

NEW LEGISLATION

September 9, 2013

Temp. No.	Introduced	Committee	Description
B-59	9/9/13	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
B-60	9/9/13	PA	An ordinance authorizing the Director of Public Service to issue an encroachment permit to Boston Buckeye Realty, LLC for the purpose of installing a business identification sign in a portion of State Road abutting the property at 1760 State Road (Parcel No. 02-00019), and declaring an emergency.
B-61	9/9/13	CD	An ordinance approving an amendment to the Community Development Block Grant Annual Action Plan for Fiscal Year 2012, and declaring an emergency.
B-62	9/9/13	CD	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition of buildings and removal of demolition debris at various locations in the city, certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.
B-63	9/9/13	CD	An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement jointly with the Tamarkin Company, Giant Eagle, Inc. and GetGo Partners South (GP), LLC, and declaring an emergency.

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CALENDAR

September 9, 2013

The following legislation will be up for passage at the Council Meeting on September 9, 2013.

Temp. No.	Introduced	Committee	Description
B-54	7/22/13	Fin	An ordinance providing for the issuance and sale of notes in the principal amount of \$1,000,000, in anticipation of the issuance of bonds, for the purpose of paying costs of widening State Road from Graham Road to Quick Road by constructing and installing sidewalks, bike lanes, curbs, storm water management improvements, signalization and street lighting and other improvements, and declaring an emergency.
B-57	9/3/13	PZ	An ordinance approving the final subdivision plat of the Hidden Lakes Phase 3A Subdivision, and declaring an emergency.
B-58	9/3/13	PZ	An ordinance approving the final subdivision plat of the Hidden Lakes Phase 3B Subdivision, extending the duration of such approval for a period of one year, and declaring an emergency.

PENDING LEGISLATION

September 9, 2013

Temp. No.	Introduced	Committee	Description
B-51	7/8/13	PA	A resolution approving an amendment to the Summit County 9-1-1 Plan to include the Southwest Summit Council of Governments as a public safety answering point, and declaring an emergency.
B-54	7/22/13	Fin	An ordinance providing for the issuance and sale of notes in the principal amount of \$1,000,000, in anticipation of the issuance of bonds, for the purpose of paying costs of widening State Road from Graham Road to Quick Road by constructing and installing sidewalks, bike lanes, curbs, storm water management improvements, signalization and street lighting and other improvements, and declaring an emergency.
B-55	7/22/13	PA	An ordinance amending Section 131.01 of Title Five, Part One of the Codified Ordinances, relating to authorized staffing of the Fire Department, and declaring an emergency.
B-57	9/3/13	PZ	An ordinance approving the final subdivision plat of the Hidden Lakes Phase 3A Subdivision, and declaring an emergency.
B-58	9/3/13	PZ	An ordinance approving the final subdivision plat of the Hidden Lakes Phase 3B Subdivision, extending the duration of such approval for a period of one year, and declaring an emergency.

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2013

8
9 AN ORDINANCE AMENDING THE TRAFFIC
10 CONTROL FILE BY PROVIDING FOR INSTALLATION
11 OF VARIOUS TRAFFIC CONTROL DEVICES, AND
12 DECLARING AN EMERGENCY.
13

14 WHEREAS, site-specific traffic control regulations of the City are established
15 and maintained in the "Traffic Control File," a document established and
16 maintained by the Chief of Police pursuant to Chapter 305 of the Codified
17 Ordinances, and
18

19 WHEREAS, Section 305.02 of said Chapter requires that amendments to the
20 Traffic Control File be made only through legislation passed by City Council,
21

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

25 Section 1. Upon the recommendation of the Traffic Committee, the Traffic
26 Control File is hereby amended as follows:
27

- 28 1. To remove the "drop-off zone" designation relative to the curb recess
29 on the east side of Third Street abutting 2015 Third Street (Cuyahoga
30 Falls Library) and to permit parallel parking (only) at that location.
31

32 Section 2. The Chief of Police is hereby authorized and directed to note in
33 the Traffic Control File the proper legends.
34

35 Section 3. The Mayor is hereby authorized and directed to cause the
36 installation or removal of the proper signage reflecting the above amendments.
37

38 Section 4. Any other ordinances and resolutions or portions of ordinances
39 and resolutions inconsistent herewith are hereby repealed but any ordinances
40 and resolutions or portions of ordinances and resolutions not inconsistent
41 herewith and which have not been previously repealed are hereby ratified and
42 confirmed.
43

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

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

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60 Passed: _____
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62 President of Council

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65 Clerk of Council
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68 Approved: _____
69 _____
70 Mayor

71 9/9/13
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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2013

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ISSUE AN ENCROACHMENT
9 PERMIT TO BOSTON BUCKEYE REALTY, LLC FOR THE
10 PURPOSE OF INSTALLING A BUSINESS IDENTIFICATION
11 SIGN IN A PORTION OF STATE ROAD ABUTTING THE
12 PROPERTY AT 1760 STATE ROAD (PARCEL NO. 02-
13 00019), AND DECLARING AN EMERGENCY.

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

17
18 Section 1. The Director of Public Service is hereby authorized to issue an
19 encroachment permit, revocable at the will of Council, to Boston Buckeye Realty, LLC
20 for the purpose of installing, maintaining and removing a business identification sign in
21 a portion of State Road abutting the property at 1760 State Road (Parcel No. 02-00019).
22 The permit shall be substantially in the form now on file with the Clerk in Council File
23 No. _____ and shall contain such terms and conditions as are necessary in the opinion
24 of the Director of Law to protect the public interest.

25
26 Section 2. Any other ordinances and resolutions or portions of ordinances and
27 resolutions inconsistent herewith are hereby repealed, but any ordinances and
28 resolutions or portions of ordinances and resolutions not inconsistent herewith and
29 which have not previously been repealed are hereby ratified and confirmed.

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31 Section 3. It is found and determined that all formal actions of this Council
32 concerning and relating to the adoption of this ordinance were adopted in an open
33 meeting of this Council and that all deliberations of this Council and of any of its
34 committees that resulted in such formal action were in meetings open to the public, in
35 compliance with all legal requirements including Chapter 107 of the Codified
36 Ordinances.

37
38 Section 4. This ordinance is hereby declared to be an emergency measure
39 necessary for the preservation of the public peace, health, safety, convenience and
40 welfare of the City of Cuyahoga Falls, and provided it receives the affirmative vote of
41 two-thirds of the members elected or appointed to Council, it shall take effect and be in
42 force immediately upon its passage and approval by the Mayor; otherwise it shall take
43 effect and be in force at the earliest period allowed by law.

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46 Passed: _____

President of Council

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49 _____
Clerk of Council

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52 Approved: _____

Mayor

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54 9/9/13

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2013

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8 AN ORDINANCE APPROVING AN AMENDMENT TO THE
9 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION
10 PLAN FOR FISCAL YEAR 2012, AND DECLARING AN
11 EMERGENCY.
12

13 WHEREAS, in Ord. No. 45-2012, passed April 23, 2012, this Council approved the 2012
14 Community Development Block Grant (CDBG) Annual Action Plan for HUD Fiscal Year 2012, and
15

16 WHEREAS, the CDBG Consolidated Plan, adopted for the years 2009-2013, requires that any
17 substantial amendment to an Annual Action Plan which increases the funding level reported therein
18 be first approved by this Council, after a 30-day notice and comment period and a public hearing,
19

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

23 Section 1. The 2012 Community Development Block Grant Annual Action Plan, as amended
24 pursuant to the proposed amendment currently on file with the Clerk of Council in Council File No.
25 _____, is hereby approved, and the Community Development Department is authorized to carry out
26 the programs contained in these documents.
27

28 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions
29 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
30 herewith and which have not previously been repealed are hereby ratified and confirmed.
31

32 Section 3. It is found and determined that all formal actions of this Council concerning and
33 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that
34 all deliberations of this Council and of any of its committees that resulted in such formal action, were
35 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,
36 including Chapter 107 of the Codified Ordinances.
37

38 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
39 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
40 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and
41 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
42 the members elected or appointed to Council, it shall take effect and be in force immediately upon its
43 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
44 allowed by law.
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47 Passed: _____
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49 President of Council

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52 Clerk of Council

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55 Approved: _____
56 _____
57 Mayor

57 9/9/13

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2013

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
10 ACCORDING TO LAW, FOR THE DEMOLITION OF
11 BUILDINGS AND REMOVAL OF DEMOLITION DEBRIS AT
12 VARIOUS LOCATIONS IN THE CITY, CERTIFYING THE
13 COST THEREOF TO THE COUNTY FISCAL OFFICER FOR
14 COLLECTION IN THE MANNER PROVIDED BY LAW, AND
15 DECLARING AN EMERGENCY.

16
17 WHEREAS, the Building Official has declared the buildings identified in Section 1 below
18 to be dangerous buildings within the meaning of Chapter 1335 of the Codified Ordinances;
19 and

20
21 WHEREAS, the Building Official has provided a notice to all owners and interested
22 parties concerned with the buildings identified in Section 1 below, instructing such owners
23 and interested parties as to the repairs required to make the buildings safe, ordering the
24 owners to repair or demolish the buildings accordingly, and informing the owners and
25 interested parties of their right of appeal under Section 1335.05 of said Chapter; and

26
27 WHEREAS, no appeals of the Building Official’s orders have been received; and

28
29 WHEREAS, no remediation of the conditions found by the Building Official have been
30 attempted or accomplished by any of the owners or interested parties,

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

34
35 Section 1. This Council hereby finds and determines that the following described
36 structures are insecure, unsafe, and structurally defective within the meaning of Ohio
37 Revised Code §715.26, and dangerous buildings within the meaning of Section 1335.01 of
38 the Codified Ordinances:

- 39
40 (1) 1337 Anderson Road (all structures)
41 (2) 749 Magnolia Avenue (garage only)
42 (3) 2481 Northland Street (garage only)

43
44 Section 2. The Director of Public Service is authorized to enter into a contract or
45 contracts, according to law, for the demolition of the dangerous buildings listed in Section 1
46 above, and the removal of debris therefrom.

47
48 Section 3. The Finance Director is authorized to make payment for same from the
49 CDBG Fund, Line Item Contractual Other.

50
51 Section 4. In accordance with Ohio Revised Code §715.26, the Finance Director is
52 hereby directed to certify the costs of demolition and debris removal to the Clerk of Council
53 who shall then certify the same to the Summit County Fiscal Officer for placement thereof
54 on the tax duplicate together with interest and penalties provided by law.

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Section 5. Any other ordinance and resolutions or portions of ordinances and resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions or portions of ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

Section 6. 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, to the extent applicable, including Chapter 107 of the Codified Ordinances.

Section 7. 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

9/9/13

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. -2013

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7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 COMMUNITY DEVELOPMENT TO ENTER INTO A
9 COMMUNITY REINVESTMENT AREA TAX EXEMPTION
10 AGREEMENT JOINTLY WITH THE TAMARKIN
11 COMPANY, GIANT EAGLE, INC. AND GETGO
12 PARTNERS SOUTH (GP), LLC, AND DECLARING AN
13 EMERGENCY.

14
15 WHEREAS, pursuant to Resolution No. 9-2012, passed March 12, 2012, this
16 Council established and designated the boundaries of the State Road Community
17 Reinvestment Area (“SRCRA”) pursuant to Ohio Revised Code §3735.65 et seq., to
18 encourage the development of real property within the CFCRA; and

19
20 WHEREAS, on April 20, 2012 the State of Ohio Director of Development made a
21 determination that the findings contained in Res. No. 9-2012 are valid, and that
22 the classification of structures and/or remodeling eligible for exemption under the
23 Ordinance is consistent with zoning restrictions applicable to the SRCRA, and

24
25 WHEREAS, with receipt of the Director’s positive determination, the City is
26 enabled to abate certain taxes on real property located in the SRCRA, in order to
27 provide an incentive for the creation and retention of jobs and investment within
28 the SRCRA; and

29
30 WHEREAS, this Council has determined to provide economic development
31 assistance in the form of tax abatement to GetGo Partners South (GP), LLC (a
32 Pennsylvania limited liability company), in connection with development of a retail
33 redevelopment project to be located 2816 State Road (Parcel No. 35-03716),
34 hereinafter the “Project,”

35
36 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
37 Falls, County of Summit, and State of Ohio, that:

38
39 Section 1. The Director of Community Development is hereby authorized to
40 enter into a Community Reinvestment Area tax exemption agreement in
41 accordance with Ohio Revised Code §§3735.67 and 3735.671, jointly with The
42 Tamarkin Company, Giant Eagle, Inc. (a Pennsylvania corporation) and GetGo
43 Partners South (GP), LLC, consistent with Resolution No. 9-2012 and the terms set
44 forth in the application for tax exemption attached hereto as Exhibit A, in order to
45 provide the Project with an exemption from real property tax at (or not exceeding)
46 the percentage and for (or not exceeding) the duration stipulated in said
47 application.

49 Section 2. This Council further authorizes the Mayor, Director of Finance,
50 Director of Community Development, Director of Law and any other city officials,
51 individually and/or collectively as may be appropriate, to prepare and execute such
52 other documents and do other things as are necessary or incidental to carrying out
53 the requirements of this legislation consistent with the terms of the attached
54 application.

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56 Section 3. Any ordinances or resolutions or portions of ordinances and
57 resolutions inconsistent herewith are hereby repealed, but any ordinances and
58 resolutions not inconsistent herewith and which have not previously been repealed
59 are hereby ratified and confirmed.

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

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

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77 Passed: _____
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President of Council

Clerk of Council

Approved: _____

Mayor

Draft

EXHIBIT A

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Cuyahoga Falls located in the County of Summit and The Tamarkin Corporation / Giant Eagle, Inc and GetGo Partners South.

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

APPLICANT / TENANT:

<u>The Tamarkin Corporation / Giant Eagle, Inc</u>	<u>Todd Waldo</u>
Enterprise Name	Contact Person

<u>101 Kappa Drive Pittsburgh, PA 15238</u>	<u>412-967-3608</u>
Address	Telephone Number

OWNER:

<u>GetGo Partners South</u>	<u>Fran Rossi</u>
Enterprise Name	Contact Person

<u>701 Alpha Drive Pittsburgh, PA 15238</u>	<u>412-596-4353</u>
Address	Telephone Number

- b. Project site:

<u>2816 State Road</u>	<u>Paul Hill</u>
Address	Contact Person

<u>216-591-2745</u>
Telephone Number

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

Retail gasoline station / convenience store / cafe

- b. List primary 6 digit North American Industry Classification System (NAICS) #
Business may list other relevant SIC numbers. 447110

- 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, or other).

Corporation

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

GetGo Partners South- Thomas Karet; The Tamarkin Corporation / Giant Eagle, Inc- James Chickini

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

Zero

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

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):

12 Comparable GetGo stores in Ohio with a total employment= 342; Part time= 252; Full-time= 90

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 owe:

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

Yes ___ No X

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

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

6. Project Description:
GetGo Fuel Station
7. Project will begin in Fall 2013 / Winter 2014 and be completed by Spring / Summer 2014 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):
Total= 28 employees; Full-time= 8; Part-time= 20
- b. State the time frame of this projected hiring: +/- 3 months with an estimated hiring start of Winter / Spring 2014
- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):
Anticipated full employment at grand opening in the Spring / Summer 2014
9. a. Estimate the amount of annual payroll such new employees will add: \$ To be provided at a future date (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).
- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ N/A
10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:
- | | |
|--|---------------------------|
| A. Acquisition of Land: | <u>\$1,150,000</u> |
| B. Additions/New Construction: | <u>\$2,000,000</u> |
| C. Improvements to existing buildings: | <u>\$ 0</u> |
| D. Machinery & Equipment: | <u>\$ 0</u> |
| E. Furniture & Fixtures: | <u>\$ 0</u> |
| F. Inventory: | <u>\$ 0</u> |
| Total New Project Investment: | <u>\$3,150,000</u> |
11. a. Business requests the following tax exemption incentives: **50% for 4 years** covering the real property improvements as described above.
- b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)
Giant Eagle is making a significant investment in the redevelopment of an older property at a critical intersection within the City in order to develop a new modern GetGo Kitchen concept store. That commitment results in increased capital expenditures associated with the project, which the tax incentive will help to offset.

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.

James J. Chickini Vice President, Real Estate Leasing and Development
Name of Applicant / Tenant Title

 September 5, 2013
Signature Date

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.