

## NEW LEGISLATION

November 13, 2018

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-104	11/13/18	PZ	An ordinance authorizing and approving the conditional zoning certificate for Cheat Canyon Brewing Company to renovate and operate a brewpub at 461 Graham Road (Parcel 35-00671) in a C-1 Commercial District, and declaring an emergency.
A-105	11/13/18	Fin	An ordinance providing for health care insurance coverage for benefits-eligible employees, and declaring an emergency.
A-106	11/13/18	Fin	An ordinance authorizing the Mayor to enter into a contract or contracts through competitive bidding with Metropolitan Life Insurance Company (MLIC) and/or its subsidiary Metlife for the administration of the City's fully-insured employee dental insurance plan, for a period not to exceed two years, and declaring an emergency.
A-107	11/13/18	Fin	An ordinance authorizing the Mayor to enter into a contract or contracts, through competitive bidding, with Medical Mutual Services, LLC for the administration of the City's self-insured employee medical plans, and for stop-loss insurance coverage related to said plans, for a period not to exceed three years, and declaring an emergency.
A-108	11/13/18	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts with the Ohio Department of Transportation for the improvement of Howe Avenue between Main Street and Buchholzer Boulevard, authorizing the Director of Finance to pay the City's estimated share of the costs therefor, and declaring an emergency.

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A-109	11/13/18	PI	An ordinance authorizing the Director of Public Service to execute a modification of Contract No. 7605 with Cardinal Asphalt Company, and declaring an emergency.
A-110	11/13/18	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of the sanitary sewer and waterline on Campbell Street, from Grant Avenue to Francis Avenue, and declaring an emergency.
A-111	11/13/18	PA	A resolution supporting West Creek Conservancy's Clean Ohio Greenspace Round 13 grant application for preservation of Mud Brook by the City of Cuyahoga Falls, and declaring an emergency.

## CALENDAR

November 13, 2018

The following legislation will be up for passage at the Council Meeting on November 13 2018.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-76	9/10/18	PA	An ordinance authorizing the Mayor to grant an easement on a portion of City owned Parcel #0202812 to the Ohio Bell Telephone Company, dba AT&T Ohio, an Ohio corporation, for the purpose of extending communication, video and/or information services, and declaring an emergency.
A-95	10/22/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for professional services necessary for design engineering for installation of new outdoor rated vacuum circuit breakers at six substations, and declaring an emergency.
A-96	10/22/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts without competitive bidding with Brownstown Electric Supply Co., Inc. for the purchase of a new outdoor rated 15KV 5-way switch, and declaring an emergency.
A-98	10/22/18	Fin	An ordinance authorizing the Mayor to enter into a contract or contracts, without competitive bidding, with Wellness IQ for the City's wellness program services to benefits-eligible employees, and declaring an emergency.
A-99	10/22/18	PI	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, according to law, for installation of an Indoor Heavy Duty Modular Bullet Trap and Containment System at the Law Enforcement Training Facility, located at 3497 Wyoga Lake Road, and declaring an emergency.

A-100	10/22/18	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for professional services necessary for engineering, bidding and management of the JV5 generator design-build project, and declaring an emergency.
A-101	10/22/18	PA	A resolution supporting the establishment of the Cuyahoga River Water Trail as a designated water trail by the Ohio Department of Natural Resources; and declaring an emergency.
A-102	10/22/18	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
A-103	10/22/18	PA	A resolution supporting the "Tie One on for Safety" program sponsored by Mothers Against Drunk Driving, and declaring an emergency.

## PENDING LEGISLATION

November 13, 2018

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-76	9/10/18	PA	An ordinance authorizing the Mayor to grant an easement on a portion of City owned Parcel #0202812 to the Ohio Bell Telephone Company, dba AT&T Ohio, an Ohio corporation, for the purpose of extending communication, video and/or information services, and declaring an emergency.
A-79	9/24/18	PZ	An ordinance authorizing and approving the conditional zoning certificate for Darby's on 59 to construct and operate a brewpub at 2762 Front Street (Parcels 02-16420 and 02-16421) in an E-1 Employment District, and declaring an emergency.
A-95	10/22/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for professional services necessary for design engineering for installation of new outdoor rated vacuum circuit breakers at six substations, and declaring an emergency.
A-96	10/22/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts without competitive bidding with Brownstown Electric Supply Co., Inc. for the purchase of a new outdoor rated 15KV 5-way switch, and declaring an emergency.
A-97	10/22/18	Fin	An ordinance establishing annual appropriations of money for the current expenses, capital expenditures and other expenses of the City of Cuyahoga Falls for the fiscal year ending December 31, 2019, and declaring an emergency.
A-98	10/22/18	Fin	An ordinance authorizing the Mayor to enter into a contract or contracts, without competitive bidding, with

Wellness IQ for the City's wellness program services to benefits-eligible employees, and declaring an emergency.

A-99 10/22/18 PI

An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, according to law, for installation of an Indoor Heavy Duty Modular Bullet Trap and Containment System at the Law Enforcement Training Facility, located at 3497 Wyoga Lake Road, and declaring an emergency.

A-100 10/22/18 PI

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for professional services necessary for engineering, bidding and management of the JV5 generator design-build project, and declaring an emergency.

A-101 10/22/18 PA

A resolution supporting the establishment of the Cuyahoga River Water Trail as a designated water trail by the Ohio Department of Natural Resources; and declaring an emergency.

A-102 10/22/18 PA

An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

A-103 10/22/18 PA

A resolution supporting the "Tie One on for Safety" program sponsored by Mothers Against Drunk Driving, and declaring an emergency.

4  
5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2018

8  
9 AN ORDINANCE AUTHORIZING AND APPROVING THE  
10 CONDITIONAL ZONING CERTIFICATE FOR CHEAT CANYON  
11 BREWING COMPANY TO renovate AND OPERATE A  
12 BREWPUB AT 461 GRAHAM ROAD (PARCEL 35-00671) IN A  
13 C-1 COMMERCIAL DISTRICT, AND DECLARING AN  
14 EMERGENCY.  
15

16 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made  
17 by the Planning Commission be submitted to Council; and  
18

19 WHEREAS, conditional zoning certificate review by the Planning Commission is  
20 required of all development of land within the City of Cuyahoga Falls, Ohio, according to  
21 Sections 1113.08 of the Cuyahoga Falls General Development; and  
22

23 WHEREAS, all establishments categorized as a bar requires a conditional zoning  
24 certificate; and  
25

26 WHEREAS, on November 6, 2018, the Planning Commission recommended a  
27 conditional zoning certificate for Cheat Canyon Brewing Company to operate a brewpub at  
28 461 Graham Road (Parcel 35-00671) in a C-1 Commercial District, within the City of  
29 Cuyahoga Falls, Ohio.  
30

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

34 Section 1. The City Council approves the conditional zoning certificate for the Cheat  
35 Canyon Brewing Company to renovate and operate a brewpub at 461 Graham Road  
36 (Parcel 35-00671) in a C-1 Commercial District, within the City of Cuyahoga Falls, Ohio, in  
37 accordance with such district and zoning regulations as stipulated in the Codified  
38 Ordinances of the City of Cuyahoga Falls as approved by the Planning Commission as per  
39 the plans and stipulations contained in File CZ-18-00054.  
40

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

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

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Section 4. 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.

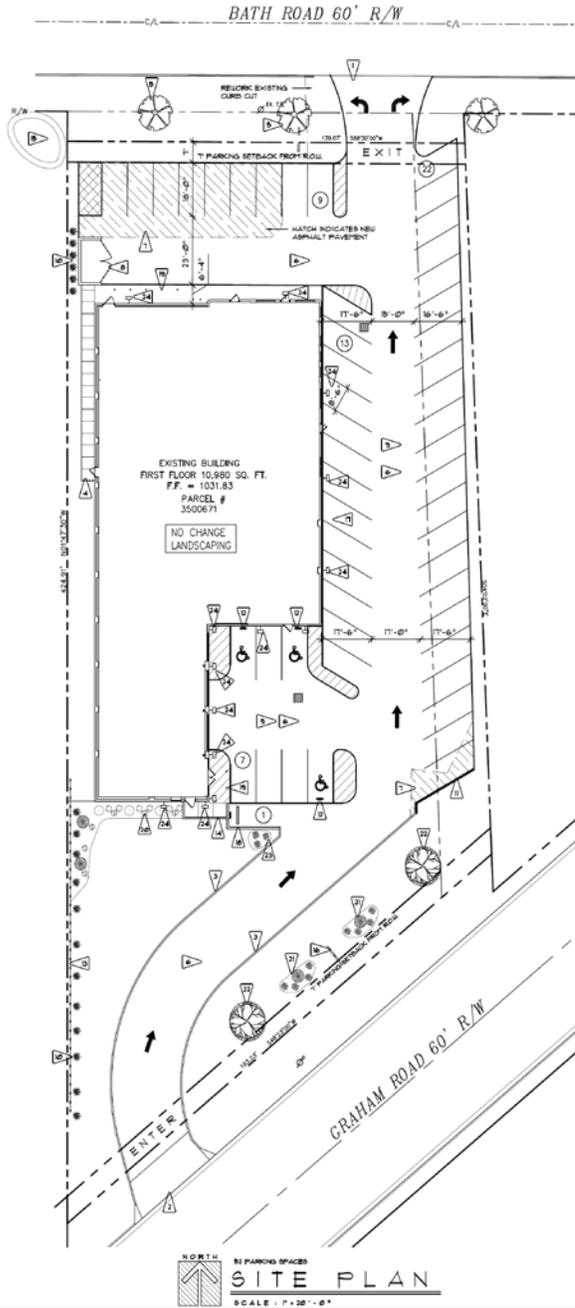
Passed: \_\_\_\_\_  
President of Council

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

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

11/13/18

O:\2018ords\CZ-18-00054 Cheat Canyon Cond Zone Cert.doc



**SITE PLAN**  
SCALE: 1" = 20'-0"

**ZONING DATA**  
(CITY OF CUYAHOGA FALLS)

ZONING DISTRICT:	C-1	
RETRACTS:	REQD.	ACTUAL
PARKING SET BACK	5'	MIN. 5'
RIGHT OF WAY		
RESTAURANT PARKING		80
1 PER EVERY 2 SEATING		
GREEN SPACE (MIN. 5%)	6,730 SQ. FT.	1,688 SQ. FT.



**David Pelligrino Architects, Inc.**  
ARCHITECTURE · CONSULTING  
2221 Broad Blvd. · Cuyahoga Falls · Ohio 44223  
REVISIONS: DATE 10-16-18

The services of David Pelligrino Architects, Inc. are provided to the client under a contract. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities.

**PROJECT**  
RENOVATION FOR:  
CHEAT CANYON BREWERY  
461 GRAHAM RD. CUYAHOGA FALLS, OH.  
**DRAWING**  
SITE PLAN

**PROJECT NO.**  
1852  
**SHEET NO.**  
C-1

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2018

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9 AN ORDINANCE PROVIDING FOR HEALTH CARE INSURANCE  
10 COVERAGE FOR BENEFITS-ELIGIBLE EMPLOYEES, AND  
11 DECLARING AN EMERGENCY.  
12

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

16  
17 Section 1. COVERAGE

- 18 A. Effective January 1, 2019, the City will make available a health care program with  
19 employee only, employee/spouse, employee/child(ren) and family coverage options, for  
20 which benefits-eligible employees may apply.
- 21 B. The City will offer all employees eligible under Subsection A above medical, dental, vision,  
22 and prescription drug insurance coverage through plans of the City's choosing.
- 23 C. All coverage shall be subject to the insurance carrier's eligibility, enrollment, and coverage  
24 requirements, as set forth in the plan documents and certificates of coverage.  
25

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29 Section 2. EMPLOYEE CONTRIBUTIONS

- 30 A. Participating employees shall share in the cost of health care coverage to the extent set  
31 forth in Subsection C below. Each participating employee shall contribute to the total  
32 fixed cost of the medical and prescription drug insurance coverage based on a percentage  
33 of projected health care costs, as established at the beginning of each plan year (January  
34 through December).  
35
- 36 B. Spousal Surcharge:  
37  
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  - 39 i. When the spouse of an employee is employed on a full-time basis (defined as 32 or  
40 more hours of work per week) or retired, and the spouse's employer or retirement plan  
41 makes health care coverage available to the spouse - regardless of the cost - the City's  
42 coverage of the spouse shall be limited to being secondary to the coverage that is  
43 available from the spouse's employer or retirement plan. As an alternative to  
44 obtaining health care coverage from their primary employer or retirement plan,  
45 employees may elect to enroll their spouse in the City's health care plan by paying a  
46 monthly premium equal to the greater of 2/7 the established premium for single  
47 coverage, or any sum received by the employed spouse from his/her employer to  
48 decline health care coverage from said employer. The HMO Medflex surcharge is 25%  
49 less than the Basic plan surcharge.  
50
  - 51 ii. In the event a married couple are both employed by the City of Cuyahoga Falls, each  
52 will be enrolled with single coverage; provided that if they have dependent children,  
53 the married couple shall be enrolled together under a single enrollment for family  
54 coverage or single and employee/child(ren) coverage. No employee or dependent shall

55 be covered under more than one health care plan offered through the City of  
56 Cuyahoga Falls Health Benefits Plan.

57  
58 iii. An employee seeking health care coverage from the City for his/her spouse shall be  
59 required to provide the Human Resources Department a Spousal Certification Form  
60 that indicates the spouse's employment status along with his/her eligibility and  
61 enrollment in their employer or retirement plan, as certified by the plan administrator.  
62 The employee shall promptly notify the Human Resources department of any change  
63 in the employment or insurance status of his/her spouse. If an employee provides  
64 false information concerning his/her spouse, or fails to notify the Human Resources  
65 Department of any required information, the employee shall be required to reimburse  
66 the City for any medical expenses paid by the City on behalf of the spouse that would  
67 not have been paid had the City had accurate information concerning the spouse's  
68 employment or insurance status. Said reimbursement may take the form of a payroll  
69 deduction in an amount not greater than 5% of the employee's gross pay until full  
70 reimbursement is made.

71  
72 C. Medical and Prescription Drug Coverage. Effective January 1, 2019, the employee  
73 contribution percentages for medical and prescription drug coverage will be 0% for the  
74 Health Savings Account ("HSA") plan, 5% for the PPO Basic plan, and 15% for the PPO  
75 Premier plan. The employee contribution percentage for the HMO MedFlex plan and  
76 prescription drug coverage will be 25% less than the PPO Basic plan.

77  
78 D. Dental Coverage. Effective January 1, 2019, the City shall provide the same arrangement  
79 for dental insurance that was in effect in 2018; however, the \$250 rollover provision will  
80 be eliminated and the annual benefit will increase to \$1,250 per person per year. The  
81 City will continue to pay 100% of the premiums for dental coverage.

82  
83 E. Vision Coverage. Effective January 1, 2019, the City shall provide a base vision plan.  
84 The City will also offer an enhanced vision plan, with the increased premium amount  
85 (buy-up) paid 100% by the employees selecting the enhanced vision plan.

86  
87 F. Employee health insurance contribution shall be made through bi-weekly payroll  
88 deductions.

89  
90 Section 3. A non-bargaining employee who is currently retired, or retires hereafter, with the  
91 Ohio Public Employees Retirement System (PERS) or the Ohio Police and Fire Pension Fund  
92 (OP&F) from employment with the City immediately before the date of retirement shall receive  
93 life insurance coverage in the amount of \$10,000.00, and said life insurance shall replace any  
94 life insurance previously provided to said retirees by the City. The benefit provided herein shall  
95 not apply to any retiree who becomes re-employed with the City during the time of said re-  
96 employment, nor shall the benefit provided herein apply to any retiree who receives a life  
97 insurance benefit as a result of a collective bargaining agreement with the City.

98  
99 Section 4. The Human Resources Director is hereby directed to make appropriate  
100 amendments to the language of the Employee Benefit Plan to reflect the changes made herein as  
101 they relate to non-bargaining employees.

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

106  
107 Section 6. It is found and determined that all formal actions of this Council concerning and  
108 relating to the passage of this ordinance were taken in an open meeting of this Council and that  
109 all deliberations of this Council and of any committees that resulted in those formal actions were

110 in meetings open to the public, in compliance with all legal requirements including Chapter 107  
111 of the Codified Ordinances.

112  
113 Section 7. This ordinance is hereby declared to be an emergency measure necessary for the  
114 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
115 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of  
116 the members elected or appointed to Council, it shall take effect and be in force immediately  
117 upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the  
118 earliest period allowed by law.

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122 Passed: \_\_\_\_\_  
123 \_\_\_\_\_  
124 President of Council

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126 \_\_\_\_\_  
127 Clerk of Council

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129  
130 Approved \_\_\_\_\_  
131 \_\_\_\_\_  
132 Mayor

132 11/13/18  
133 O:\2018ords\2019 Health Insurance Coverage Ordinance.docx

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2018

7  
8 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
9 CONTRACT OR CONTRACTS THROUGH COMPETITIVE BIDDING  
10 WITH METROPOLITAN LIFE INSURANCE COMPANY (MLIC)  
11 AND/OR ITS SUBSIDIARY METLIFE FOR THE ADMINISTRATION  
12 OF THE CITY'S FULLY-INSURED EMPLOYEE DENTAL INSURANCE  
13 PLAN, FOR A PERIOD NOT TO EXCEED TWO YEARS, AND  
14 DECLARING AN EMERGENCY.  
15

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

19  
20 Section 1. The Mayor is hereby authorized to enter into a contract or contracts through  
21 competitive bidding with Metropolitan Life Insurance Company (MLIC) and/or its subsidiary MetLife  
22 for the professional services necessary to conduct the administration of the City's fully-insured  
23 employee dental insurance plan, for a period not to exceed two years.  
24

25 Section 2. The Director of Finance is hereby authorized to pay approved invoices for work based  
26 upon the Contract, from the Self-Insurance Fund, line item Other Operations.  
27

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

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

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

45 Passed: \_\_\_\_\_

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

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

53 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

54 11/13/18

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2018

7  
8 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
9 CONTRACT OR CONTRACTS, THROUGH COMPETITIVE BIDDING,  
10 WITH MEDICAL MUTUAL SERVICES, LLC FOR THE  
11 ADMINISTRATION OF THE CITY'S SELF-INSURED EMPLOYEE  
12 MEDICAL PLANS, AND FOR STOP-LOSS INSURANCE COVERAGE  
13 RELATED TO SAID PLANS, FOR A PERIOD NOT TO EXCEED  
14 THREE YEARS, AND DECLARING AN EMERGENCY.  
15

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

19  
20 Section 1. The Mayor is hereby authorized to enter into a contract or contracts, through  
21 competitive bidding, with Medical Mutual Services, LLC, for the professional services necessary to  
22 conduct the administration of the City's self-insured employee medical plans, and for stop-loss  
23 insurance coverage related to said plans, for a period not to exceed three years.  
24

25 Section 2. The Director of Finance is hereby authorized to pay approved invoices for work based  
26 upon the Contract, from the Self-Insurance Fund, line item Other Operations.  
27

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

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

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

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

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

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53  
54 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

55  
56 11/13/18

2  
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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2018

7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS WITH  
10 THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE  
11 IMPROVEMENT OF HOWE AVENUE BETWEEN MAIN STREET  
12 AND BUCHHOLZER BOULEVARD, AUTHORIZING THE DIRECTOR  
13 OF FINANCE TO PAY THE CITY’S ESTIMATED SHARE OF THE  
14 COSTS THEREFOR, AND DECLARING AN EMERGENCY.  
15

16 WHEREAS, pursuant to Ord. 79-2012 passed September 24, 2012, this Council authorized the  
17 Director of Public Service to cooperate with the Ohio Department of Transportation (“ODOT”) in the  
18 design and reconstruction of Howe Avenue between Main Street and Buchholzer Boulevard, and  
19 authorized the City’s financial participation in such design and reconstruction; and  
20

21 WHEREAS, the improvement will include removal and replacement of pavement, signage, light  
22 poles and storm sewers as needed to reconstruct the roadway; and  
23

24 WHEREAS, it is understood that the City will cooperate with the Director of Transportation by  
25 agreeing to assume and bear one hundred percent (100%) of the entire cost of the improvement less  
26 the amount of Federal-aid Earmarks and AMATS funds set aside by the ODOT Director of  
27 Transportation for the financing of this improvement from funds allocated by the Federal Highway  
28 Administration, U.S. Department of Transportation, and further, the City will agree to assume and  
29 bear one hundred percent (100%) of the cost of Right-of-Way, excluding in-house Right-of-Way  
30 charges incurred by the State; and  
31

32 WHEREAS, the City’s share of the cost of the Improvement is now estimated in the amount of  
33 One Million Three Hundred Seventy Thousand and 00/100 Dollars (\$1,370,000.00), but said  
34 estimated amount is to be adjusted in order that the City’s ultimate share of said improvement shall  
35 correspond with said percentages of actual costs when said actual costs are determined; and  
36

37 WHEREAS, the estimated cost of the City’s share of the cost of the Improvement has previously  
38 been appropriated for this purpose in the City’s Capital Projects Fund; and  
39

40 WHEREAS, the ODOT Director of Transportation has approved said legislation proposing  
41 cooperation and has caused to be made plans and specifications and an estimate of cost and expense  
42 for improving the above described highway and has transmitted copies of the same to this Council;  
43 and  
44

45 Whereas, this Council desires the ODOT Director of Transportation to proceed with the aforesaid  
46 highway improvement.  
47

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

50  
51 Section 1. The Director of Public Service is authorized to enter into a contract or contracts with  
52 the State of Ohio, Department of Transportation, on the basis of the draft contract now on file with  
53 the Clerk of Council in Council File No. \_\_\_\_\_, for the improvement of Howe Avenue between  
54 Main Street and Buchholzer Boulevard as described herein, which contract provides for the payment  
55 by the City of the amount of money set forth hereinafter for supporting construction of the  
56 Improvement.  
57

58 Section 2. The Director of Finance is hereby authorized to pay the sum of One Million Three  
59 Hundred Seventy Thousand and 00/100 Dollars (\$1,370,000.00) to the State Treasurer or pursuant  
60 to escrow agreement with the State of Ohio to pay the City's estimated share of the cost of the  
61 Improvement. Said payment shall be made from the Capital Projects Fund, line item Capital Outlay.  
62

63 Section 3. This Council requests the ODOT Director of Transportation to proceed with the  
64 aforesaid highway improvement, with the understanding that under the contract authorized in  
65 Section 1 above, the City is committed to pay the full cost of the Improvement over and above the  
66 amount to be paid from federal funds.  
67

68 Section 4. The Clerk of Council is hereby directed to transmit to the Director of Transportation  
69 a certified copy of this Ordinance.  
70

71 Section 5. Any other ordinances and resolutions or portions of ordinances and resolutions  
72 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of  
73 ordinances and resolutions not inconsistent herewith and which have not previously been repealed  
74 are hereby ratified and confirmed.  
75

76 Section 6. It is found and determined that all formal actions of this Council concerning and  
77 relating to the adoption of this ordinance were adopted in an open meeting of this Council and that  
78 all deliberations of this Council and of any of its committees that resulted in such formal action were  
79 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,  
80 including Chapter 107 of the Codified Ordinances.  
81

82 Section 7. This ordinance is hereby declared to be an emergency measure necessary for the  
83 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls  
84 and the inhabitants thereof, and provided it received the affirmative vote of two-thirds of the  
85 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
86 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period  
87 allowed by law.  
88

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90  
91 Passed: \_\_\_\_\_  
92 \_\_\_\_\_  
93 President of Council

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95 \_\_\_\_\_  
96 Clerk of Council

97  
98  
99 Approved: \_\_\_\_\_  
100 \_\_\_\_\_  
101 Mayor

102 11/13/18

103 O:\2018ords\Enter into contract with ODOT Howe Ave.doc

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. -2018

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO EXECUTE A MODIFICATION OF CONTRACT NO.  
9 7605 WITH CARDINAL ASPHALT COMPANY, AND  
10 DECLARING AN EMERGENCY.

11  
12 WHEREAS, under the authority of Ordinance 108-2017 the City, after competitive  
13 bidding, entered into contract No. 7605 with Cardinal Asphalt Company, for the purposes  
14 of executing the 2018 Utility Patch Program; and

15  
16 WHEREAS, it is necessary to adjust the unit quantities of labor and material in the  
17 contract beyond what was originally estimated, in order to meet the needs of the City in  
18 executing the 2018 Utility Patch Program, which will increase the estimated total contract  
19 price by an amount not exceeding \$105,000.00.

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

23  
24 Section 1. The Director of Public Service is hereby authorized to execute a  
25 modification of Contract No. 7605 with Cardinal Asphalt Company, increasing the unit  
26 quantities of labor and material as necessary in the opinion of the Director of Public  
27 Service, but not to exceed an amount of \$105,000.00 over the original estimated contract  
28 price.

29  
30 Section 2. The Director of Finance is hereby authorized and directed to pay invoices  
31 for work based upon the Contract as modified, in an amount not to exceed \$105,000.00  
32 over the original estimated contract price, from the Water and Sewer Funds, Line Item  
33 Other Operations.

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

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

46  
47 Section 5. This ordinance is hereby declared to be an emergency measure necessary  
48 for the preservation of the public peace, health, safety, convenience and welfare of the City  
49 of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote

50 of two-thirds of the members elected or appointed to Council, it shall take effect and be in  
51 force at the earliest period allowed by law.

52  
53 Passed: \_\_\_\_\_  
54 \_\_\_\_\_  
55 President of Council

56  
57 \_\_\_\_\_  
58 Clerk of Council

59  
60 Approved: \_\_\_\_\_  
61 \_\_\_\_\_  
62 Mayor

63  
64 11/13/18  
65 O:\2018ords\Modify Cardinal contract.doc

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2018

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
9 ACCORDING TO LAW, FOR REPLACEMENT OF THE SANITARY  
10 SEWER AND WATERLINE ON CAMPBELL STREET, FROM GRANT  
11 AVENUE TO FRANCIS AVENUE, AND DECLARING AN  
12 EMERGENCY.

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

16  
17 Section 1. The Director of Public Service is hereby authorized to enter into a contract or  
18 contracts, according to law, for replacement of the sanitary sewer and waterline on Campbell  
19 Street, from Grant Avenue to Francis Avenue.

20  
21 Section 2. The Director of Finance is hereby authorized and directed to make payment for same  
22 from the Sewer Fund, line item Capital Outlay, and from the Water Fund, line item Capital Outlay.

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

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

33  
34 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
35 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
36 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely  
37 and appropriate development of this property, and provided it receives the affirmative vote of two  
38 thirds of the members elected or appointed to Council, it shall take effect and be in force  
39 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in  
40 force at the earliest period allowed by law.

41  
42  
43 Passed: \_\_\_\_\_  
44 \_\_\_\_\_  
45 President of Council

46  
47 \_\_\_\_\_  
48 Clerk of Council

49  
50  
51 Approved: \_\_\_\_\_  
52 \_\_\_\_\_  
53 Mayor

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 RESOLUTION NO. - 2018

7  
8 A RESOLUTION SUPPORTING WEST CREEK  
9 CONSERVANCY'S CLEAN OHIO GREENSPACE ROUND 13  
10 GRANT APPLICATION FOR PRESERVATION OF MUD BROOK  
11 BY THE CITY OF CUYAHOGA FALLS, AND DECLARING AN  
12 EMERGENCY.  
13

14  
15 WHEREAS, West Creek Conservancy submitted a 511-page Clean Ohio application for  
16 District 8 (Summit) to Bob Genet, Deputy Director of Community and Economic  
17 Development and Natural Resources Assistance Council (NRAC); and  
18

19 WHEREAS, West Creek Conservancy directly supports some Primary Conservation  
20 Areas in the City of Cuyahoga Falls, abuts the Summit Metro Parks, and has high quality  
21 natural resources in direct threat of development. It includes 140 acres with over two  
22 miles of stream in the Mud Brook and Woodward Creek on the Akron/Cuyahoga Falls  
23 border; and  
24

25 WHEREAS, there are rare and sensitive species throughout .20 acres of which are in  
26 the Cuyahoga Falls jurisdiction; and  
27

28 WHEREAS, the potential benefits from Clean Ohio funding will be extraordinary,  
29 environmentally and economically; and  
30

31 WHEREAS, protecting these habitats will also result in greater public awareness of the  
32 great need for increasing biodiversity to improve the health of our communities.  
33

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

37 Section 1. The Administration and Council support West Creek Conservancy's Clean  
38 Ohio Greenspace Grant application to the Ohio Public Works Commission for the  
39 conservation and preservation of vital natural greenspace within the Mud Brook  
40 Watershed.  
41

42 Section 2. The Administration and Council hereby respectfully requests that the Ohio  
43 Public Works Commission give favorable consideration to West Creek Conservancy's Clean  
44 Ohio Greenspace Grant application for funding.  
45

46 Section 3. The Clerk of Council is hereby directed to forward a certified copy of this  
47 resolution to West Creek Conservancy, ATTN: Derek Schafer, PO BOX 347113, Parma, OH  
48 44134.  
49

50 Section 4. It is found and determined that all formal actions of this Council concerning  
51 and relating to the adoption of this resolution were adopted in an open meeting of this  
52 Council and that all deliberations of this Council and of any of its committees that

53 resulted in such formal action were in meetings open to the public, in compliance with all  
54 legal requirements including Chapter 107 of the Codified Ordinances.  
55

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

63  
64 Passed: \_\_\_\_\_  
65 \_\_\_\_\_  
66 President of Council  
67

68  
69 \_\_\_\_\_  
70 Clerk of Council  
71

72 Approved \_\_\_\_\_  
73 \_\_\_\_\_  
74 Mayor

74 11/13/18

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### Merriman Valley Conservation Project

