

NEW LEGISLATION

February 9, 2015

Temp. No.	Introduced	Committee	Description
B-15	2/9/15	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the Enclave at Old Mill Pond Preliminary Subdivision Plat, and declaring an emergency.
B-16	2/9/15	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the Menards site plan at 75 Graham Road, and declaring an emergency.
B-17	2/9/15	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for concrete and masonry repairs to the City-owned parking garages located at 2035 Old Town Loop, 2052 Front Street, and 2318 Second Street, and declaring an emergency.
B-18	2/9/15	PA	An ordinance authorizing the Mayor to enter into a contract or contracts, according to law, for the lease and/or purchase of 24 mobile data terminals for use by the Police Department, and declaring an emergency.
B-19	2/9/15	PA	An ordinance amending Section 129.01 of Title Five, Part One of the Codified Ordinances, relating to authorized staffing of the Police Department, and declaring an emergency.
B-20	2/9/15	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
B-21	2/9/15	PA	An ordinance authorizing the Park and Recreation Board to apply for and accept

Please Recycle Waste Paper

a grant from the Department of Natural Resources, and declaring an emergency.

Please Recycle Waste Paper

CALENDAR

February 9, 2015

The following legislation will be up for passage at the Council Meeting on February 9, 2015.

Temp. No.	Introduced	Committee	Description
B-13	1/26/15	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement of a waterline in 2 nd Street, from Broad Boulevard to May Avenue, and declaring an emergency.
B-14	1/26/15	PA	An ordinance authorizing the Mayor, as the Director of Public Safety to enter into agreements with various cities and townships for the provision of prisoner confinement services, and declaring an emergency.

PENDING LEGISLATION

February 9, 2015

Temp. No.	Introduced	Committee	Description
B-13	1/26/15	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement of a waterline in 2 nd Street, from Broad Boulevard to May Avenue, and declaring an emergency.
B-14	1/26/15	PA	An ordinance authorizing the Mayor, as the Director of Public Safety to enter into agreements with various cities and townships for the provision of prisoner confinement services, and declaring an emergency.

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2015

8
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION
10 APPROVAL, FINDINGS AND CONDITIONS OF THE ENCLAVE AT
11 OLD MILL POND PRELIMINARY SUBDIVISION PLAT, AND
12 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 January 20, 2015 the Planning Commission recommended approval of the
18 Enclave at Old Mill Pond Preliminary Subdivision Plat on East Bath Road, and

19
20 WHEREAS, such approval is given subject to conditions subsequent to be satisfied, and

21
22 WHEREAS, such approval is necessary to determine that the allotment is satisfactory, serves the
23 public interest, and is acceptable for recording.

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

27
28 Section 1. Council accepts the Planning Commission approval of the Enclave at Old Mill Pond
29 Preliminary Subdivision Plat, per plans and stipulations contained in File PMP-14-00049 and
30 Planning Commission approval conditions.

31
32 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions
33 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
34 herewith and which have not previously been repealed 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 that
38 all deliberations of this Council and of any of its committees that resulted in such formal action, were
39 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,
40 including 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, for the reason that it is immediately necessary to permit timely and
45 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
46 the members elected or appointed to Council, it shall take effect and be in force immediately upon its
47 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
48 allowed by law.

49
50
51 Passed: _____
52 _____
53 President of Council

54
55 _____
56 Clerk of Council

57 Approved: _____
58 _____
59 Mayor

60 2/9/15

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2015

8
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION
10 APPROVAL, FINDINGS AND CONDITIONS OF THE MENARDS
11 SITE PLAN AT 75 GRAHAM ROAD, AND DECLARING AN
12 EMERGENCY.
13

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

17 WHEREAS, on February 3, 2015 the Planning Commission recommended approval of
18 the site plan for the construction of a 172,740 square foot heated retail building with
19 27,260 square feet of unheated overhang space and a 46,780 square foot unheated
20 warehouse at 75 Graham Road, and
21

22 WHEREAS, such approval is given subject to conditions subsequent to be satisfied,
23 and
24

25 WHEREAS, such approval is necessary to determine that the allotment is satisfactory,
26 serves the public interest, and is acceptable for recording.
27

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

31 Section 1. Council approves the site plan for the construction of a 172,740 square
32 foot heated retail building with 27,260 square feet of unheated overhang space and a
33 46,780 square foot unheated warehouse at 75 Graham Road, Cuyahoga Falls, Ohio, in
34 accordance with Cuyahoga Falls General Development Code regulations as stipulated in
35 the Codified Ordinances of the City of Cuyahoga Falls and as approved by the Planning
36 Commission as per the plans and final stipulations contained in Project File MSP-15-
37 00001.
38

39 Section 2. Any other ordinances or resolutions or portions of ordinances and
40 resolutions inconsistent herewith are hereby repealed, but any ordinances and
41 resolutions not inconsistent herewith and which have not previously been repealed are
42 hereby ratified and confirmed.
43

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

51 Section 4. This ordinance is hereby declared to be an emergency measure necessary
52 for the preservation of the public peace, health, safety, convenience and welfare of the
53 City of Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately

54 necessary to permit timely and appropriate development of this property, and provided it
55 receives the affirmative vote of two thirds of the members elected or appointed to Council,
56 it shall take effect and be in force immediately upon its passage and approval by the
57 Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

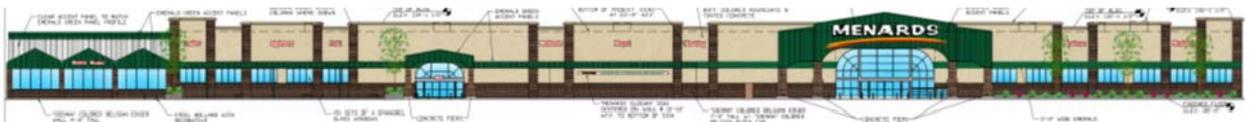
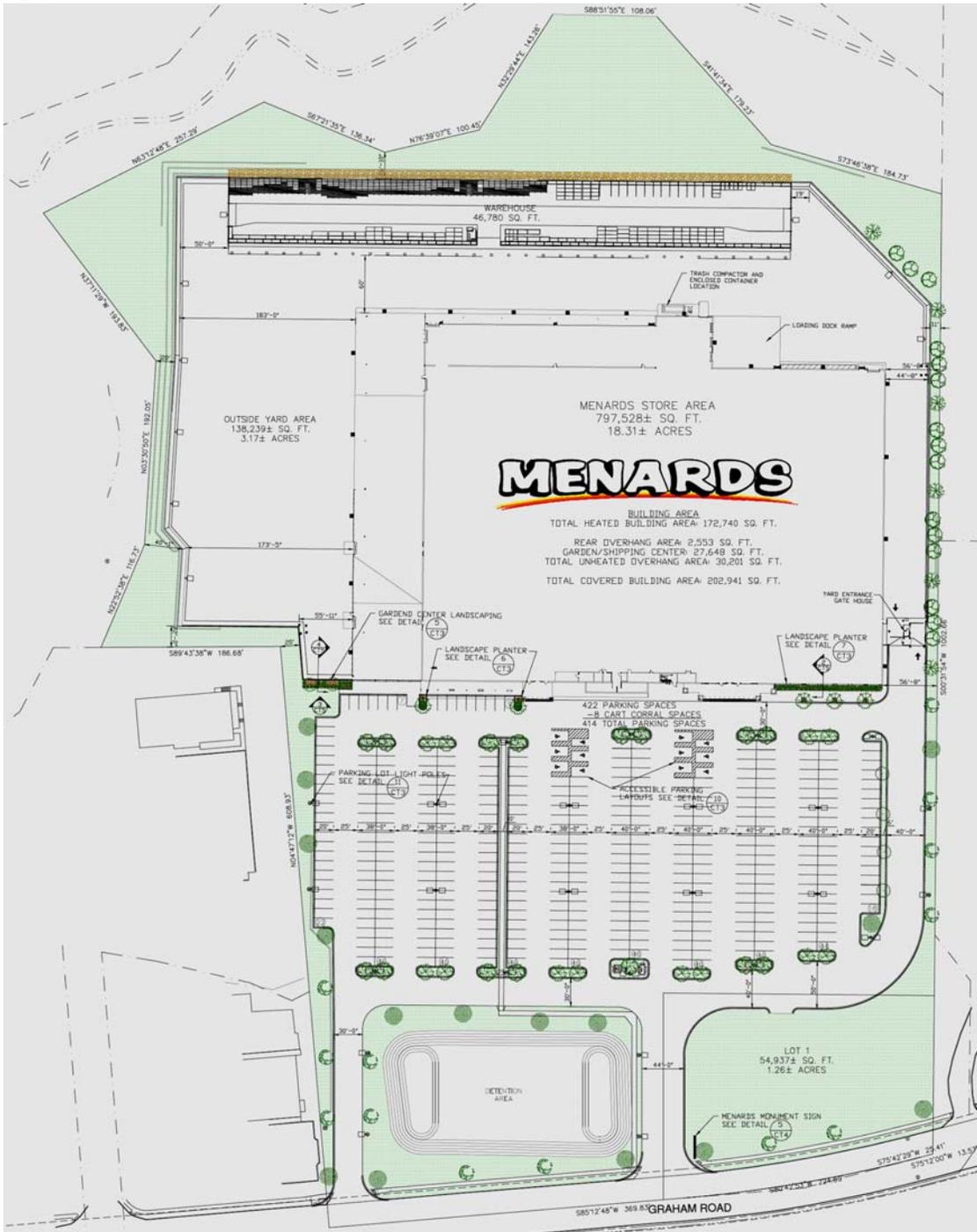
58
59

60 Passed: _____
61 _____
62 President of Council

63 _____
64 Clerk of Council

65
66 Approved: _____
67 _____
68 Mayor

69 2/9/15
70 O:\2015 ords\MSP-5-00001 Menards Site Plan.doc



2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2015

6
7
8
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
10 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR
11 CONTRACTS, ACCORDING TO LAW, FOR CONCRETE AND
12 MASONRY REPAIRS TO THE CITY-OWNED PARKING
13 GARAGES LOCATED AT 2035 OLD TOWN LOOP, 2052
14 FRONT STREET, AND 2318 SECOND STREET, AND
15 DECLARING AN EMERGENCY.
16

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

18
19 Section 1. The Director of Public Service is hereby authorized to enter into a contract or contracts,
20 according to law, for concrete and masonry repairs to the City-owned parking garages located at 2035 Old
21 Town Loop (the "Blue" Parking Deck), 2052 Front Street (the "Red" Parking Deck), and 2318 Second Street
22 (the "Green" Parking Deck).
23

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

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

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

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

44 Passed: _____

President of Council

47
48 _____
Clerk of Council

49
50
51
52 Approved: _____

Mayor

53
54 2/9/15

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2015

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
8 CONTRACT OR CONTRACTS, ACCORDING TO LAW, FOR THE
9 LEASE AND/OR PURCHASE OF 24 MOBILE DATA TERMINALS
10 FOR USE BY THE POLICE DEPARTMENT, AND DECLARING AN
11 EMERGENCY.

12
13 WHEREAS, this purchase will allow for more efficient dispatching of safety forces;

14
15 WHEREAS, mobile data terminals provide a higher level of officer safety incorporating up-to-
16 the minute information to officers in the field; and

17
18 WHEREAS, the current hardware is old and in need of upgrading to current technological
19 standards.

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

23
24 Section 1. The Mayor is hereby authorized to enter into a contract or contracts, according to
25 law, for the lease and/or purchase of 24 mobile data terminals for use by the Police Department.

26
27 Section 2. The Director of Finance is hereby authorized and directed to make payment for
28 same from the Capital Projects Fund, line item Capital Outlay.

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

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

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

47
48
49 Passed: _____

President of Council

50
51
52
53
54 _____
Clerk of Council

55
56
57 Approved: _____

Mayor

58
59
60 2/9/15

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2015

6
7 AN ORDINANCE AMENDING SECTION 129.01 OF TITLE
8 FIVE, PART ONE OF THE CODIFIED ORDINANCES,
9 RELATING TO AUTHORIZED STAFFING OF THE POLICE
10 DEPARTMENT, AND DECLARING AN EMERGENCY.

11
12 WHEREAS, Article III, Section 7 of the City Charter authorizes this Council to
13 provide for the authorized staffing of officers and employees in the Police Department,
14 and

15
16 WHEREAS, under Article XVIII, Section 3 of the Ohio Constitution, exercise of the
17 City’s discretion in appointments and promotions within the classified service of the
18 City is a matter of local self-government (*State ex rel. Bednar v. City of North Canton*
19 (1994) 69 Ohio St. 3d 278, and

20
21 WHEREAS, Article VII, Section 2 of the City Charter expressly authorizes this
22 Council to enact ordinances with respect to appointments and promotions that will
23 prevail over state statutory provisions in case of conflict.

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

27
28 Section 1. Section 129.01 of the Codified Ordinances of the City of Cuyahoga Falls
29 is hereby amended to read in full as follows (new text underlined; deleted text in
30 ~~strikethrough~~):

31
32 129.01 COMPOSITION.

33 (a) Subject to the sufficiency of annual or supplemental appropriations for personal
34 services, the Police Department shall be composed of the following sworn officers and
35 other personnel:

36
37 Sworn Officers:

- 38 1 Chief
- 39 21 Captains
- 40 ~~45~~ Lieutenants
- 41 10 Sergeants
- 42 56 Patrol Officers

43 Civilian Employees:

- 44 1 Community Service Officer
- 45 1 Secretary II
- 46 2 Secretary I
- 47 6 Regular Part-Time Laborers
- 48 1 Juvenile Diversion Caseworker

49
50 (b) When sufficient appropriations are available and a valid civil service eligible list
51 exists, vacancies in classifications in the Police Department shall be filled from a
52 certified list of candidates within thirty (30) days. If there is no eligible list for a vacant
53 position, the Director of Public Safety shall forthwith request that the Civil Service
54 Commission conduct the needed examinations for the purpose of producing an eligible
55 list. An appointment to fill the vacancy shall be made within thirty (30) days after the

56 Commission certifies a list of candidates from a new eligible list. Nothing in this
57 subsection shall be construed to apply to appointments to the unclassified service or to
58 limit the Commission's authority to waive competitive examinations in accordance with
59 its rules.

60

61 Section 2. Existing Section 129.01 of the Codified Ordinances, as re-enacted by
62 Ord. No. 105-2012, passed December 27, 2012, is hereby repealed.

63

64 Section 3. Any other ordinances and resolutions or portions of ordinances and
65 resolutions inconsistent herewith are hereby repealed but any ordinances and
66 resolutions or portions of ordinances and resolutions not inconsistent herewith and
67 which have not previously been repealed are hereby ratified and confirmed.

68

69 Section 4. It is found and determined that all formal actions of this Council
70 concerning and relating to the adoption of this ordinance were adopted in an open
71 meeting of this Council and all deliberations of this Council and any of its committees
72 that resulted in such formal action were in meetings open to the public, in compliance
73 with all legal requirements including Chapter 107 of the Codified Ordinances.

74

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

81

82

83 Passed _____

President of Council

84

85

86

87

Clerk of Council

88

89

90

91 Approved: _____

Mayor

92

93

94

95 2/9/15

96 O:\2015 ords\amend-129.01 police composition.doc

3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2015

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 update the Lillis 4-way stop intersection at Silver Lake Avenue in
29 the traffic control file to meet the current traffic pattern of a 3-way
30 stop intersection.
31

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

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

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

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

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

58

59

60 Passed: _____

President of Council

61

62

63

64

Clerk of Council

65

66

67

68 Approved: _____

Mayor

69

70

71 2/9/15

72 O:\2015 ords\traffic.control.ord Feb.doc

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2015

8
9 AN ORDINANCE AUTHORIZING THE PARK AND RECREATION
10 BOARD TO APPLY FOR AND ACCEPT A GRANT FROM THE
11 DEPARTMENT OF NATURAL RESOURCES, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources,
15 administers financial assistance for public recreation purposes through the State of Ohio
16 NatureWorks Program, and

17
18 WHEREAS, the City of Cuyahoga Falls desires financial assistance under the NatureWorks
19 Program.

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

23
24 Section 1. The Park and Recreation Board is hereby authorized to execute and file an
25 application with the Ohio Department of Natural Resources and to provide all information and
26 documentation required in said application to obtain a grant for the purpose of making repairs
27 and improvements to the restroom facilities at Water Works Park through the NatureWorks
28 Program.

29
30 Section 2. The City does agree to obligate the funds required to satisfactorily complete the
31 project and become eligible for reimbursement under the terms of the NatureWorks Program.

32
33 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
34 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
35 ordinances and resolutions not inconsistent herewith and which have not previously been
36 repealed are hereby ratified and confirmed.

37
38 Section 4. It is found and determined that all formal actions of this Council concerning and
39 relating to the adoption of this resolution were adopted in an open meeting of this Council and
40 that all deliberations of this Council and of any of its committees that resulted in such formal
41 action were in meetings open to the public, in compliance with all legal requirements including
42 Chapter 107 of the Codified Ordinances.

43
44 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
45 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
46 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
47 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
49 period allowed by law.

50
51
52 Passed: _____
53 _____
54 President of Council

55
56 _____
57 Clerk of Council

58 Approved: _____
59 _____
60 Mayor

61 2/9/15