

NEW LEGISLATION

April 14, 2014

Temp. No.	Introduced	Committee	Description
A-34	4/14/14	P&Z	An ordinance accepting the Planning Commission approval, findings and conditions for amendments to the final plat of the Boulder Estates Phase 3 subdivision and declaring an emergency.
A-35	4/14/14	P&Z	An ordinance accepting the Planning Commission approval, findings and conditions of the major site plan for the SGS Solid Carbide Tools End Mill Facility at 150 Marc Drive located on all of parcel 35-02034, and parts of parcels 35-00311 and 35-06220 and declaring an emergency.
A-36	4/14/14	P&Z	An ordinance accepting the Planning Commission approval, findings and conditions of the major site plan for at 1845 Bailey Road located on parcels 02-20160, 02-2061 and 02-20162 and declaring an emergency.
A-37	4/14/14	Fin	An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Sherman and Reilly for the purchase of a 7500-pound trailer mounted underground puller diesel engine with air compressor for use in the Electric Department, and declaring an emergency.
A-38	4/14/14	Fin	An ordinance authorizing Director of Public Service to enter into a contract or contracts, according to law, for the painting of the Bailey Road Water Tank, and declaring an emergency.
A-39	4/14/14	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts without competitive bidding with Aclara Technologies, LLC for the

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maintenance and support of the STAR/DCU hardware and software associated with the Automatic Meter Reader System, and declaring an emergency.

A-40	4/14/14	PI	An ordinance authorizing the Mayor to enter into a settlement agreement in the case of Jeffrey K. White v. City of Cuyahoga Falls, and declaring an emergency.
A-41	4/14/14	PI	An ordinance authorizing the Director of Public Service to execute a modification of Contract No. 6787 with Karvo Paving Company Inc., and declaring an emergency.
A-42	4/14/14	PA	An ordinance authorizing the Mayor to enter into a contract or contracts, according to law, for cost sharing and reimbursement for public improvements with French Mill Run, LLC, and declaring an emergency.
A-43	4/14/14	PA	An ordinance amending Section 925.06 of the Codified Ordinances and declaring an emergency.
A-44	4/14/14	PA	A resolution making certain findings relative to the transfer of a Type D-2 liquor permit to Riser Foods Company dba Giant Eagle, 2687 State Road, and declaring an emergency.
A-45	4/14/14	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

CALENDAR

April 14, 2014

The following legislation will be up for passage at the Council Meeting on April 14, 2014.

Temp. No.	Introduced	Committee	Description
A-12 *	2/24/14	PZ	An ordinance approving regulatory text amendments to Chapter 1115, Title 1, Part 11; Chapter 1131, Title 3, Part 11, Section 1131.03(H)(13) and Table 1131-1 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), and declaring an emergency.
A-28	3/24/14	Fin	An ordinance authorizing the Director of Public Safety to accept a Justice Assistance Grant Subgrant from the Department of Public Safety, making an appropriation therefor, and declaring an emergency.
A-29	3/24/14	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the annual resurfacing and/or repair of various streets as described in Exhibit 'A' attached hereto, in the City of Cuyahoga Falls, and declaring an emergency.
A-30	3/24/14	PA	An ordinance amending Section 947.05 of Part Nine, Title Seven, Chapter 947 of the Codified Ordinances, relating to medical transport service, and declaring an emergency.
A-31	3/24/14	PA	An ordinance amending Chapter 767, Part Seven of the Codified Ordinances, relating to ambulances and emergency medical services, and declaring an emergency.

* Public Hearing – 4/7/14

PENDING LEGISLATION

April 14, 2014

Temp. No.	Introduced	Committee	Description
A-12 *	2/24/14	PZ	An ordinance approving regulatory text amendments to Chapter 1115, Title 1, Part 11; Chapter 1131, Title 3, Part 11, Section 1131.03(H)(13) and Table 1131-1 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), and declaring an emergency.
A-28	3/24/14	Fin	An ordinance authorizing the Director of Public Safety to accept a Justice Assistance Grant Subgrant from the Department of Public Safety, making an appropriation therefor, and declaring an emergency.
A-29	3/24/14	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the annual resurfacing and/or repair of various streets as described in Exhibit 'A' attached hereto, in the City of Cuyahoga Falls, and declaring an emergency.
A-30	3/24/14	PA	An ordinance amending Section 947.05 of Part Nine, Title Seven, Chapter 947 of the Codified Ordinances, relating to medical transport service, and declaring an emergency.
A-31	3/24/14	PA	An ordinance amending Chapter 767, Part Seven of the Codified Ordinances, relating to ambulances and emergency medical services, and declaring an emergency.
A-32	3/24/14	CD	An ordinance approving the 2014-2018 CDBG Consolidated Plan Document and, declaring an emergency.

A-33 3/24/14 CD

An ordinance approving the Community Development Block Grant Annual Action Plan for Fiscal Year 2014, and declaring an emergency.

* Public Hearing – 4/7/14

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2014

8
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION
10 APPROVAL, FINDINGS AND CONDITIONS FOR AMENDMENTS TO
11 THE FINAL PLAT OF THE BOULDER ESTATES PHASE 3
12 SUBDIVISION AND DECLARING AN EMERGENCY.

13
14 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the
15 Planning Commission be submitted to Council, and

16
17 WHEREAS, on April 1, 2014 the Planning Commission recommended approval of amendments to
18 the final plat of the Boulder Estates – Phase 3 Subdivision located on Parcel Number 37-00380 in the
19 Northampton Planning District located on the west side of State Road at Seasons Road, and

20
21 WHEREAS, such approval is given subject to conditions subsequent to be satisfied, and

22
23 WHEREAS, such approval is necessary to determine that the allotment is satisfactory, serves the
24 public interest, and is acceptable for recording.

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

28
29 Section 1. This Council accepts the Planning Commission approval of the Final Plat of the
30 Boulder Estates-Phase 3 Subdivision as per the plans and stipulations contained in Project FS-14-
31 0014.

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

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

42
43 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
44 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
45 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and
46 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
47 the members elected or appointed to Council, it shall take effect and be in force immediately upon its
48 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
49 allowed by law.

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51 Passed: _____
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53 President of Council

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56 Clerk of Council

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58 Approved: _____
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60 Mayor

61 4/14/14

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2014

7
8 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION
9 APPROVAL, FINDINGS AND CONDITIONS OF THE MAJOR SITE
10 PLAN FOR THE SGS SOLID CARBIDE TOOLS END MILL FACILITY
11 AT 150 MARC DRIVE LOCATED ON ALL OF PARCEL 35-02034,
12 AND PARTS OF PARCELS 35-00311 AND 35-06220 AND
13 DECLARING AN EMERGENCY.

14
15 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the
16 Planning Commission be submitted to Council, and

17
18 WHEREAS, on April 1, 2014 the Planning Commission recommended approval of the site plan for
19 the construction of a 76,482 square foot industrial facility located at 150 Marc Drive and on parcels
20 35-02034, 35-00311 and 35-35-06220 and all associated public infrastructure improvements on
21 Marc Drive and Cochran Road, and

22
23 WHEREAS, such approval is given subject to conditions subsequent to be satisfied, and

24
25 WHEREAS, such approval is necessary to determine that the allotment is satisfactory, serves the
26 public interest, and is acceptable for recording.

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

30
31 Section 1. The City Council approves the site plan for the construction of a 76,482 square
32 foot industrial facility located at 150 Marc Drive and on parcels 35-02034, 35-00311 and 35-35-
33 06220 in Cuyahoga Falls, Ohio, in accordance with Cuyahoga Falls General Development Code
34 regulations as stipulated in the Codified Ordinances of the City of Cuyahoga Falls and as approved by
35 the Planning Commission as per the plans and final stipulations contained in Project MSP-14-0013.

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

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

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

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56 Passed: _____

President of Council

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60 Clerk of Council

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62 Approved: _____

Mayor

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64 4/14/14

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2014

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9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION
10 APPROVAL, FINDINGS AND CONDITIONS OF THE MAJOR SITE
11 PLAN FOR AT 1845 BAILEY ROAD LOCATED ON PARCELS 02-
12 20160, 02-2061 AND 02-20162 AND DECLARING AN
13 EMERGENCY.
14

15 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the
16 Planning Commission be submitted to Council, and

17
18 WHEREAS, on April 1, 2014 the Planning Commission recommended approval of the site plan for
19 the construction of a 8,320 square foot Family Dollar retail establishment at 1845 Bailey Road and
20 on parcels 02-20160, 02-2061 and 02-20162, and

21
22 WHEREAS, such approval is given subject to conditions subsequent to be satisfied, and

23
24 WHEREAS, such approval is necessary to determine that the allotment is satisfactory, serves the
25 public interest, and is acceptable for recording.

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

29
30 Section 1. The City Council approves the site plan for the construction of a 8,320 square foot
31 Family Dollar retail establishment at 1845 Bailey Road and on parcels 02-20160, 02-2061 and 02-20162 in
32 Cuyahoga Falls, Ohio, in accordance with Cuyahoga Falls General Development Code regulations as
33 stipulated in the Codified Ordinances of the City of Cuyahoga Falls and as approved by the Planning
34 Commission as per the plans and final stipulations contained in Project File P-5-14.
35

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

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

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

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60 Clerk of Council

61 Approved: _____
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63 Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2014

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8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
9 PUBLIC SERVICE TO ENTER INTO A CONTRACT
10 WITHOUT COMPETITIVE BIDDING WITH SHERMAN
11 AND REILLY FOR THE PURCHASE OF A 7500-POUND
12 TRAILER MOUNTED UNDERGROUND PULLER
13 DIESEL ENGINE WITH AIR COMPRESSOR FOR USE
14 IN THE ELECTRIC DEPARTMENT, AND DECLARING
15 AN EMERGENCY.
16

17
18 WHEREAS, Article I, Section 2 of the City Charter, adopted pursuant to Art.
19 XVIII, Sections 3 and 7 of the Ohio Constitution, authorizes this Council to make
20 exception to the competitive bidding procedures set forth in the Revised Code,
21

22 WHEREAS, Sherman and Reilly is the sole source purveyor a 7500-pound
23 Trailer Mounted Underground Puller Diesel Engine with Air Compressor.
24

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

28 Section 1. The Director of Public Service is hereby authorized to enter into a
29 contact without competitive bidding with Sherman and Reilly, on the basis of its
30 proposal dated March 19, 2014, for the purchase of a 7500-pound Trailer Mounted
31 Underground Puller Diesel Engine with Air Compressor.
32

33 Section 2. The Director of Finance is hereby authorized and directed to
34 make payment for same from the Electric Fund, line item, Capital Machinery and
35 Equipment.
36

37 Section 3. Any 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 4. It is found and determined that all formal actions of this Council
43 concerning and relating to the passage of this ordinance were taken in an open
44 meeting of this Council and that all deliberations of this Council and of any
45 committees that resulted in those formal actions were in meetings open to the
46 public, in compliance with all legal requirements including Chapter 107 of the
47 Codified Ordinances.
48

49 Section 5. That this ordinance is hereby declared to be an emergency
50 measure necessary for the preservation of the public peace, health, safety,

51 convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof,
52 and provided it receives the affirmative vote of two-thirds of the members elected or
53 appointed to Council, it shall take effect and be in force immediately upon its
54 passage and approval by the Mayor; otherwise it shall take effect and be in force at
55 the earliest period allowed by law.
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58 Passed: _____

President of Council

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Clerk of Council

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66 Approved _____

Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2014

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8 AN ORDINANCE AUTHORIZING DIRECTOR OF PUBLIC SERVICE
9 TO ENTER INTO A CONTRACT OR CONTRACTS, ACCORDING TO
10 LAW, FOR THE PAINTING OF THE BAILEY ROAD WATER TANK,
11 AND DECLARING AN EMERGENCY.

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

15
16 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
17 contracts, according to law, for the painting of the Bailey Road Water Tank.

18
19 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
20 from the Water Fund, line item Other Operations.

21
22 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
23 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
24 herewith and which have not previously been repealed are hereby ratified and confirmed.

25
26 Section 4. It is found and determined that all formal actions of this Council concerning and
27 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that
28 all deliberations of this Council and of any of its committees that resulted in such formal action, were
29 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,
30 including Chapter 107 of the Codified Ordinances.

31
32 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
33 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
34 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and
35 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
36 the 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 period
38 allowed by law.

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41 Passed: _____

President of Council

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Clerk of Council

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49 Approved: _____

Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2014

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
9 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR
10 CONTRACTS WITHOUT COMPETITIVE BIDDING WITH
11 ACLARA TECHNOLOGIES, LLC FOR THE
12 MAINTENANCE AND SUPPORT OF THE STAR/DCU
13 HARDWARE AND SOFTWARE ASSOCIATED WITH THE
14 AUTOMATIC METER READER SYSTEM, AND
15 DECLARING AN EMERGENCY.
16

17
18 WHEREAS, Article I, Section 2 of the City Charter, adopted pursuant to Art.
19 XVIII, Sections 3 and 7 of the Ohio Constitution, authorizes this Council to make
20 exception to the competitive bidding procedures set forth in the Revised Code,
21

22 WHEREAS, ACLARA Technologies, LLC is the sole source purveyor of
23 maintenance and repair services for STAR/DCU hardware and software associated
24 with the Automatic Meter Reader System,
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. The Director of Public Service is hereby authorized to enter into a
30 contract or contracts without competitive bidding with Aclara Technologies, LLC,
31 on the basis of its proposal dated April 9, 2014, for the maintenance and repair of
32 the City's STAR/DCU hardware and software associated with the Automatic Meter
33 Reader System.
34

35 Section 2. The Director of Finance is hereby authorized and directed to make
36 payment for same from Water, Sewer, and Electric Funds, line item Other
37 Operations.
38

39 Section 3. Any other ordinances and resolutions or portions of ordinances and
40 resolutions inconsistent herewith are hereby repealed, but any ordinances and
41 resolutions or portions of ordinances and resolutions not inconsistent herewith
42 and which have not previously been repealed are hereby ratified and confirmed.
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44 Section 4. It is found and determined that all formal actions of this Council
45 concerning and relating to the passage of this ordinance were taken in an open
46 meeting of this Council and that all deliberations of this Council and of any
47 committees that resulted in those formal actions were in meetings open to the
48 public, in compliance with all legal requirements including Chapter 107 of the
49 Codified Ordinances.

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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 the inhabitants thereof, 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

4/14/14

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2014

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
8 SETTLEMENT AGREEMENT IN THE CASE OF JEFFREY K.
9 WHITE V. CITY OF CUYAHOGA FALLS, 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 *Jeffrey K. White v. City of Cuyahoga Falls*, Summit County Court of Common Pleas Case No. CV
17 2013-03-1266, on the basis of the proposal negotiated and presented to City Council.

18
19 Section 2. The Director of Finance is hereby authorized and directed to make payment for
20 same from the General Fund, General Administration Department, line item other operations.

21
22 Section 3. The Director of Law is hereby authorized to execute and file such pleadings and
23 documents with the court or other agencies, including, without limitation, a stipulated judgment
24 entry and any other pleadings necessary to effectuate the intent of the parties as set forth in the
25 proposed settlement agreement.

26
27 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions
28 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
29 herewith and which have not previously been repealed are hereby ratified and confirmed.

30
31 Section 5. It is found and determined that all formal actions of this Council concerning and
32 relating to the passage of this ordinance were taken in an open meeting of this Council and that
33 all deliberations of this Council and of any committees that resulted in those formal actions were
34 in meetings open to the public, in compliance with all legal requirements including Chapter 107
35 of the Codified Ordinances.

36
37 Section 6. This ordinance is hereby declared to be an emergency measure necessary for the
38 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
39 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
40 members elected or appointed to Council, it shall take effect and be in force immediately upon its
41 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
42 period allowed by law.

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45 Passed: _____

President of Council

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Clerk of Council

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53 Approved _____

Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. -2014

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO EXECUTE A MODIFICATION OF
9 CONTRACT NO. 6787 WITH KARVO PAVING COMPANY
10 INC., AND DECLARING AN EMERGENCY.

11
12 WHEREAS, under the authority of Ordinance 63-2012 the City, after
13 competitive bidding, entered into Contract No. 6787 with Karvo Paving Company,
14 for the purposes of constructing the Public Improvements to State Road and
15 Portage Trail; and

16
17 WHEREAS, it is necessary to adjust the scope of work beyond what was
18 originally estimated, due to changes in the development plans for the property,
19 necessitating further work relating to roadways, traffic signalization, lane
20 structure, topographic surveying, and utility verification, which changes will result
21 in a delay in the completion of the project, resulting in additional home office
22 overhead, maintenance of traffic, extended and escalated labor costs and material
23 storage, which will increase the estimated total contract price by an amount not
24 exceeding \$572,280.66.

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. The Director of Public Service is hereby authorized to execute a
30 modification of Contract No. 6787 with Karvo Paving Company, authorizing delay
31 costs in an amount not to exceed \$572,280.66 over the original estimated contract
32 price, and allowed modifications pursuant to C.O. §181.06.

33
34 Section 2. The Director of Finance is hereby authorized and directed to pay
35 approved invoices for work based upon the Contract as modified, from the Capital
36 Projects Fund, line item Capital Outlay.

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

42
43 Section 4. It is found and determined that all formal actions of this Council
44 concerning and relating to the adoption of this ordinance were adopted in an open
45 meeting of this Council and that all deliberations of this Council and of any of its
46 committees that resulted in such formal action were in meetings open to the
47 public, in compliance with all legal requirements including, to the extent
48 applicable, Chapter 107 of the Codified Ordinances.
49

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

President of Council

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Clerk of Council

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Approved: _____

Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2014

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7 AN ORDINANCE AUTHORIZING THE MAYOR TO
8 ENTER INTO A CONTRACT OR CONTRACTS,
9 ACCORDING TO LAW, FOR COST SHARING AND
10 REIMBURSEMENT FOR PUBLIC IMPROVEMENTS
11 WITH FRENCH MILL RUN, LLC, AND DECLARING AN
12 EMERGENCY.
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16 WHEREAS, this Council approved the 2013 Community Development Block
17 Grant Annual Action Plan (“Annual Action Plan”) pursuant to Ordinance 24-2013,
18 and
19

20 WHEREAS, the Annual Action Plan set forth a certain amount of programming
21 costs to be used for public infrastructure, and
22

23 WHEREAS, French Mill Run, LLC is developing a Mixed Use Center at the corner
24 of State and Bath Roads which comprises 11.42 acres and will include certain
25 public improvements, and
26

27 WHEREAS, the development will be known as French Mill Run and will be a
28 mixed use commercial and multi-family development,
29

30 WHEREAS, the Planning Commission approved the subdivision on July 2, 2013
31 and this Council approved the same on July 22, 2013 pursuant to Ordinance 49-
32 2013.
33

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

37 Section 1. The Mayor is hereby authorized to enter into a contract or contracts,
38 according to law, for cost sharing and reimbursement with French Mill Run, LLC
39 for the construction of public improvements in the French Mill Run Development.
40

41 Section 2. The Director of Finance is hereby authorized and directed to make
42 payment for same in an amount not to exceed \$268,173.00 from the Community
43 Development Block Grant Fund, line item Capital Outlay.
44

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

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Section 4. 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, to the extent applicable, including Chapter 107 of the Codified Ordinances.

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 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

4/14/14

O:\2014ords\French Mill cost sharing.doc

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2014

7
8 AN ORDINANCE AMENDING SECTION 925.06 OF
9 THE CODIFIED ORDINANCES AND DECLARING AN
10 EMERGENCY.

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

14
15 Section 1. That Section 925.06(a)(2) of the Codified Ordinances is
16 hereby amended to read as follows (new text underlined; deleted text in
17 ~~strikethrough~~):

18
19 (a) (2) The surcharge amount shall be in effect for and apply to all users
20 located in the surcharge area depicted in Exhibit A attached to original
21 Ordinance 102-1996. The surcharge amount shall be paid by all such users in
22 the surcharge area depicted in such Exhibit A prior to connection to the
23 system, and said surcharge amount shall be equal to the following amounts for
24 each calendar year in which a tap-in permit is obtained.

25	26	Year	Base Surcharge
27	1996	\$	5,100.00
28	1997		5,406.00
29	1998		5,730.36
30	1999		6,074.18
31	2000		6,438.63
32	2001		6,824.95
33	2002		7,234.45
34	2003		7,668.52
35	2004		8,128.63
36	2005		8,616.35
37	2006		9,133.33
38	2007		9,681.33
39	2008		10,262.21
40	2009		10,877.94
41	2010		11,530.80
42	2011		12,222.65
43	2012		12,956.01
44	2013		13,733.37
45	2014		14,557.37
46	2015		15,430.81
47	2016		16,356.66
48	2017		17,338.06
49	2018		18,378.34
50	2019		19,481.04

51	2020	20,649.91
52	2021	21,888.90
53	2022	23,202.24
54	2023	24,594.37
55	2024	26,070.03
56	2025	27,634.23
57	2026	29,292.29
58	2027	31,049.82
59	2028	32,912.81
60	2029	34,887.58
61	2030	36,980.84

62

63 Any person planning to connect to the City’s sanitary sewer system may pay
64 the entire surcharge amount by March 31 of the year of connection in an
65 amount equal to the amount that would apply in the year prior to connection;
66 provided, however, if the use of applicable property changes by the date of the
67 actual connection, the amount due will be adjusted. ~~All users actually served~~
68 ~~by a connection to the City’s sanitary sewer system within twenty four months~~
69 ~~of the date upon which the City Engineer and the Sewer Superintendent certify~~
70 ~~that the system serving the user is completed, except those connecting to a~~
71 ~~newly constructed facility,—~~ The owner of a property connecting to the City’s
72 sanitary sewer shall have an option of paying the surcharge in 120 monthly
73 installment payments, which payments increase each calendar year. The
74 installment payments to be made each calendar year shall be calculated by
75 dividing the lump sum surcharge which would apply as if a connection had
76 been made in the year the payment is due by 120. At any time a user
77 determine to prepay the remaining installments due by paying an amount
78 calculated by dividing the remaining installment payments due by 120 and
79 multiplying the quotient by the applicable lump sum surcharge for the year in
80 which the prepayment is made.

81 In the event a property owner moves before making all 120 payments, the
82 new owner of the property shall be responsible for all remaining surcharge
83 payments due under this section. The owner of each property is responsible for
84 the payment of the surcharge in the event of failure of a tenant to make such
85 payment.

86 In the event that within ten years following the payment of all or any portion
87 of a surcharge there is a substantial change in the usage of or substantial
88 development of any property or facility served by the connection to the City’s
89 sanitary sewer system which does not result in a new connection to the City’s
90 system, the Director of Public Service shall determine in his discretion whether
91 a new surcharge or an additional surcharge amount shall be imposed.

92

93 Section 2.That any 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
96 repealed are hereby ratified and confirmed.

97

98 Section 3.That it is found and determined that all formal actions of this
99 Council concerning and relating to the passage of this ordinance were taken in
100 an open meeting of this Council and that all deliberations of this Council and of

101 any committees that resulted in those formal actions were in meetings open to
102 the public, in compliance with all legal requirements including, to the extent
103 applicable, Chapter 107 of the Codified Ordinances.

104
105 Section 4.That this ordinance is hereby declared to be an emergency
106 measure necessary for the preservation of the public peace, health, safety,
107 convenience and welfare of the City of Cuyahoga Falls and the inhabitants
108 thereof, and provided it receives the affirmative vote of two-thirds of the
109 members elected or appointed to Council, it shall take effect and be in force
110 immediately upon its passage and approval by the Mayor; otherwise it shall
111 take effect and be in force at the earliest period allowed by law.

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114

115 Passed: _____
116 _____
117 President of Council

118
119 _____
120 Clerk of Council

121
122
123 Approved _____
124 _____
125 Mayor

126

127 4/14/14

128 O:\2014ords\Amend -925.06.2doc.doc

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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTION NO. - 2014

7
8
9 A RESOLUTION MAKING CERTAIN FINDINGS
10 RELATIVE TO THE TRANSFER OF A TYPE D-2
11 LIQUOR PERMIT TO RISER FOODS COMPANY dba
12 GIANT EAGLE, 2687 STATE ROAD, AND DECLARING
13 AN EMERGENCY.
14

15 WHEREAS, Riser Foods Company dba Giant Eagle is seeking the transfer of a
16 Type D-1 liquor permit to its location at 2687 State Rd, Cuyahoga Falls; and
17

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

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

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

31 Section 1. This Council finds and determines that the proposed transfer of a
32 Type D-2 liquor permit to Riser Foods Company dba Giant Eagle, at the store
33 located at 2687 State Road, Cuyahoga Falls, is a transfer to an economic
34 development project within the meaning of R.C. §4303.29(B)(2).
35

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

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

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

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

53

54

55 Passed: _____
56 _____
57 President of Council

58

59

60 _____
61 Clerk of Council

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64 Approved: _____
65 _____
66 Mayor

67

68

4/14/14

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2014

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

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

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

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

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

- 28 1. To prohibit a right turn on red on Northhaven Boulevard going west
29 onto State Road going north.
- 30 2. To prohibit parking on Ranier Street on the even address side from
31 Sedro Street to the dead end of Ranier Street.
- 32 3. To prohibit parking on Kelsey Drive the even address side from 1990
33 Kelsey Drive to Ranier Street.
- 34 4. To add signage designating westbound Portage Trail right lane at
35 State Road right turn only, center lane straight only and left lane left
36 turn only.
- 37 5. To add signage designating the left two lanes eastbound on Portage
38 Trail at State Road as left turn only, center lane straight only and
39 right lane right turn only.
- 40 6. To add signage designating the left lane eastbound on Portage Trail at
41 Lillis Drive left turn only and right lane a right turn/straight only.
- 42 7. To add signage designating the left lane southbound on State Road at
43 Portage Trail left turn only, two center lanes straight only and right
44 lane right turn only.
- 45 8. To add signage designating the right lane westbound on Portage Trail
46 at Lillis Drive a right turn only, the center lane straight only and the
47 left lane a left turn only.
- 48 9. To add signage designating the left lanes east and west bound on
49 Portage Trail at the Portage Crossing Entrance as left turn only lanes,
50 and the right lanes as right turn/straight only lanes.

51 10.To add signage designating the left lane on State Road southbound at
52 the Giant Eagle Entrance as left turn only lane and the center and
53 right lanes as straight only.
54

55 Section 2. The Chief of Police is hereby authorized and directed to note in
56 the Traffic Control File the proper legends.
57

58 Section 3. The Mayor is hereby authorized and directed to cause the
59 installation or removal of the proper signage reflecting the above amendments.
60

61 Section 4. Any other ordinances and resolutions or portions of ordinances
62 and resolutions inconsistent herewith are hereby repealed but any ordinances
63 and resolutions or portions of ordinances and resolutions not inconsistent
64 herewith and which have not been previously repealed are hereby ratified and
65 confirmed.
66

67 Section 5. It is found and determined that all formal actions of this Council
68 concerning and relating to the adoption of this ordinance were adopted in an
69 open meeting of this Council and that all deliberations of this Council and of
70 any of its committees that resulted in such formal action were in meetings open
71 to the public, in compliance with all legal requirements including Chapter 107
72 of the Codified Ordinances.
73

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

82
83 Passed: _____
84 _____
85 President of Council
86

87 _____
88 Clerk of Council
89

90
91 Approved: _____
92 _____
93 Mayor
94

94 4/14/14
95 O:\2014ords\traffic.control.ord Apr.doc