

NEW LEGISLATION

February 12, 2018

Temp. No.	Introduced	Committee	Description
A-9	2/12/18	PZ	An ordinance authorizing and approving the Dickerson Run Preliminary/Final Subdivision Plat and Improvement Plans on Parcel 35-06570, and declaring an emergency.
A-10	2/12/18	Fin	An ordinance amending ordinance 114-2017 authorizing the Directors of Safety and Public Service to enter into a contract or contracts, according to law, for the purchase or lease of various vehicles for use by the City, and, and declaring an emergency.
A-11	2/12/18	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the Woodward Creek Culvert under the Creekside Trail Improvement Project, and declaring an emergency.
A-12	2/12/18	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
A-13	2/12/18	PA	An ordinance amending various sections of the Codified Ordinances to conform to State law, approving the 2017 replacement pages to the Codified Ordinances of the City of Cuyahoga Falls, and declaring an emergency.
A-14	2/12/18	PA	An ordinance enacting Section 933.124 of Title Five, Part Nine of the Codified Ordinances, relating to Distributed Generation Service of retail electric customers of the City's Electric Department, making certain findings in connection therewith, and declaring an emergency.

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A-15	2/12/18	CD	An ordinance authorizing the Mayor to enter into a Community Reinvestment Area Agreement with River Falls Property IV, LLC, and declaring an emergency.
A-16	2/12/18	CD	An ordinance authorizing the Mayor to enter into a contract or contracts, according to law, providing River Falls Property IV, LLC dba Ohio Brewing Company an economic development loan, and declaring an emergency.

CALENDAR

February 12, 2018

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

Temp. No.	Introduced	Committee	Description
B-111*	12/11/17	PZ	An ordinance approving a zoning map amendment for Parcels 02-05262, 02-05624, and 02-05625, from R-5 Mixed-Density Residential to C-1 Commercial District, as more fully described and depicted herein and declaring, an emergency.
A-7	1/22/18	Fin	An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, with ms consultants for architectural design services for the demolition and replacement of Fire Station 3, and declaring an emergency.
A-8	1/22/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition and removal of demolition debris from dangerous buildings located at 1555 10 th Street and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.

*Public Hearing 2/5/18

PENDING LEGISLATION

February 12, 2018

Temp. No.	Introduced	Committee	Description
B-66	9/11/17	PA	An ordinance authorizing the Mayor to enter into a lease agreement or agreements with Riverside Community Urban Redevelopment Corporation, and declaring an emergency.
B-111*	12/11/17	PZ	An ordinance approving a zoning map amendment for Parcels 02-05262, 02-05624, and 02-05625, from R-5 Mixed-Density Residential to C-1 Commercial District, as more fully described and depicted herein and declaring, an emergency.
A-7	1/22/18	Fin	An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts, according to law, with ms consultants for architectural design services for the demolition and replacement of Fire Station 3, and declaring an emergency.
A-8	1/22/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition and removal of demolition debris from dangerous buildings located at 1555 10 th Street and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.

*Public Hearing 2/5/18

2 Presented by the Administration
3 Upon Recommendation of the Planning Commission

4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2018

8
9 AN ORDINANCE AUTHORIZING AND APPROVING THE
10 DICKERSON RUN PRELIMINARY/FINAL SUBDIVISION PLAT
11 AND IMPROVEMENT PLANS ON PARCEL 35-06570, AND
12 DECLARING AN EMERGENCY.
13

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

18 WHEREAS, the Planning Commission is required to review and provide a
19 recommendation for all Subdivision Plats/Improvement Plans in the City of Cuyahoga
20 Falls, Ohio; and
21

22 WHEREAS, on February 6, 2018, the Planning Commission approved the Dickerson
23 Run Preliminary/Final Subdivision Plat and Improvement Plans on Parcel 35-06570,
24 within the City of Cuyahoga Falls, Ohio.
25

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

29 Section 1. The City Council approves the Dickerson Run Preliminary/Final
30 Subdivision Plat and Improvement plans on Parcel 35-06570, in Cuyahoga Falls, Ohio, in
31 accordance with all Cuyahoga Falls General Development Code regulations and as
32 stipulated in the Codified Ordinances of the City of Cuyahoga Falls as approved by the
33 Planning Commission as per all plans and stipulations contained in Project File FMP-18-
34 00004.
35

36 Section 2. Any other ordinances or resolutions or portions of ordinances and
37 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
38 not inconsistent herewith and which have not previously been repealed are hereby ratified
39 and confirmed.
40

41 Section 3. 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 meeting
43 of this Council, and that all deliberations of this Council and of any of its committees that
44 resulted in such formal action, were in meetings open to the public, in compliance with all
45 legal requirements, to the extent applicable, including Chapter 107 of the Codified
46 Ordinances.
47

48 Section 4. 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 City
50 of Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately

51 necessary to permit timely and appropriate development of this property, and provided it
52 receives the affirmative vote of two thirds of the members elected or appointed to Council,
53 it shall take effect and be in force immediately upon its passage and approval by the
54 Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

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57 Passed: _____

President of Council

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Clerk of Council

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65 Approved: _____

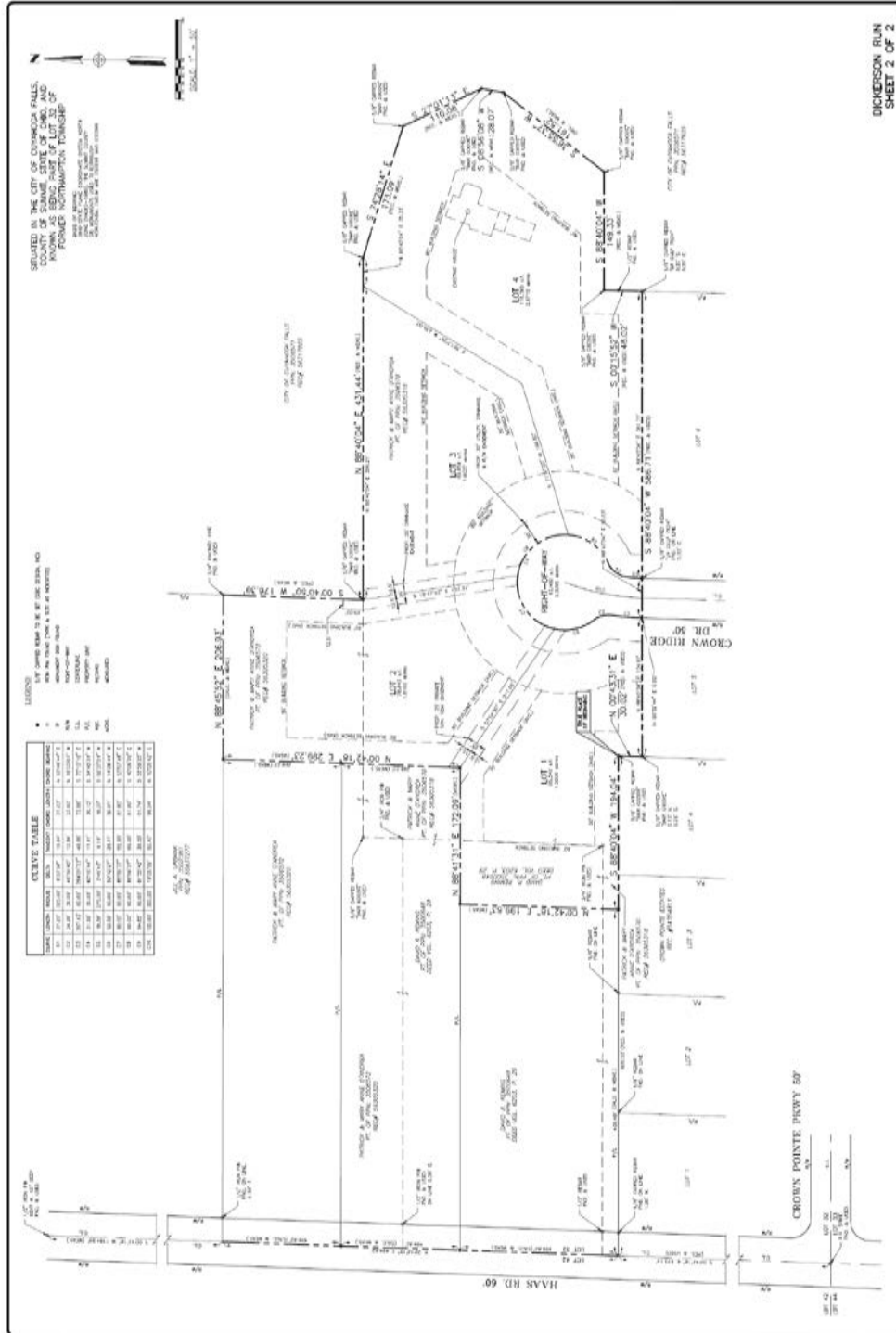
Mayor

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68 2/12/18

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2018

6
7 AN ORDINANCE AMENDING ORDINANCE 114-2017 AUTHORIZING THE
8 DIRECTORS OF SAFETY AND PUBLIC SERVICE TO ENTER INTO A
9 CONTRACT OR CONTRACTS, ACCORDING TO LAW, FOR THE
10 PURCHASE OR LEASE OF VARIOUS VEHICLES FOR USE BY THE CITY,
11 AND, AND DECLARING AN EMERGENCY.

12
13 WHEREAS, it is necessary to change Exhibit A by amending the purchase and/or lease of certain
14 vehicles by the Street and Sanitation Division; and

15
16 WHEREAS, a sport utility vehicle would better assist employees of the Street and Sanitation Division
17 in their daily tasks.

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

21
22 Section 1. The Directors of Safety or Public Service, as appropriate, are hereby authorized to enter
23 into contracts for the purchase and/or lease of the vehicles listed on Exhibit A attached hereto or
24 comparable vehicles not exceeding the budget amounts. Notwithstanding and as an exception to Section
25 181.06 of the Codified Ordinances, expenditures made under the contracts authorized by this ordinance
26 shall not exceed, in the aggregate, \$2,915,000.00, without further consent of City Council by ordinance or
27 resolution.

28
29 Section 2. The Director of Finance is hereby directed to make payment for same out of monies
30 lawfully appropriated therefor, from the funds as indicated in Exhibit A.

31
32 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions inconsistent
33 herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which
34 have not previously been repealed are hereby ratified and confirmed.

35
36 Section 4. It is found and determined that all formal actions of this Council concerning and relating
37 to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations
38 of this Council and of any committees that resulted in those formal actions were in meetings open to the
39 public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances.

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

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48 Passed: _____

President of Council

Clerk of Council

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54 Approved _____

Mayor

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56 2/12/18

		Budget
Parks and Recreation	1 Ton Stake Body Cab and Chassis	\$ 45,000.00
	1 Ton Dump Truck	\$ 40,000.00
	Zero Turn Mower with Bagger	\$ 15,000.00
	Large Area Mower	\$ 63,000.00
	(2) Triplex Turf Mowers	\$ 57,000.00
	Recreation Levy Fund - 206	\$ 220,000.00
Building and Grounds	1/2 Ton 4x4 Truck	\$ 35,000.00
	Zero Turn Mower	\$ 16,000.00
	Mini Track-Hoe and Trailer	\$ 95,000.00
	Capital Project Fund - 400	\$ 146,000.00
Police	(4) Police Cruisers, SUV 4x4	\$ 168,000.00
		Capital Project Fund - 400
Fire Department	Ladder Truck	\$ 950,000.00
	EMS Squad	\$ 280,000.00
	Plow Vehicle and Trailer	\$ 30,000.00
	Capital Projects Fund - 400	\$ 1,260,000.00
Riverfront Centre district	Snow Plow with Spreader	\$ 25,000.00
		Capital Projects Fund - 400
Street Department	5 Ton Dump Truck w/ Plow	\$ 240,000.00
	(1) 1/2 Ton Pickup Truck 4x4 & (1) Sport Utility Vehicle 4x4	\$ 64,000.00
	Grader	\$ 260,000.00
	Salt Spreader	\$ 110,000.00
		Capital Project Fund - 400
Electric Department	Line Truck	\$ 320,000.00
	Superintendent Vehicle, Hybrid	\$ 30,000.00
	(2) Trucks	\$ 72,000.00
	Electric Fund - 603	\$ 422,000.00
	Recreation Levy Fund - 206	\$ 220,000.00
	Capital Project Fund - 400	\$ 2,273,000.00
	Electric Fund - 603	\$ 422,000.00
	TOTAL	\$ 2,915,000.00

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2018

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8
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, FOR THE WOODWARD CREEK CULVERT
12 UNDER THE CREEKSIDE TRAIL IMPROVEMENT PROJECT, AND
13 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 Woodward Creek Culvert under the Creekside Trail
21 Improvement Project.
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
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 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: _____
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46 President of Council

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49 Approved: _____
50 Clerk of Council

51 _____
52 Mayor

53 2/12/18

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2018

7
8 AN ORDINANCE AMENDING THE TRAFFIC
9 CONTROL FILE BY PROVIDING FOR INSTALLATION
10 OF VARIOUS TRAFFIC CONTROL DEVICES, AND
11 DECLARING AN EMERGENCY.

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

17
18 WHEREAS, Section 305.02 of said Chapter requires that amendments to the
19 Traffic Control File be made only through legislation passed by City Council.

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

23
24 Section 1. Upon the recommendation of the Traffic Committee, the Traffic
25 Control File is hereby amended as follows:

- 26
- 27 1. Request to prohibit parking on the northbound (odd address) side of
- 28 Second Street between Oakwood Drive and Northland Street.
- 29 2. Request to prohibit parking on both sides of Old Mill Drive, excluding
- 30 the designated parking cutouts.
- 31 3. Request to prohibit left turn movements into and out of the State
- 32 Road entrance to 2929-2931-2933 State Road (Piada, Dental Works
- 33 and Mattress Firm).
- 34 4. Request to prohibit left turn movements into and out of the western
- 35 Graham Road entrance to 125 Graham Road (Menards).
- 36 5. Request to remove the 15-minute parking restriction/signs on Orrville
- 37 and add no parking on school days from 8:00am – 5:00pm on the
- 38 south side of the street.
- 39

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

42
43 Section 3. The Mayor is hereby authorized and directed to cause the
44 installation or removal of the proper signage reflecting the above amendments.

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

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Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance 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 6. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed: _____
President of Council

Clerk of Council

Approved: _____
Mayor

2/12/18
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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. -2018

6
7 AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CODIFIED
8 ORDINANCES TO CONFORM TO STATE LAW, APPROVING THE 2017
9 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY
10 OF CUYAHOGA FALLS, AND DECLARING AN EMERGENCY.

11
12 WHEREAS, Article XVIII, Section 3 of the Ohio Constitution provides that municipalities shall have
13 the authority to enforce local police, sanitary and other similar regulations as are not in conflict with
14 general laws, and

15
16 WHEREAS, certain provisions within the Codified Ordinances of the City of Cuyahoga Falls should be
17 amended to conform to current State laws that have been amended, so as to avoid conflict in matters that
18 are not subject to the City’s powers of local self-government; and

19
20 WHEREAS, various ordinances and ordinance amendments of a general and permanent nature have
21 been passed by this Council which should be included in the published Codified Ordinances; and

22
23 WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to
24 prepare and publish such revisions as are approved by this Council,

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

28
29 Section 1. The Ordinances of the City of Cuyahoga Falls, Ohio, of a general and permanent nature,
30 as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections
31 within the 2017 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

32
33 Section 2. The following sections and chapters are hereby added, amended or repealed as
34 respectively indicated in order to comply with current State law.

35
36 Traffic Code

- 37
- 38 303.02 Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
- 39 313.09 Driver’s Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
- 40 331.03 Overtaking, Passing to Left; Driver’s Duties. (Amended)
- 41 333.01 Driving Under the Influence. (Amended)
- 42 335.09 Display of License Plates. (Amended)
- 43 337.28 Use of Sunscreening, Nontransparent and Reflectorized Materials. (Amended)
- 44 351.15 Unattended Vehicles: Duties. (Amended)

45
46
47 General Offenses Code

- 48
- 49 501.01 General Definitions. (Amended)
- 50 513.09 Controlled Substance or Prescription Labels. (Amended)
- 51 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 52 529.07 Open Container Prohibited. (Amended)
- 53 529.08 Hours of Sale or Consumption. (Amended)
- 54 537.15 Temporary Protection Order. (Amended)
- 55 537.17 Contributing to Child Delinquency. (Amended)

- 56 541.02 Arson. (Amended)
- 57 549.01 Weapons Definitions. (Amended)
- 58 549.02 Carrying Concealed Weapons. (Amended)
- 59 549.04 Improperly Handling a Firearm in a Motor Vehicle. (Amended)
- 60

61 Section 3. The complete text of the sections listed above are set forth in full in the current
62 replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A.
63 The listing above of each new section by reference to its title shall constitute sufficient publication of new
64 matter contained therein.

65
66 Section 4. It is found and determined that all formal actions of this Council concerning and relating
67 to the adoption of this ordinance were adopted in an open meeting of this Council and that all
68 deliberations of this Council and any of its committees that resulted in such formal action were in
69 meetings open to the public, in compliance with all legal requirements including Chapter 107 of the
70 Codified Ordinances.

71
72 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
73 preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason
74 that there exists an imperative necessity for the earliest publication and distribution of current
75 Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration,
76 daily operation and avoid practical and legal entanglements, and provided that it receives the affirmative
77 vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force
78 immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at
79 the earliest period allowed by law.

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82 Passed: _____
83 _____
84 President of Council

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88 Clerk of Council

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90 Approved: _____
91 _____
92 Mayor

93 2/12/18
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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2018

8
9 AN ORDINANCE ENACTING SECTION 933.124 OF TITLE
10 FIVE, PART NINE OF THE CODIFIED ORDINANCES,
11 RELATING TO DISTRIBUTED GENERATION SERVICE OF
12 RETAIL ELECTRIC CUSTOMERS OF THE CITY'S
13 ELECTRIC DEPARTMENT, AND DECLARING AN
14 EMERGENCY.

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

19
20 WHEREAS, the City desires to create a Distributed Generation Program which
21 will provide a credit to customers that put power on the City's electric system from
22 generation that is created from behind the customer's meter; and

23
24 WHEREAS, the City desires to promote the installation of renewable generation
25 by its electric customers for the benefit of the environment; and

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

29
30 Section 1. New Section 933.124 of Title Five, Part Nine of the Codified
31 Ordinances of the City of Cuyahoga Falls is hereby enacted to read in full as follows:

32
33 933.124 DISTRIBUTED GENERATION SERVICE

34 (A) Availability of Service. This service is available to consumers who are
35 approved by the City of Cuyahoga Falls to own and operate qualifying distributed
36 generation facilities designed to operate in parallel with the City's system. Consumers
37 with distributed generation must also take service under the applicable rate class.

38 (B) Conditions of Service.

39 (1) A qualifying consumer is one whose generating facility complies
40 with all the following requirements:

- 41 a. is fueled by solar, wind, biomass, landfill gas, or
- 42 hydropower;
- 43 b. is sized not to exceed the customer's annual kwh self-
- 44 service needs to a maximum total combined generator
- 45 size of 10 kW for residential units or 200 kW for
- 46 commercial or industrial units;
- 47 c. is owned and operated by the consumer and is located
- 48 on the consumer-generator's premises;
- 49 d. is designed and installed to operate in parallel with the
- 50 City's system without adversely affecting the operation
- 51 of equipment and service of the City and its consumers
- 52 and without presenting safety hazards to City and
- 53 consumer personnel;
- 54 e. is approved by the City of Cuyahoga Falls via an
- 55 Interconnection Agreement; and

56 f. complies with all applicable codes, laws, and
57 specifications.

58 (2) The consumer's generating equipment shall be installed and
59 maintained in accordance with the manufacturer's specifications as well as all
60 applicable provisions of the National Electrical Code. All equipment and installations
61 shall comply with all applicable safety and performance standards established by the
62 National Electrical Code, the Institute of Electrical and Electronic Engineers, and
63 Underwriters Laboratories. Failure to comply with all codes, laws, and specifications
64 may result in disconnection of electric service until all issues are resolved.

65 (3) An application for interconnection with the City's distribution
66 system must be made by the consumer or the consumer's authorized representative.
67 The Interconnection Agreement must provide at least the following information
68 regarding the consumer-generator's facility: Inverter type, size, certification, and
69 manufacturer's specifications including details about circuit protective devices;
70 generation facility certifications; the installing electrician name, address, and phone
71 number; and proof of inspection and approval from the appropriate City or County
72 inspector(s).

73 (C) Metering. Metering shall be accomplished using a single meter
74 capable of registering the flow of electricity in each direction. If the existing electrical
75 meter installed at the consumer's facility is not capable of measuring the flow of
76 electricity in two directions, the consumer shall be responsible for all expenses related
77 to the purchase and installation of a City-approved meter and meter base with such
78 capability. The City will provide and install the meter.

79 (D) Monthly Charges. Monthly charges for energy, and demand
80 where applicable, to serve the consumer's net or total load shall be determined
81 according to the City's standard service rates under which the consumer would
82 otherwise be served, absent the consumer-owned generation source.

83 (E) Additional Charges. The consumer shall pay any additional
84 charges, as determined by the City, for equipment, labor, metering, testing or
85 inspections requested by the consumer.

86 (F) Excess Generation Rate Schedule.
87 Qualifying Customers who generate a portion or all of their own electrical needs and
88 provide any excess generation to the City of Cuyahoga Falls' system can receive a billing
89 credit equal to the City's per kwh cost of energy as calculated by the Utility Billing
90 Department from the recent month's billings to the City for power. This billing credit
91 shall be provided to the customer subject to the following rules. The credit to the
92 customer shall not exceed the dollar amount the City of Cuyahoga Falls bills the
93 customer for electric consumption in any billing period. Any additional credit is forfeited
94 to the City of Cuyahoga Falls Electric Department to cover operational costs. The
95 monthly flat rate customer service charge will be the minimum charge for electric
96 service in any billing period.

97
98 Section 2. If any section, subsection, paragraph, clause or provision or any
99 part thereof of this Ordinance shall be finally adjudicated by a court of competent
100 jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such
101 adjudication and all the remaining provisions of this Ordinance shall remain in full
102 force and effect as though such section, subsection, paragraph, clause or provision or
103 any part thereof so adjudicated to be invalid had not, to the extent of such invalidity,
104 been included herein.

105
106 Section 3. Any ordinances or resolutions or portions of ordinances and
107 resolutions inconsistent herewith are hereby repealed, but any ordinances and
108 resolutions not inconsistent herewith and which have not previously been repealed are
109 hereby ratified and confirmed.

111 Section 4. It is found and determined that all formal actions of this Council
112 concerning and relating to the passage of this ordinance were taken in an open meeting
113 of this Council and that all deliberations of this Council and of any committees that
114 resulted in those formal actions were in meetings open to the public, in compliance with
115 all legal requirements including Chapter 107 of the Codified Ordinances.

116
117 Section 5. This ordinance is hereby declared to be an emergency measure
118 necessary for the preservation of the public peace, health, safety, convenience and
119 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
120 receives the affirmative vote of two-thirds of the members elected or appointed to
121 Council, it shall take effect and be in force immediately upon its passage and approval
122 by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed
123 by law.

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126 Passed: _____
127 _____
128 President of Council

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131 _____
132 Clerk of Council

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134 Approved _____
135 _____
136 Mayor

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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. -2018

7
8 AN ORDINANCE AUTHORIZING THE MAYOR TO
9 ENTER INTO A COMMUNITY REINVESTMENT
10 AREA AGREEMENT WITH RIVER FALLS
11 PROPERTY IV, LLC, AND DECLARING AN
12 EMERGENCY.
13

14 WHEREAS, the City of Cuyahoga Falls designated an O.R.C. Chapter 3735 Community
15 Reinvestment Area by virtue of Ordinance No. 95-2004 to encourage the development of
16 real property within the Cuyahoga River Community Reinvestment Area; and
17

18 WHEREAS, the City of Cuyahoga Falls has designated a certain area within City that
19 has been certified by the State of Ohio Development Service Agency (FKA Ohio Department
20 of Development) as a Community Reinvestment Area enabling it to exempt certain real
21 property taxes imposed on industry provided said industry creates or retains jobs and
22 makes a significant investment within the certified zone; and
23

24 WHEREAS, the City Council and the Administration wish to provide assistance to River
25 Falls Property IV, LLC for the historic redevelopment of 2250 Front Street for Ohio Brewing
26 Company which will house a pub, restaurant, entertainment space and two apartments.
27 Beer will be brewed on site for distribution in the marketplace.
28

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

32 Section 1. The Mayor is hereby authorized to enter into a Community Reinvestment
33 Area (CRA) Agreement with River Falls Property IV, LLC consistent with the terms in the
34 proposed CRA Application attached hereto as Exhibit A, to provide real property tax relief
35 at the percentage and length of abatement as stipulated in said Application to benefit the
36 City and being consistent with the objectives of this ordinance.
37

38 Section 2. Council further authorizes the Mayor, Director of Finance, Director of
39 Community Development, Director of Law and any other city officials, individually and/or
40 collectively as may be appropriate, to prepare and execute such other documents and do
41 other things as are necessary for and incidental to carrying out the requirements of this
42 ordinance consistent with the terms of the attached Application.
43

44 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions
45 inconsistent herewith be and the same are hereby repealed, but any ordinances and
46 resolutions not inconsistent herewith and which have not previously been repealed are
47 hereby ratified and confirmed.
48

49 Section 4. It is found and determined that all formal actions of this Council
50 concerning and relating to the adoption of this ordinance were adopted in an open meeting

51 of this Council, and that all deliberations of this Council and of any of its committees that
52 resulted in such formal action, were in meetings open to the public, in compliance with all
53 legal requirements, to the extent applicable, including Chapter 107 of the Codified
54 Ordinances.

55
56 Section 5. This ordinance is hereby declared to be an emergency measure necessary
57 for the preservation of the public peace, health, safety, convenience and welfare of the City
58 of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote
59 of two thirds of the members elected or appointed to Council, it shall take effect and be in
60 force immediately upon its passage and approval by the Mayor; otherwise it shall take
61 effect and be in force at the earliest period allowed by law.

62
63
64 Passed: _____
65 _____
66 President of Council

67
68 _____
69 Clerk of Council

70
71
72 Approved: _____
73 _____
74 Mayor

75 2/12/18
76 O:\2018ords\CRA River Falls Property.doc
77

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Cuyahoga Falls located in the County of Summit and:

River Falls Property IV, LLC

(Company Name)

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

River Falls Property IV, LLC

Michael G. Verich

Enterprise Name

Contact Person

2250 Front St, Cuyahoga Falls, OH 44221 330-553-0014

Address

Telephone Number

Ohfla5@aol.com cverich@ohiobrewing.com

Contact Email

Project site:

2250 Front St., Cuyahoga Falls, OH 44221

02-12974

Address

Parcel Number

Michael or Chris Verich

330-553-0014 or 330-883-3685

Contact Person

Telephone Number

cverich@ohiobrewing.com ohfla5@aol.com

Contact Email

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site. Please be specific with details.

This location will house a brewery, pub/restaurant and entertainment facility. On the top floor, there is an area for banquets and two residential apartments. The brewery will offer a full service bar with retail sales, featuring award winning beers and a full service menu featuring pizza crust made from spent grain from the brewing process. The brewery will also serve as a manufacturer of beer to be brewed on premise for distribution by kegs and bottles in the marketplace.

- b. List primary 6 digit North American Industry Classification System (NAICS) #

Business may list other relevant SIC numbers.

312120

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred):

N/A

- d. Form of business of enterprise:

Corporation Partnership Proprietorship Other

3. Name of principal owner(s) or officers of the business.

Michael G. Verich

Christopher F. Verich

Elenida Velu

4. a. State the enterprise's current employment level at the proposed project site:

Full Time: 0 Part Time: 0
(To be considered full time the individual must work at least 35 hours per week.)

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes No

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

N/A

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

	Permanent	Temporary
Full Time	N/A	N/A
Part Time	N/A	N/A

(To be considered full time the individual must work at least 35 hours per week.)

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

N/A

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

N/A

5. Does the Property Owner Currently Owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes No

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes No

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?

Yes No

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers.

N/A

6. Project Description. Be as detailed as possible:

Extensive renovations will take place that will insure the historical preservation of the building. A brewery, bar, restaurant, small stage, and a patio will be present on the first level. An entertainment area with a stage for a band and a smaller bar with a large cooler will be on the lower level. Two residential apartments and a banquet facility will be on the second floor.

7. Project will begin on March 5, 2018 and be completed by June 1, 2018 provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

	Permanent	Temporary
Full Time	22	N/A
Part Time	18	N/A

(To be considered full time the individual must work at least 35 hours per week.)

b. State the time frame of this projected hiring: April & May 2018

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):

See above.

9. a. Estimate the amount of annual payroll such new employees will add (New annual payroll must be itemized by full and part-time and permanent and temporary new employees).

	Permanent		Temporary	
Full-time	\$	432,537.60	\$	N/A
Part-time	\$	126,780.60	\$	N/A
TOTAL:	\$	559,318.20	\$	N/A

(To be considered full time the individual must work at least 35 hours per week.)

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 0.

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Land/Buildings	\$	<u>375,000</u>
B. Additions/New Construction	\$	<u>630,000</u>
C. Improvements to Existing Buildings	\$	<u>131,300</u>
D. Machinery & Equipment	\$	<u>305,000</u>
E. Furniture & Fixtures	\$	<u>100,000</u>
F. Inventory	\$	<u>150,000</u>
Total New Project Investment	\$	<u>1,691,300</u>

11.

- a. Business requests the following tax exemption incentives: 50 % for 15 years covering the real property improvements as described above.
- b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

Our goal is to be a good neighbor to the Cuyahoga Falls community, including the local school system. We will make every effort to provide jobs for Cuyahoga Falls students and graduates. Our business will offer a \$500 scholarship for graduating students on a yearly basis, and we will also sponsor a scholarship fundraiser once per year. If feasible, a culinary apprenticeship can be formed in cooperation with the Cuyahoga Falls local schools. Furthermore, we are willing to make an additional contribution in the amount of \$750 to the Cuyahoga Falls band boosters annually.

Submission of this application expressly authorizes the City of Cuyahoga Falls to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.
The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

River Falls Property IV, LLC	Member
Name of Property Owner	Title
Signature	Date

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2018

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
8 A CONTRACT OR CONTRACTS, ACCORDING TO LAW,
9 PROVIDING RIVER FALLS PROPERTY IV, LLC DBA OHIO
10 BREWING COMPANY AN ECONOMIC DEVELOPMENT LOAN,
11 AND DECLARING AN EMERGENCY.
12
13

14 WHEREAS, this Council approved the 2017 Community Development Block Grant
15 Annual Action Plan (“Annual Action Plan”) pursuant to Ordinance 59-2017; and
16

17 WHEREAS, the Annual Action Plan set forth a certain amount of programming costs to
18 be used for economic development initiatives; and
19

20 WHEREAS, River Falls Property IV, LLC dba Ohio Brewing Company, 2250 Front Street,
21 is requesting a \$50,000 CDBG loan to assist in acquiring a BCast Stainless Brewhouse –
22 15 BBL; and
23

24 WHEREAS, the total new investment into the City of Cuyahoga Falls will be \$1.7 million
25 dollars and over \$560,000 in new annual payroll; and
26

27 WHEREAS, the loan will in the form of a 3% interest, 8 year amortization and will be
28 secured by a lien on 2250 Front Street.
29

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

33 Section 1. The Mayor is hereby authorized to enter into a contract or contracts,
34 according to law, for an economic development loan to assist in acquiring a BCast
35 Stainless Brewhouse – 15 BBL.
36

37 Section 2. The Director of Finance is hereby authorized and directed to make payment
38 for same in an amount not to exceed \$50,000 from the Community Development Block
39 Grant Fund, line item Economic Development.
40

41 Section 3. Any other ordinances or resolutions or portions of ordinances and
42 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
43 not inconsistent herewith and which have not previously been repealed are hereby ratified
44 and confirmed.
45

46 Section 4. 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
48 Council, and that all deliberations of this Council and of any of its committees that
49 resulted in such formal action, were in meetings open to the public, in compliance with all

50 legal requirements, to the extent applicable, including Chapter 107 of the Codified
51 Ordinances.

52
53 Section 5. This ordinance is hereby declared to be an emergency measure necessary for
54 the preservation of the public peace, health, safety, convenience and welfare of the City of
55 Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately
56 necessary to permit timely and appropriate development of this property, and provided it
57 receives the affirmative vote of two thirds of the members elected or appointed to Council,
58 it shall take effect and be in force immediately upon its passage and approval by the
59 Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

60
61
62 Passed: _____
63 _____
64 President of Council

65
66 _____
67 Clerk of Council

68
69
70 Approved: _____
71 _____
72 Mayor

73 2/12/18
74 O:\2018ords\Ohio Brewing Legislation_CDBG Loan.doc
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