

**NEW LEGISLATION**

September 9, 2024

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
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.**

**CALENDAR**

September 9, 2024

The following legislation will be up for passage at the Council Meeting on September 9, 2024.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-69	7/22/24	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, with OHM Advisors to provide professional engineering services for the Mud Brook Trail Phase II, increasing appropriations, and declaring an emergency.
A-71	9-3-24	Fin	An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$1,255,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of acquiring, constructing, reconstructing, improving, equipping and installing 3,400 lineal feet of sanitary sewer lines, 3,550 feet of water main lines and 8,000 lineal feet of electrical conduit wiring, related storm sewer lines and retention, erosion control and landscaping along Princeton Place Boulevard, Nottingham Trail, Bainbridge Trail and Kensington Court, together with all related and necessary appurtenances thereto, and declaring an emergency.
A-72	9-3-24	Fin	An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$700,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of the construction, reconstruction, widening, improving, grading, draining and resurfacing of Wyoga Lake Road between Steels Corners Road and Seasons Road,

together with all related and necessary appurtenances thereto, and declaring an emergency.

A-73

9-3-24

Fin

An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$350,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of the design and engineering, construction, reconstruction, widening, improving, grading, draining and resurfacing of, and installation of traffic controls along, and the intersections of, State Road, Seasons Road and Wyoga Lake Road, and a traffic study of those roads and related areas, including but not limited to the extension, opening, improving, curbing or changing of the lines and traffic patterns of roads, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts, providing signage, lighting systems, signalization, and installation of stormwater and flood remediation facilities, together with all related and necessary appurtenances thereto, and declaring an emergency.

## PENDING LEGISLATION

September 9, 2024

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-69	7/22/24	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, with OHM Advisors to provide professional engineering services for the Mud Brook Trail Phase II, increasing appropriations, and declaring an emergency.
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-71	9-3-24	Fin	An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$1,255,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of acquiring, constructing, reconstructing, improving, equipping and installing 3,400 lineal feet of sanitary sewer lines, 3,550 feet of water main lines and 8,000 lineal feet of electrical conduit wiring, related storm sewer lines and retention, erosion control and landscaping along Princeton Place Boulevard, Nottingham Trail, Bainbridge Trail and Kensington Court, together with all related and necessary appurtenances thereto, and declaring an emergency.
A-72	9-3-24	Fin	An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$700,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of the

construction, reconstruction, widening, improving, grading, draining and resurfacing of Wyoga Lake Road between Steels Corners Road and Seasons Road, together with all related and necessary appurtenances thereto, and declaring an emergency.

A-73

9-3-24

Fin

An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$350,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of the design and engineering, construction, reconstruction, widening, improving, grading, draining and resurfacing of, and installation of traffic controls along, and the intersections of, State Road, Seasons Road and Wyoga Lake Road, and a traffic study of those roads and related areas, including but not limited to the extension, opening, improving, curbing or changing of the lines and traffic patterns of roads, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts, providing signage, lighting systems, signalization, and installation of stormwater and flood remediation facilities, together with all related and necessary appurtenances thereto, and declaring an emergency.

\* A public meeting will be held for A-70 on September 16, 2024.

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2024

8  
9 AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR  
10 PARCELS LOCATED ON STATE ROAD SOUTH OF BOULDER  
11 BOULEVARD FROM MU-1 RURAL NEIGHBORHOOD CENTER TO  
12 R-3 SUBURBAN DENSITY RESIDENTIAL, AND DECLARING AN  
13 EMERGENCY.

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

17  
18 WHEREAS, on September 4, 2024, the Planning Commission considered a map amendment  
19 from MU-1, Rural Neighborhood Center to R-3, Suburban Density Residential for parcels 37-00381;  
20 37-00115; 37-00022; and 37-00023 and recommended approval. The zoning map amendment  
21 totals approximately 4.75 acres. The map amendment will allow the applicant, 4846 State Road  
22 LLC (Petros Homes) to develop eleven (11) single family dwelling lots.

23  
24 WHEREAS, such approval is given subject to all Planning Commission findings and provisions  
25 contained in Project File MAP-24-00018; and

26  
27 WHEREAS, such approval is necessary to determine that the site plan is satisfactory, serves  
28 the public interest, and is acceptable for recording.

29  
30 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
31 Summit, and State of Ohio:

32  
33 Section 1. That the zoning classification for parcels located on State Road south of Boulder  
34 Boulevard (parcels 37-00381; 37-00115; 37-00022; and 37-00023) is hereby changed from MU-1,  
35 Rural Neighborhood Center to R-3, Suburban Density Residential. The map amendment will allow  
36 the applicant, 4846 State Road LLC (Petros Homes), to develop eleven (11) single family dwelling  
37 lots. The subject parcels are depicted on Attachment "A".

38  
39 Section 2. That any other ordinances or resolutions or portions of ordinances and resolutions  
40 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions  
41 not inconsistent herewith and which have not previously been repealed are hereby ratified and  
42 confirmed.

43  
44 Section 3. That it is found and determined that all formal actions of this Council concerning  
45 and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and  
46 that all deliberations of this Council and of any of its committees that resulted in such formal  
47 action, were in meetings open to the public, in compliance with all legal requirements, to the extent  
48 applicable, including Chapter 107 of the Codified Ordinances.

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

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59 Passed: \_\_\_\_\_  
60 \_\_\_\_\_  
61 President of Council

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63 \_\_\_\_\_  
64 Clerk of Council

65 Approved: \_\_\_\_\_  
66 \_\_\_\_\_  
67 Mayor

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69  
70 9/9/2024

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ATTACHMENT "A"



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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2024

8  
9 AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR  
10 MULTIPLE PARCELS LOCATED ON BOULDER BOULEVARD AND  
11 QUARTZ AVENUE IN THE BOULDER ESTATES SUBDIVISION  
12 FROM MU-1 RURAL NEIGHBORHOOD CENTER TO RM MIXED  
13 DENSITY RESIDENTIAL OVERLAY (R-3), AS MORE FULLY  
14 DESCRIBED AND DEPICTED HEREIN, AND DECLARING AN  
15 EMERGENCY.  
16

17 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the  
18 Planning Commission be submitted to Council; and  
19

20 WHEREAS, on September 4, 2024, the Planning Commission considered a map amendment  
21 from MU-1, Rural Neighborhood Center to) RM, Mixed Density Residential Overlay (R-3) for  
22 nineteen (19) parcels located on Boulder Boulevard and Quartz Avenue and recommended  
23 approval. The map amendment will make these lots conform to the Development Code and  
24 consistent with the existing Boulder Estates subdivision.  
25

26 WHEREAS, such approval is given subject to all Planning Commission findings and provisions  
27 contained in Project File MAP-24-00021; and  
28

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

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

35 Section 1. That the zoning classification for nineteen (19) parcels located on Boulder  
36 Boulevard and Quartz Avenue is hereby changed from MU-1, Rural Neighborhood Center to RM  
37 Mixed Density Residential Overlay (R-3). The map amendment will make these lots conform to the  
38 Development Code and consistent with the existing Boulder Estates subdivision. The subject  
39 parcels are depicted on Attachment "A".  
40

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

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

52 Section 4. That this ordinance is hereby declared to be an emergency measure necessary for  
53 the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
54 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely  
55 and appropriate development of this property, and provided it receives the affirmative vote of two  
56 thirds of the members elected or appointed to Council, it shall take effect and be in force  
57 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in  
58 force at the earliest period allowed by law.  
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61 Passed: \_\_\_\_\_  
62 \_\_\_\_\_  
63 President of Council

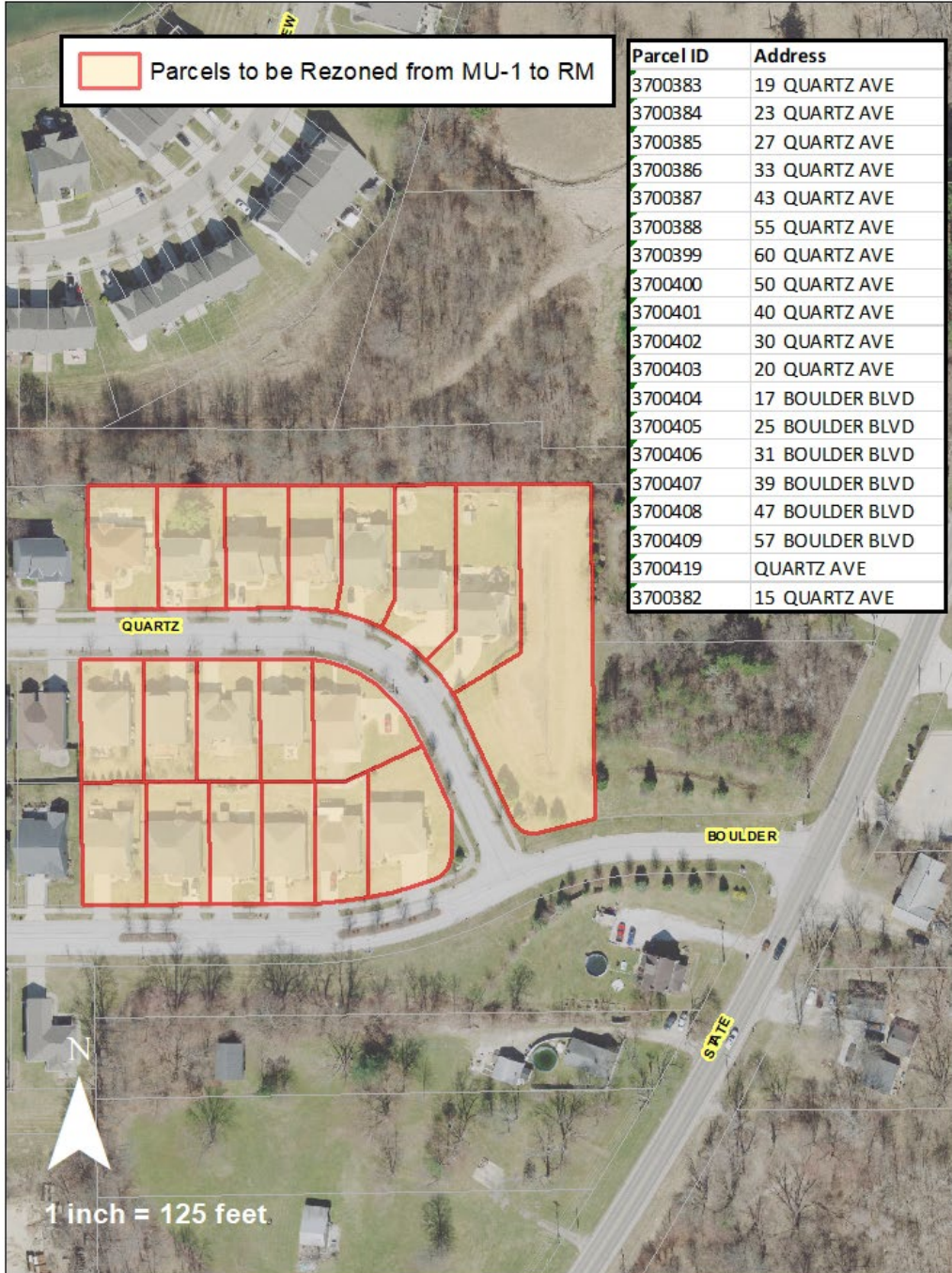
64 \_\_\_\_\_  
65 Clerk of Council

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67 Approved: \_\_\_\_\_  
68 \_\_\_\_\_  
69 Mayor

69 9/9/2024  
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ATTACHMENT "A"



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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 RESOLUTION NO. - 2024

6  
7 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES  
8 OF TAXATION AS CERTIFIED BY THE SUMMIT COUNTY  
9 BUDGET COMMISSION, AUTHORIZING THE NECESSARY  
10 TAX LEVIES, CERTIFYING SUCH AUTHORIZATION TO THE  
11 COUNTY FISCAL OFFICER, AND DECLARING AN  
12 EMERGENCY.  
13

14 WHEREAS, the City, in accordance with the provisions of law, has previously filed  
15 Alternative Tax Budget Information with the Summit County Fiscal Officer for the fiscal  
16 year beginning January 1, 2025; and  
17

18 WHEREAS, on August 5, 2024, the Budget Commission of Summit County certified  
19 its action thereon to the City, together with an estimate by the County Fiscal Officer of  
20 the rate of each tax necessary to be levied by the City and what part thereof is without  
21 and what part thereof is within the Charter tax limitation.  
22

23 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,  
24 County of Summit and State of Ohio, that:  
25

26 Section 1. The amounts and rates of taxation as determined by the Budget  
27 Commission in its certification, are hereby accepted.  
28

29 Section 2. There shall be and hereby is levied on the tax duplicate of the City the  
30 rate of each tax necessary to be levied within and without the Charter limitation as  
31 follows:

			County Fiscal Officer's Estimate of Tax Rate to be Levied	
Purpose	Amount to be Derived from Levies Inside Charter Limit	Amount Approved by Budget Commission outside Charter Limit	Inside Charter Limit	Outside Charter Limit
General Fund	\$16,034,239		10.40	
Police Pension	\$462,525		.30	
Fire Pension	\$462,525		.30	

32 Section 3. The Clerk of Council is authorized to forward a certified copy of this  
33 resolution to the County Fiscal Officer.

34        Section 4. Any ordinances or resolutions or portions of ordinances and resolutions  
35 inconsistent herewith be and the same are hereby repealed, but any ordinances and  
36 resolutions not inconsistent herewith and which have not previously been repealed are  
37 hereby ratified and confirmed.  
38

39        Section 5. It is found and determined that all formal actions of this Council  
40 concerning and relating to the adoption of this resolution were adopted in an open  
41 meeting of this Council and that all deliberations of this Council and of any of its  
42 committees that resulted in such formal action were in meetings open to the public, in  
43 compliance with all legal requirements, to the extent applicable, including Chapter 107  
44 of the Codified Ordinances.  
45

46        Section 6. This ordinance is hereby declared to be an emergency measure necessary  
47 for the preservation of the public peace, health, safety, convenience and welfare of the  
48 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
49 affirmative vote of two-thirds of the members elected or appointed to Council, it shall  
50 take effect and be in force immediately upon its passage and approval by the Mayor;  
51 otherwise it shall take effect and be in force at the earliest period allowed by law.  
52

53  
54 Passed: \_\_\_\_\_

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President of Council

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58 \_\_\_\_\_  
59 Clerk of Council  
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61  
62 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

63  
64 9/9/2024

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 RESOLUTION NO. - 2024

7  
8 A RESOLUTION APPROVING THE PETITION FOR  
9 SPECIAL ASSESSMENTS FOR A SPECIAL ENERGY  
10 IMPROVEMENT PROJECT UNDER OHIO REVISED  
11 CODE CHAPTER 1710 AND APPROVING THE  
12 NECESSITY OF ACQUIRING, INSTALLING,  
13 EQUIPPING, AND IMPROVING CERTAIN PUBLIC  
14 IMPROVEMENTS IN THE CITY OF CUYAHOGA FALLS,  
15 OHIO IN COOPERATION WITH THE AKRON-SUMMIT  
16 COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT,  
17 AND DECLARING AN EMERGENCY.  
18  
19

20 WHEREAS, the Akron-Summit County Energy Special Improvement District  
21 (the “District”) was created by the City of Akron, Ohio under Ohio Revised Code  
22 Chapters 1702 and 1710 as an energy special improvement district and is  
23 governed by the Akron Energy Special Improvement District Project Plan (as  
24 amended and supplemented from time to time, the “District Plan”), which was  
25 adopted as a plan for public improvements and public services under Ohio  
26 Revised Code Section 1710.02(F), which plan allows for additional properties  
27 within the City of Akron and within any municipal corporation or township which  
28 is adjacent to any other municipal corporation or township in which a portion of  
29 the District’s territory is located to be added to the territory of the District; and  
30

31 WHEREAS, since its creation, the territory of the District has expanded  
32 beyond the City of Akron to include properties within the City of Barberton, Bath  
33 Township, Village of Boston Heights, Copley Township, Coventry Township, City  
34 of Cuyahoga Falls, City of Fairlawn, City of Green, City of Hudson, Village of  
35 Lakemore, City of Macedonia, Village of Mogadore, City of New Franklin, Village  
36 of Northfield, Northfield Center Township, City of Norton, Village of Richfield,  
37 Springfield Township, City of Stow, City of Tallmadge, and City of Twinsburg;  
38 and  
39

40 WHEREAS, pursuant to Ordinance No.7-2019, adopted by the City Council  
41 of the City (the “Council”) on February 12, 2019, the Council approved the  
42 addition of certain real property located within the City to the territory of the  
43 District and further approved the City’s participation in the District as a  
44 “participating political subdivision,” as defined in Ohio Revised Code Section  
45 1710.01(E); and  
46

47 WHEREAS, AKRON PEN 1972, LLC (the “Owner”), as the owner of certain real  
48 property located within the City of Cuyahoga Falls, Ohio (the “City”), has  
49 identified certain real property located at 1972 Akron Peninsula Road, Akron,  
50 Ohio 44313 with Summit County Fiscal Officer Parcel ID No. 3507260 (the  
51 “Property”), as an appropriate property for a special energy improvement project  
52 pursuant to Ohio Revised Code Chapter 1710; and  
53  
54

55 WHEREAS, the Owner has determined to submit to the Mayor and the City  
56 Council (the “Council”) of the City, a *Petition For Special Assessments for Special*  
57 *Energy Improvement Projects* (the “Petition”) and a Supplement to the Project Plan  
58 for the 1972 Akron Peninsula PACE Project (the “Supplemental Plan”), all in  
59 accordance with Ohio Revised Code Chapter 1710, each of which are now on file  
60 with the Clerk of this Council; and  
61

62 WHEREAS, the Petition, which is on file with the Clerk of Council, has been  
63 signed by the Owner, as the owner of one hundred percent (100%) of the Property  
64 (as further described in Exhibit A to the Petition), and proposes the necessity of  
65 undertaking and financing of certain special energy improvements through the  
66 cooperation of the District (the “Project”); and  
67

68 WHEREAS, the Petition and Supplemental Plan requests that the Property be  
69 added to the District and that the City levy special assessments on the Property  
70 to pay the costs of the Project, all as described more particularly in the Petition  
71 and the Supplemental Plan; and  
72

73 WHEREAS, the Petition is for the purpose of developing and implementing  
74 special energy improvement projects in furtherance of the purposes set forth in  
75 Section 2o of Article VIII of the Ohio Constitution, including, without limitation,  
76 the Project, and further, the Petition identifies the amount and length of the  
77 special assessments to be imposed with respect to the Project; and  
78

79 WHEREAS, in furtherance of the future addition of any real property in any  
80 municipal corporation or township contiguous to the municipal corporations or  
81 townships in which a portion of the territory of the District is located, it is  
82 necessary, and this Council has determined, to approve the addition of such real  
83 property to the territory of the District, all in accordance with Ohio Revised Code  
84 Chapter 1710; and  
85

86 WHEREAS, by the Petition, the Owner requests that the Project be paid for  
87 by special assessments assessed upon the Property (the “Special Assessments”)  
88 in an amount sufficient to pay the costs of the Project, which is estimated to be  
89 \$10,261,145.70, and requests that the Project be undertaken cooperatively by  
90 the City, the District, and such other parties as the City may deem necessary or  
91 appropriate; and  
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WHEREAS, Ohio Revised Code Section 1710.02(F) provides that a political subdivision which has approved a petition for special assessments for public improvements in an energy special improvement district and a plan pursuant to Ohio Revised Code Sections 1710.02(F) and 1710.06 shall levy the requested special assessments pursuant to Ohio Revised Code Chapter 727; and

WHEREAS, this Council, as mandated by Ohio Revised Code Chapter 1710, must approve or disapprove the Petition within 60 days of the submission of the Petition; and

WHEREAS, this Council has determined to approve the Petition and the Supplemental Plan.

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

Section 1. That this Council approves the Petition and Supplemental Plan now on file with the Clerk of Council.

Section 2. That this Council declares necessary, and a vital and essential public purpose of the City, to improve the Property, by providing for the acquisition, installation, equipping, and improvement of the Project by the Owner, as set forth in the Petition and Supplemental Plan, and providing for the payment of the costs of the Project, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Project and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued or incurred to provide a loan or to secure an advance of funds to the Owner or otherwise to pay costs of the Project in anticipation of the receipt of the Special Assessments, as defined herein and identified in the Petition and Supplemental Plan, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued or incurred, including any credit enhancement fees, trustee fees, program administration fees, financing servicing fees, and District administrative fees and expenses; an amount to reflect interest on unpaid Special Assessments which shall be treated as part of the cost of the Project for which the Special Assessments are made at an interest rate which shall be determined by the District or the Development Finance Authority of Summit County as its conduit financing entity to be substantially equivalent to the fair market rate that would have been borne by notes or bonds if notes or bonds had

139 been issued by the District or the Development Finance Authority of Summit  
140 County as its conduit financing entity to pay the costs of the Project; together  
141 with all other necessary expenditures, all as more fully described in the Petition,  
142 the Supplemental Plan, and profiles, specifications, and estimates of cost of the  
143 Project, all of which are on file with the Finance Director and open to the  
144 inspection of all persons interested.  
145

146 Section 3. That this Council determines that the Project's elements are so  
147 situated in relation to each other that in order to complete the acquisition,  
148 instillation, equipping and improvement of the Project's elements in the most  
149 practical and economical manner, they should be acquired, installed, equipped,  
150 and improved at the same time, with the same kind of materials, and in the same  
151 manner; and that the Project's elements shall be treated as a single  
152 improvement, pursuant to Ohio Revised Code Section 727.09, and the Project's  
153 elements shall be treated as a joint improvement to be undertaken cooperatively  
154 by the City and the District pursuant to Ohio Revised Code Section 9.482 and  
155 Ohio Revised Code Chapter 1710.  
156

157 Section 4. That the plans and specifications and total cost of the Project now  
158 on file in the office of the Clerk of Council are approved, subject to changes as  
159 permitted by Ohio Revised Code Chapter 727. The Project shall be made in  
160 accordance with the plans, specifications, profiles, and estimate of costs for the  
161 Project.  
162

163 Section 5. That this Council determines and declares that the Project is an  
164 essential and vital public, governmental purpose of the City as a special energy  
165 improvement project, as defined in Ohio Revised Code Section 1710.01(I); and  
166 that in order to fulfill that essential and vital public purpose of the City, it is  
167 necessary and proper to provide, in cooperation with the District, for the  
168 acquisition, installation, equipping, and improvement of the Project in the  
169 manner contemplated by the Petition and Supplemental Plan. This Council  
170 determines and declares that the Project is conducive to the public peace, health,  
171 safety and welfare of the City and the inhabitants of the City.  
172

173 Section 6. That pursuant to and subject to the provisions of a valid Petition  
174 signed by the owners of one hundred percent (100%) of the Property, the entire  
175 cost of the Project shall be paid by the Special Assessments levied against the  
176 Property, which is the benefited property. The provisions of the Petition and the  
177 Supplemental Plan are ratified, adopted, approved and incorporated into this  
178 Resolution as if set forth in full in this Resolution. The portion of the costs of the  
179 Project allocable to the City will be zero percent (0%). The City does not intend  
180 to issue securities in anticipation of the levy or the collection of the Special  
181 Assessments.  
182



183        Section 7. That the method of levying the Special Assessments shall be in  
184 proportion to the benefits received, allocated among the parcels constituting the  
185 Property as set forth in the Petition and the Supplemental Plan.  
186

187        Section 8. That the lots or parcels of land to be assessed for the Project shall  
188 be the Property, described in Exhibit A to the Petition, all of which lots and lands  
189 are determined to be specially benefited by the Project.  
190

191        Section 9. That the Special Assessments shall be levied and paid in 30 semi-  
192 annual installments pursuant to the list of estimated Special Assessments set  
193 forth in the Petition and Supplemental Plan (which list is incorporated herein by  
194 reference), and the Owner has waived its option to pay the Special Assessment  
195 in cash within 30 days after the first publication of the notice of the assessing  
196 resolution or ordinance.  
197

198        The aggregate amount of Special Assessments estimated to be necessary to  
199 pay the costs of the Project is \$10,261,145.70. Each semi-annual Special  
200 Assessment payment represents payment of a portion of the principal of and  
201 interest on obligations issued or incurred to pay the costs of the Project and of  
202 administrative expenses. The interest portion of the Special Assessments, if any,  
203 together with amounts used to pay administrative expenses, shall be treated as  
204 part of the cost of the Project for which the Special Assessments are made at an  
205 interest rate which shall be determined by the District to be substantially  
206 equivalent to the fair market rate that would have been borne by notes or bonds  
207 had notes or bonds been issued by the City or another issuer of notes or bonds  
208 to pay the costs of the Project. In addition to the Special Assessments, the County  
209 Fiscal Officer of Summit County, Ohio may impose a special assessment  
210 collection fee with respect to each semi-annual payment, which amount will be  
211 added to the Special Assessments by the County Fiscal Officer of Summit  
212 County, Ohio.  
213

214        Section 10. That the Finance Director is authorized and directed to prepare  
215 and file in the office of the Clerk of Council the estimated Special Assessments  
216 for the cost of the Project in accordance with the method of assessment set forth  
217 in the Petition, the Supplemental Plan and this Resolution, showing the amount  
218 of the assessment against each lot or parcel of land to be assessed.  
219

220        Section 11. Notice of the adoption of this Resolution and the filing of the  
221 estimated Special Assessments upon the Owner of the Assessed Property as  
222 provided in Ohio Revised Code Section 727.13 shall be delivered by the Clerk of  
223 Council to the Owner promptly following adoption of this Resolution.  
224

225        Section 12. That the Finance Director is authorized, pursuant to Ohio Revised  
226 Code Section 727.12, to cause the Special Assessments to be levied and collected  
227 at the earliest possible time including, if applicable, prior to the completion of  
228 the acquisition, installation and equipping of the Project.

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Section 13. That the Special Assessments will be used by the City to pay the costs of the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

Section 14. That this Council accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Ohio Revised Code Chapter 727, Ohio Revised Code Chapter 1710, and the Charter of the City of Cuyahoga Falls, Ohio, and consents to the immediate imposition of the Special Assessments upon the Property. This waiver encompasses, but is not limited to, waivers by the Owner, as the owner of the Property, of the following rights:

- (i) The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- (ii) The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06;
- (iii) The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- (iv) The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- (v) The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- (vi) The right to notice that bids or quotations for the Project may exceed estimates by 15%;
- (vii) The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251;
- (viii) The right to notice of the passage of the assessing resolution or ordinance under Ohio Revised Code Section 727.26; and
- (ix) Any and all procedural defects, errors, or omissions in the Special Assessment process.

Section 15. That the Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in full compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 16. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the City and for the purpose of immediately approving the Petition and Supplemental Plan and determining the necessity of the Project so that the Project may proceed on a timely basis; wherefore, this resolution shall

275 be in full force and effect immediately upon its adoption and approval by the  
276 Mayor. Otherwise, it shall take effect and be in force at the earliest period allowed  
277 by law.

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280 Passed: \_\_\_\_\_  
281 \_\_\_\_\_  
282 President of Council

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284 \_\_\_\_\_  
285 Clerk of Council

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288 Approved: \_\_\_\_\_  
289 \_\_\_\_\_  
290 Mayor

291 9/9/2024  
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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2024

8  
9 AN ORDINANCE AUTHORIZING THE PARKS AND  
10 RECREATION BOARD TO ENTER INTO A CONTRACT  
11 OR CONTRACTS FOR THE INSTALLATION OF TWO (2)  
12 PRE-FABRICATED ADA COMPLIANT RESTROOMS  
13 FOR INDIAN MOUNTAIN AND KENNEDY PARKS, AND  
14 DECLARING AN EMERGENCY.

15  
16  
17 WHEREAS, the purchase by contract of the equipment, services, materials or  
18 supplies identified herein is through participation in a contract between the  
19 vendor and Sourcewell, a cooperative purchasing group, and is thus exempt from  
20 competitive bidding requirements pursuant to Ohio Revised Code §125.04.

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

24  
25 Section 1. The Parks and Recreation Board is hereby authorized to enter into  
26 a contract or contracts with Johnson-Laux Construction Ohio LLC, for the  
27 installation of two (2) pre-fabricated ADA compliant restrooms for Indian  
28 Mountain and Kennedy Parks.

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

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

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

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

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55 Passed: \_\_\_\_\_  
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57 President of Council

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59 \_\_\_\_\_  
60 Clerk of Council

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63 Approved: \_\_\_\_\_  
64 \_\_\_\_\_  
65 Mayor

66 9/9/2024  
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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2024

7  
8 AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE, AND  
9 DECLARING AN EMERGENCY.

10  
11 WHEREAS, site-specific traffic control regulations of the City are established and maintained  
12 in the "Traffic Control File," a document established and maintained by the Chief of Police  
13 pursuant to Chapter 305 of the Codified Ordinances; and

14  
15 WHEREAS, Section 305.02 of said Chapter requires that amendments to the Traffic Control  
16 File be made only through legislation passed by City Council.

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

20  
21 Section 1. Upon the recommendation of the Traffic Committee, the Traffic Control File is  
22 hereby amended as follows:

23  
24 Amending the Traffic Control File by removing the 30-minute limited parking for  
25 commercial loading/unloading on Front Street at Portage cutaway as the cutaway no  
26 longer exists.

27  
28 Amending the Traffic Control File by adding signage designating the right westbound lane  
29 on W. Portage Trail at Cedar Hill Road as a right turn only and the left lane as straight  
30 only.

31  
32 Amending the Traffic Control File by creating a center dual left turn lane on W. Portage  
33 Trail from Albertson Parkway to State Road.

34  
35 Amending the Traffic Control File by adding signage designating the left eastbound lane  
36 on W. Portage Trail at Albertson Parkway as a left-only lane and the right lane as a  
37 straight-only lane.

38  
39 Section 2. The Chief of Police is hereby authorized to note in the Traffic Control File the proper  
40 legends.

41  
42 Section 3. The Mayor or his designee is hereby authorized to cause the installation or  
43 removal of the proper signage reflecting the above amendments.

44  
45 Section 4. Any other ordinances and resolutions or portions of ordinances and resolutions  
46 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of  
47 ordinances and resolutions not inconsistent herewith and which have not been previously  
48 repealed are hereby ratified and confirmed.

49  
50 Section 5. It is found and determined that all formal actions of this Council concerning and  
51 relating to the adoption of this ordinance were adopted in an open meeting of this Council and  
52 that all deliberations of this Council and of any of its committees that resulted in such formal  
53 action were in meetings open to the public, in compliance with all legal requirements, to the  
54 extent applicable, including Chapter 107 of the Codified Ordinances.  
55

56        Section 6. This ordinance is hereby declared to be an emergency measure necessary for the  
57 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
58 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the  
59 members elected or appointed to Council, it shall take effect and be in force immediately upon  
60 its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
61 period allowed by law.

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67 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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76 Approved: \_\_\_\_\_

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Mayor

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9/9/2024

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2024

7  
8 AN ORDINANCE APPROVING AND AUTHORIZING THE  
9 PURCHASE OF VARIOUS PLAYGROUND EQUIPMENT FROM  
10 GAMETIME, AND DECLARING AN EMERGENCY.

11  
12 WHEREAS, the City receives Community Development Block Grant (“CDBG”) funds from the  
13 Department of Housing and Urban Development; and

14  
15 WHEREAS, CDBG funds can be utilized to purchase playground equipment for city parks  
16 located in a low-to-moderate income area as determined by the U.S. census data, for limited  
17 clientele residents, and for adapted playground equipment to eliminate barriers to children living  
18 with a disability; and

19  
20 WHEREAS, the Department of Parks and Recreation desires to install ADA compliant and  
21 adaptive playground equipment at Valley Vista Park, located at 2790 Valley Road, Cuyahoga Falls,  
22 Ohio 44223, to eliminate barriers for children living with a disability; and

23  
24 WHEREAS, the CDBG Loan and Grant Review Committee authorized the purchase of various  
25 playground equipment from GameTime, in an amount not to exceed \$191,488.00, to be installed  
26 by the Parks and Recreation Department at Valley Vista Park;

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

30  
31 Section 1. The City is authorized to purchase various playground equipment from GameTime,  
32 in an amount not to exceed \$191,488.00, to be installed by the Parks and Recreation Department,  
33 at Valley Vista Park, located at 2790 Valley Road, Cuyahoga Falls, Ohio.

34  
35 Section 2. The Director of Finance is hereby authorized to increase appropriations in the CDBG  
36 Fund, line item Capital Outlay by \$191,488.00 and decrease appropriations in the CDBG Fund,  
37 line item Other Operations by \$191,488.00 and to make payment for the same from the CDBG  
38 Fund, line item Capital Outlay.

39  
40 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions  
41 inconsistent herewith, which have not previously been repealed, are hereby ratified and confirmed.

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

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

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58 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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64 Approved: \_\_\_\_\_

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Mayor

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67 9/9/2024  
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# **City of Cuyahoga Falls, Ohio**

## **Notice**

### **City Council Public Hearing**

Notice is hereby given that there will be a Public Hearing in the Council Chambers in The Natatorium, 2345 Fourth Street, Cuyahoga Falls, Ohio on Monday, October 21st at 6:30 PM relative to the ordinance bearing temporary numbers A-74 and A-75.

Temp. Ord. A-74

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.

Temp. Ord. A-75

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.

By Order of the Clerk of Council  
Dana Capriulo

Akron Legal News    September 18, 2024  
                                  September 25, 2024