

NEW LEGISLATION

June 23, 2014

Temp. No.	Introduced	Committee	Description
A-61	6/23/14	P&Z	An ordinance authorizing the Director of Public Service to issue an encroachment permit to McDonalds Real Estate Co. for the purpose of constructing and maintaining a business identification sign in a portion of Graham Road Circle right of way and declaring an emergency.
A-62	6/23/14	P&Z	An ordinance authorizing the vacation plat for sections of Portage Trail and Second Street associated with building encroachments at 140 Portage Trail and an amendment to an access agreement for Parcel 02-07052 and declaring an emergency.
A-63	6/23/14	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for overhead line clearance services including tree maintenance, tree and brush removal services, and mowing, for a period not to exceed two years, and declaring an emergency.
A-64	6/23/14	Fin	An ordinance providing for the issuance and sale of Notes in the aggregate principal amount of \$6,600,000, in anticipation of the issuance of Bonds, for the purpose of revitalizing the State Road redevelopment area by acquiring, clearing and improving certain properties in that area, and declaring an emergency.
A-65	6/23/14	PA	An ordinance authorizing Administration to enter into a contract or contracts after obtaining proposals for energy efficiency programs, and declaring an emergency.

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- A-66 6/23/14 PA A resolution pledging cooperation by the City of Cuyahoga Falls, Ohio, in the matter of the improvements of sanitary sewers and storm sewers on Purdue Street, and declaring an emergency.
- A-67 6/23/14 PA An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
- A-68 6/23/14 PA An ordinance authorizing the Mayor to enter into an agreement with the Ohio Patrolmen's Benevolent Association effective January 1, 2014, and declaring an emergency.
- A-69 6/23/14 PA An ordinance authorizing the Mayor to enter into an agreement with the Ohio Patrolmen's Benevolent Association effective January 1, 2014, and declaring an emergency.
- A-70 6/23/14 CD A resolution accepting the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council concerning enterprise zone and community reinvestment area tax exemption agreements within the City of Cuyahoga Falls, and declaring an emergency.

CALENDAR

June 23, 2014

The following legislation will be up for passage at the Council Meeting on June 23, 2014.

Temp. No.	Introduced	Committee	Description
A-56	6/9/14	Fin	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant or loan from the Ohio Public Works Commission for replacement of a 6" water main in Second Street, and declaring an emergency.
A-57	6/9/14	Fin	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant or loan from the Ohio Public Works Commission for replacement of a 6" water main in Schiller Avenue, and declaring an emergency.
A-58	6/9/14	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts without competitive bidding with Arbor Construction Company for the construction of sidewalks, landscaping and other public improvements on state Road, Portage Trail, and Lillis Drive, and declaring an emergency.
A-59	6/9/14	PA	An ordinance authorizing the Mayor to enter into an agreement with the Fraternal Order of Police, Ohio Labor Council, Inc. effective January 1, 2014, and declaring an emergency.
A-60	6/9/14	PA	An ordinance authorizing the Mayor to enter into an agreement with the American Federation of State, County and Municipal Employees (AFSCME), Local 2662, effective January 1, 2014, and declaring an emergency.

PENDING LEGISLATION

June 23, 2014

Temp. No.	Introduced	Committee	Description
A-51	5/12/14	PA	An ordinance amending Ordinance 95-2004 which implemented Sections 3735.65 through 3735.70 of the Ohio Revised Code, and established and described the boundaries of a Community Reinvestment Area in the City of Cuyahoga Falls, and declaring an emergency.
A-56	6/9/14	Fin	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant or loan from the Ohio Public Works Commission for replacement of a 6" water main in Second Street, and declaring an emergency.
A-57	6/9/14	Fin	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant or loan from the Ohio Public Works Commission for replacement of a 6" water main in Schiller Avenue, and declaring an emergency.
A-58	6/9/14	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts without competitive bidding with Arbor Construction Company for the construction of sidewalks, landscaping and other public improvements on State Road, Portage Trail, and Lillis Drive, and declaring an emergency.
A-59	6/9/14	PA	An ordinance authorizing the Mayor to enter into an agreement with the Fraternal Order of Police, Ohio Labor Council, Inc. effective January 1, 2014, and declaring an emergency.
A-60	6/9/14	PA	An ordinance authorizing the Mayor to enter into an agreement with the

American Federation of State, County
and Municipal Employees (AFSCME),
Local 2662, effective January 1, 2014,
and declaring an emergency.

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2014

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ISSUE AN ENCROACHMENT
9 PERMIT TO MCDONALD'S REAL ESTATE CO. FOR THE
10 PURPOSE OF CONSTRUCTING AND MAINTAINING A
11 BUSINESS IDENTIFICATION SIGN IN A PORTION OF
12 GRAHAM ROAD CIRCLE RIGHT OF WAY AND
13 DECLARING AN EMERGENCY.

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

17
18 Section 1. The Director of Public Service is hereby authorized to issue an
19 encroachment permit, revocable at the will of Council, to McDonald's Real Estate
20 Company for the purpose of constructing and maintaining a business identification sign
21 in a portion of the Graham Road Circle right of way, as depicted in the site plan
22 attached hereto as Exhibit "A." The permit shall contain such terms and conditions as
23 are necessary in the opinion of the Director of Law to protect the public interest.
24

25 Section 2. Any other ordinances and resolutions or portions of ordinances and
26 resolutions inconsistent herewith are hereby repealed, but any ordinances and
27 resolutions or portions of ordinances and resolutions not inconsistent herewith and
28 which have not previously been repealed are hereby ratified and confirmed.
29

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

37 Section 4. This ordinance is hereby declared to be an emergency measure necessary
38 for the preservation of the public peace, health, safety, convenience and welfare of the
39 City of Cuyahoga Falls, 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
41 immediately upon its passage and approval by the Mayor; otherwise it shall take effect
42 and be in force at the earliest period allowed by law.
43

44
45 Passed: _____

President of Council

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47
48 _____

Clerk of Council

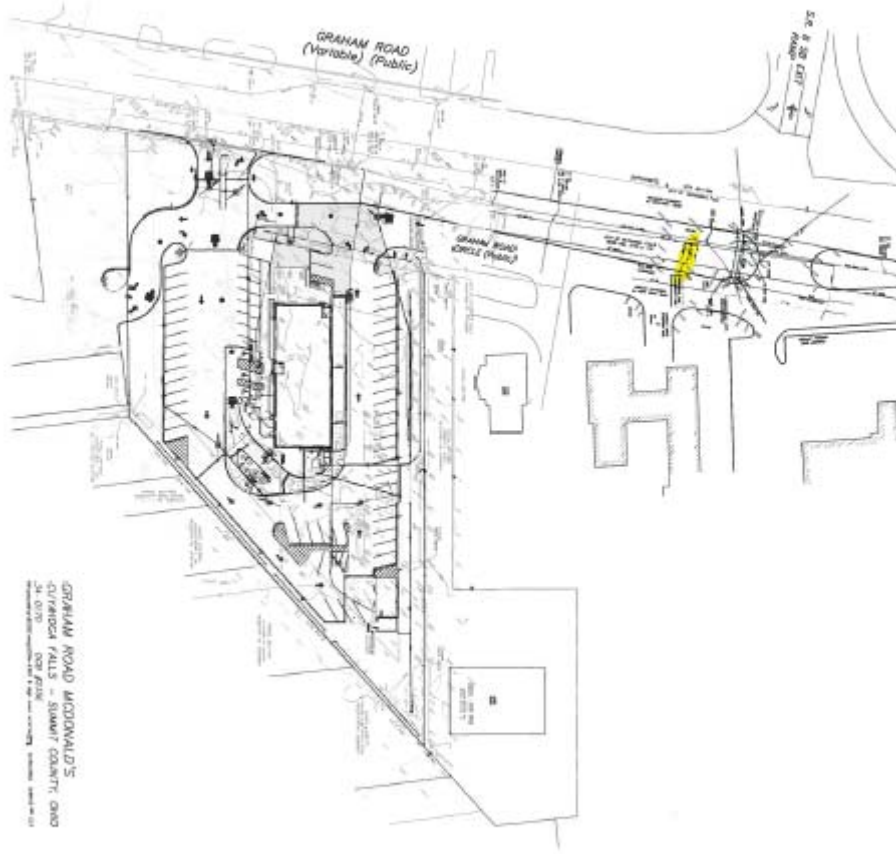
49
50
51 Approved: _____

Mayor

52
53 6/23/2014

54 O:\2014ords\McDonald's Encroachment Permit.doc

Exhibit A-61



2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2014

8
9 AN ORDINANCE AUTHORIZING THE VACATION PLAT FOR
10 SECTIONS OF PORTAGE TRAIL AND SECOND STREET
11 ASSOCIATED WITH BUILDING ENCROACHMENTS AT 140
12 PORTAGE TRAIL AND AN AMENDMENT TO AN ACCESS
13 AGREEMENT FOR PARCEL 02-07052 AND DECLARING AN
14 EMERGENCY.

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

18
19 WHEREAS, the Planning Commission is required to review and approve all street vacation
20 plats/ special easements within the City of Cuyahoga Falls, Ohio, and

21
22 WHEREAS, on June 17, 2014 the Planning Commission approved the vacation plat for part of
23 Portage Trail and Second Street associated with building encroachments at 140 Portage Trail and
24 encroachments of a drive-through lane, retaining wall and fence associated with a public walkway
25 easement on city-owned parcel 02-07052, within the City of Cuyahoga Falls, and

26
27 WHEREAS, the City is vacating 1.2 feet and .4 feet onto the public right-of-way on the
28 northwest corner of 140 Portage Trail and .2 feet onto the public right-of-way on the northeast
29 corner of the real property due to building encroachments.

30
31 WHEREAS, the City is amending a 2005 access agreement (Summit County Document
32 55211420) with First Akron Development Corporation that will allow the continued encroachment
33 of an existing drive-through lane, retaining wall and fence on a city owned public walkway on
34 parcel 02-07052.

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

38
39 Section 1. The City Council approves the vacation plat for part of Portage Trail and Second
40 Street associated with building encroachments at 140 Portage Trail and drive-through lane,
41 retaining wall and fence encroachments associated with a city-owned public walkway easement on
42 Parcel 02-07052, as approved by the Planning Commission and as outlined in File MSP-14-00026.

43
44 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions
45 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
46 herewith and which have not previously been repealed are hereby ratified and confirmed.

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

53
54 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
55 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga

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

61

62

63 Passed: _____

President of Council

65

66

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Clerk of Council

68

69 Approved: _____

Mayor

71

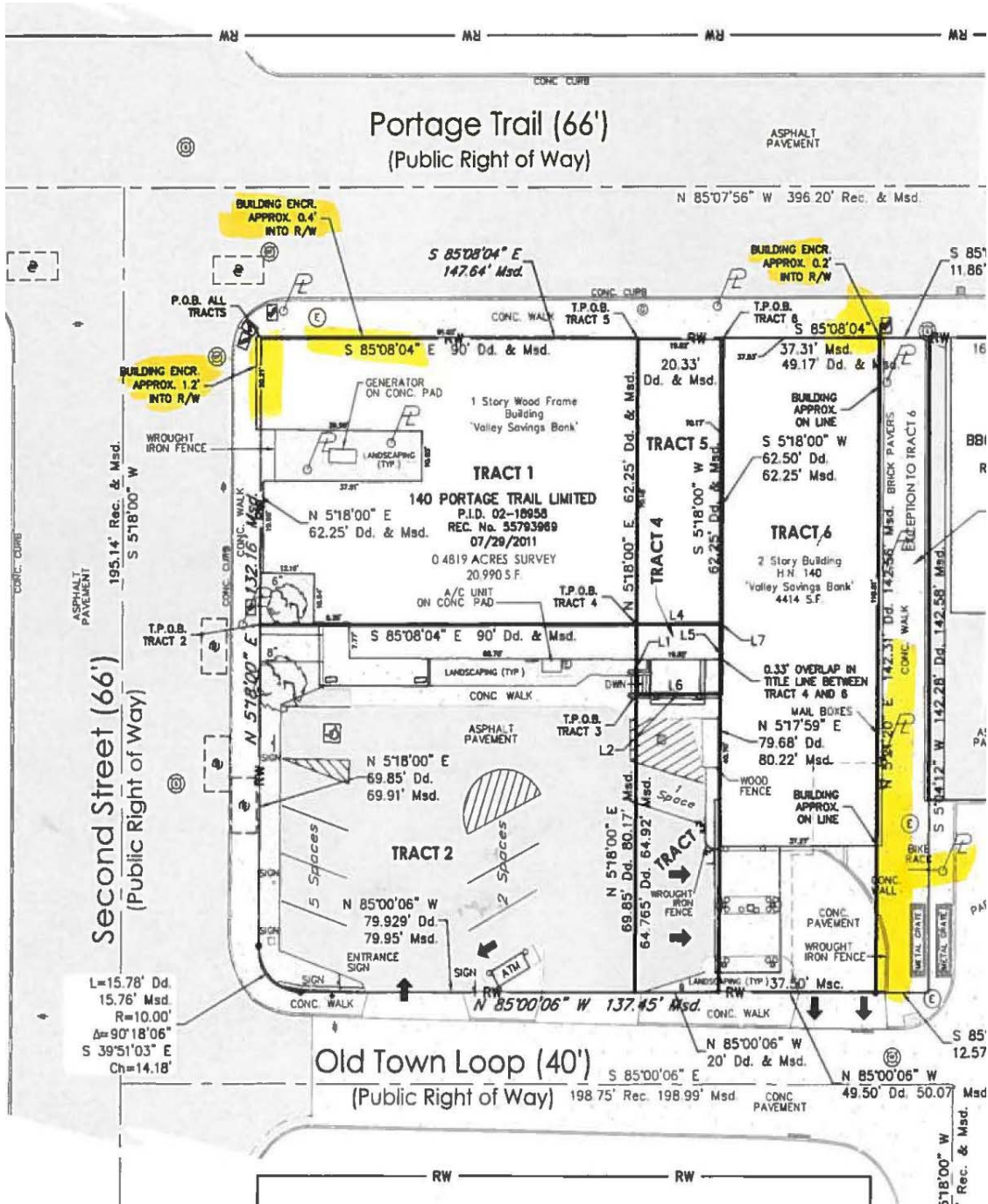
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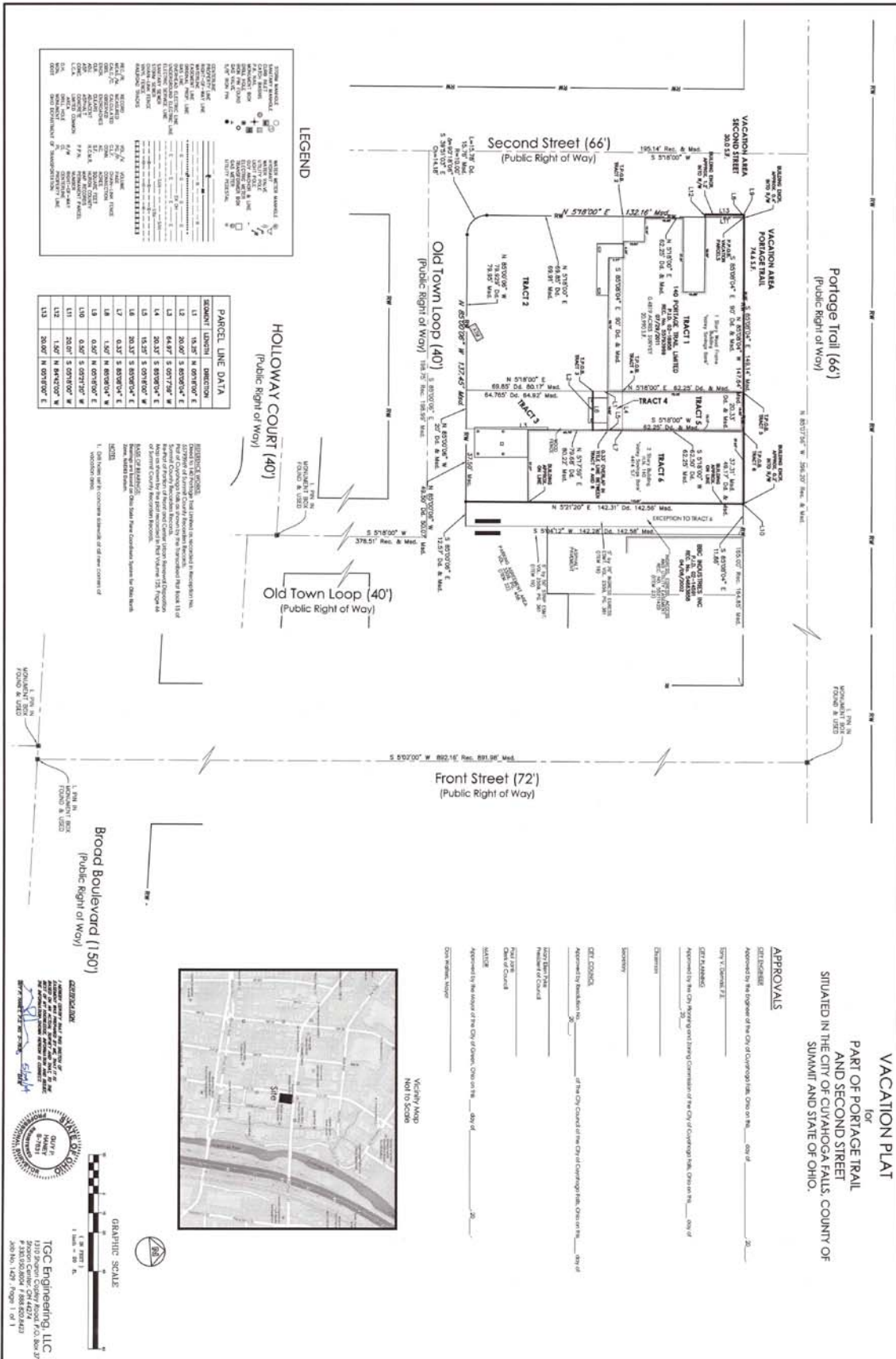
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74 6/23/14

75 O:\2014ords\140 Portage Trail ROW vacation and Easement Modification (MSP-14-00026).doc

Figure 1 - Existing Encroachments





2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO - 2014

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR
9 CONTRACTS, ACCORDING TO LAW, FOR OVERHEAD
10 LINE CLEARANCE SERVICES INCLUDING TREE
11 MAINTENANCE, TREE AND BRUSH REMOVAL
12 SERVICES, AND MOWING, FOR A PERIOD NOT TO
13 EXCEED TWO YEARS, AND DECLARING AN
14 EMERGENCY.

15
16 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit
17 and State of Ohio, that:

18
19 Section 1. The Director of Public Service is hereby authorized to enter into a
20 contract or contracts, according to law, for overhead line clearance services, including
21 tree maintenance, tree and brush removal services, and mowing, for a period not to
22 exceed two years.

23
24 Section 2. The Director of Finance is hereby authorized and directed to make
25 payment for same from the Electric Fund, Line Item Other Operations.

26
27 Section 3. Any other ordinances and resolutions or portions of ordinances and
28 resolutions inconsistent herewith hereby repealed, but any ordinances and resolutions
29 or portions of ordinances and resolutions not inconsistent herewith and which have not
30 previously been repealed are hereby ratified and confirmed.

31
32 Section 4. It is found and determined that all formal actions of this Council
33 concerning and relating to the adoption of this ordinance were adopted in an open
34 meeting of this Council and that all deliberations of this Council and of any of its
35 committees that resulted in such formal action were in meetings open to the public, in
36 compliance with all legal requirements including Chapter 107 of the Codified
37 Ordinances.

38
39 Section 5. This ordinance is hereby declared to be an emergency measure necessary
40 for the preservation of the public peace, health, safety, convenience and welfare of the
41 City of Cuyahoga Falls and the inhabitants thereof and provided it receives the
42 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
43 take effect and be in force immediately upon its passage and approval by the Mayor;
44 otherwise it shall take effect and be in force at the earliest period allowed by law.

45
46
47 Passed: _____

President of Council

48
49
50
51
52 _____
Clerk of Council

53
54
55 Approved: _____

Mayor

56
57
58 6/23/14

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. -2014

7
8 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE
9 OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF
10 \$6,600,000, IN ANTICIPATION OF THE ISSUANCE OF
11 BONDS, FOR THE PURPOSE OF REVITALIZING THE STATE
12 ROAD REDEVELOPMENT AREA BY ACQUIRING, CLEARING
13 AND IMPROVING CERTAIN PROPERTIES IN THAT AREA,
14 AND DECLARING AN EMERGENCY.
15

16 WHEREAS, the City has undertaken a program for the clearance, redevelopment
17 and rehabilitation of blighted areas in the City, and the City, under its home rule powers,
18 and acting through this City Council, by Resolution No. 18-2007, passed October 1, 2007,
19 approved the State Road Redevelopment and Retail Analysis Master Plan (which plan is
20 herein referred to as the "Urban Redevelopment Plan") for the State Road commercial area
21 (the "Plan Area"); and
22

23 WHEREAS, the Urban Redevelopment Plan includes, but is not limited to,
24 undertakings and activities by the City for the purpose of elimination of blight and to
25 obtain redevelopment of the sites and facilities therein for commercial purposes to prevent
26 the recurrence of blight, and revitalizing the Plan Area pursuant to Section 20 of Article
27 VIII of the Ohio Constitution by providing for and enabling the environmentally safe and
28 productive development and use or reuse of lands within the Plan Area by addressing by
29 clearance, land acquisition or assembly or otherwise property conditions or circumstances
30 that preclude and inhibit environmentally sound and economic use or reuse of such
31 properties; and
32

33 WHEREAS, this City Council, in furtherance of carrying out that Urban
34 Redevelopment Plan and revitalizing the Plan Area, authorized the appropriation of certain
35 property in the Plan Area by Resolution 18-2007 and by Ordinance No. 116-2007, passed
36 October 9, 2007 and the City acquired property in the Plan area, demolished buildings
37 thereon and remediated the site; and
38

39 WHEREAS, pursuant to Ordinance No. 51-2014 passed July 22, 2013, a note in
40 anticipation of bonds in the amount of \$7,600,000 dated August 14, 2013 (the "Outstanding
41 Note"), was issued for the purpose of revitalizing the State Road Redevelopment Area by
42 acquiring, clearing and improving certain properties in that Area (the "Project"), to mature on
43 August 14, 2014; and
44

45 WHEREAS, this Council finds and determines that the City should retire the Outstanding
46 Note with the proceeds of the Notes described in Section 3 and other funds available to the City;
47 and
48

49 WHEREAS, the Director of Finance as fiscal officer of this City has certified to
50 this Council that the estimated life or period of usefulness of the improvement
51 described in Section 1 is at least five years, the estimated maximum maturity of the
52 Bonds described in Section 1 is 48 years, and the maximum maturity of the Notes
53 described in Section 3 is 20 years;
54

55 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
56 County of Summit, Ohio, that:
57

58 Section 1. It is necessary to issue bonds of this City in the aggregate principal
59 amount of \$6,600,000 (the "Bonds") to pay costs of the Project.
60

61 Section 2. The Bonds shall be dated August 1, 2015, shall bear interest at the now
62 estimated rate of six percent (6%) per year, payable semiannually until the principal
63 amount is paid, and are estimated to mature in 25 annual principal installments on
64 December 1 of each year that are in such amounts that the total principal and interest
65 payments on the Bonds in any fiscal year in which principal is payable are substantially
66 equal. The first principal payment of the Bonds is estimated to be December 1, 2016.
67

68 Section 3. It is necessary to issue and this Council determines that notes in the
69 aggregate principal amount of \$6,600,000 (the "Notes") shall be issued in anticipation of
70 the issuance of the Bonds and to retire, together with other funds available to the City, the
71 Outstanding Note and to pay financing costs of the issuance of the Notes. The Notes shall
72 be dated their date of issuance and shall mature one year from the date of issuance,
73 provided that the date of issuance shall not be later than August 14, 2014, and further
74 provided that the Director of Finance may, if it is determined to be necessary or advisable
75 to the sale of the Notes, establish a maturity date that is up to 15 days less than one year
76 from the date of issuance by setting forth that maturity date in a final terms certificate in
77 accordance with Section 6 of this Ordinance (the "Final Terms Certificate"). The Notes
78 shall bear interest at a rate or rates not to exceed six percent (6%) per year (computed on
79 the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and
80 until the principal amount is paid or payment is provided for. The rate of interest on the
81 Notes shall be determined by the Director of Finance in the Final Terms Certificate.
82

83 Section 4. The principal of and interest on the Notes shall be payable in lawful
84 money of the United States of America, and shall be payable, without deduction for services
85 of the City's paying agent, at the office of a bank or trust company designated by the
86 Director of Finance in the Final Terms Certificate after determining that the payment at
87 that bank or trust company will not endanger the funds or securities of the City and that
88 proper procedures and safeguards are available for that purpose (the "Paying Agent").
89

90 Section 5. The Notes shall be signed by the Mayor and Director of Finance, in the
91 name of the City and in their official capacities, provided that one of those signatures may
92 be a facsimile. The Notes shall be issued in the denominations and numbers as requested
93 by Stifel, Nicolaus & Company, Incorporated (the "Original Purchaser") and approved by
94 the Director of Finance in the Final Terms Certificate, and the entire principal amount may
95 be represented by a single note, may be issued as fully registered securities (for which the
96 Director of Finance will serve as note registrar), and may be issued in book entry or other
97 uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code

98 if it is determined by the Director of Finance that issuance of the Notes in that form will
99 facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached,
100 shall be numbered as determined by the Director of Finance and shall express upon their
101 faces the purpose, in summary terms, for which they are issued and that they are issued
102 pursuant to this Ordinance.
103

104 The Notes may be issued to any securities depository (a "Depository") that is a
105 clearing agency under federal law operating and maintaining, with any participants
106 contracting with a Depository under a book entry system and includes security brokers
107 and dealers, banks and trust companies, and clearing corporations or otherwise
108 ("Participants"), a system (a "book entry system") under which (i) the ownership of
109 beneficial interests in the Notes and the principal of, and interest on, the Notes may be
110 transferred only through a book entry, and (ii) a single physical Note certificate is issued
111 by the City and payable only to a Depository or its nominee, with such Notes "immobilized"
112 in the custody of the Depository or its agent for that purpose. If, and as long as a book
113 entry system is utilized, (i) the Notes may be issued in the form of a single Note made
114 payable to the Depository or its nominee and immobilized in the custody of the Depository
115 or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no
116 right to receive the Notes in the form of physical securities or certificates; (iii) ownership of
117 beneficial interests in book entry form shall be shown by book entry on the system
118 maintained and operated by the Depository and its Participants, and transfers of the
119 ownership of beneficial interests shall be made only by book entry by the Depository and
120 its Participants; and (iv) the Notes as such shall not be transferable or exchangeable,
121 except for transfer to another Depository or to another nominee of a Depository, without
122 further action by the City.
123

124 If any Depository determines not to continue to act as a Depository for the Notes for
125 use in a book entry system, the Director of Finance may attempt to establish a securities
126 depository/book entry relationship with another qualified Depository. If the Director of
127 Finance does not or is unable to do so, the Director of Finance, after making provision for
128 notification of the beneficial owners by the then Depository and any other arrangements
129 deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall
130 cause the Notes in bearer or payable form to be signed by the officers authorized to sign
131 the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and
132 expense (including any costs of printing), if the event is not the result of City action or
133 inaction, of those persons requesting such issuance.
134

135 The Director of Finance is also hereby authorized and directed, to the extent
136 necessary or required, to enter into any agreements determined necessary in connection
137 with the book entry system for the Notes, after determining that the signing thereof will
138 not endanger the funds or securities of the City.
139

140 Section 6. The Notes shall be sold to the Original Purchaser at a purchase price of
141 not less than par of the principal amount thereof plus accrued interest by the Director of
142 Finance in accordance with law and the provisions of this Ordinance. The note purchase
143 agreement by and between the City and the Original Purchaser (the "Note Purchase
144 Agreement") now on file with the Clerk of this Council is now approved, and the Director
145 of Finance is authorized to sign and deliver, on behalf of the City, the Note Purchase
146 Agreement with such changes that are not inconsistent with the provisions of this
147 Ordinance, are not materially adverse to the interests of the City and are approved by the

148 Director of Finance. That any such changes to the Note Purchase Agreement are not
149 materially adverse to the interests of the City and approved by the Director of Finance shall
150 be evidenced conclusively by the signing of the Note Purchase Agreement by the Director
151 of Finance. The Director of Finance shall sign the Final Terms Certificate referred to in
152 Section 3 and 4 and cause the Notes to be prepared, and have the Notes signed and
153 delivered, together with a true transcript of proceedings with reference to the issuance of
154 the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment
155 of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk
156 of Council and other City officials, as appropriate, are each authorized and directed to sign
157 any transcript certificates, financial statements and other documents and instruments
158 and to take such actions as are necessary or appropriate to consummate the transactions
159 contemplated by this Ordinance. The Director of Finance is authorized, if it is determined
160 to be in the best interest of the City, to combine the Notes with one or more other note
161 issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the
162 Revised Code.

163
164 The Director of Finance is hereby authorized to offer all or part of the Notes at par
165 and any accrued interest to the Treasury Investment Board of the City for investment
166 under Section 731.56 of the Revised Code, in accordance with law and the provisions of
167 this ordinance if, as a result of the conditions then existing in the financial markets, the
168 Director of Finance determines it is in the best financial interest of the City in lieu of the
169 private sale authorized in the preceding paragraph.

170
171 Section 7. A portion of the proceeds from the sale of the Notes sufficient, together
172 with other funds available to the City, to retire the Outstanding Note at maturity shall be
173 deposited into the bond retirement fund and used to retire the Outstanding Note. The
174 remaining proceeds from the sale of the Notes shall be paid into the proper fund or funds
175 and those proceeds are appropriated and shall be used for the purpose for which the Notes
176 are being issued. Any income earned from the investment of the proceeds of the Notes shall
177 be deposited into the fund in which such proceeds are deposited (and shall not be
178 transferred to the General Fund). The proceeds from the sale of the Notes and the
179 investment earnings on those proceeds are appropriated for the uses described above.

180
181 Section 8. The par value to be received from the sale of the Bonds or of any renewal
182 notes and any excess funds resulting from the issuance of the Notes shall, to the extent
183 necessary, be used to pay the principal of and interest on the Notes at maturity and are
184 pledged for that purpose.

185
186 Section 9. During the year or years in which the Notes are outstanding, there shall
187 be levied on all the taxable property in the City, in addition to all other taxes, the same tax
188 that would have been levied if the Bonds had been issued without the prior issuance of
189 the Notes. The tax shall be within the 11-mill limitation provided by the Charter of the
190 City, shall be and is ordered computed, certified, levied and extended upon the tax
191 duplicate and collected by the same officers, in the same manner, and at the same time
192 that taxes for general purposes for each of those years are certified, levied, extended and
193 collected, and shall be placed before and in preference to all other items and for the full
194 amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund,
195 which is irrevocably pledged for the payment of the principal of and interest on the Notes
196 or the Bonds when and as the same fall due. In each year to the extent money from the

197 municipal income tax, as provided below, is available for the payment of the debt charges
198 on the Notes and Bonds and is appropriated for that purpose, the amount of the tax shall
199 be reduced by the amount of the money so available and appropriated in compliance with
200 the covenant hereinafter set forth. To the extent necessary, the debt charges on the Notes
201 and Bonds shall be paid from municipal income taxes lawfully available therefor under the
202 Constitution and laws of the State of Ohio; and the City hereby covenants, subject and
203 pursuant to such authority, including particularly Section 133.05(B)(7), Revised Code, to
204 appropriate annually from such municipal income taxes such amount as is necessary to
205 meet such annual debt charges. Nothing in this paragraph in any way diminishes the
206 pledge of the full faith and credit and property taxing power of the City to the prompt
207 payment of the debt charges on the Notes.
208

209 Section 10. The City does not intend to represent that the interest on the Notes
210 will be excluded from gross income for federal income tax purposes under Section 103 of
211 the Internal Revenue Code of 1986 and the City is not obligated to take any action to
212 attempt to secure or maintain any such exclusion.
213

214 Section 11. If, in the judgment of the Director of Finance, the filing of an
215 application for (i) a rating on the Notes by one or more nationally-recognized rating
216 agencies, or (ii) a policy of insurance from a company or companies to better assure the
217 payment of principal of and interest on the Notes, is in the best interest of and financially
218 advantageous to this City, the Director of Finance is authorized to prepare and submit
219 those applications, to provide to each such agency or company such information as may
220 be required for the purpose, and to provide further for the payment of the cost of obtaining
221 each such rating or policy, except to the extent otherwise paid in accordance with the Note
222 Purchase Agreement, from the proceeds of the Notes to the extent available and otherwise
223 from any other funds lawfully available and that are appropriated or shall be appropriated
224 for that purpose. To the extent the Director of Finance has taken such actions, those
225 actions are hereby ratified and confirmed.
226

227 Section 12. The Clerk of Council is directed to deliver a certified copy of this
228 Ordinance to the Fiscal Officer of Summit County.
229

230 Section 13. This Council determines it is in the interest of the City to retain the
231 law firm of Benesch, Friedlander, Coplan & Aronoff LLP (“Benesch”) to represent the
232 City as bond counsel in connection with its proposed issuance of the Notes. This
233 Council approves the form of the engagement letter from Benesch now on file with this
234 Council and authorizes the Mayor to sign and accept that engagement letter with such
235 changes as the Mayor deems necessary. This Council also recognizes that few law firms
236 actively represent public and private entities in connection with the authorization,
237 issuance, sale and purchase of obligations issued by Ohio political subdivisions and
238 that the Original Purchaser may in the future request Benesch to represent the Original
239 Purchaser in a matter or matters unrelated to the City. If such a request occurs, the
240 Mayor is further authorized, after consultation with the Law Director, to waive any
241 conflict of interest if Benesch represents the Original Purchaser in a matter or matters
242 unrelated to the City.
243

244 Section 14. This Council determines that all acts and conditions necessary to be
245 done or performed by the City or to have been met precedent to and in the issuing of the
246 Notes in order to make them legal, valid and binding general obligations of the City have

247 been performed and have been met, or will at the time of delivery of the Notes have been
248 performed and have been met, in regular and due form as required by law; that the full
249 faith and credit and general property taxing power (as described in Section 9) of the City
250 are pledged for the timely payment of the principal of and interest on the Notes; and that
251 no statutory or constitutional limitation of indebtedness or taxation will have been
252 exceeded in the issuance of the Notes.

253
254 Section 15. This Council finds and determines that all formal actions of this
255 Council concerning and relating to the passage of this Ordinance, and that all deliberations
256 of this Council and of any committees that resulted in those formal actions, were taken in
257 meetings open to the public, in compliance with the law.

258
259 Section 16. This Ordinance is declared to be an emergency measure necessary for
260 the immediate preservation of the public peace, health and safety of the City and for the
261 further reason that this Ordinance is required to be immediately effective in order to issue
262 and sell the Notes, which is necessary to enable the City to timely retire the Outstanding
263 Note and thereby preserve its credit; wherefore, this Ordinance shall be in full force and
264 effect immediately upon its passage and approval by the Mayor.

265
266
267 Passed: _____

President of Council

Clerk of Council

270
271
272
273 Approved: _____

Mayor

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275
276
277 6/23/14

278 O:\2014ords\Ordinance - 2014 Notes.docx

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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2014

7
8 AN ORDINANCE AUTHORIZING ADMINISTRATION TO
9 ENTER INTO A CONTRACT OR CONTRACTS AFTER
10 OBTAINING PROPOSALS FOR ENERGY EFFICIENCY
11 PROGRAMS, AND DECLARING AN EMERGENCY.
12

13
14 WHEREAS, the City was part of the Efficiency Smart program administered
15 by American Municipal Power, Inc. ("AMP"); and
16

17 WHEREAS, the Efficiency Smart contract expired and in order to tailor more
18 cost effective programs for the City's electric customers, the City sought and
19 received proposals for energy efficient programs; and
20

21 WHEREAS, it is in the public's best interest if the City administers its energy
22 efficiency program by contracting the various components of the program at a cost
23 savings while still maintaining quality energy efficient programs.
24

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

28 Section 1. The Director of Public Service and or other city officials are hereby
29 authorized to enter into a contract or contracts after receiving proposals to obtain
30 professional services necessary for the establishment, operation and management
31 of an energy efficiency program or programs.
32

33 Section 2. The Director of Finance is hereby authorized and directed to make
34 payment for same from the appropriate account or accounts.
35

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

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

49 Section 5.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 provide energy efficient incentives to City
53 electric customers 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

59 Passed:_____

President of Council

60

61

62

63

64

Clerk of Council

65

66

67 Approved_____

Mayor

68

69 6/23/14

70 O:\2014ords\energy efficient ordinance.doc

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4 CITY OF CUYAHPGA FALLS, OHIO

5
6 RESOLUTION NO. - 2014

7
8
9 A RESOLUTION PLEDGING COOPERATION BY THE CITY OF
10 CUYAHOGA FALLS, OHIO, IN THE MATTER OF THE
11 IMPROVEMENTS OF SANITARY SEWERS AND STORM SEWERS ON
12 PURDUE STREET, AND DECLARING AN EMERGENCY.
13

14
15 WHEREAS, the General Assembly of the State of Ohio has enacted legislation making funds
16 available for capital improvements to public infrastructure from the State Infrastructure Bond
17 Program; and

18
19 WHEREAS, the City of Cuyahoga Falls, Ohio, as part of the application process for SCIP and/or
20 LTIP funds, has identified the need for and proposes the following improvement:
21

22 PROJECT TERMINI AND LOCATIONS: Sanitary and storm sewers on Purdue Street from
23 Hollywood Avenue to Graham Road.
24

25 PURPOSE AND DESCRIPTION OF WORK: To upgrade and improve the existing sanitary sewer
26 and storm sewer on Purdue Street including new sanitary sewers, new storm sewers and
27 appurtenances thereto.
28

29 WHEREAS, the City of Cuyahoga Falls commits to fund the local share of the improvement
30 costs, currently scheduled for 2015;
31

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

35 Section 1. The City of Cuyahoga Falls hereby requests funding approval through the State
36 Capital Improvement Program (SCIP) or Local Transportation Improvement Program (LTIP)
37 administered by the Ohio Public Works Commission.
38

39 Section 2. The Mayor or Director of Public Service is hereby empowered and directed on behalf
40 of the city to enter into agreements necessary to complete the planning and design and
41 construction of the above described improvement.
42

43 Section 3. The Mayor or Director of Public Service is hereby empowered and directed on behalf
44 of the City to apply to the OPWC for funds as described above and further authorized to enter into
45 any agreements as may be necessary and appropriate for obtaining financial assistance.
46

47 Section 4. The City of Cuyahoga Falls commits to continual progress toward implementation of
48 this improvement project, and agrees that lack of substantive progress may cause this
49 improvement project to be removed from the Infrastructure Improvement Program by the summit
50 County Infrastructure Committee.
51

52 Section 5. The Finance Director be and hereby is authorized and directed to make payment for
53 same from the Capital Projects Fund. It is intended that the cost of such improvement will be
54 financed by the issuance of tax exempt notes or bonds following construction of the improvement.
55

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

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

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70

71 Passed: _____
72 _____
73 President of Council

74
75 _____
76 Clerk of Council

77 Approved: _____
78 _____
79 Mayor

80
81

82 6/23/14
83 O:\2014ords\Resolution of cooperation-Purdue 2015.doc

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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. Install a four (4) way traffic signal at Chestnut Blvd. and Second
29 Street.
30

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

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

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

43 Section 5. 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
45 open meeting of this Council and that all deliberations of this Council and of
46 any of its committees that resulted in such formal action were in meetings open
47 to the public, in compliance with all legal requirements including Chapter 107
48 of the Codified Ordinances.
49

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

57

58

59 Passed: _____

60

President of Council

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Clerk of Council

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67 Approved: _____

68

Mayor

69

70 6/23/14

71 O:\2014ords\traffic.control.ord June.doc

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2014

6
7
8 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
9 AN AGREEMENT WITH THE OHIO PATROLMEN'S BENEVOLENT
10 ASSOCIATION EFFECTIVE JANUARY 1, 2014, AND DECLARING
11 AN EMERGENCY.

12
13 WHEREAS, Ohio Revised Code Chapter 4117 authorizes public employees to bargain collec-
14 tively with public employers regarding wages, hours, terms and other conditions of employment
15 and to enter into collective bargaining agreements; and

16
17 WHEREAS, the Mayor and his representatives and the Ohio Patrolmen's Benevolent Associa-
18 tion ("OPBA") have bargained collectively and in good faith and said bargaining has resulted in a
19 tentative agreement on a collective bargaining agreement covering police patrolmen and commu-
20 nity service officers effective January 1, 2014; and

21
22 WHEREAS, on or about June 8, 2014, the membership of the OPBA (police patrolmen and
23 community service officers) ratified said collective bargaining agreement;

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

27
28 Section 1. The Mayor is hereby authorized to enter into a collective bargaining agreement as
29 negotiated with and ratified by the OPBA, effective January 1, 2014.

30
31 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions
32 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-
33 nances and resolutions not inconsistent herewith and which have not previously been repealed
34 are hereby ratified and confirmed.

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

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

48
49
50 Passed: _____

President of Council

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54 _____
Clerk of Council

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58 Approved: _____

Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2014

6
7
8 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
9 AN AGREEMENT WITH THE OHIO PATROLMEN'S BENEVOLENT
10 ASSOCIATION EFFECTIVE JANUARY 1, 2014, AND DECLARING
11 AN EMERGENCY.

12
13 WHEREAS, Ohio Revised Code Chapter 4117 authorizes public employees to bargain collec-
14 tively with public employers regarding wages, hours, terms and other conditions of employment
15 and to enter into collective bargaining agreements; and

16
17 WHEREAS, the Mayor and his representatives and the Ohio Patrolmen's Benevolent Associa-
18 tion ("OPBA") have bargained collectively and in good faith and said bargaining has resulted in a
19 tentative agreement on a collective bargaining agreement covering police supervisors effective
20 January 1, 2014; and

21
22 WHEREAS, on or about June 15, 2014, the membership of the OPBA (police supervisors) rati-
23 fied said collective bargaining agreement;

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

27
28 Section 1. The Mayor is hereby authorized to enter into a collective bargaining agreement as
29 negotiated with and ratified by the OPBA, effective January 1, 2014.

30
31 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions
32 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-
33 nances and resolutions not inconsistent herewith and which have not previously been repealed
34 are hereby ratified and confirmed.

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

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

48
49
50 Passed: _____

President of Council

51
52
53
54 _____
Clerk of Council

55
56
57
58 Approved: _____

Mayor

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTION NO. - 2014

7
8 A RESOLUTION ACCEPTING THE RECOMMENDATIONS
9 OF THE TAX INCENTIVE REVIEW COUNCIL AND THE
10 COMMUNITY REINVESTMENT AREA HOUSING
11 COUNCIL CONCERNING ENTERPRISE ZONE AND
12 COMMUNITY REINVESTMENT AREA TAX EXEMPTION
13 AGREEMENTS WITHIN THE CITY OF CUYAHOGA
14 FALLS, AND DECLARING AN EMERGENCY.
15

16
17 WHEREAS, the City of Cuyahoga Falls has designated certain areas within the
18 city as Enterprise Zones pursuant to Ohio Revised Code (“R.C.”) §§5709.61-69, and
19 as Community Reinvestment Areas, pursuant to R.C. §3735.65 *et seq.*; and
20

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

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

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

38 WHEREAS, this Council has received the recommendations of the Tax Incentive
39 Review Council and the Community Reinvestment Area Housing Council relative to
40 tax exemption agreements in effect in calendar year 2013; and
41

42 WHEREAS, R.C. §5709.85 requires the legislative authority of a local
43 government granting Enterprise Zone or Community Reinvestment Area tax
44 exemptions to accept, reject or modify all or any portion of the recommendations of
45 its Tax Incentive Review Council,
46

47 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga
48 Falls, County of Summit, and State of Ohio, that:
49

50 Section 1.This Council hereby accepts the recommendations of the Tax
51 Incentive Review Council and the Community Reinvestment Area Housing Council
52 for tax exemption agreements in effect during 2013, as follows:

53		
54	<u>Tax Exemption Agreement with:</u>	<u>Recommendation</u>
55		
56	ACME Twelve LLC	Continue
57	Albrecht Inc.	Continue
58	Alro Steel Corporation	Continue
59	Americhem, Inc.	Continue
60	Andrea H. Folatko, DDS & Crooked River Properties	Continue
61	AnSCO Machine	Continue
62	B&B Towing	Continue
63	CFP, Ltd.	Continue
64	GOJO Industries	Continue
65	JUZO Investments, Ltd.	Continue
66	Pilot Plastics	Continue
67	Roadrunner Dawes Freight Systems, Inc, et al	Continue
68	S. Lee & Judith Ann Combs & GS Steel	Continue
69	SGS Tool Company	Continue
70	Technicote	Continue
71	Alfera, Vincent & Connie	Continue
72	Spiroff, John	Continue
73	Tompkin, William	Continue
74	Falitico, Carmine & Diane	Continue
75	Richard, Don & Cosma	Continue
76	Bombard, Jennifer	Continue
77	McDevitt, Gregory & Cheryl	Continue
78	Sustainability Funding of Alliance Ohio LLC.	Continue
79	Harris, Marcia	Continue
80	Martz, Gary & Cathy	Continue
81	Sena, Peter & Carol	Continue
82	Hardwick, Pateria	Continue
83	Ostrowske, Veronica	Continue
84	Somers, Jenette	Continue
85	Watermark Commercial LLC	Continue
86	Watermark Commercial LLC	Continue
87	Bolf, James & Sheila	Continue
88	Hands, David L, Trustee	Continue
89	Murray, Leigh	Continue

90
91 Section 2.Any other ordinances or resolutions or portions of ordinances and
92 resolutions inconsistent herewith are hereby repealed, but any ordinances and
93 resolutions not inconsistent herewith and which have not previously been repealed
94 are hereby ratified and confirmed.

95
96 Section 3.It is found and determined that all formal actions of this Council
97 concerning and relating to the acceptance of this resolution were adopted in an
98 open meeting of this Council, and that all deliberations of this Council and of any

99 of its committees that resulted in such formal action, were in meetings open to the
100 public, in compliance with all legal requirements, to the extent applicable,
101 including Chapter 107 of the Codified Ordinances.

102
103 Section 4. This resolution is hereby declared to be an emergency measure
104 necessary for the preservation of the public peace, health, safety, convenience and
105 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason
106 that it is immediately necessary to permit timely and appropriate development of
107 this property, and provided it receives the affirmative vote of two thirds of the
108 members elected or appointed to Council, it shall take effect and be in force
109 immediately upon its passage and approval by the Mayor; otherwise it shall take
110 effect and be in force at the earliest period allowed by law.

111
112
113 Passed: _____
114 _____
115 President of Council

116
117 _____
118 Clerk of Council

119
120
121 Approved: _____
122 _____
123 Mayor

124 6/23/14
125 O:\2014ords\TIRC Leg for Tax year 2013 minus Watermark.doc