

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 Tuesday, February 19, 2019, at 6:30 p.m. for the following purposes:

1. To introduce, assign to committee and discuss the following ordinance:

Finance Committee:

Temp Ord B-13

AN ORDINANCE AUTHORIZING THE DIRECTOR OF LAW TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND SETTLEMENT AGREEMENT RELATING TO THE MUNROE FALLS SHOOTING RANGE, MAKING NECESSARY APPROPRIATIONS FOR THE SAME, AND DECLARING AN EMERGENCY.

2. To conduct any other business, including without limitation, rules suspensions and executive sessions necessary to accomplish the foregoing.

Dated at Cuyahoga Falls, Ohio this 15th day of February, 2019.

_____/s/Don Walters
Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2019

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7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF LAW
8 TO ENTER INTO A MEMORANDUM OF UNDERSTANDING
9 AND SETTLEMENT AGREEMENT RELATING TO THE
10 MUNROE FALLS SHOOTING RANGE, MAKING
11 NECESSARY APPROPRIATIONS FOR THE SAME, AND
12 DECLARING AN EMERGENCY.
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15 WHEREAS, Munroe Falls owns property located on North Main Street in Munroe
16 Falls, Ohio that contains a firing range used by the Munroe Falls Police Department,
17 the City of Cuyahoga Falls, and by the police departments of the other Settling
18 Communities (“Main Street Firing Range”); and
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20 WHEREAS, Thomas Shubert, through his legal counsel Fair Shake Environmental
21 Legal Services (“Fair Shake”), sent a Notice of Intent to File a Citizen’s Suit against each
22 of the Settling Communities for alleged violations under the federal Resource
23 Conservation and Recovery Act, the federal Clean Water Act, and Ohio Solid Waste
24 Management Law regarding the ownership, operation and/or use of the Main Street
25 Firing Range (“Notice of Intent to Sue”); and
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27 WHEREAS, the Settling Communities deny that they are liable for violations alleged
28 in the Notice of Intent to Sue, but the City of Cuyahoga Falls and other Settling
29 Communities desire to resolve the matter in order to avoid the time and expense of
30 litigation.
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32 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
33 County of Summit, and State of Ohio, that:
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35 Section 1. The Director of Law is hereby authorized to enter into a Settlement
36 Agreement with Thomas Shubert, the City of Munroe Falls and other Settling
37 Communities and a Memorandum of Understanding with the City of Munroe Falls and
38 other Settling Communities related to the Main Street Firing Range, on the basis of the
39 proposal negotiated and presented to City Council in executive session on February 11,
40 2019.
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42 Section 2. The Director of Finance is hereby authorized to increase appropriations
43 in the General Fund, Police, line item Other Operations by \$60,000 and to make
44 payment for same from General Fund, Police, line item Other Operations.
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46 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions
47 inconsistent herewith are hereby repealed, but any ordinances and resolutions not
48 inconsistent herewith and which have not previously been repealed are hereby ratified
49 and confirmed.
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51 Section 4. It is found and determined that all formal actions of this Council
52 concerning and relating to the passage of this ordinance were taken in an open meeting
53 of this Council and that all deliberations of this Council and of any committees that
54 resulted in those formal actions were in meetings open to the public, in compliance with
55 all legal requirements including Chapter 107 of the Codified Ordinances.

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Section 5. 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, 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

2/19/19

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