

NEW LEGISLATION

March 12, 2018

Temp. No.	Introduced	Committee	Description
A-24	3/12/18	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for 169 personal storage units at 310 E. Tallmadge Road (Parcel 02-19506), and declaring an emergency.
A-25	3/12/18	PZ	An ordinance authorizing and approving the Preliminary Subdivision Plat (Section 1113.03) for Woodlands Villas/Esplanade Subdivision on Parcels 35-03248, 35-03246 and 35-06575, and declaring an emergency.
A-26	3/12/18	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, according to law, for the purchase of turnout gear for use by the Fire Department, and declaring an emergency.
A-27	3/12/18	Fin	An ordinance authorizing the Director of Public Service to enter into an energy purchase agreement known as the "2026-2028 Fixed Volume Energy Supply Schedule" with American Municipal Power, Inc., and declaring an emergency.
A-28	3/12/18	Fin	An ordinance authorizing the Director of Law to enter into a contract or contracts, without competitive bidding, with Roetzel & Andress, LPA for legal services related to Johnson Controls, Inc., and declaring an emergency.
A-29	3/12/18	PA	An ordinance approving the application of Daniel Michael Lynch, Trustee, as owner of certain real property located at 643/653 West Steels Corners Road (Parcel Nos. 35-00045, 35-05391 and 35-05392), to place said property into an agricultural district pursuant to Ohio

Please Recycle Waste Paper

Revised Code Chapter 929, and declaring
an emergency.

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CALENDAR

March 12, 2018

The following legislation will be up for passage at the Council Meeting on March 12, 2018.

Temp. No.	Introduced	Committee	Description
A-19	2/26/18	Fin	An ordinance authorizing the Director of Public Service to execute a modification of Contract No. 7495 with Nathan Contracting, LP, for repairs to the Green Parking Deck, and declaring an emergency.
A-20	2/26/18	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, according to law, to refinish the main pool surface at Water Works Family Aquatic Center, and declaring an emergency.
A-21	2/26/18	PI	An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, with David Pelligra & Architects, Inc., for architectural design services for the Cuyahoga Falls Law Enforcement Training Center, and declaring an emergency.
A-22	2/26/18	PA	An ordinance creating the position Member Relations Supervisor in the department of Parks and Recreation, and declaring an emergency.
A-23	3/5/18	Fin	An ordinance authorizing the Director of Law to enter into a contract or contracts, without competitive bidding, with Benesch Friedlander Coplan and Aronoff LLP for legal services related to labor negotiations, disciplines, resolving contract disputes through mediation, arbitration or conciliation, or any other matter related to labor employment matters or collective bargaining, and declaring an emergency.

PENDING LEGISLATION

March 12, 2018

Temp. No.	Introduced	Committee	Description
B-66	9/11/17	PA	An ordinance authorizing the Mayor to enter into a lease agreement or agreements with Riverside Community Urban Redevelopment Corporation, and declaring an emergency.
A-17*	2/26/18	PZ	An ordinance approving regulatory text amendments in Section 1146.06 G. Revitalization Signage Areas and in Section 1146 H. Downtown Signs of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), and declaring an emergency.
A-18	2/26/18	PZ	An ordinance approving the Cuyahoga Falls Downtown Historic District Revitalization Sign Criteria and Master Sign Plan, as more fully described and depicted herein, and declaring an emergency.
A-19	2/26/18	Fin	An ordinance authorizing the Director of Public Service to execute a modification of Contract No. 7495 with Nathan Contracting, LP, for repairs to the Green Parking Deck, and declaring an emergency.
A-20	2/26/18	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, according to law, to refinish the main pool surface at Water Works Family Aquatic Center, and declaring an emergency.
A-21	2/26/18	PI	An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, with David Pelligra & Architects, Inc., for architectural design services for the Cuyahoga Falls Law Enforcement Training Center, and declaring an emergency.

A-22	2/26/18	PA	An ordinance creating the position Member Relations Supervisor in the department of Parks and Recreation, and declaring an emergency.
A-23	3/5/18	Fin	An ordinance authorizing the Director of Law to enter into a contract or contracts, without competitive bidding, with Benesch Friedlander Coplan and Aronoff LLP for legal services related to labor negotiations, disciplines, resolving contract disputes through mediation, arbitration or conciliation, or any other matter related to labor employment matters or collective bargaining, and declaring an emergency.

* Public Hearing 4-9-18

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2018

8
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION
10 APPROVAL, FINDINGS AND CONDITIONS OF THE SITE PLAN
11 FOR 169 PERSONAL STORAGE UNITS AT 310 E.
12 TALLMADGE ROAD (PARCEL 02-19506), AND DECLARING
13 AN EMERGENCY.
14

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

18 WHEREAS, on March 7, 2018, the Planning Commission recommended approval of the
19 site plan to construct twelve (12) drive-up exterior single story (personal) mini-storage
20 buildings with one hundred and sixty nine (169) total units at 310 E. Tallmadge Road
21 (Parcel 02-19506); and
22

23 WHEREAS, U-Haul Moving and Storage will operate and own (personal) mini-storage
24 buildings and such units will supplement the heated units being developed at 1950
25 Newberry Street; and
26

27 WHEREAS, such approval is given subject to conditions subsequent to be satisfied;
28 and
29

30 WHEREAS, such approval is necessary to determine that the site plan is satisfactory,
31 serves the public interest, and is acceptable for recording.
32

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

36 Section 1. The City Council approves the site plan to construct twelve (12) drive-up
37 exterior single story (personal) mini-storage buildings with one hundred and sixty nine
38 (169) total units at 310 E. Tallmadge Road (Parcel 02-19506), in accordance with the
39 Cuyahoga Falls General Development Code regulations as stipulated in the Codified
40 Ordinances of the City of Cuyahoga Falls and as approved by the Planning Commission as
41 per the plans and final stipulations contained in Project File MSP-18-00005.
42

43 Section 2. Any other ordinances or resolutions or portions of ordinances and
44 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
45 not inconsistent herewith and which have not previously been repealed are hereby ratified
46 and confirmed.
47

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

6
7 ORDINANCE NO. - 2018

8
9 AN ORDINANCE AUTHORIZING AND APPROVING THE PRELIMINARY
10 SUBDIVISION PLAT (SECTION 1113.03) FOR WOODLANDS VILLAS/ESPLANADE
11 SUBDIVISION ON PARCELS 35-03248, 35-03246 AND 35-06575, AND
12 DECLARING AN EMERGENCY.
13

14
15 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the Planning
16 Commission be submitted to Council; and
17

18 WHEREAS, the Planning Commission is required to review and provide a recommendation for all Preliminary
19 Subdivision Plans in the City of Cuyahoga Falls, Ohio; and
20

21 WHEREAS, on March 6, 2018, the Planning Commission approved the Woodland Villas/Esplanade Preliminary
22 Subdivision Plat for the construction of single-family residential lots on Parcels 35-03248, 35-03246 and 35-06575 on
23 Sourek Trail, within the City of Cuyahoga Falls, Ohio.
24

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

28 Section 1. The City Council approves the Preliminary Subdivision Plat for Woodland Villas/Esplanade
29 Subdivision on Parcels 35-03248, 35-03246 AND 35-06575 in Cuyahoga Falls, Ohio, in accordance with all Cuyahoga
30 Falls General Development Code regulations and as stipulated in the Codified Ordinances of the City of Cuyahoga
31 Falls as approved by the Planning Commission as per all plans and stipulations contained in Project File PMP-18-
32 00006.
33

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

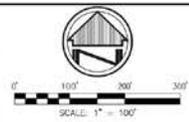
38 Section 3. It is found and determined that all formal actions of this Council concerning and relating to the
39 adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council
40 and of any of its committees that resulted in such formal action,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

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

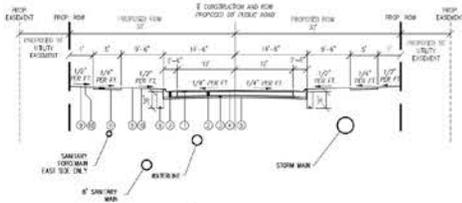
50 Passed: _____
51 _____
52 President of Council

53
54 _____
55 Clerk of Council

56
57
58 Approved: _____
59 _____
60 Mayor



DATE: 01-11-2018	REVISION:	NO.	DATE
DRAWN: JF	PROJECT: 20170052	1	01-23-2018
CHECKED: JF	PROJECT: WOODLAND VILAS PHASE 1 & 2	2	
DESIGNED: JF		3	
PROJECT NUMBER:	20170052		
PROJECT NAME:	WOODLAND SUBDIVISION STREET NETWORK PLAN		
DATE: 01-11-2018	REVISION:	NO.	DATE
DRAWN: JF	PROJECT: 20170052	1	01-23-2018
CHECKED: JF	PROJECT: WOODLAND VILAS PHASE 1 & 2	2	
DESIGNED: JF		3	



TYPICAL 60' ROADWAY SECTION

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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2018

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SAFETY TO ENTER INTO A CONTRACT OR CONTRACTS,
9 ACCORDING TO LAW, FOR THE PURCHASE OF TURNOUT GEAR
10 FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN
11 EMERGENCY.
12

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

16
17 Section 1. The Director of Public Safety is hereby authorized to enter into a contract or
18 contracts, according to law, for the purchase of turnout gear for use by the Fire Department.
19

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

23 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
24 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
25 ordinances and resolutions not inconsistent herewith and which have not previously been repealed
26 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 that
30 all deliberations of this Council and of any of its committees that resulted in such formal action
31 were in meetings open to the public, in compliance with all legal requirements including Section
32 121.22 of the Ohio Revised Code.
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, and provided it receives the affirmative vote of two-thirds of the
37 members elected or appointed to Council, it shall take effect and be in force immediately upon its
38 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
39 period allowed by law.
40

41
42 Passed: _____

President of Council

Clerk of Council

43
44
45
46
47
48
49
50 Approved: _____

Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2018

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO AN ENERGY
9 PURCHASE AGREEMENT KNOWN AS THE "2026-
10 2028 FIXED VOLUME ENERGY SUPPLY SCHEDULE"
11 WITH AMERICAN MUNICIPAL POWER, INC., AND
12 DECLARING AN EMERGENCY.
13

14
15 WHEREAS, the City owns and operates an electric utility system for the sale
16 of electric power and associated energy for the benefit of its citizens and
17 taxpayers; and
18

19 WHEREAS, in order to satisfy the electric energy requirements of its electric
20 utility system, the City has purchased electric capacity and energy from American
21 Municipal Power, Inc. ("AMP"), of which the City is a Member; and
22

23 WHEREAS, pursuant to Ord. No. 127-2005, AMP and the City have entered
24 into a Master Services Agreement ("MSA"), which sets forth general terms and
25 conditions under which, among other things, AMP may sell and the City may
26 purchase electric capacity and energy and other services through Schedules to
27 the MSA; and
28

29 WHEREAS, in furtherance of this purpose, AMP has committed to and will
30 negotiate with one or more reputable and financially sound third party power
31 suppliers to enter into an agreement(s) to purchase electric power and/or energy
32 in various megawatt ("MW") or megawatt hour ("MWh") blocks for a term
33 beginning on January 1, 2026 and ending December 31, 2028, all of which will
34 provide an economical source of electric power and/or energy (herein "Long Term
35 Power Purchase(s)") for the City; and
36

37 WHEREAS, AMP, on behalf of the City, desires to purchase from third party
38 supplier(s) and then to resell the power and energy available from these Long
39 Term Power Purchase(s) on a long term basis to the City at contract cost
40 (excluding any taxes, transmission costs, replacement power, losses, congestion
41 costs, purchased power security costs, or AMP service fees) not to exceed \$35.00
42 per MWh; and
43

44 WHEREAS, AMP, has prepared and delivered to the City the form of a 2026-
45 2028 Fixed Volume Energy Supply Schedule, pursuant to which the City may
46 purchase power and/or energy; and
47

48 WHEREAS, AMP has provided and will continue to provide appropriate
49 personnel and information regarding the Long Term Power Purchase(s) to the
50 City, as the Director of Public Service and/or his designees deem necessary or

51 appropriate, to enable the City to evaluate the benefits and risks of the Long Term
52 Power Purchase(s), to take actions contemplated by the terms hereinafter set
53 forth and to determine that the same are in the public interest,
54

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

58 Section 1. The Director of Public Service is authorized to enter into an
59 energy purchase agreement known as the “2026-2028 Fixed Volume Energy
60 Supply Schedule” between the City and AMP, substantially in the form attached
61 hereto as Exhibit 1, together with such revisions, additions or amendments as
62 are approve by the Director of Law as being consistent with the objectives and
63 requirements of this ordinance.
64

65 Section 2. The Director of Public Service is hereby authorized to (i) acquire
66 under the 2026-2028 Fixed Volume Energy Supply Schedule, authorized above,
67 power and energy from one or more Long Term Power Purchase(s), each with a
68 term beginning on January 1, 2026 and ending December 31, 2028, and with a
69 third party contract price (excluding any taxes, transmission costs, replacement
70 power, losses, congestion costs, purchased power security costs, or AMP service
71 fees) not to exceed \$35.00 per MWh for 7x24 purchases, from AMP. The Director
72 of Public Service is further authorized to execute and deliver any and all
73 documents necessary to participate in one or more Long Term Power Purchase(s),
74 pursuant to the conditions set forth herein for a term beginning on January 1,
75 2026 and ending December 31, 2028, as set forth in the 2026-2028 Fixed Volume
76 Energy Supply Schedule; provided, however, that the total MW for all such 7 x
77 24 purchases under the 2026-2028 Fixed Volume Energy Supply Schedule shall
78 not exceed 10 MW.
79

80 Section 3. Competitive bidding is not required on the City’s acquisition by
81 its right to secure energy under the 2026-2028 Fixed Volume Energy Supply
82 Schedule, and in the event any competitive bidding requirements are applicable
83 any such competitive bidding requirement that might otherwise be applicable,
84 are hereby waived.
85

86 Section 4. If any section, subsection, paragraph, clause or provision or any
87 part thereof of this ordinance shall be finally adjudicated by a court of competent
88 jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by
89 such adjudication and all the remaining provisions of this ordinance shall remain
90 in full force and effect as though such section, subsection, paragraph, clause or
91 provision or any part thereof so adjudicated to be invalid had not, to the extent
92 of such invalidity, been included herein.
93

94 Section 5. Any other ordinances and resolutions or portions of ordinances
95 and resolutions inconsistent herewith are hereby repealed, but any ordinances
96 and resolutions or portions of ordinances and resolutions not inconsistent
97 herewith and which have not previously been repealed are hereby ratified and
98 confirmed.
99

CITY OF CUYAHOGA FALLS, OHIO
2026-2028 FIXED VOLUME ENERGY SUPPLY SCHEDULE
AMP Contract No. 2016-003031-SCHED

**A Schedule to American
Municipal Power, Inc. and
City of Cuyahoga Falls, Ohio**
Master Service Agreement No. C-11-2005-4420

WHEREAS, the City of Cuyahoga Falls, Ohio (the “Municipality”) and American Municipal Power, Inc. (“AMP”), collectively (“Parties”), have entered into a Master Service Agreement (“Agreement”) under which certain services may be provided under schedules thereto;

WHEREAS, in order to obtain economical electric energy, the Municipality desires to purchase electric energy from AMP or have AMP arrange for the same on behalf of the Municipality; and

WHEREAS, AMP will negotiate with one or more reputable and financially sound third party power suppliers to enter into an agreement(s) to purchase electric energy in various megawatt (“MW”) or megawatt hour (“MWh”) blocks for a term beginning on January 1, 2026 and ending no later than December 31, 2028, all of which will provide an economical source of electricity energy (herein “Long Term Energy Purchase(s)”) for Municipality.

NOW, THEREFORE, in consideration of the conditions, terms and covenants hereinafter contained, the Parties do hereby mutually agree as follows:

ARTICLE I
TERM

SECTION 101 – CONTRACT TERM: Subject to the conditions contained herein, this Schedule shall be for a term beginning on January 1, 2026 and ending no later than

December 31, 2028.

ARTICLE II
CONTRACT QUANTITIES AND RATE

SECTION 201 - CONTRACT QUANTITIES: For the compensation hereinafter set forth, and pursuant to the terms and conditions contained herein, AMP shall arrange for the delivery of energy to the Municipality. The Municipality shall be invoiced and responsible for paying, and AMP is entitled to receive as compensation, the following:

- A. Actual monthly transmission fees, congestion charges, ancillary services, unforced capacity charges, losses, customer charges, security costs, replacement energy, and taxes or other such costs incurred by AMP to deliver the energy to the Municipality's Delivery Point;
- B. AMP's Service Fee B, as defined in the Agreement, for all energy sold or arranged for and delivered pursuant to this Schedule, unless the same is paid for under another power supply schedule; and
- C. The contract rates or fees that AMP pays or incurs for each MW or MWh of energy supplied to the Municipality.

The Long Term Energy Purchases anticipated to be executed as transaction confirmations between AMP and third party power suppliers for the benefit of Municipality are listed in the following table. The Municipality's Authorized Representative as designated in Section 402 (or his/her designee) shall be authorized to approve purchases (and execute necessary transaction confirmations) of energy with a term beginning on January 1, 2026 and ending no later than December 31, 2028 as set forth in the table below. Additionally, the third party power supply contract prices of all energy purchases made under this Schedule (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) shall not exceed \$35.00 per MWh for 10 MW purchases.

Term	Total Planned Purchase	Description	Days/Week	Hours/Day	Supplier
1/1/2026 – 12/31/2028	10 MW	7X24	7	24	TBD via steps 1 – 4 below

SECTION 202 – PROCEDURES FOR AUTHORIZATION OF ENERGY SUPPLY ACQUISITION AND SALE: It is understood and anticipated that AMP may throughout the term of this Schedule, enter into energy purchase transaction confirmations or other arrangements on behalf of the Municipality, subject to the approval of Municipality’s Authorized Representative, to implement the Long Term Energy Purchases contemplated in Section 201 of this Schedule. The steps that will be followed in securing such Long Term Energy Purchases are set forth below.

At the time that AMP recommends that a Long Term Energy Purchase should be finalized, the following shall take place:

1. Authorized personnel of AMP shall confer with the Municipality’s Authorized Representative (or his/her designee) on a recorded telephone line or through E-mail, regarding AMP’s recommended Long Term Energy Purchases that meet the requirements of Section 201 and the table set forth therein prior to executing a transaction confirmation with a third party power supplier. AMP will provide power supply recommendations to Municipality’s Authorized Representative based upon the best market information available to AMP at the time any conferring takes place.

2. If the Municipality’s Authorized Representative approves AMP’s recommendation and authorizes acquisition of the Long Term Energy Purchase over a recorded telephone line or through E-mail, then AMP shall acquire the Long Term Energy Purchase on behalf of the Municipality subject to the effective date and other terms and conditions approved by the Municipality’s Authorized Representative.

3. AMP will enter into a transaction confirmation or other arrangement with the authorized and approved third party power supplier as soon as reasonably possible after approval is received as set forth above.

4. Once a Purchase is finalized and a supplier transaction confirmation executed, AMP will send an acknowledgement of the transaction via email to Municipality's Authorized Representative that contains the commercial terms for Municipality's review and records.

ARTICLE III **DELIVERY POINT**

SECTION 301 – DELIVERY POINTS: The delivery point(s) for electric energy to be delivered hereunder ("Point of Delivery" or "Delivery Point") shall be the Municipality's interconnections with PJM, or its successor.

ARTICLE IV **GENERAL**

SECTION 401 - FIRMNESS OF SUPPLY: Firmness of supply under this Schedule shall be equal to the firmness provided by the energy supply schedules and transmission service arrangements executed by AMP, which are utilized to provide energy under this Schedule.

AMP's obligations hereunder are specifically dependent upon the performance of the suppliers with whom AMP transacts on behalf of the Municipality or as otherwise agreed to by the Parties. In the event of default of a power supplier (hereinafter "Supplier Default"), AMP shall provide replacement energy to Municipality and Municipality shall pay any cost difference (if any) of the replacement energy (or, if the cost of replacement energy is less, then Municipality shall pay that lower cost). Should a third party supplier default to such a degree that the agreement by and between that third party supplier and AMP is terminated, AMP shall use its best efforts to execute an alternate energy supply agreement, with another supplier unless otherwise agreed to in writing by Municipality.

Notwithstanding the foregoing, AMP agrees that it will notify Municipality promptly of any Supplier Default which may result in AMP's purchase of replacement energy for Municipality. AMP also agrees that in an event of a Supplier Default, AMP shall take all appropriate legal action to enforce the terms of AMP's contracts with the defaulting supplier and/or seek appropriate damages from supplier on Municipality's behalf. Municipality is, and shall be, third party beneficiary of such legal action and will be reimbursed or credited by AMP a *pro rata* share of any net recoveries against the defaulting supplier or Municipality's increased costs occasioned by the Supplier Default, whichever is less.

Municipality specifically acknowledges that although energy made available from the supplies purchased pursuant to this Schedule or otherwise agreed to by the Parties are intended to be the primary source of energy pursuant to this Schedule, AMP may, from time to time, substitute for actual delivery purposes other energy; provided that such substitute energy be of a similar firmness and reliability as that made available under the third party power supplier transaction confirmation(s) and further provided that such substitution does not result in increased costs to Municipality.

When third parties providing firm transmission service interrupt deliveries from AMP to Municipality, AMP will use commercially reasonable efforts to deliver energy across other parties' transmission systems if interruptions occur from the primary firm transmission provider's system.

All other terms and conditions of the Agreement between AMP and the Municipality that are not consistent with the terms and conditions of this Schedule shall be applicable as if fully restated herein.

SECTION 402 – AUTHORIZED REPRESENTATIVE: The Municipality's Representative shall be the Director of Public Service or the Director of Public Service's designee until modified by written notice to AMP by the Municipality.

IN WITNESS HEREOF, each of the Parties has caused this Schedule to be duly executed.

CITY OF CUYAHOGA FALLS, OHIO

AMERICAN MUNICIPAL POWER, INC.

By: _____

By: _____

Title: _____

Marc S. Gerken, P.E.
Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Legal Counsel

Lisa G. McAlister
Sr. Vice President and General Counsel
For Regulatory Affairs

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO - 2018

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF LAW
8 TO ENTER INTO A CONTRACT OR CONTRACTS,
9 WITHOUT COMPETITIVE BIDDING, WITH ROETZEL &
10 ANDRESS, LPA FOR LEGAL SERVICES RELATED TO
11 JOHNSON CONTROLS, INC., AND DECLARING AN
12 EMERGENCY.

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

16
17 Section 1. The Director of Law is hereby authorized to enter into a contract or
18 contracts, without competitive bidding, with Roetzel & Andress, LPA for legal services
19 related to Johnson Controls, Inc.

20
21 Section 2. The Finance Director is hereby authorized and directed to make payment
22 for same from various funds as lawfully appropriated.

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

28
29 Section 4. It is found and determined that all formal actions of this Council
30 concerning and relating to the adoption of this ordinance were adopted in an open
31 meeting of this Council and that all deliberations of this Council and of any of its
32 committees that resulted in such formal action were in meetings open to the public, in
33 compliance with all legal requirements including Section 121.22 of the Ohio Revised
34 Code.

35
36 Section 5. This ordinance is hereby declared to be an emergency measure necessary
37 for the preservation of the public peace, health, safety, convenience and welfare of the
38 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the
39 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
40 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

45
46
47
48 _____
49 Clerk of Council

50
51
52 Approved: _____

Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2018

6
7 AN ORDINANCE APPROVING THE APPLICATION OF
8 DANIEL MICHAEL LYNCH, TRUSTEE, AS OWNER OF
9 CERTAIN REAL PROPERTY LOCATED AT 643/653
10 WEST STEELS CORNERS ROAD (PARCEL NOS. 35-
11 00045, 35-05391 AND 35-05392), TO PLACE SAID
12 PROPERTY INTO AN AGRICULTURAL DISTRICT
13 PURSUANT TO OHIO REVISED CODE CHAPTER 929,
14 AND DECLARING AN EMERGENCY.
15

16 WHEREAS, Ohio Revised Code (“R.C.”) Section 929.01 *et seq.* provides that a
17 person who owns over 10 acres of contiguous agricultural land may place such
18 land in an agricultural district and thereby have the land be recognized as such by
19 the County Fiscal Officer for a renewable period not to exceed five years; and
20

21 WHEREAS, any application filed under R.C. §929.02 for agricultural land located
22 in a municipality is subject review and approval by the legislative authority of the
23 municipality; and
24

25 WHEREAS, Daniel Michael Lynch, Trustee, has filed an application to have the
26 real property located at 643/653 West Steels Corners Road (Summit County Parcel
27 Nos. 35-00045, 35-05391 and 35-05392) placed into an agricultural district
28 pursuant to Chapter 929 of the Ohio Revised Code; and
29

30 WHEREAS, after a public hearing on March 19, 2018, this Council finds and
31 determines that the application is complete and that the property qualifies for
32 inclusion in an agricultural district pursuant to Chapter 929 of the Ohio Revised
33 Code,
34

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

38 Section 1. This Council hereby approves the application of Daniel Michael
39 Lynch, Trustee to have the real property located at 643/653 West Steels Corners
40 Road (Summit County Parcel Nos. 35-00045, 35-05391 and 35-05392 placed into
41 an agricultural district pursuant to Chapter 929 of the Ohio Revised Code for a
42 period of five years.
43

44 Section 2. Any other ordinances and resolutions or portions of ordinances and
45 resolutions inconsistent herewith are hereby repealed, but any ordinances and
46 resolutions or portions of ordinances and resolutions not inconsistent herewith and
47 which have not previously been repealed are hereby ratified and confirmed.
48
49

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

56
57 Section 4. This resolution is hereby declared to be an emergency measure
58 necessary for the preservation of the public peace, health, safety, convenience and
59 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
60 received the affirmative vote of two-thirds of the members elected or appointed to
61 Council, it shall take effect and be in force immediately upon its passage and
62 approval by the Mayor; otherwise it shall take effect and be in force at the earliest
63 period allowed by law.

64
65
66 Passed: _____
67
68
69
70
71 _____
72 President of Council

73
74 _____
75 Clerk of Council

76 Approved: _____
77
78 _____
79 Mayor