

NEW LEGISLATION

April 11, 2016

Temp. No.	Introduced	Committee	Description
A-28	4/11/16	Fin	An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 7045 with CT Consultants, and declaring an emergency.
A-29	4/11/16	Fin	An ordinance authorizing the Mayor to enter into a contract, without competitive bidding, with Clean Air Concepts for the lease and/or purchase of vehicle exhaust capture systems for use by the Fire Department, and declaring an emergency.
A-30	4/11/16	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the repair and/or reconstruction of concrete pavement at various locations in the City, and declaring an emergency.
A-31	4/11/16	PA	A resolution to support and participate in the Ohio Environmental Protection Agency's efforts to remove the Gorge Dam along the Cuyahoga River, and declaring an emergency.
A-32	4/11/16	PA	An ordinance amending Section 111.01 of the Codified Ordinances, relating to the Rules of City Council, and declaring an emergency.
A-33	4/11/16	PA	A resolution supporting the Administration's application to the United States Department of Transportation for the 2016 TIGER discretionary grant program, and declaring an emergency.

CALENDAR

April 11, 2016

The following legislation will be up for passage at the Council Meeting on April 11, 2016.

Temp. No.	Introduced	Committee	Description
A-15	2/22/16	PI	An ordinance authorizing the Park and Recreation Board to enter into a contract or contracts, according to law, for the construction of an access point for kayaks and canoes on the Cuyahoga River at River Front Park, and declaring an emergency.
A-27	3/28/16	PA	An ordinance amending Section 945.06 of the Codified Ordinances, and declaring an emergency.

PENDING LEGISLATION

April 11, 2016

Temp. No.	Introduced	Committee	Description
A-15	2/22/16	PI	An ordinance authorizing the Park and Recreation Board to enter into a contract or contracts, according to law, for the construction of an access point for kayaks and canoes on the Cuyahoga River at River Front Park, and declaring an emergency.
A-27	3/28/16	PA	An ordinance amending Section 945.06 of the Codified Ordinances, and declaring an emergency.

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2016

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO
8 ENTER INTO A MODIFICATION OF CONTRACT NO. 7045 WITH CT
9 CONSULTANTS, AND DECLARING AN EMERGENCY.

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11 WHEREAS, pursuant to the authority of Ord. No. 64-2014, the Director of Public Service entered into
12 Contract No. 7045, with CT Consultants, for the professional design engineering services necessary to proceed
13 with improvements to Howe Avenue from Main Street to Buchholzer Boulevard (the "Project"); and
14

15 WHEREAS, for the Project to proceed, additional surveying services are required to confirm existing
16 property lines, and right-of-way plans and environmental studies need prepared which are required to obtain
17 necessary right-of-way.
18

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

21
22 Section 1. The Director of Public Service is hereby authorized to enter into a modification of Contract No.
23 7045, with CT Consultants, on the basis of its proposal dated March 7, 2016, in an amount not to exceed
24 \$83,657.00. The total contract price after modification as authorized herein shall not exceed \$495,492.00.
25

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

29 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions inconsistent
30 herewith are hereby repealed, but any ordinances and resolutions or portions of ordinances and resolutions not
31 inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.
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33 Section 4. It is found and determined that all formal actions of this Council concerning and relating to the
34 adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this
35 Council and of any of its committees that resulted in such formal action, were in meetings open to the public,
36 in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified
37 Ordinances.
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39 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the preservation of
40 the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants
41 thereof, and provided it receives the affirmative vote of two thirds of the members elected or appointed to
42 Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise
43 it shall take effect and be in force at the earliest period allowed by law.
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45 Passed: _____
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48 President of Council

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50 Clerk of Council

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52 Approved: _____
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54 Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2016

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8 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
9 INTO A CONTRACT, WITHOUT COMPETITIVE BIDDING,
10 WITH CLEAN AIR CONCEPTS FOR THE LEASE AND/OR
11 PURCHASE OF VEHICLE EXHAUST CAPTURE
12 SYSTEMS FOR USE BY THE FIRE DEPARTMENT, AND
13 DECLARING AN EMERGENCY.
14

15 WHEREAS, a vehicle exhaust capture system provides a higher level of health and
16 safety by removing toxic vehicle exhaust emissions from Fire Department bays, and;
17

18 WHEREAS, Clean Air Concepts provided and installed the original vehicle exhaust
19 capture system and any upgrades, and;
20

21 WHEREAS, Clean Air Concepts is the only vendor that can provide and install
22 compatible vehicle exhaust capture systems for use by the Fire Department.
23

24 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
25 Falls, County of Summit and State of Ohio, that:
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27 Section 1. The Mayor is hereby authorized to enter into a contract or contracts,
28 without competitive bidding, with Clean Air Concepts, on the basis of its final
29 proposal dated March 7, 2016, for the lease and/or purchase of vehicle exhaust
30 capture systems for use by the Fire Department.
31

32 Section 2. The Director of Finance is hereby authorized and directed to make
33 payment for same from Capital Projects Fund, line item Capital Outlay.
34

35 Section 3. Any other ordinances or resolutions or portions of ordinances and
36 resolutions inconsistent herewith are hereby repealed, but any ordinances and
37 resolutions not inconsistent herewith and which have not previously been repealed
38 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
42 meeting of this Council, and that all deliberations of this Council and of any of its
43 committees that resulted in such formal action, were in meetings open to the public,
44 in compliance with all legal requirements, to the extent applicable, including Chapter
45 107 of the Codified Ordinances.
46

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

50 two-thirds of the members elected or appointed to Council, it shall take effect and be
51 in force immediately upon its passage and approval by the Mayor; otherwise it shall
52 take effect and be in force at the earliest period allowed by law.

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55 Passed: _____

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President of Council

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Clerk of Council

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61 Approved: _____

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Mayor

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4/11/16

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2016

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9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, FOR THE REPAIR AND/OR
12 RECONSTRUCTION OF CONCRETE PAVEMENT AT VARIOUS
13 LOCATIONS IN THE CITY, AND DECLARING AN EMERGENCY.
14

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

18
19 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
20 contracts, according to law, for the repair and/or replacement of concrete pavement at various
21 locations in the City.
22

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

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

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

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

President of Council

Clerk of Council

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50 Approved: _____

Mayor

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53 4/11/16

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 RESOLUTION NO. -2016

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7 A RESOLUTION TO SUPPORT AND PARTICIPATE IN THE OHIO
8 ENVIRONMENTAL PROTECTION AGENCY'S EFFORTS TO
9 REMOVE THE GORGE DAM ALONG THE CUYAHOGA RIVER,
10 AND DECLARING AN EMERGENCY.

11
12 WHEREAS, the Cuyahoga River is recognized as a high quality stream which flows runs
13 through the City of Cuyahoga Falls, eventually flowing through the Cuyahoga Valley
14 National Park and empties into Lake Erie, and;

15
16 WHEREAS, the Cuyahoga River provides important environmental benefits and value to
17 our community and our regional park resources, and;

18
19 WHEREAS, the Ohio Environmental Protection Agency (OEPA) completed a Lower
20 Cuyahoga River Total Maximum Daily Load (TMDL) in 2003, and;

21
22 WHEREAS, the TMDL identified the presence of low head dams in this area as the
23 primary cause of impairment to aquatic life resources, and;

24
25 WHEREAS, the OEPA has been successful in bypassing the Kent Dam in 2004, removing
26 the Munroe Falls Dam in 2005, and removing the Powerhouse and Sheraton Dams in
27 Cuyahoga Falls in 2013, and;

28
29 WHEREAS, the removal of the Gorge Dam directly addresses the impact of flow
30 alteration and will contribute to the restoration of riparian habitat and aquatic life
31 communities in compliance with Ohio Water Quality and Biological Criteria.

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

35
36 Section 1. This Council hereby supports and agrees to participate in the Ohio
37 Environmental Protection Agency's efforts to remove the Gorge Dam along the Cuyahoga
38 River.

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40 Section 2. It is found and determined that all formal actions of this Council concerning
41 and relating to the adoption of this resolution were adopted in an open meeting of this
42 Council and that all deliberations of this Council and of any of its committees that resulted
43 in such formal action were in meetings open to the public, in compliance with all legal
44 requirements including, to the extent applicable, Chapter 107 of the Codified Ordinances.

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46 Section 3. This resolution is hereby declared to be an emergency measure necessary
47 for the preservation of the public peace, health, safety, convenience and welfare of the City
48 of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote

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

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53 Passed: _____

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President of Council

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Clerk of Council

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59 Approved: _____

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Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2016

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8 AN ORDINANCE AMENDING SECTION 111.01 OF THE
9 CODIFIED ORDINANCES, RELATING TO THE RULES OF
10 CITY COUNCIL, AND DECLARING AN EMERGENCY.

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

15
16 Section 1. Section 111.01 of the Codified Ordinances of the City of Cuyahoga Falls
17 is hereby amended to read in full as follows (new text underlined; deleted text in
18 ~~striketrough~~):

19
20 (a) Scheduling

21
22 Within ten (10) days from the commencement of their term, Council shall hold an
23 organizational meeting which shall be the first regularly scheduled meeting of the term
24 or a special meeting called for organizational purposes. Said meeting shall be conducted
25 in the manner, form and order as follows:

26
27 (b) Seating

28
29 Prior to calling the meeting to order, seating should be designated by name placard
30 placement.

31
32 (c) Call to Order

33
34 The senior member of council shall call Council to order, and ensure the presence
35 of a quorum.

36
37 (d) Election of Temporary Chair

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39 The senior member of council will then open the floor for nominations for
40 Temporary Chair. Nominations do not need a second. After each nomination, the senior
41 member will ask, "Are there any more nominations?" After a sufficient pause of silence,
42 the senior member will declare nominations closed. If only one nomination has been
43 received, it can be confirmed by a voice vote. If more than one nomination is received,
44 then the senior member will appoint two tellers and a ballot will be taken.

45
46 (e) Meeting Formalities

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48 Once elected, the Temporary Chair will take over the meeting and perform the
49 following:

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51 (1) Roll call of new council
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53 (2) Invocation
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55 (3) Pledge of Allegiance

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(f) Election of President

The Temporary Chair will preside over the election of President. The Temporary Chair will call for nominations, which need not be seconded. After each nomination, the Chair will ask, "Are there any more nominations?" After a sufficient pause of silence, the Chair will declare nominations closed and a vote shall be taken by written ballot, the Chair appointing two tellers. Voting shall be by separate written ballot for each office; and a majority of all members of Council shall be required for an election. In case no election results from the first two ballots, the candidate receiving the fewest number of votes on the second ballot shall be dropped from the list of nominees; and similar procedure shall be followed with each subsequent ballot until an election results. If the foregoing proceedings have resolved down to two candidates and five ballots have been taken without an election resulting, then the Temporary Chair or President, where applicable, shall by a single flip of a coin being called by one of the two candidates determine the winner. All elections by the Council shall be conducted in the same manner. Once elected, the President shall be sworn in.

(g) Election of Clerk

The President shall preside over the election of the Clerk. Once elected, the Clerk shall be sworn in and immediately begin recording the proceedings.

(h) Election of President Pro Tem

The President shall preside over the election of President Pro Tem

(i) Procedure for Elections

A secret ballot shall not be used in any election. Each member of Council shall write one (1) nominee's name on a ballot and sign his or name to the ballot.

~~(j)~~(j) Committee Membership

The President shall next appoint a Committee of four (4) members of council at least one of whom must not be of the majority party, who, together with the President, shall constitute a Committee on Committees and Seating, on which Committee the President shall have power to vote.

~~(j)~~(k) Committee Meeting

Immediately after the appointment of the four (4) members of the Committee on Committees and Seating, they shall convene and conduct a Committee meeting where they shall recommend Chair and Vice-Chair of the Standing Committees for the elective term and designated seats for Council.

~~(k)~~(l) Committee Report and Council Approval

The Committee will report their selections, which shall, before going into effect, be approved by a majority of all members of Council.

~~(m)~~(m) Other Appointments

The President may designate Council Representatives for Boards and Commissions as well as Sergeant at Arms and Chaplain. See Appendix A for Council's representation on Boards and Commissions.

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(m)(n) Other Business

If the organizational meeting is held during the first regularly scheduled council meeting, once council has organized pursuant to these rules it shall proceed with the normal order of business.

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

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all requirements including Chapter 107 of the Codified Ordinances.

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, 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

4/11/16

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTION NO. - 2016

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9 A RESOLUTION SUPPORTING THE ADMINISTRATION'S
10 APPLICATION TO THE UNITED STATES DEPARTMENT OF
11 TRANSPORTATION FOR THE 2016 TIGER DISCRETIONARY GRANT
12 PROGRAM, AND DECLARING AN EMERGENCY.
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15 WHEREAS, the Transportation Investment Generating Economic Recovery (“TIGER”) grant
16 program provides federal funding for capital investments in surface transportation infrastructure for
17 projects that leverage resources, encourage partnerships, catalyze investment and growth, fill a
18 critical void in the transportation system or provide a substantial benefit to the nation, region or
19 metropolitan area in which the project is located; and
20

21 WHEREAS, transformative investments anchor broad and long-lasting positive change in
22 economic development, safety, quality of life, and environmental sustainability; and
23

24 WHEREAS, the City of Cuyahoga Falls (“City”) seeks to apply for grant funding to transform
25 its historic downtown by reopening Front Street Mall to multimodal transportation uses and
26 transforming other adjacent streets into complete streets as set forth in the City’s 2016 Downtown
27 Circulation Plan (the “Project”); and
28

29 WHEREAS, the City has engaged in a robust public participation and planning process with
30 numerous public meetings with residents, property owners, business owners, local elected officials,
31 developers and consultants which attracted hundreds of individuals; and
32

33 WHEREAS, the TIGER grant investment will improve connectivity between the downtown
34 and older established neighborhoods in Cuyahoga Falls; and
35

36 WHEREAS, the infrastructure improvements will be the stimulus for private reinvestment
37 that will create new jobs, services and shopping opportunities in a vibrant mixed-use environment;
38 and
39

40 WHEREAS, the 2016 Cuyahoga Falls Market Analysis concluded that attracting a critical
41 mass of retailers and restaurants downtown will reestablish the historic commercial, social and civic
42 functions to the core of the City and a revitalized downtown would likely generate over \$60.4 million
43 in new annual sales; and
44

45 WHEREAS, this project encompasses the principles behind Ladders of Opportunity and will
46 help to make Cuyahoga Falls a stronger, more connected, economically healthy and vibrant
47 community.
48

49 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls, County
50 of Summit and State of Ohio, that:
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52 Section 1. In order to implement the 2016 Downtown Circulation Plan, Council supports the
53 Administration’s application to the United States Department of Transportation for the 2016 TIGER
54 discretionary grant program. If awarded, the grant will enable the City to complete the Project
55 thereby linking transportation improvements to new opportunities, jobs and housing within the
56 community.

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Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances.

Section 3. This resolution 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

4/11/16
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