

City of Cuyahoga Falls, Ohio

Notice Order of Business for Regular City Council Meeting

Notice is hereby given that the Order of Business for Regular City Council Meetings shall be observed at the City Council Meeting held on Monday, November 16, 2015, at 6:30 p.m. for the following purposes:

1. To introduce and assign to committee the following ordinances:

Finance Committee

Temp. Ord. B-105:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT IN THE CASE OF TIFFANY MCCLASKEY V. CITY OF CUYAHOGA FALLS, AND DECLARING AN EMERGENCY.

Temp. Ord. B-106:

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO DEPOSIT FUNDS RECEIVED FROM USO REALTY AND BEI INDUSTRIES FOR REPAYMENT OF ECONOMIC DEVELOPMENT LOANS INTO THE GENERAL FUND; AUTHORIZING THE REIMBURSEMENT OF \$52,220.65 PREVIOUSLY COLLECTED LOAN PAYMENTS FROM THE CDBG FUND TO THE GENERAL FUND, AND DECLARING AN EMERGENCY.

2. To consider and vote on Temp. Ord. B-105 and B-106 if approved and referred for passage by the Finance Committee.
3. To conduct any other business, including without limitation, rules suspensions and executive sessions necessary to accomplish the foregoing.

Dated at Cuyahoga Falls, Ohio this 16th day of November, 2015.

_____/s/Don S. Walters_____
Don S. Walters
Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2015

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

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

14
15 Section 1. The Mayor is hereby authorized to execute a settlement agreement in the case of
16 *Tiffany McClaskey v. City of Cuyahoga Falls*, Summit County Court of Common Pleas Case No. CV
17 2012-09-5434 and Ohio Court of Appeals, Ninth District, Case No. 27780, on the basis of the
18 settlement proposal negotiated and presented to City Council on November 9, 2015.

19
20 Section 2. The Director of Finance is hereby authorized and directed to make payment for
21 same from the General Fund, Technical Services Department, line item Other Operations, and
22 increasing appropriations from the General Fund, Technical Services Department, line item Other
23 Operations, accordingly.

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

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

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

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

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48 Passed: _____

President of Council

Clerk of Council

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56 Approved _____

Mayor

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60 11/15/15

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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2015

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 FINANCE TO DEPOSIT FUNDS RECEIVED FROM USO
9 REALTY AND BEI INDUSTRIES FOR REPAYMENT OF
10 ECONOMIC DEVELOPMENT LOANS INTO THE
11 GENERAL FUND; AUTHORIZING THE
12 REIMBURSEMENT OF \$52,220.65 PREVIOUSLY
13 COLLECTED LOAN PAYMENTS FROM THE CDBG FUND
14 TO THE GENERAL FUND, AND DECLARING AN
15 EMERGENCY.

16
17 WHEREAS, the City of Cuyahoga Falls receives an annual allocation of
18 Community Development Block Grant (CDBG) funds to be used in accordance with
19 Title 24 of the Code of Federal Regulations, Part 570; and

20
21 WHEREAS, in 2012 USO Realty and BEI Industries received CDBG funds in the
22 form of economic development loans in the amount of \$80,000 each for the purpose
23 of creating jobs to be made available to low-to-moderate income people; and

24
25 WHEREAS, the loan repayment terms are still being met; and

26
27 WHEREAS, the U.S. Department of Housing and Urban Development (HUD)
28 performed an audit and found a significant lack of required documentation for these
29 loans and the activities were subsequently deemed ineligible; and

30
31 WHEREAS, the City of Cuyahoga Falls is required to repay funds to HUD for
32 ineligible activities; and

33
34 WHEREAS, Ordinance No. 86-2015 authorized the Director of Finance to repay
35 HUD a lump sum of \$160,000 from the General Fund; and

36
37 WHEREAS, \$52,220.65 has currently been collected from these loans and has
38 previously been deposited into the Community Development Block Grant Fund; and

39
40 WHEREAS, all future monies received from the repayment of the USO Realty and
41 BEI Industries loans will be directly deposited into the General Fund.

42
43 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
44 Falls, County of Summit and State of Ohio, that:

45
46 Section 1. The Director of Finance is hereby authorized to reimburse
47 \$52,220.65 from the Community Development Block Grant Fund, line item Other

48 Operations to the General Fund and deposit all future loan repayments from USO
49 Realty and BEI Industries directly into the General Fund.

50
51 Section 2. Any other ordinances or resolutions or portions of ordinances and
52 resolutions inconsistent herewith are hereby repealed, but any ordinances and
53 resolutions not inconsistent herewith and which have not previously been repealed
54 are hereby ratified and confirmed.

55
56 Section 3. It is found and determined that all formal actions of this Council
57 concerning and relating to the adoption of this ordinance were adopted in an open
58 meeting of this Council, and that all deliberations of this Council and of any of its
59 committees that resulted in such formal action, were in meetings open to the public,
60 in compliance with all legal requirements, to the extent applicable, including Chapter
61 107 of the Codified Ordinances.

62
63 Section 4. This ordinance is hereby declared to be an emergency measure
64 necessary for the preservation of the public peace, health, safety, convenience and
65 welfare of the City of Cuyahoga Falls and the inhabitants thereof and provided it
66 receives the affirmative vote of two thirds of the members elected or appointed to
67 Council, it shall take effect and be in force immediately upon its passage and
68 approval by the Mayor; otherwise it shall take effect and be in force at the earliest
69 period allowed by law.

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72 Passed: _____
73 _____
74 President of Council

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76 _____
77 Clerk of Council

78 Approved: _____
79 _____
80 Mayor

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82 11/15/15
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