

NEW LEGISLATION

September 23, 2024

Temp. No.	Introduced	Committee	Description
A-81	9/23/24	Fin	An ordinance determining to proceed with the acquisition, installation, equipment, and improvement of certain public improvements in the City of Cuyahoga Falls, Ohio in cooperation with the Akron-Summit County Energy Special Improvement District, and declaring an emergency.
A-82	9/23/24	Fin	An ordinance levying special assessments for the purpose of acquiring, installing, equipping, and improving certain public improvements in the City of Cuyahoga Falls, Ohio in cooperation with the Akron-Summit County Energy Special Improvement District; and approving an Energy Project Cooperative Agreement, a Special Assessment Agreement, and a Supplement to a Standing Payment Agreement in connection with such improvements and special assessments, and declaring an emergency.
A-83	9/23/24	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, with Survalent Technology Corp. for the replacement of the Supervisory Control and Data Acquisition platform for the Electric Department, and declaring an emergency.

A-84	9/23/24	PI	An ordinance authorizing the Mayor to enter into a Reimbursement Agreement with the City of Akron, Ohio for the connection of the relocated Gorge Sanitary Trunk Sewer to the Northside Interceptor Tunnel, and declaring an emergency.
A-85	9/23/24	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, with O. R. Colan Associates, LLC, for professional engineering services for the improvements to Wyoga Lake Road, from E. Steels Corners Road to Seasons Road, and declaring an emergency.
A-86	9/23/24	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts without competitive bidding with Kenmore Construction for the replacement of City storm sewer for emergency repairs at 125 Graham Road, and increasing appropriations, and declaring an emergency.
A-87	9/23/24	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, to construct three (3) dumpster enclosures on Riverfront Parkway, and declaring an emergency.

CALENDAR

September 23, 2024

The following legislation will be up for passage at the Council Meeting on September 23, 2024.

Temp. No.	Introduced	Committee	Description
A-70	7/22/24	CD	An ordinance approving a zoning map amendment for 2831 Bailey Road from R-4 urban density residential to MU-2 neighborhood center, and declaring an emergency.
A-76	9/9/24	Fin	A resolution accepting the amounts and rates of taxation as certified by the Summit County budget commission, authorizing the necessary tax levies, certifying such authorization to the county Fiscal Officer, and declaring an emergency.
A-77	9/9/24	Fin	A resolution approving the petition for special assessments for a special energy improvement project under Ohio Revised Code Chapter 1710 and approving the necessity of acquiring, installing, equipping, and improving certain public improvements in the City of Cuyahoga Falls, Ohio in cooperation with the Akron-Summit County energy special improvement district, and declaring an emergency.
A-78	9/9/24	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts for the installation of two (2) pre-fabricated ADA compliant restrooms for Indian Mountain and Kennedy Parks, and declaring an emergency.

A-79	9/9/24	PA	An ordinance amending the Traffic Control File, and declaring an emergency.
A-80	9/9/24	CD	An ordinance approving and authorizing the purchase of various playground equipment from Gametime, and declaring an emergency.

PENDING LEGISLATION

September 23, 2024

Temp. No.	Introduced	Committee	Description
A-70	7/22/24	CD	An ordinance approving a zoning map amendment for 2831 Bailey Road from R-4 urban density residential to MU-2 neighborhood center, and declaring an emergency.
A-74*	9/9/24	PZ	An ordinance approving a zoning map amendment for parcels located on State Road south of Boulder Boulevard from MU-1 rural neighborhood center to R-3 suburban density residential, and declaring an emergency.
A-75*	9/9/24	PZ	An ordinance approving a zoning map amendment for multiple parcels located on Boulder Boulevard and Quartz Avenue in the Boulder Estates subdivision from MU-1 rural neighborhood center to RM mixed density residential overlay (R-3), as more fully described and depicted herein, and declaring an emergency.
A-76	9/9/24	Fin	A resolution accepting the amounts and rates of taxation as certified by the Summit County budget commission, authorizing the necessary tax levies, certifying such authorization to the county Fiscal Officer, and declaring an emergency.
A-77	9/9/24	Fin	A resolution approving the petition for special assessments for a special energy improvement project under Ohio Revised Code Chapter 1710 and approving the necessity of acquiring, installing, equipping, and improving certain public improvements in the City of Cuyahoga Falls, Ohio in cooperation with the Akron-

Summit County energy special improvement district, and declaring an emergency.

A-78	9/9/24	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts for the installation of two (2) pre-fabricated ADA compliant restrooms for Indian Mountain and Kennedy Parks, and declaring an emergency.
A-79	9/9/24	PA	An ordinance amending the Traffic Control File, and declaring an emergency.
A-80	9/9/24	CD	An ordinance approving and authorizing the purchase of various playground equipment from Gametime, and declaring an emergency.

* A public hearing will be held on October 21, 2024 for temporary ordinances A-74 and A-75.

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO.

6
7 AN ORDINANCE DETERMINING TO PROCEED WITH THE
8 ACQUISITION, INSTALLATION, EQUIPMENT, AND
9 IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN
10 THE CITY OF CUYAHOGA FALLS, OHIO IN COOPERATION
11 WITH THE AKRON-SUMMIT COUNTY ENERGY SPECIAL
12 IMPROVEMENT DISTRICT, AND DECLARING AN
13 EMERGENCY.
14

15 WHEREAS, the Council duly adopted Resolution No. 11-2024 on September 23,
16 2024 (the "Resolution of Necessity"), (i) declaring the necessity of acquiring, installing,
17 equipping, and improving energy efficiency improvements, including, without limitation,
18 HVAC systems and LED lighting (the "Project," as more fully described in the Petition
19 referenced in this Ordinance) located on real property owned by AKRON PEN 1972, LLC
20 (the "Owner"), at 1972 Akron Peninsula Road, Akron, Ohio 44313 with Summit County
21 Fiscal Officer Parcel ID No. 3507260 within the City of Cuyahoga Falls, Ohio (the "City")
22 (the "Property", as more fully described in Exhibit A to the Petition); (ii) providing for the
23 acquisition, installation, equipping, and improvement of the Project by the Owner, as
24 set forth in the Owner's *Petition For Special Assessments for Special Energy Improvement*
25 *Projects* (the "Petition"), including by levying and collecting special assessments to be
26 assessed upon the Property (the "Special Assessments") in an amount sufficient to pay
27 the costs of the Project, which was estimated to be \$10,261,145.70 in the Petition,
28 including other related costs of financing the Project, which may include, without
29 limitation, the payment of principal of and interest on nonprofit corporate obligations
30 issued to pay the costs of the Project and other interest, financing, credit enhancement,
31 and issuance expenses and ongoing trustee fees and Akron-Summit County Energy
32 Special Improvement District ("District") administrative fees and expenses; and (iii)
33 determining that the Project will be treated as a special energy improvement project to
34 be undertaken cooperatively by the City and the District; and
35

36 WHEREAS, the claims for damages alleged to result from, and objections to, the
37 Project have been waived by the Owner as the owner of one hundred percent (100%) of
38 the Property, and following notice of the adoption of the Resolution of Necessity which
39 was personally delivered by the Clerk of Council to the Owner on September 24, 2024,
40 and no claims for damages alleged to result from, or objections to, the Project have been
41 filed within the times prescribed by Ohio Revised Code Sections 727.15 and 727.18.
42

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

45
46 Section 1. That each capitalized term not otherwise defined in this Ordinance or by
47 reference to another document shall have the meaning assigned to it in the Resolution
48 of Necessity.
49

50 Section 2. That this Council declares that its intention is to proceed or to cooperate
51 with the District to proceed with the acquisition, installation, equipping, and
52 improvement of the Project described in the Petition and the Resolution of Necessity.
53 The Project shall be made in accordance with the provisions of the Resolution of
54 Necessity and with the plans, specifications, profiles, and estimates of cost previously
55 approved and now on file with the Finance Director and the Clerk of this Council.
56

57 Section 3. That the Special Assessments to pay costs of the Project, which are
58 estimated to be \$10,261,145.70 including any and all architectural, engineering, legal,
59 insurance, consulting, energy auditing, planning, acquisition, installation,
60 construction, surveying, testing, and inspection costs; the amount of any damages
61 resulting from the Project and the interest on such damages; the costs incurred in
62 connection with the preparation, levy and collection of the special assessments; the cost
63 of purchasing and otherwise acquiring any real estate or interests in real estate;
64 expenses of legal services; costs of labor and material; trustee fees and other financing
65 costs incurred in connection with the issuance, sale, and servicing of securities,
66 nonprofit corporate obligations, or other obligations issued or incurred to provide a loan
67 or to secure an advance of funds to the Owner or otherwise to pay costs of the Project
68 in anticipation of the receipt of the Special Assessments, capitalized interest on, and
69 financing reserve funds for, such securities, nonprofit corporate obligations, or other
70 obligations so issued or incurred, including any credit enhancement fees, trustee fees,
71 program administration fees, financing servicing fees, and District administrative fees
72 and expenses; an amount to reflect interest on unpaid Special Assessments which shall
73 be treated as part of the cost of the Project for which the Special Assessments are made
74 at an interest rate which shall be determined by the District to be substantially
75 equivalent to the fair market rate that would have been borne by notes or bonds if notes
76 or bonds had been issued by the District or another issuer of notes or bonds to pay the
77 costs of the Project; together with all other necessary expenditures, shall be assessed
78 against the Property in the manner and in the number of semi-annual installments
79 provided in the Petition and the Resolution of Necessity. Each semi-annual Special
80 Assessment payment represents the payment of a portion of any principal repayment
81 and interest and administrative fees payable with respect to the Project. The Special
82 Assessments shall be assessed against the Property commencing in tax year 2025 for
83 collection in 2026 and shall continue through tax year 2039 for collection in 2040;
84 provided, however, if the proceedings relating to the Special Assessments are completed
85 at such time that the County Fiscal Officer of Summit County, Ohio determines that
86 collections shall not commence in 2026, then the collection schedule may be deferred
87 by one year. In addition to the Special Assessments, the County Fiscal Officer of Summit
88 County, Ohio may impose a special assessment collection fee with respect to each semi-
89 annual payment, which amount, if imposed, will be added to the Special Assessments
90 by the County Fiscal Officer of Summit County, Ohio.
91

92 Section 4. That the estimated Special Assessments for costs of the Project prepared
93 and filed in the office of the Clerk of this Council and in the office of the Finance Director,
94 in accordance with the Resolution of Necessity, are adopted.
95

96 Section 5. That in compliance with Ohio Revised Code Section 319.61, the Clerk of
97 Council is directed to deliver a certified copy of this Ordinance to the County Fiscal
98 Officer of Summit County, Ohio within 15 days after the date of its passage.
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CERTIFICATE

The undersigned Clerk of this Council hereby certifies that the foregoing is a true copy of Ordinance _____ duly adopted by the Council of the City of Cuyahoga Falls, Ohio on _____, 2024, and that a true copy of such Ordinance was certified to the County Fiscal Officer of Summit County, Ohio within 15 days after its passage.

Clerk of the Council

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO.

6
7 AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR
8 THE PURPOSE OF ACQUIRING, INSTALLING, EQUIPPING,
9 AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN
10 THE CITY OF CUYAHOGA FALLS, OHIO IN COOPERATION
11 WITH THE AKRON-SUMMIT COUNTY ENERGY SPECIAL
12 IMPROVEMENT DISTRICT; AND APPROVING AN ENERGY
13 PROJECT COOPERATIVE AGREEMENT, A SPECIAL
14 ASSESSMENT AGREEMENT, AND A SUPPLEMENT TO A
15 STANDING PAYMENT AGREEMENT IN CONNECTION WITH
16 SUCH IMPROVEMENTS AND SPECIAL ASSESSMENTS,
17 AND DECLARING AN EMERGENCY.
18

19 WHEREAS, AKRON PEN 1972, LLC (the "Owner") has submitted its *Petition For*
20 *Special Assessments for Special Energy Improvement Projects* (the "Petition") in order to
21 provide for the completion of a special energy improvement project on real property
22 owned by the Owner in the City of Cuyahoga Falls, Ohio (the "City"); and
23

24 WHEREAS, this Council duly passed Resolution No. 11-2024 on September 23, 2024
25 (the "Resolution of Necessity"), which approved the Petition and added the Owner's
26 property subject to the Petition to the Akron-Summit County Energy Special
27 Improvement District (the "District") and declared the necessity of acquiring, installing,
28 equipping, and improving energy efficiency improvements, including, without limitation,
29 HVAC systems and LED lighting (the "Project"), as described in the Resolution of
30 Necessity and as set forth in the Petition requesting those improvements; and
31

32 WHEREAS, this Council duly passed Ordinance No. _____ on October 14,
33 2024 and determined to proceed with the Project (the "Ordinance to Proceed") and
34 adopted the estimated Special Assessments (as defined in the Resolution of Necessity)
35 filed with the Clerk of this Council and the Finance Director pursuant to the Resolution
36 of Necessity; and
37

38 WHEREAS, the actual costs of the Project have been ascertained and have been
39 certified to the City in the Petition and the Supplemental Plan for the Project.
40

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

44 Section 1. That each capitalized term not otherwise defined in this Ordinance or by
45 reference to another document shall have the meaning assigned to it in the Resolution
46 of Necessity.
47

48 Section 2. That the list of Special Assessments to be levied and assessed on the
49 Property (as further described on Exhibit A) in an amount sufficient to pay the costs of
50 the Project, which is \$10,261,145.70, including other related financing costs incurred in

51 connection with the issuance, sale, and servicing of securities, nonprofit corporate
52 obligations, or other obligations issued to pay costs of the Project in anticipation of the
53 receipt of the Special Assessments, capitalized interest on, and financing reserve funds for,
54 such securities, nonprofit corporate obligations, or other obligations so issued, including
55 any credit enhancement fees, trustee fees, and District administrative fees and expenses,
56 which costs were set forth in the Petition and previously reported to this Council and
57 are now on file in the offices of the Clerk of Council and the Finance Director, is adopted
58 and confirmed, and that the Special Assessments are levied and assessed on the
59 Property. The interest portion of the Special Assessments, which shall accrue at the
60 annual rate not to exceed 7%, together with amounts used to pay administrative
61 expenses, has been determined by the District to be substantially equivalent to the fair
62 market rate that would have been borne by notes or bonds issued by the District to
63 facilitate the financing of the costs of the Project.
64

65 The Special Assessments are assessed against the Property commencing in tax year
66 2025 for collection in 2026 and shall continue through tax year 2039 for collection in
67 2040; provided, however, if the proceedings relating to the Special Assessments are
68 completed at such time that the County Fiscal Officer of Summit County, Ohio
69 determines that collections shall not commence in 2026, then the collection schedule
70 may be deferred by one year. The semi-annual installment of the Special Assessments
71 shall be collected in each calendar year equal to a maximum semi-annual amount of
72 Special Assessments as shown in Exhibit A, attached hereto and incorporated into this
73 Resolution.
74

75 All Special Assessments shall be certified by the Finance Director to the County
76 Fiscal Officer of Summit County, Ohio pursuant to the Petition and Ohio Revised Code
77 Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the
78 same manner as real property taxes are collected and as set forth in the Petition.
79

80 The Special Assessments shall be allocated among the parcels constituting the
81 Property as set forth in the Petition and the List of Special Assessments attached hereto
82 as Exhibit A and incorporated herein.
83

84 Section 3. That this Council finds and determines that the Special Assessments are
85 in proportion to the special benefits received by the Property as set forth in the Petition
86 and are not in excess of any applicable statutory limitation.
87

88 Section 4. That the Owner has waived its right to pay the Special Assessments in
89 cash, and all Special Assessments and installments of the Special Assessments shall be
90 certified by the Finance Director to the County Fiscal Officer of Summit County, Ohio
91 as provided by the Petition and Ohio Revised Code Section 727.33 to be placed by him
92 or her on the tax list and duplicate and collected with and in the same manner as real
93 property taxes are collected and as set forth in the Petition.
94

95 Section 5. That the Special Assessments will be used by the City to pay the cost of
96 the Project in cooperation with the District in any manner, including assigning the
97 Special Assessments actually received, or to be received, by the City to the District or to
98 another party the City deems appropriate, and the Special Assessments are
99 appropriated for such purposes.
100

101 Section 6. That the Finance Director shall keep the Special Assessments on file in
102 the Office of the Finance Director.

103
104 Section 7. That this Council hereby approves the Cooperative Agreement, a copy of
105 which is on file with the Clerk of Council. The Mayor shall sign and deliver, in the name
106 and on behalf of the City, the Cooperative Agreement, in substantially the form as is
107 now on file with the Clerk of this Council. The Cooperative Agreement is approved,
108 together with any changes or amendments that are not inconsistent with this Ordinance
109 and not substantially adverse to the City and that are approved the Mayor on behalf of
110 the City, all of which shall be conclusively evidenced by the signing of the Cooperative
111 Agreement or amendments to the Cooperative Agreement.

112
113 Section 8. That this Council hereby approves the Special Assessment Agreement a
114 copy of which is on file in the office of the Clerk of Council. The Mayor shall sign and
115 deliver, in the name and on behalf of the City, the Special Assessment Agreement, in
116 substantially the form as is now on file with the Clerk of this Council. The Special
117 Assessment Agreement is approved, together with any changes or amendments that are
118 not inconsistent with this Ordinance and not substantially adverse to the City and that
119 are approved by the Mayor, on behalf of the City, all of which shall be conclusively
120 evidenced by the signing of the Special Assessment Agreement or amendments to the
121 Special Assessment Agreement.

122
123 Section 9. That this Council hereby approves the Supplement to a Standing
124 Payment Agreement, a copy of which is on file in the office of the Clerk of Council. The
125 Mayor shall sign and deliver, in the name and on behalf of the City, the Supplement to
126 a Standing Payment Agreement, in substantially the form as is now on file with the Clerk
127 of this Council. The Supplement to a Standing Payment Agreement is approved,
128 together with any changes or amendments that are not inconsistent with this Ordinance
129 and not substantially adverse to the City and that are approved by the Mayor, on behalf
130 of the City, all of which shall be conclusively evidenced by the signing of the Supplement
131 to a Standing Payment Agreement or amendments to the Supplement to a Standing
132 Payment Agreement.

133
134 Section 10. That the City is hereby authorized to enter into such agreements that
135 are not inconsistent with the Resolution of Necessity, the Ordinance to Proceed and this
136 Ordinance and that are approved by the Mayor on behalf of the City, all of which shall
137 be conclusively evidenced by the signing of such agreements or any amendments to
138 such agreements.

139
140 Section 11. That in compliance with Ohio Revised Code Section 319.61, the Clerk
141 of this Council is directed to deliver a certified copy of this Resolution to the County
142 Fiscal Officer of Summit County, Ohio within 20 days after its passage.

143
144 Section 12. That the Council finds and determines that all formal actions of this
145 Council relating to the adoption of this Resolution have been taken at open meetings of
146 this Council; and that deliberations of this Council and of its committees, resulting in
147 such formal action, took place in meetings open to the public, in full compliance with
148 all statutory requirements including the requirements of Section 121.22 of the Ohio
149 Revised Code.

150

151 Section 13. This Ordinance is hereby declared to be an emergency measure
152 necessary for the immediate preservation of the public peace, health, and safety of the
153 residents of the City and for the purpose of immediately levying the assessments to fund
154 and finance the Project so that the same may be undertaken on a timely basis;
155 wherefore, this ordinance shall be in full force and effect immediately upon its adoption
156 and approval by the Mayor, otherwise it shall take effect and be in force at the earliest
157 period allowed by law.

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159

160 Passed: _____

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168 Approved: _____

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9/23/24

President of Council

Clerk of Council

Mayor

CERTIFICATE

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The undersigned Clerk of this Council hereby certifies that the foregoing is a true copy of Ordinance _____ duly adopted by the Council of the City of Cuyahoga Falls, Ohio on _____, 2024, and that a true copy of such Ordinance was certified to the County Fiscal Officer of Summit County, Ohio within 20 days after its passage.

Clerk of the Council

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EXHIBIT A

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

LIST OF SPECIAL ASSESSMENTS

<u>Owner's Name</u>	<u>Assessed Properties Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessments</u>
AKRON PEN 1972, LLC	Parcel No. 3507260	100%	\$10,261,145.70

SCHEDULE OF SPECIAL ASSESSMENTS
FOR SUMMIT COUNTY PARCEL NO.:

3507260*

The following schedule of Special Assessment charges shall be certified for collection in 30 semi-annual installments to be collected with real property taxes in calendar years 2026 through 2040:

Special Assessment Payment Date**	Special Assessment Installment Amount for Parcel _____ (100.00%)*	Total Special Assessment Installment Amount***
January 31, 2026	\$342,038.19	\$342,038.19
July 31, 2026	\$342,038.19	\$342,038.19
January 31, 2027	\$342,038.19	\$342,038.19
July 31, 2027	\$342,038.19	\$342,038.19
January 31, 2028	\$342,038.19	\$342,038.19
July 31, 2028	\$342,038.19	\$342,038.19
January 31, 2029	\$342,038.19	\$342,038.19
July 31, 2029	\$342,038.19	\$342,038.19
January 31, 2030	\$342,038.19	\$342,038.19
July 31, 2030	\$342,038.19	\$342,038.19
January 31, 2031	\$342,038.19	\$342,038.19
July 31, 2031	\$342,038.19	\$342,038.19
January 31, 2032	\$342,038.19	\$342,038.19
July 31, 2032	\$342,038.19	\$342,038.19
January 31, 2033	\$342,038.19	\$342,038.19
July 31, 2033	\$342,038.19	\$342,038.19
January 31, 2034	\$342,038.19	\$342,038.19
July 31, 2034	\$342,038.19	\$342,038.19
January 31, 2035	\$342,038.19	\$342,038.19
July 31, 2035	\$342,038.19	\$342,038.19
January 31, 2036	\$342,038.19	\$342,038.19
July 31, 2036	\$342,038.19	\$342,038.19
January 31, 2037	\$342,038.19	\$342,038.19
July 31, 2037	\$342,038.19	\$342,038.19
January 31, 2038	\$342,038.19	\$342,038.19
July 31, 2038	\$342,038.19	\$342,038.19
January 31, 2039	\$342,038.19	\$342,038.19
July 31, 2039	\$342,038.19	\$342,038.19
January 31, 2040	\$342,038.19	\$342,038.19
July 31, 2040	\$342,038.19	\$342,038.19
Total Assessment	\$10,261,145.70	\$10,261,145.70

243 The Property will be subject to special assessments for the Authorized Improvements in
244 accordance with Ohio Revised Code Chapter 1710.

245

246 Total assessment costs: \$10,261,145.70

247 Estimated average semi-annual special assessments for 15 years: \$342,038.19

248 Number of semi-annual assessments: 30

249 First semi-annual installment due: January 31, 2026

250

251 * As identified in the records of the County Fiscal Officer of Summit County, Ohio, as of
252 September 19, 2024.

253

254 ** Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified
255 in this Schedule of Special Assessments are subject to adjustment by the County Fiscal Officer of
256 Summit County, Ohio, under certain conditions.

257

258 *** The County Fiscal Officer of Summit County, Ohio, may impose a special assessment
259 collection fee with respect to each semi-annual Special Assessment payment. If imposed, this
260 special assessment collection fee will be added by the County Fiscal Officer of Summit County,
261 Ohio, to each semi-annual Special Assessment payment.

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2 CITY OF CUYAHOGA FALLS, OHIO

3
4 ORDINANCE NO. - 2024

5
6 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
7 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
8 ACCORDING TO LAW, WITH SURVALENT TECHNOLOGY CORP.
9 FOR THE REPLACEMENT OF THE SUPERVISORY CONTROL AND
10 DATA ACQUISITION PLATFORM FOR THE ELECTRIC
11 DEPARTMENT, AND DECLARING AN EMERGENCY.

12
13 WHEREAS, the City applied the procedures set forth in Ohio Revised Code Sections 153.65
14 to 153.73 in selecting a professional design services firm to assist with the replacement of the
15 Supervisory Control and Data Acquisition platform for the Electric Department; and

16
17 WHEREAS, after a review of all the proposals submitted to the City, Survalent Technology
18 Corp. was selected as the most qualified for the project.

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

22
23 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
24 contracts, according to law, with Survalent Technology Corp. for the replacement of the
25 Supervisory Control and Data Acquisition (SCADA) platform for the Electric Department.

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

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

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

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

46
47 Passed: _____
48 _____
49 President of Council

50 _____
51 Clerk of Council

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53 Approved: _____
54 _____
55 Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO
4 ORDINANCE NO. - 2024
5

6 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
7 INTO A REIMBURSEMENT AGREEMENT WITH THE CITY
8 OF AKRON, OHIO FOR THE CONNECTION OF THE
9 RELOCATED GORGE SANITARY TRUNK SEWER TO THE
10 NORTHSIDE INTERCEPTOR TUNNEL, AND DECLARING
11 AN EMERGENCY.
12

13 WHEREAS, the City of Akron is constructing the Northside Interceptor Tunnel (“NSIT”)
14 along the south side of the Cuyahoga River to control combined sewer overflows; and
15

16 WHEREAS, the City of Cuyahoga Falls is designing the relocation of the Gorge Sanitary
17 Trunk Sewer along Front Street; and
18

19 WHEREAS, the City of Cuyahoga Falls has requested the City of Akron to create a
20 connection and/or tie-in to the NSIT for the relocated Gorge Sanitary Trunk Sewer at
21 Cuyahoga Falls’ expense (the “Project”); and
22

23 WHEREAS, it is necessary to have a reimbursement agreement to set forth the
24 conditions of the payment, review, plan, design and execution of the Project.
25

26 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
27 County of Summit and State of Ohio:
28

29 Section 1. The Mayor is hereby authorized to enter into a reimbursement agreement
30 with the City of Akron for the connection of the relocated Gorge Sanitary Trunk Sewer to
31 the Northside Interceptor Tunnel.
32

33 Section 2. The Director of Finance is hereby authorized to make payment for same
34 from the Sanitary Sewer Fund, line item Capital Outlay.
35

36 Section 3. Any other ordinances or resolutions or portions of ordinances and
37 resolutions inconsistent herewith be and the same are hereby repealed, but any
38 ordinances and resolutions not inconsistent herewith and which have not previously been
39 repealed are hereby ratified and confirmed.
40

41 Section 4. It is found and determined that all formal actions of this Council
42 concerning and relating to the adoption of this ordinance were adopted in an open
43 meeting of this Council, and that all deliberations of this Council and of any of its
44 committees that resulted in such formal action, were in meetings open to the public, in
45 compliance with all legal requirements, to the extent applicable, including Chapter 107
46 of the Codified Ordinances.
47

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

60

61

62

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65 Approved: _____

66

67 9/23/24

President of Council

Clerk of Council

Mayor

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2024

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
10 ACCORDING TO LAW, WITH O. R. COLAN ASSOCIATES, LLC,
11 FOR PROFESSIONAL ENGINEERING SERVICES FOR THE
12 IMPROVEMENTS TO WYOGA LAKE ROAD, FROM E. STEELS
13 CORNERS ROAD TO SEASONS ROAD, AND DECLARING AN
14 EMERGENCY.

15
16 WHEREAS, the City followed the procedures set forth in Ohio Revised Code Sections 153.65 to
17 153.73 in selecting a professional design services firm to assist with the improvement to Wyoga
18 Lake Road, from E. Steels Corners Road to Seasons Road; and

19
20 WHEREAS, after review of all the proposals submitted to the City, O. R. Colan Associates, LLC,
21 was selected as the most qualified for the project.

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

25
26 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
27 contracts, according to law, with O. R. Colan, LLC, for professional engineering services for the
28 improvement of Wyoga Lake Road from E. Steels Corners Road to Seasons Road.

29
30 Section 2. The Director of Finance is hereby authorized to make payment for the same from
31 the Capital Projects Fund, line item, Capital Outlay.

32
33 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions
34 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
35 herewith and which have not previously been repealed are hereby ratified and confirmed.

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

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

49
50
51 Passed: _____

President of Council

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55 _____
56 Clerk of Council

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58
59 Approved: _____

Mayor

2 CITY OF CUYAHOGA FALLS, OHIO

3
4 ORDINANCE NO. - 2024

5
6 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
7 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS
8 WITHOUT COMPETITIVE BIDDING WITH KENMORE
9 CONSTRUCTION FOR THE REPLACEMENT OF CITY STORM
10 SEWER FOR EMERGENCY REPAIRS AT 125 GRAHAM ROAD, AND
11 INCREASING APPROPRIATIONS, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, the City’s 72-inch storm sewer at 125 Graham Road suffered damage due to the
15 August 8th storm; and

16
17 WHEREAS, Kenmore Construction was available to complete the emergency repairs
18 expeditiously.

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

22
23 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
24 contracts without competitive bidding with Kenmore Construction, for the emergency
25 replacement of 190 linear feet of 72-inch storm sewer at 125 Graham Road.

26
27 Section 2. The Director of Finance is hereby authorized to increase appropriations in the
28 Storm Drainage Utility Fund, line-item Capital Outlay by \$196,300, and make payment for same.

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

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

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

46
47 Passed: _____
48 _____
49 President of Council

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51 _____
52 Clerk of Council

53 Approved: _____
54 _____
55 Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2024
7

8
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, TO CONSTRUCT THREE (3) DUMPSTER
12 ENCLOSURES ON RIVERFRONT PARKWAY, AND DECLARING AN
13 EMERGENCY.
14

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

18 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
19 contracts, according to law, for the construction of three (3) dumpster enclosures on City-owned
20 property at three locations along Riverfront Parkway.
21

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

25 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
26 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions
27 not inconsistent herewith and which have not previously been repealed are hereby ratified and
28 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
32 that all deliberations of this Council and of any of its committees that resulted in such formal
33 action, were in meetings open to the public, in compliance with all legal requirements, to the
34 extent applicable, including Chapter 107 of the Codified Ordinances.
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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
39 the members elected or appointed to Council, it shall take effect and be in force immediately
40 upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the
41 earliest period allowed by law.
42

43
44 Passed: _____

President of Council

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46
47 _____
Clerk of Council

48
49 Approved: _____

50 _____
Mayor

51
52 9/23/24
53
54