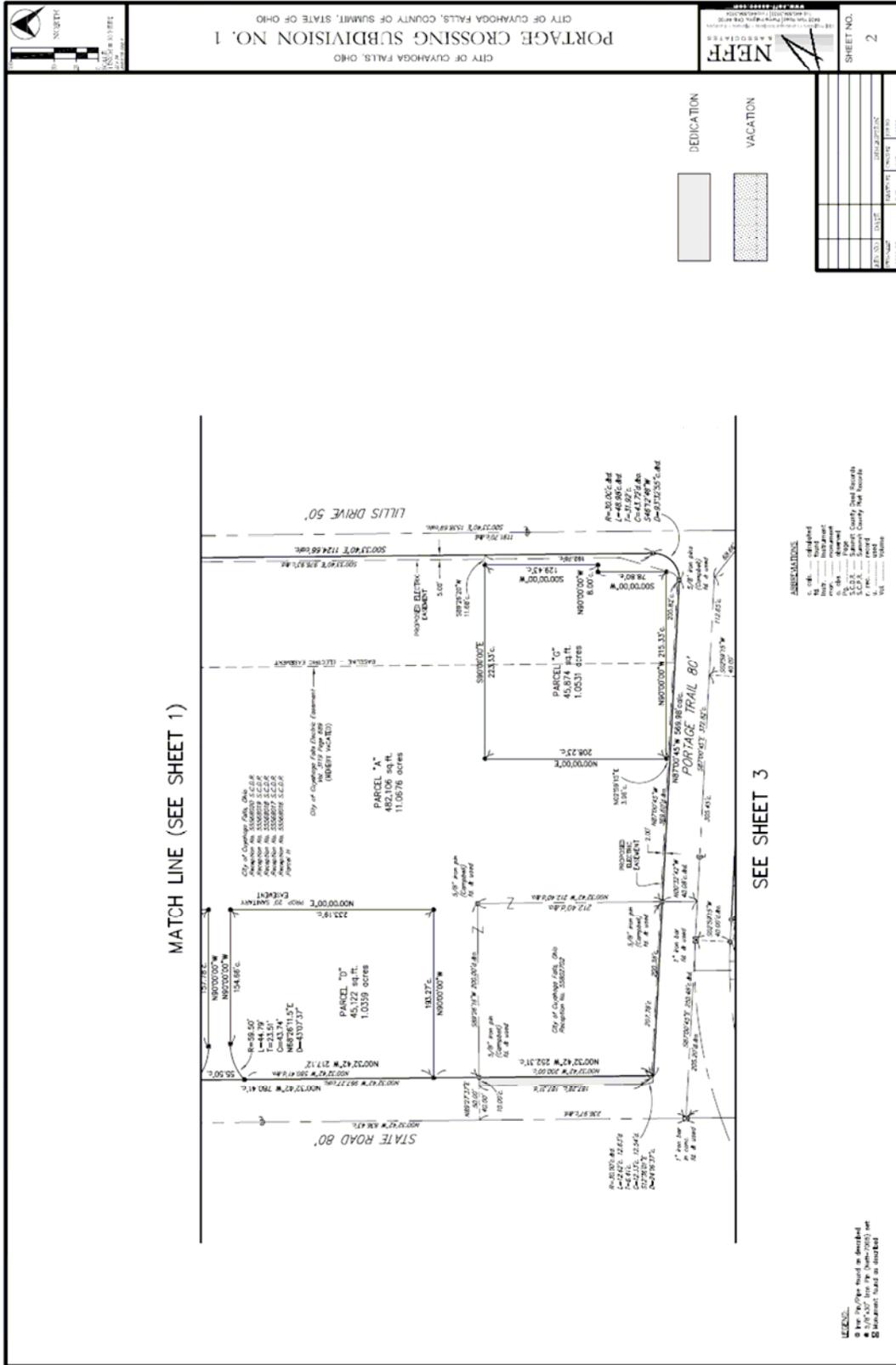
66  
67  
68 Passed: \_\_\_\_\_  
69 \_\_\_\_\_  
70 President of Council

71  
72 \_\_\_\_\_  
73 Clerk of Council

74 Approved: \_\_\_\_\_  
75 \_\_\_\_\_  
76 Mayor

77 9/23/13  
78 O:\2013ords\P-27-13-S Portage Crossing Subdivision Plat.doc







2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2013

7  
8  
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
10 PUBLIC SERVICE TO ENTER INTO A MODIFICATION  
11 OF CONTRACT NO. 6486 WITH RS RESOURCES INC.,  
12 DBA EMPLOY-TEMPS STAFFING SERVICES, AND  
13 DECLARING AN EMERGENCY.  
14

15 WHEREAS, pursuant to the authority of Ordinance No. 79-2009, passed  
16 September 28, 2009, and after competitive bidding, the City entered into contract  
17 on October 26, 2009 with RS Resources Inc., dba Employ-Temps Staffing Services,  
18 for the purchase of the City’s requirements for recruitment, selection, placement  
19 and payroll services in relation to seasonal and occasional employees, for a period  
20 not to exceed four years; and  
21

22 WHEREAS, for the convenience of the City, the City has requested and the  
23 contractor has agreed to extend the term of the contract through December 31,  
24 2013 without modification of the pricing schedule,  
25

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

29 Section 1. Notwithstanding the provisions of Ordinance No. 79-2009, the  
30 Director of Public Service is hereby authorized to enter into a modification of  
31 Contract No. 6486 with RS Resources Inc., dba Employ-Temps Staffing Services,  
32 on the basis of its proposal dated August 16, 2013, to extend the term of the  
33 contract through December 31, 2013.  
34

35 Section 2. The Director of Finance is hereby authorized to pay approved invoices  
36 for work based upon the Contract as modified, from various City funds  
37 appropriated therefor.  
38

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

44 Section 4. 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 open  
46 meeting of this Council, and that all deliberations of this Council and of any of its  
47 committees that resulted in such formal action, were in meetings open to the  
48 public, in compliance with all legal requirements, to the extent applicable,  
49 including Chapter 107 of the Codified Ordinances.

50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75

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

Passed: \_\_\_\_\_  
President of Council

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

Approved: \_\_\_\_\_  
Mayor

9/23/13  
O:\2013ords\Modify Contract #6486 Employ-Temps Staffing.doc

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2013

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A CONTRACT FOR EMPLOYMENT  
9 AGENCY SERVICES RELATED TO SEASONAL AND  
10 OCCASIONAL EMPLOYEES, AND DECLARING AN EMERGENCY.

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

14  
15 Section 1. The Director of Public Service is hereby authorized to enter into a contract  
16 according to law for the purchase of the City’s requirements for employment agency services  
17 including recruitment, selection, placement and payroll services in relation to seasonal and  
18 occasional employees, for period of one year with an option to renew for one additional year.

19  
20 Section 2. The Director of Finance is hereby directed to make payment for same out of  
21 various City funds appropriated therefor.

22  
23 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions  
24 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
25 herewith and which have not previously been repealed are hereby ratified and confirmed.

26  
27 Section 4. It is found and determined that all formal actions of this Council concerning and  
28 relating to the passage of this ordinance were taken in an open meeting of this Council and that  
29 all deliberations of this Council and of any committees that resulted in those formal actions were  
30 in meetings open to the public, in compliance with all legal requirements including Chapter 107  
31 of the Codified Ordinances.

32  
33 Section 5. This ordinance 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 receives the affirmative vote of two-thirds of the  
36 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
37 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
38 period allowed by law.

39  
40  
41 Passed: \_\_\_\_\_

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

42  
43  
44  
45  
46 \_\_\_\_\_  
Clerk of Council

47  
48  
49 Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

50  
51  
52  
53 9/23/13

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2013

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
8 SETTLEMENT AGREEMENT IN THE CASE OF MELISA MAKCEN  
9 V. CITY OF CUYAHOGA FALLS, ET AL., AND DECLARING AN  
10 EMERGENCY.

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

14  
15 Section 1. The Mayor is hereby authorized to execute a settlement agreement in the case of  
16 *Melisa Makcen v. City of Cuyahoga Falls, et al.*, Summit County Court of Common Pleas Case No.  
17 CV 2013-03-1249, on the basis of the settlement proposal negotiated and presented to City  
18 Council on October \_\_, 2013.

19  
20 Section 2. The Director of Finance is hereby authorized and directed to make payment for  
21 same from the Workers' Compensation Fund.

22  
23 Section 3. The Mayor and/or Director of Law, as indicated, are hereby authorized to  
24 execute and file such pleadings and documents with the court or other agencies, including,  
25 without limitation, a stipulated judgment entry and any other pleadings necessary to effectuate  
26 the intent of the parties as set forth in the proposed settlement agreement.

27  
28 Section 4. 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 5. 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 6. This ordinance is hereby declared to be an emergency measure necessary for the  
39 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
40 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the  
41 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
42 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
43 period allowed by law.

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

\_\_\_\_\_

President of Council

47  
48  
49  
50  
51 \_\_\_\_\_

Clerk of Council

52  
53  
54 Approved\_\_\_\_\_

\_\_\_\_\_

Mayor

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2013

7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
9 COMMUNITY DEVELOPMENT TO ENTER INTO A  
10 THIRD MODIFICATION OF CONTRACT NO. 6519 WITH  
11 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  
20 Environmental Services, Inc., for the purpose of obtaining the professional services  
21 necessary to conduct oversight and assessment related to environmental  
22 remediation of certain real property known as 4610 State Road (Parcel No. 37-  
23 00002), pursuant to a grant 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, pursuant to Ord. No. 78-2012, the Director of Community  
29 Development entered into a second modification of Contract No. 6519; and

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

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 Director of Community Development is hereby authorized to  
39 enter into a third modification of Contract No. 6519, with SRW Environmental  
40 Services, Inc., on the basis of its proposal dated September 12, 2013, in an  
41 amount not to exceed \$15,000. The total contract price after modification as  
42 authorized herein shall not exceed \$255,654.

43  
44 Section 2. The Director of Finance is hereby authorized and directed to make  
45 payment for same from the Capital Projects Fund, line item Capital Outlay.

46  
47 Section 3. Any other ordinances and resolutions or portions of ordinances and  
48 resolutions inconsistent herewith are hereby repealed, but any ordinances and

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

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

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

66  
67  
68 Passed: \_\_\_\_\_  
69 \_\_\_\_\_  
70 President of Council

71  
72 \_\_\_\_\_  
73 Clerk of Council

74  
75  
76 Approved: \_\_\_\_\_  
77 \_\_\_\_\_  
78 Mayor

79 9/23/13  
80 O:\2013ords\Modify SRW Consulting third mod

2  
3  
4  
5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2013

8  
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
10 FINANCE TO ENTER INTO A CONTRACT OR  
11 CONTRACTS WITHOUT COMPETITIVE BIDDING WITH  
12 WICHERT INSURANCE SERVICES, INC. FOR THE  
13 PROFESSIONAL SERVICES NECESSARY TO MANAGE  
14 THE CITY'S RISK MANAGEMENT AND INSURANCE  
15 PROGRAM AND FOR THE PURCHASE OF PUBLIC  
16 ENTITY INSURANCE COVERAGES, AND DECLARING  
17 AN EMERGENCY.  
18  
19

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

23 Section 1. The Director of Finance is hereby authorized to enter into a contract  
24 or contracts, without competitive bidding, with Wichert Insurance Services, Inc.,  
25 on the basis of its proposal dated \_\_\_\_\_, 2013, for the professional  
26 services necessary to manage the City's risk management and insurance program,  
27 including purchase of comprehensive public entity insurance coverages, for a  
28 period of one year.  
29

30 Section 2. The Director of Finance is hereby authorized and directed to make  
31 payment for same from funds properly appropriated to the various departments of  
32 the City for these purposes, according to an apportionment of costs as between the  
33 departments.  
34

35 Section 3. Any other ordinances or resolutions or portions of ordinances and  
36 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
37 resolutions not inconsistent herewith and which have not previously been repealed  
38 are hereby ratified and confirmed.  
39

40 Section 4. It is found and determined that all formal actions of this Council  
41 concerning and relating to the adoption of this ordinance were adopted in an open  
42 meeting of this Council, and that all deliberations of this Council and of any of its  
43 committees that resulted in such formal action, were in meetings open to the  
44 public, in compliance with all legal requirements, to the extent applicable,  
45 including Chapter 107 of the Codified Ordinances.  
46

47 Section 5. This ordinance is hereby declared to be an emergency measure  
48 necessary for the preservation of the public peace, health, safety, convenience and  
49 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason  
50 that it is immediately necessary to permit timely and appropriate development of

51 this property, and provided it receives the affirmative vote of two thirds of the  
52 members elected or appointed to Council, it shall take effect and be in force  
53 immediately upon its passage and approval by the Mayor; otherwise it shall take  
54 effect and be in force at the earliest period allowed by law.

55

56

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

60

61

62 \_\_\_\_\_  
63 Clerk of Council

64

65

66 Approved: \_\_\_\_\_  
67 \_\_\_\_\_  
68 Mayor

69

9/23/13

O:\2013ords\Insurance program renewal

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2013

7  
8 AN ORDINANCE APPROVING THE APPLICATION OF  
9 PORTAGE CROSSING, LLC FOR THE DESIGNATION  
10 OF A COMMUNITY ENTERTAINMENT DISTRICT AT  
11 THE PORTAGE CROSSING REDEVELOPMENT SITE,  
12 MAKING CERTAIN FINDINGS IN CONNECTION  
13 THEREWITH, AND DECLARING AN EMERGENCY.

14  
15 WHEREAS, Section 4301.80 of the Ohio Revised Code (“R.C.”) authorizes City  
16 to designate a contiguous area in excess 20 acres as a Community Entertainment  
17 District, upon the application of one or more of the owners of the parcels located in  
18 such area; and

19  
20 WHEREAS, on September 3, 2013 the City received an application from Portage  
21 Crossing, LLC to designate a Community Entertainment District within the Portage  
22 Crossing Redevelopment Site, the boundaries of said district being more fully  
23 detailed in the application, which is attached to this Ordinance as Exhibit 1; and

24  
25 WHEREAS, the application contains the submissions required by R.C.  
26 §4301.80(B), is complete and in order, and has been forwarded to this Council  
27 from the Mayor with a recommendation that it be approved,

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

31  
32 Section 1. The application of Portage Crossing, LLC for designation of a  
33 Community Entertainment District, attached hereto as Exhibit 1, is well taken and  
34 is approved for boundaries set forth in the application.

35  
36 Section 2. This Council hereby finds and determines that the proposed  
37 community entertainment district will substantially contribute to entertainment,  
38 retail, educational, sporting, social, cultural, or arts opportunities for the  
39 community, the relevant community being the city of Cuyahoga Falls.

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

45  
46 Section 4. It is found and determined that all formal actions of this Council  
47 concerning and relating to the adoption of this ordinance were adopted in an open  
48 meeting of this Council, and that all deliberations of this Council and of any of its  
49 committees that resulted in such formal action, were in meetings open to the  
50 public, in compliance with all legal requirements including, to the extent  
51 applicable, Chapter 107 of the Codified Ordinances.  
52

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

59  
60 Passed: \_\_\_\_\_  
61 \_\_\_\_\_  
62 President of Council

63  
64 \_\_\_\_\_  
65 Clerk of Council  
66

67  
68 Approved: \_\_\_\_\_  
69 \_\_\_\_\_  
70 Mayor

71 9/23/13  
72 O:\2013ords\Community Entertainment District - Portage Crossing

July 19, 2013

**VIA FEDEX**

Mayor Don L. Robart  
City of Cuyahoga Falls, Ohio  
2310 Second Street  
Cuyahoga Falls, Ohio 44221

Re: Community Entertainment District

Dear Mayor:

We are seeking to have the development known as Portage Crossing (the "Property") designated as a Community Entertainment District under section 4301.80 of the Ohio Revised Code.

The name and address of the applicant is as follows:

Portage Crossing, LLC  
an Ohio limited liability company  
c/o Stark Enterprises  
1350 West 3<sup>rd</sup> Street  
Cleveland, Ohio 44113

Attached hereto as **Exhibit A**, and incorporated herein by reference, is a survey of the Property describing the boundaries of the proposed Community Entertainment District.

The following uses described in Section 4301.80(A) of the Ohio Revised Code will be located at the Property and included within the proposed Community Entertainment District: restaurants; retail sales establishments; motion picture theatres; and entertainment/sports facilities. The proposed Community Entertainment District will also include a full service grocery store.

Construction of the development of the Property has commenced, and the project opening date will be in fall 2014 or spring 2015.

Attached hereto as **Exhibit B**, and incorporated herein by reference, is a letter from the City of Cuyahoga Falls confirming that the zoning of the Property is *C-1 Commercial District*. All proposed uses for the Property fall within that designation.

Attached hereto as **Exhibit C**, and incorporated herein by reference, is a certificate from Neff & Associates, an engineering firm providing various civil engineering services in connection with the development of the Property, and licensed under Chapter 4733 of the Ohio Revised Code, indicating that



the area encompassed by the proposed Community Entertainment District contains no fewer than 20 contiguous acres of land.

Should you have any questions regarding this application, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Thomas A. FitzSimmons', written in a cursive style.

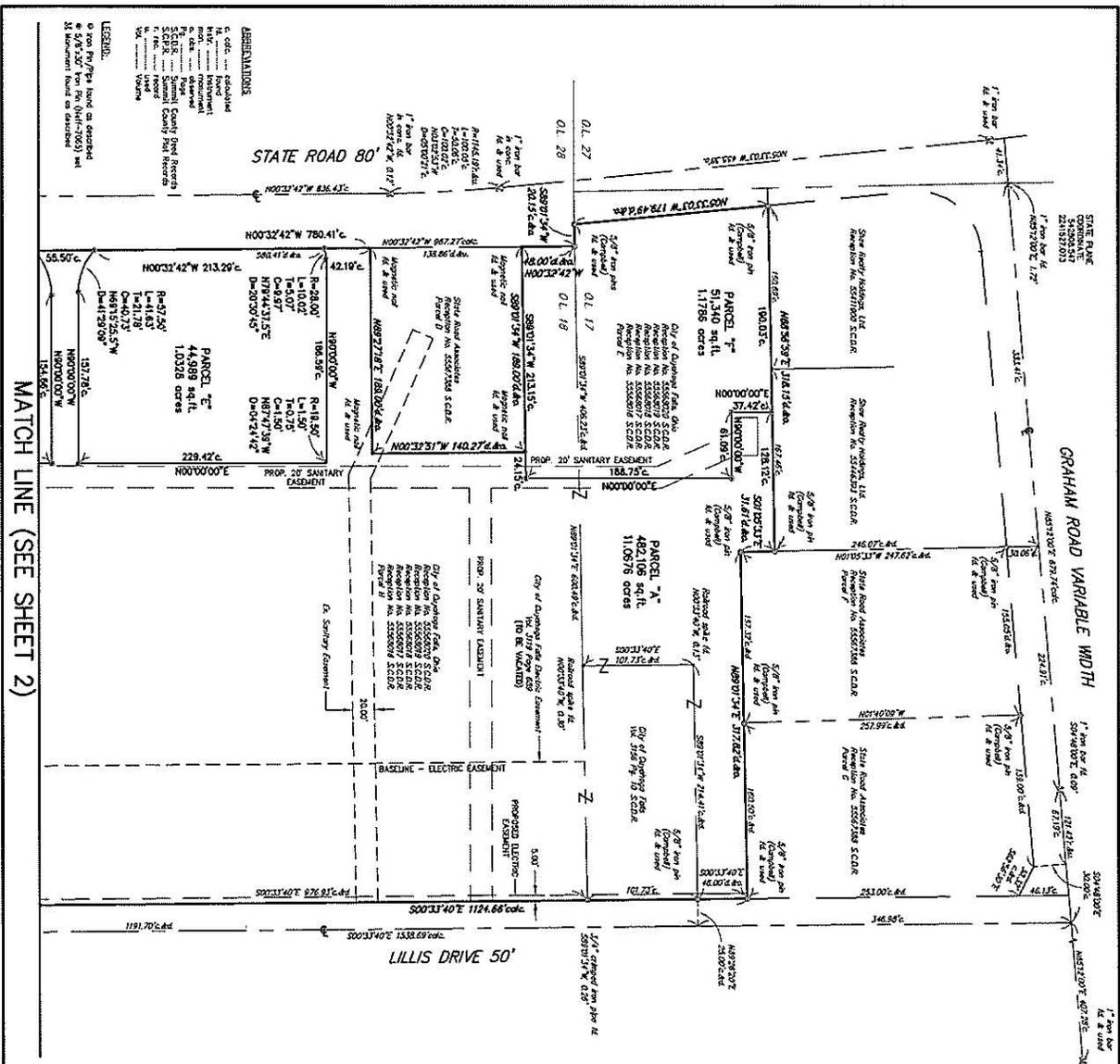
Thomas A. FitzSimmons  
General Counsel

cc: File  
Sue Truby  
Steve Rubin

Exhibit A

Survey

[see attached]



**ACCEPTANCE**

I, the undersigned, Robert L. Stark, President of Robert L. Stark Enterprises, Inc., manager of Portage Crossing, LLC, owner of the above described parcel, do hereby certify that the same was made in my presence and to my knowledge, and that the same are correct and true in every particular, and that the same are in accordance with the original plat and the original plat is a true and correct copy of the same, and that the same are in accordance with the original plat and the original plat is a true and correct copy of the same, and that the same are in accordance with the original plat and the original plat is a true and correct copy of the same.

**APPROVALS**

This plat approved by the Planning Commission of the City of Cuyahoga Falls, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

This plat approved by the City Council of Cuyahoga Falls, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

This plat approved by the Engineer of the City of Cuyahoga Falls, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**SURVEYOR'S CERTIFICATE**

I, the undersigned, Thomas J. Neff, do hereby certify that I am a duly licensed Professional Surveyor in the State of Ohio, and that I am the author of the above described plat, and that the same are in accordance with the original plat and the original plat is a true and correct copy of the same, and that the same are in accordance with the original plat and the original plat is a true and correct copy of the same.





Exhibit B  
Zoning Letter  
[see attached]

Don L. Robart, Mayor  
Susan L. Truby, Development Director  
Jennifer L. Syx, Deputy Director



Community Development Department  
2310 Second Street  
Cuyahoga Falls, Ohio 44221  
330-971-8135

Fred R. Guerra, AICP, Planning Director

## City of Cuyahoga Falls

June 27, 2013

The Huntington National Bank  
925 Euclid Avenue, Suite 1990  
Cleveland, OH 44115

Portage Crossing LLC  
1350 W. 3<sup>rd</sup> Street  
Cleveland, Ohio 44113

RE: Property located at Portage Trail and State Road – Portage Crossing (the “Project”)

Ladies and Gentlemen:

I understand that The Huntington National Bank, a national banking association (“Lender”), is making several loans (“Loans”) to Portage Crossing, LLC, an Ohio limited liability company (“Borrower”), to finance the acquisition and construction of the Project, which shall be used as a retail shopping center (“Intended Use”). I also understand that as a condition of making the Loan, the Lender has requested that the City of Cuyahoga Falls, Ohio (“City”) confirm certain items with respect to zoning and other matters. As Planning Director for the City of Cuyahoga Falls, I am familiar with the Project and I am authorized to provide the Lender with the following information. I further understand that the Lender will be relying upon the following information in making the Loan to the Borrower.

With respect to the Portage Crossing Project, I hereby confirm and represent to you as follows:

1. The Project is presently zoned C-1 Commercial District. The intended use of the project complies with all zoning requirements allowed in C-1 Commercial Districts. Such compliance is not dependent upon any special permit, conditional use permit, variances or any pre-existing non-conforming use.
2. The Project if constructed pursuant to approved sites plans submitted to the City comply with all applicable zoning requirements of the City, including, without limitation, those requirements relating to the location of buildings; setback, height and size of buildings; size, location and configuration of parking lots; driveways and curb cuts; lot coverage; loading and unloading areas; landscaping; lighting; traffic circulation lanes and fire lanes. Compliance is substantiated by the following approvals:
  - a.) Portage Crossing Site Plan -- On May 7, 2013, the Planning Commission approved the site plan for Portage Crossing. Approval includes building, parking lot and landscaping design.
  - b.) Portage Crossing Site Plan -- On May 28, 2013, City Council approved the site plan for Portage Crossing. Approval includes building, parking lot and landscaping designs.

- c.) Portage Crossing Variances -- On May 29, 2013, the Board of Zoning Appeals approved the following three variances:
- A 4% total lot coverage variance that allows for 89% lot coverage instead of 85% lot coverage.
  - 
  - A 70% drive-thru establishment queuing area variance that allows a 9-foot setback instead of a 30-foot setback.
  - A 10% maximum parking requirement variance that eliminates the need to construct mitigating parking design features.
3. The Project, if constructed pursuant to the approved site plan, shall have approximately 1,432 parking spaces, which complies with applicable parking requirements in the Cuyahoga Falls General Development Code. Handicapped parking spaces are governed by State of Ohio regulations.

There is no current legislation before the City, nor to my knowledge is any such legislation under discussion or consideration that will in any manner change or adversely affect the matters set forth in paragraphs 1, 2 and 3 above. However, the Planning Commission will review building designs for any additional building at Portage Crossing not covered in the previous approvals.

Sincerely,



Fred R. Guerra, AICP  
Planning Director  
CITY OF CUYAHOGA FALLS

Exhibit C

Engineer's Certificate

[see attached]



Civil Engineers + Landscape Architects + Planners + Surveyors

August 28, 2013

Portage Crossing LLC  
1350 West 3<sup>rd</sup> Street  
Cleveland, OH 44113

Re: Portage Crossing  
Cuyahoga Falls, Ohio  
File No. 13226-006

To whom it may concern:

This statement is to certify that the Portage Crossing property is greater than 20 acres as measured in the plat shown in Exhibit A.

Very truly,

A handwritten signature in black ink that reads "Thomas J. Neff, Jr." in a cursive script.

Thomas J. Neff, P.S.  
Registered Survey No. 7065-Ohio

