

NEW LEGISLATION

June 26, 2023

Temp. No.	Introduced	Committee	Description
B-64	6/26/23	PZ	An ordinance accepting the recommendation of the Planning Commission for the construction of a 40-unit townhouse multi-family development for Antonio Pilla, located at Clyde Avenue and Buchholzer Boulevard, and declaring an emergency.
B-65	6/26/23	PZ	An ordinance accepting the recommendation of the Planning Commission for the construction of a 25,770 sq. ft. building for the Humane Society of Summit County, located at 752 West Portage Trail, and declaring an emergency.
B-66	6/26/23	Fin	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts with Toro Century Equipment, a Jerry Pate Company, for the purchase of two Groundsmaster 3500-D mowers for use at Brookledge Golf Club, and declaring an emergency.
B-67	6/26/23	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Montrose Auto Group or Ganley Toyota to purchase a compact truck, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
B-68	6/26/23	Fin	An ordinance authorizing the Mayor to enter into a Guaranteed Energy Savings Contract with Leopardo Energy LLC and Leopardo Companies, Inc. to implement energy efficiency improvements at the Natatorium and Fire Station 1 and savings through procurement solutions and fleet acquisition, and declaring an emergency.
B-69	6/26/23	Fin	An ordinance authorizing the Mayor or Director of Public Service to enter into a contract or contracts with the Doering Leasing Co. for the implementation of a fleet acquisition program, and declaring an emergency.
B-70	6/26/23	Fin	An ordinance authorizing the Director of Finance to enter into a contract or contracts, with the Huntington National Bank for the implementation of a virtual card and p-card payment system, and declaring an emergency.
B-71	6/26/23	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, with Environmental Design Group, for professional engineering services for the Boardwalk Transformation Project, and declaring an emergency.
B-72	6/26/23	PI	An ordinance authorizing the Director of Public Service to purchase certain interests in real property from Grace Cathedral Inc. for the improvement of West Portage Trail between State Road and Northampton Road, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
B-73	6/26/23	PA	An ordinance to approve current replacement pages to the Cuyahoga Falls Codified Ordinances, and declaring an emergency.
B-74	6/26/23	CD	An ordinance authorizing the Mayor to enter into a Community Reinvestment Area Agreement with BVI Realty, LLC and declaring an emergency.
B-75	6/26/23	CD	An ordinance authorizing the Mayor to return revolving loan funds to the Department of Housing and Urban Development and reutilizing the same for future economic development and public facilities and/or infrastructure improvement grants for calendar year 2023, and declaring an emergency.

CALENDAR
June 26, 2023

The following legislation will be up for passage at the Council Meeting on June 26, 2023.

Temp. No.	Introduced	Committee	Description
B-57	6/12/23	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, after publicly advertising for bids, with a company or companies for the maintenance and repair of City diesel electric generators through 2023 and 2024, and declaring an emergency.
B-58	6/12/23	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, after publicly advertising for bids, for overhead line clearance services including tree maintenance, tree and brush removal services, and mowing, for a period not to exceed three years, and declaring an emergency.
B-59	6/12/23	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Jadco Construction Services, for emergency concrete and masonry repairs to the City-owned parking garage located at 2035 Old Town Loop, and declaring an emergency.
B-60	6/12/23	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, after publicly advertising for bids, for the replacement of the flat roof on the Water Treatment Plant chemical building, located at 2228 Munroe Falls Avenue, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
B-61	6/12/23	PA	An ordinance authorizing the Mayor to grant an easement on a City-Owned parcel, located at the corner of East Portage Trail and High Street, to Dominion Energy Ohio, and declaring an emergency.
B-62	6/12/23	CD	A resolution authorizing the Mayor to apply for the 2023 Summit County Trail & Greenway Community Grant Program and commit the 50% required match funds to complete a study for the restoration of Mill Pond, and declaring an emergency.

PENDING LEGISLATION

June 26, 2023

Temp. No.	Introduced	Committee	Description
B-35	4/10/23	PZ	An ordinance approving a regulatory text amendment to Section 1133.04(A)(5) to allow for the keeping of chickens in R-2, R-3 and R-4 Zoning Districts, and declaring an emergency.
B-57	6/12/23	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, after publicly advertising for bids, with a company or companies for the maintenance and repair of City diesel electric generators through 2023 and 2024, and declaring an emergency.
B-58	6/12/23	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, after publicly advertising for bids, for overhead line clearance services including tree maintenance, tree and brush removal services, and mowing, for a period not to exceed three years, and declaring an emergency.
B-59	6/12/23	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Jadco Construction Services, for emergency concrete and masonry repairs to the City-owned parking garage located at 2035 Old Town Loop, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
B-60	6/12/23	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, after publicly advertising for bids, for the replacement of the flat roof on the Water Treatment Plant chemical building, located at 2228 Munroe Falls Avenue, and declaring an emergency.
B-61	6/12/23	PA	An ordinance authorizing the Mayor to grant an easement on a City-Owned parcel, located at the corner of East Portage Trail and High Street, to Dominion Energy Ohio, and declaring an emergency.
B-62	6/12/23	CD	A resolution authorizing the Mayor to apply for the 2023 Summit County Trail & Greenway Community Grant Program and commit the 50% required match funds to complete a study for the restoration of Mill Pond, and declaring an emergency.

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2023

7
8 AN ORDINANCE ACCEPTING THE RECOMMENDATION OF
9 THE PLANNING COMMISSION FOR THE CONSTRUCTION
10 OF A 40-UNIT TOWNHOUSE MULTI-FAMILY
11 DEVELOPMENT FOR ANTONIO PILLA, LOCATED AT CLYDE
12 AVENUE AND BUCHHOLZER BOULEVARD, AND
13 DECLARING AN EMERGENCY.

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, on June 20, 2023, the Planning Commission recommended approval of
19 the major site plan for the construction of a 40-unit multifamily development for Antonio
20 Pilla, on Parcel No. 02-20528 located at Clyde Avenue and Buchholzer Boulevard. The
21 development consists of nine total buildings designed as three story townhouses; and

22
23 WHEREAS, such approval is given subject to all Planning Commission findings and
24 provisions contained in Project File MSP-23-00021 and

25
26 WHEREAS, such approval is necessary to determine that the site plan is satisfactory,
27 serves the public interest, and is acceptable for recording.

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

31
32 Section 1. That the City Council approves the major site plan for the construction of
33 a 40-unit multifamily development for Antonio Pilla, on Parcel No. 02-20528 located at
34 Clyde Avenue and Buchholzer Boulevard. The development consists of nine total
35 buildings designed as three story townhouses. The approved site plan is depicted on
36 Attachment "A" and is fully described in Project File MSP-23-00021.

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

42
43 Section 3. That it is found and determined that all formal actions of this Council
44 concerning and relating to the adoption of this ordinance were adopted in an open
45 meeting of this Council, and that all deliberations of this Council and of any of its
46 committees that resulted in such formal action, were in meetings open to the public, in
47 compliance with all legal requirements, to the extent applicable, including Chapter 107
48 of the Codified Ordinances.

49
50 Section 4. That this ordinance is hereby declared to be an emergency measure
51 necessary for the preservation of the public peace, health, safety, convenience and
52 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and for the reason
53 that it is immediately necessary to permit timely and appropriate development of this
54 property, and provided it receives the affirmative vote of two-thirds of the members

55 elected or 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 at the
57 earliest period allowed by law.

58
59

60 Passed: _____

President of Council

62
63

Clerk of Council

64
65

66 Approved: _____

Mayor

67
68

6/26/23

69 \\CF-FILE04\LDpublic\Council\2023ords\06-26-23\MSP-23-00021 Clyde Ave
70 Townhouses.docx

ATTACHMENT "A"



2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2023

7
8 AN ORDINANCE ACCEPTING THE RECOMMENDATION OF
9 THE PLANNING COMMISSION FOR THE CONSTRUCTION
10 OF A 25,770 SQ. FT. BUILDING FOR THE HUMANE
11 SOCIETY OF SUMMIT COUNTY, LOCATED AT 752 WEST
12 PORTAGE TRAIL, AND DECLARING AN EMERGENCY.
13

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

17 WHEREAS, on June 20, 2023, the Planning Commission recommended approval of
18 the major site plan for the construction of a 25,770 sq. ft. building for the Humane
19 Society of Summit County located at 752 West Portage Trail. The proposed facility will
20 be comprised of administrative offices, veterinary facilities, indoor kennels, and
21 temporary outdoor kennel facilities; and
22

23 WHEREAS, such approval is given subject to all Planning Commission findings and
24 provisions contained in Project File MSP-23-00024; and
25

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

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

32 Section 1. That the City Council approves the major site plan for the construction of
33 a 25,770 sq. ft. building for the Humane Society of Summit County located at 752 West
34 Portage Trail. The proposed facility will be comprised of administrative offices, veterinary
35 facilities, indoor kennels, and temporary outdoor kennel facilities. The approved site
36 plan is depicted on Attachment "A" and is fully described in Project File MSP-23-00024.
37

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

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

50 Section 4. That this ordinance is hereby declared to be an emergency measure
51 necessary for the preservation of the public peace, health, safety, convenience and
52 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and for the reason
53 that it is immediately necessary to permit timely and appropriate development of this
54 property, and provided it receives the affirmative vote of two-thirds of the members

55 elected or 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 at the
57 earliest period allowed by law.

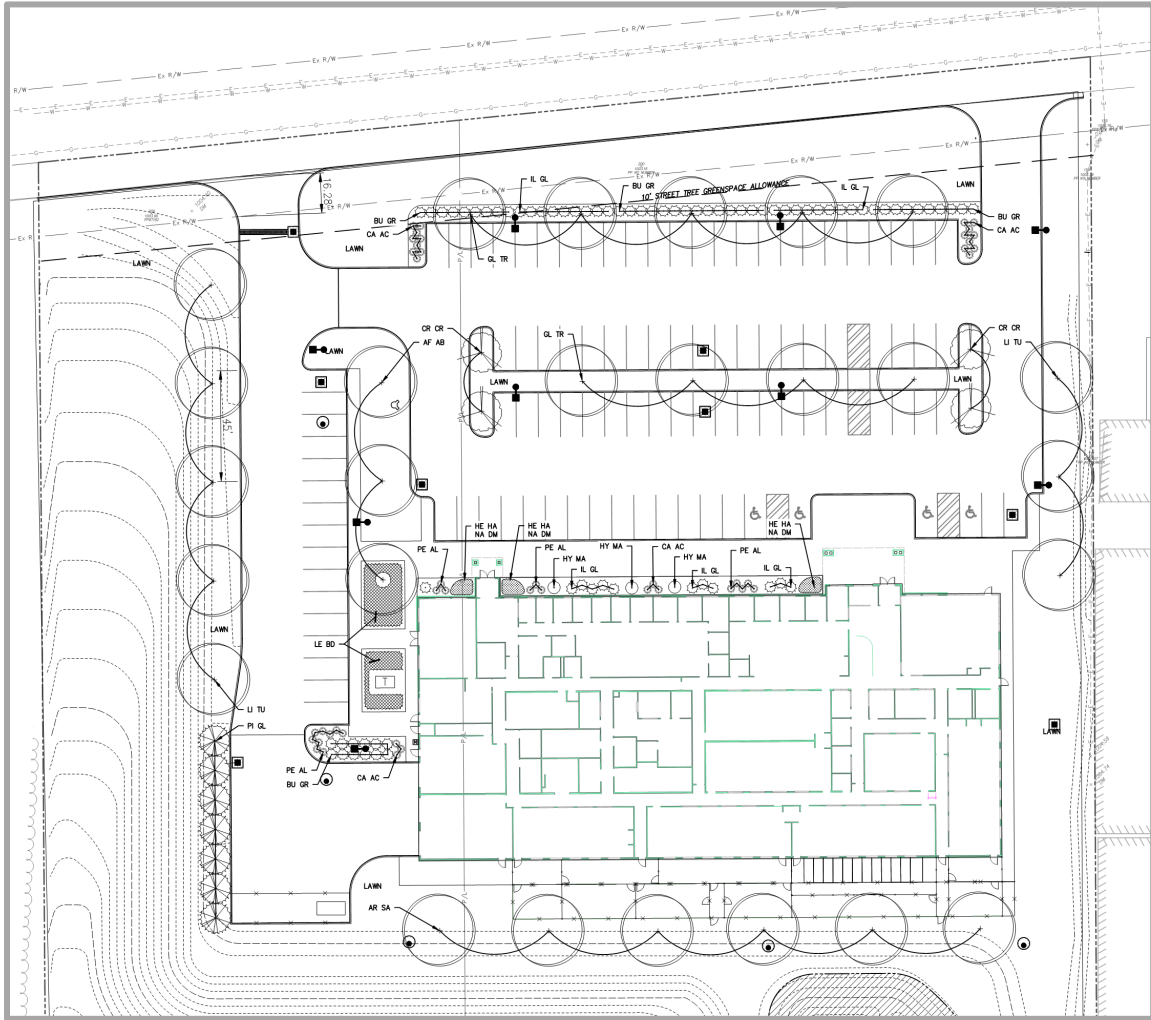
58
59
60 Passed: _____
61 _____
62 President of Council

63 _____
64 Clerk of Council

65
66 Approved: _____
67 _____
68 Mayor

69 6/26/23
70 \\CF-FILE04\LDpublic\Council\2023ords\06-26-23\MSP-23-00024 Humane Society
HQ.docx

ATTACHMENT "A"



2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2023

8
9 AN ORDINANCE AUTHORIZING THE PARKS AND
10 RECREATION BOARD TO ENTER INTO A CONTRACT OR
11 CONTRACTS WITH TORO CENTURY EQUIPMENT, A JERRY
12 PATE COMPANY, FOR THE PURCHASE OF TWO
13 GROUNDSMASTER 3500-D MOWERS FOR USE AT
14 BROOKLEDGE GOLF CLUB, AND DECLARING AN
15 EMERGENCY.
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 vendor and
19 Sourcewell, a cooperative purchasing group, and is thus exempt from competitive
20 bidding requirements pursuant to Ohio Revised Code §125.04.
21

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

25 Section 1. The Parks and Recreation Board is hereby authorized to enter into a
26 contract or contracts with Toro, Century Equipment, a Jerry Pate Company, on the
27 basis of its proposal dated May 30, 2023, for the purchase of two Groundsmaster 3500-
28 D mowers for use at Brookledge Golf Club.
29

30 Section 2. The Director of Finance is hereby authorized and directed to make
31 payment for same from Leisure Time Fund, line item Capital Outlay.
32

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

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

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

51
52
53
54
55
56
57
58
59
60
61
62
63
64

Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

6/26/23

\\cf-file04\LDPublic\Council\2023ords\06-26-23\Brookledge Mowers.docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2023

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
9 WITHOUT COMPETITIVE BIDDING, WITH MONTROSE
10 AUTO GROUP OR GANLEY TOYOTA TO PURCHASE A
11 COMPACT TRUCK, AND DECLARING AN EMERGENCY.

12
13 WHEREAS, the Engineering Division is in need of a new truck for use by the
14 Division’s aides; and

15
16 WHEREAS, because of supply constraints, vehicles are difficult to purchase through
17 consortiums and through public bidding; and

18
19 WHEREAS, it has become more practical to purchase the truck from an area car
20 dealership.

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

24
25 Section 1. The Director of Public Service is hereby authorized to enter into a contract
26 or contracts, without competitive bidding, with Montrose Auto Group or Ganley Toyota
27 to purchase a compact truck.

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

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

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

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

50
51
52
53
54
55
56
57
58
59
60
61
62
63

Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

6/26/23

\\CF-FILE04\LDpublic\Council\2023ords\06-26-23\Compact Truck Purchase.docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2023

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
8 INTO A GUARANTEED ENERGY SAVINGS CONTRACT WITH
9 LEOPARDO ENERGY LLC AND LEOPARDO COMPANIES,
10 INC. TO IMPLEMENT ENERGY EFFICIENCY
11 IMPROVEMENTS AT THE NATATORIUM AND FIRE STATION
12 1 AND SAVINGS THROUGH PROCUREMENT SOLUTIONS
13 AND FLEET ACQUISITION, AND DECLARING AN
14 EMERGENCY.

15
16 WHEREAS, the City of Cuyahoga Falls desires to implement energy conservation
17 measures pursuant to Section 717.02 of the Ohio Revised Code and selected Leopardo
18 Energy LLC and Leopardo Companies, Inc. ("Leopardo") as the vendor to prepare an
19 energy conservation report in accordance with Section 717.02(B); and

20
21 WHEREAS, Leopardo has presented their energy conservation report ("Report") to
22 the City; and

23
24 WHEREAS, Council determines that it is in the best of interest of the City to contract
25 with Leopardo to implement those energy conservation measures that are most likely to
26 result in the greatest energy savings considering the costs of the project and the City's
27 ability to pay for improvements with current revenues or by financing.

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 Guaranteed Energy Savings
33 Contract with Leopardo Energy LLC and Leopardo Companies, Inc. for energy efficiency
34 improvements at the natatorium and fire station 1 and savings through procurement
35 solutions and fleet acquisition in accordance with Ohio Revised Code 717.02(C)(2)(b)
36 and pursuant to the terms and conditions approved by the Director of Law and
37 substantially in form on file with the Clerk of Council, with such changes as shall not
38 be materially adverse to the City and are approved by the Director of Law, all of which
39 shall be conclusively evidenced by the execution thereof.

40
41 Section 2. Council finds that the amount of money spent on the energy conservation
42 measures is not likely to exceed the amount of money the City would save in energy,
43 operating, maintenance and avoided capital costs over the average system life of the
44 energy conservation measures as specified in the Report.

45
46 Section 3. The Mayor, Director of Finance, Director of Law, and other city officials,
47 as appropriate, are hereby authorized to provide all information and to execute, certify
48 or furnish such other documents and do all other things, consistent with the terms of
49 the Guaranteed Energy Savings Contract and this ordinance.

50 Section 4. The Director of Finance is hereby authorized to make payment for the
51 same from the Local Fiscal Recovery Fund, line item Other Operations, Capital Projects
52 Fund, line item Capital Outlay, and Leisure Time Fund, line item Capital Outlay.
53 Appropriations shall be increased in the Local Fiscal Recovery Fund, line item Other
54 Operations in the amount of \$1,422,454 and decreasing the same amount in the Local
55 Fiscal Recovery Fund, line item Capital Outlay. Additionally, appropriations shall be
56 increased in the Capital Projects Fund, line item Capital Outlay in the amount of
57 \$766,586 and in the Leisure Time Fund, line item Capital Outlay in the amount of
58 \$7,889,946.
59

60 Section 5. Any other ordinances and resolutions or portions of ordinances and
61 resolutions inconsistent herewith are hereby repealed, but any ordinances and
62 resolutions or portions of ordinances and resolutions not inconsistent herewith and
63 which have not previously been repealed are hereby ratified and confirmed.
64

65 Section 6. It is found and determined that all formal actions of this Council
66 concerning and relating to the adoption of this ordinance were adopted in an open
67 meeting of this Council, and that all deliberations of this Council and of any of its
68 committees that resulted in such formal action, were in meetings open to the public, in
69 compliance with all legal requirements, to the extent applicable, including Chapter 107
70 of the Codified Ordinances.
71

72 Section 7. This ordinance is hereby declared to be an emergency measure necessary
73 for the preservation of the public peace, health, safety, convenience and welfare of the
74 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the
75 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
76 take effect and be in force immediately upon its passage and approval by the Mayor;
77 otherwise it shall take effect and be in force at the earliest period allowed by law.
78
79

80 Passed: _____
81 _____
82 President of Council
83

84 _____
85 Clerk of Council
86

87
88 Approved: _____
89 _____
90 Mayor

90 6/26/23

91 \\CF-FILE04\LDpublic\Council\2023ords\06-26-23\Leopardo Guaranteed Energy
92 Savings Contract.docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2023

6
7 AN ORDINANCE AUTHORIZING THE MAYOR OR
8 DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A
9 CONTRACT OR CONTRACTS WITH THE DOERING
10 LEASING CO. FOR THE IMPLEMENTATION OF A
11 FLEET ACQUISITION PROGRAM, AND DECLARING
12 AN EMERGENCY.

13
14 WHEREAS, savings from this program will be used as part of a guaranteed
15 energy savings contract approved in Ordinance ____-2023; and

16
17 WHEREAS, the City of Cuyahoga Falls Council approves modifications of fleet
18 acquisition program and has appropriated funds in its annual appropriations
19 budget; and

20
21 WHEREAS, the City of Cuyahoga Falls Council determines program will
22 provide a public benefit by providing safe and operable vehicles to the City, its
23 officials, employees, and agents to further promote the health, safety, and welfare
24 of the City and its residents.

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

28
29 Section 1. The Mayor or Director of Public Service are hereby authorized to
30 enter into a contract or contracts, with The Doering Leasing Co. for the
31 implementation of a fleet acquisition program.

32
33 Section 2. The Director of Finance is hereby authorized to make payment for
34 same from funds properly appropriated to the various departments of the City for
35 these purposes, according to an apportionment of costs as between the
36 departments.

37
38 Section 3. Any other ordinances and resolutions or portions of ordinances and
39 resolutions inconsistent herewith are hereby repealed, but any ordinances and
40 resolutions or portions of ordinances and resolutions not inconsistent herewith
41 and 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
44 concerning and relating to the adoption of this ordinance were adopted in an
45 open meeting of this Council, and that all deliberations of this Council and of any
46 of its committees that resulted in such formal action, were in meetings open to
47 the public, in compliance with all legal requirements, to the extent applicable,
48 including Chapter 107 of the Codified Ordinances.

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

56

57

58 Passed: _____

President of Council

59

60

61

62

63

Clerk of Council

64

65

66 Approved: _____

Mayor

67

68

6/25/23

69

\\CF-FILE04\LDpublic\Council\2023ords\06-26-23\Doering Fleet

70

Acquisition.docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2023

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 FINANCE TO ENTER INTO A CONTRACT OR CONTRACTS,
9 WITH THE HUNTINGTON NATIONAL BANK FOR THE
10 IMPLEMENTATION OF A VIRTUAL CARD AND P-CARD
11 PAYMENT SYSTEM, AND DECLARING AN EMERGENCY.
12

13 WHEREAS, savings from this program will be used as part of a guaranteed energy
14 savings contract approved in Ordinance ____-2023; and
15

16 WHEREAS, the City of Cuyahoga Falls Council approves card usage for those
17 purposes involving the procurement of goods and/or services and has appropriated
18 funds in its annual appropriations budget; and
19

20 WHEREAS, the City of Cuyahoga Falls will adopt formal policies and procedures
21 concerning system usage and oversight, including but not limited to the following
22 considerations: 1) a list of authorized employees; 2) custody of the card(s); and 3) the
23 pre-approval of card usage and reconciliation of usage against purchase orders.
24

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

28 Section 1. The Director of Finance is hereby authorized to enter into a contract or
29 contracts with The Huntington Bank for the implementation of a virtual card and p-card
30 system.
31

32 Section 2. The Director of Finance is hereby authorized to make payment for same
33 from funds properly appropriated to the various departments of the City for these
34 purposes, according to an apportionment of costs as between the departments.
35

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

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

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

54
55 Passed: _____
56 _____
57 President of Council

58
59 _____
60 Clerk of Council
61

62
63 Approved: _____
64 _____
65 Mayor

66 6/26/23
67 \\CF-FILE04\LDpublic\Council\2023ords\06-26-23\Huntington Virtual Card and P-
Card System.docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2023

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
9 ACCORDING TO LAW, WITH ENVIRONMENTAL DESIGN
10 GROUP, FOR PROFESSIONAL ENGINEERING SERVICES
11 FOR THE BOARDWALK TRANSFORMATION PROJECT, AND
12 DECLARING AN EMERGENCY.
13

14 WHEREAS, the City followed the procedures set forth in Ohio Revised Code Sections
15 153.65 to 153.73 in selecting a professional design services firm to assist with the
16 improvement to South Front Street, from Broad Boulevard to Grant Avenue; and
17

18 WHEREAS, after review of all the proposals submitted to the City, Environmental
19 Design Group was selected as the most qualified for the project.
20

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

24 Section 1. The Director of Public Service is hereby authorized to enter into a contract
25 or contracts, according to law, with Environmental Design Group, for professional
26 engineering services for the Boardwalk Transformation Project.
27

28 Section 2. The Director of Finance is hereby authorized and directed to make
29 payment for same from the Local Fiscal Recovery Fund, line item, Capital Outlay.
30

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

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

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

49
50
51
52
53
54
55
56
57
58
59
60
61
62
63

Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

6/26/23
\\CF-FILE04\LDpublic\Council\2023ords\06-26-23\Boardwalk Professional
Services.docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2023

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO PURCHASE CERTAIN INTERESTS IN REAL
9 PROPERTY FROM GRACE CATHEDRAL INC. FOR THE
10 IMPROVEMENT OF WEST PORTAGE TRAIL BETWEEN
11 STATE ROAD AND NORTHAMPTON ROAD, AND
12 DECLARING AN EMERGENCY.

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

16
17 Section 1. The Director of Public Service is authorized to enter into a contract or
18 contracts with Grace Cathedral Inc. for the purchase of interests in real property located
19 on Parcels 02-00587, 35-00417 and 35-06956 for the improvement of West Portage Trail
20 between State Road and Northampton Boulevard.

21
22 Section 2.The Director of Finance is hereby authorized to make payment for the
23 same out of the Capital Projects Fund, line item Capital Outlay.

24
25 Section 3. Any other ordinances and resolutions or portions of ordinances and
26 resolutions inconsistent herewith are hereby repealed, but any ordinances and
27 resolutions or portions of ordinances and resolutions not inconsistent herewith and
28 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
31 concerning and relating to the adoption of this ordinance were adopted in an open
32 meeting of this Council and that all deliberations of this Council and of any of its
33 committees that resulted in such formal action were in meetings open to the public, in
34 compliance with all legal requirements, to the extent applicable, including Chapter 107
35 of the Codified Ordinances.

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

43
44
45
46
47
48
49
50
51
52
53
54
55
56
57

Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

6/26/23
\\CF-FILE04\LDpublic\Council\2023ords\06-26-23\Purchase Grace Cathedral
Parcels.docx

2
3 CITY OF CUYAHOGA FALLS

4
5 ORDINANCE NO. - 2023

6
7 AN ORDINANCE TO APPROVE CURRENT REPLACEMENT
8 PAGES TO THE CUYAHOGA FALLS CODIFIED
9 ORDINANCES, AND DECLARING AN EMERGENCY.

10
11 WHEREAS, certain provisions within the Codified Ordinances should be
12 amended to conform with current State law as required by the Ohio Constitution; and
13

14 WHEREAS, various ordinances of a general and permanent nature have been
15 passed by Council which should be included in the Codified Ordinances; and
16

17 WHEREAS, the City has heretofore entered into a contract with the Walter H.
18 Drane Company to prepare and publish such revision which is before Council;
19

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

23 Section 1. That the ordinances of the City of Cuyahoga Falls, Ohio, of a general and
24 permanent nature, as revised, recodified, rearranged and consolidated into component
25 codes, titles, chapters and sections within the 2022 Replacement Pages to the Codified
26 Ordinances are hereby approved and adopted.
27

28 Section 2. That the following sections and chapters are hereby added, amended or
29 repealed as respectively indicated in order to comply with current State law.
30

31 Traffic Code

- 32
- 33 337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm
34 Machinery, Agricultural Tractors, and Animal-Drawn Vehicles.
35 (Amended)
- 36 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating
37 Lights. (Amended)
- 38

39 General Offenses Code

- 40
- 41 513.01 Drug Abuse Control Definitions. (Amended)
- 42 513.16 Sale of Dextromethorphan. (Added)
- 43 529.01 Liquor Control Definitions. (Amended)
- 44 529.07 Open Container Prohibited. (Amended)
- 45 537.19 Hazing Prohibited. (Added)
- 46 549.02 Carrying Concealed Weapons. (Amended)
- 47 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)
- 48 549.10 Carrying Various Weapons Prohibited, Exceptions (Repealed)
- 49 549.16 Possessing Replica Firearm in School. (Amended)
- 50 549.18 Concealed Handgun Licenses; Possession of Revoked or Suspended
51 License; Additional Restrictions; Posting Signs Prohibiting Possession.
52 (Added)

53 Section 3. The complete text of the sections listed above are set forth in full in the
54 current replacement pages to the Codified Ordinances. The listing above of each new
55 section by reference to its title shall constitute sufficient publication of new matter
56 contained therein.

57
58 Section 4. That it is found and determined that all formal actions of this Council
59 concerning and relating to the adoption of this ordinance were adopted in an open
60 meeting of this Council and that all deliberations of this Council and any of its
61 committees that resulted in such formal action were in meetings open to the public, in
62 compliance with all legal requirements including Section 121.22 of the Ohio Revised
63 Code.

64
65 Section 5. That this ordinance is hereby declared to be an emergency measure
66 necessary for the preservation of the public peace, health and safety of the Municipality
67 and its inhabitants for the reason that there exists an imperative necessity for the
68 earliest publication and distribution of current Replacement Pages to the officials and
69 residents of the Municipality, so as to facilitate administration, daily operation and avoid
70 practical and legal entanglements, and provided that it receives the affirmative vote of
71 two-thirds of the members elected or appointed to Council, it shall take effect and be in
72 force immediately upon its passage and approval by the Mayor, otherwise, it shall take
73 effect and be in force at the earliest period allowed by law.

74
75
76 Passed: _____
77 _____
78 President of Council

79
80 _____
81 Clerk of Council

82
83
84 Approved: _____
85 _____
86 Mayor

86 6/26/23
87 \\cf-file04\LDPublic\Council\2023ords\06-26-23\Adopting 2022 Codified Ordinance
88 Changes.docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2023

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
8 INTO A COMMUNITY REINVESTMENT AREA AGREEMENT
9 WITH BVI REALTY, LLC AND DECLARING AN EMERGENCY.

10
11 WHEREAS, pursuant to Ordinance No. 69-2006 passed June 26, 2006, this Council
12 established and designated the boundaries of the Northern Community Reinvestment
13 Area (“CRA”) pursuant to Ohio Revised Code §3735.65 et seq. to encourage the
14 development of real property within the CRA; and

15
16 WHEREAS, pursuant to Ordinance 114-2010 passed on October 25, 2010, this
17 Council amended Ordinance No. 69-2006 passed June 26, 2006 in order to expand the
18 eligible zoning districts within the Northern CRA in order to encourage further
19 development of real property within its boundaries; and

20
21 WHEREAS, the City Council and the Administration wish to provide assistance to
22 BVI Realty, LLC for the construction of a 12,000 square foot facility that will serve as
23 office, warehouse, and showroom space for Overhead Door Company of Akron, a wholly
24 owned subsidiary of Wayne Garage Door Sales & Service, Inc., located at 4266 Wyoga
25 Lake Road; and

26
27 WHEREAS, the City intends to provide a Community Reinvestment Area Tax
28 Exemption to BVI Realty, LLC for a period of ten (10) years at the rate of fifty percent
29 (50%).

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

33
34 Section 1. That the Mayor is hereby authorized to enter into a Community
35 Reinvestment Area (CRA) Agreement with BVI Realty, LLC consistent with the terms in
36 the proposed CRA Agreement on file with the Clerk of Council and corresponding
37 Application attached hereto as Exhibit A, to provide real property tax relief at the
38 percentage and length of abatement as stipulated in said Agreement and corresponding
39 Application to benefit the City and being consistent with the objectives of this ordinance.

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

47
48 Section 3. That any ordinances or resolutions or portions of ordinances and
49 resolutions inconsistent herewith be and the same are hereby repealed, but any

50 ordinances and resolutions not inconsistent herewith and which have not previously
51 been repealed are hereby ratified and confirmed.

52
53 Section 4.That it is found and determined that all formal actions of this Council
54 concerning and relating to the adoption of this ordinance were adopted in an open
55 meeting of this Council, and that all deliberations of this Council and of any of its
56 committees that resulted in such formal action, were in meetings open to the public, in
57 compliance with all legal requirements, to the extent applicable, including Chapter 107
58 of the Codified Ordinances.

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

67
68
69 Passed: _____
70 _____
71 President of Council

72
73 _____
74 Clerk of Council

75
76
77 Approved: _____
78 _____
79 Mayor

6/26/23
80 \\cf-file04\LDPublic\Council\2023ords\06-26-23\BVI Realty, LLC CRA.docx



City of Cuyahoga Falls
APPLICATION FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES

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

BLD Door Service, LLC
dba Overhead Door Company of Akron

(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).

BVI Realty, LLC

Enterprise Name

Robert Habeger

Contact Person

6505 CR 625, Millersburg, OH 44654

Address

330-204-0385

Telephone Number

bob@waynedoor.com

Contact Email

Project site:

4266 Wyoga Lake Rd., Cuyahoga Falls, OH 44224

Address

3501031

Parcel Number

Robert Habeger

Contact Person

330-204-0385

Telephone Number

bob@waynedoor.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.

The Overhead Door Company of Akron offers a diverse range of products, including sales, installation, and servicing of overhead garage doors, operators, entry doors, sectional garage doors, rolling doors, high-speed doors, fire-rated doors, gate operators, and loading dock equipment. The new location will serve as a Warehouse, Wholesale, and Retail Store, featuring a showroom, office staff, and housing for our products and equipment.

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

██████████

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

N/A. This is not a consolidation.

- d. Form of business of enterprise:

Corporation Partnership Proprietorship Other

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

BLD Door Service, LLC dba Overhead Door Company of Akron, is a wholly-owned subsidiary of Wayne Garage Door Sales & Service, Inc. which is a single-member LLC S-corporation.

Robert Habeger (President and Owner) owns 100% of Wayne Garage Door Sales & Service, Inc. and therefore owns 100% of BLD Door Service LLC dba Overhead Door Company of Akron.

Rodney Troyer is the Treasurer.

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

Full Time: 17 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:

Relocated from 1750 Newberry St, Cuyahoga Falls, OH 44221 to
4266 Wyoga Lake Rd, Stow, OH 44224

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	17	0
Part Time	0	0

(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:

The only location affected by the relocation of employment positions and assets is the facility at 1750 Newberry St, Cuyahoga Falls, OH 44221. There are 17 full-time employees at that location and all will be transferred to the Project location.

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

Relocating the Overhead Door Company of Akron will enable us to expand our building's square footage, providing us with more storage space and making our products more readily available to customers. Furthermore, the added space will enable us to broaden our product lines, offering more solutions to both residents and businesses in the area. This expansion will also create additional job opportunities for the community.

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.

6. Project Description (Be as detailed as possible):

At the new location, the Overhead Door Company of Akron will operate from a 12,000-square-foot building that accommodates our warehouse, office, and showroom. All our employees, including technicians, sales staff, customer service, and office personnel, will be based out of this facility.

7. Project will begin on Summer 2023 and be completed by Spring 2024 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	10	0
Part Time	2	0

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

b. State the time frame of this projected hiring: 12-18 months.

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

At Overhead Door Company of Akron, we prioritize finding the right fit for each position, which involves careful screening, training, and development. We have already commenced hiring to fill necessary roles at the new location, and our objective is to onboard new team members within two years of completing the building.

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	\$	500,000	\$	0
Part-time	\$	60,000	\$	0
TOTAL:	\$	560,000	\$	0

(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: \$ 994,000.

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	\$ 250,000 (already aquired)
B. Additions/New Construction	\$ 1,400,000
C. Improvements to Existing Buildings	\$ 0
D. Machinery & Equipment	\$ 200,000
E. Furniture & Fixtures	\$ 50,000
F. Inventory	\$ 300,000
Total New Project Investment	\$ 2,200,000

11.

a. Business requests the following tax exemption incentives: 50 % for 10 years covering the real property improvements as described above.

b. Business' reasons for requesting tax incentives (Be quantitatively specific as possible):

The proposed property tax abatement is related to our building project which aims to expand our operations and generate substantial economic growth within the region. The proposed tax abatement of 50% for a period of 10 years will serve as a catalyst for our project's success. Below, we outline the quantitatively specific reasons why we are seeking tax incentives:

1. Expansion of Operations:

- The project will involve constructing a new facility to support the expansion of our operations. The estimated initial investment for the project is \$2.2 million.
- The increased facility space will allow us to enhance our warehouse and office space, increase efficiency, and accommodate future growth opportunities.

2. Job Creation and Employment:

- The project is expected to create approximately 10-12 more job opportunities compared to our current workforce within 12-18 months of the project completion. We currently have no additional space for expansion at our current location.
- With the expansion, we plan to hire approximately 8 skilled door technicians, 2 sales staff, and 2 administrative or warehouse staff.
- The creation of these jobs will contribute to the local economy by providing stable employment and income growth for individuals and their families.

3. Economic Impact:

- The expanded operations will result in increased business revenue and taxable income for The Overhead Door Company of Akron.
- The anticipated growth in our operations is estimated to generate an additional \$2 million in annual sales revenue within 3 years of the project's completion. This represents growth of approximately 60% in revenue.

4. Community Development:

- The project signifies our commitment to the City of Cuyahoga Falls and our desire to contribute to its economic development.
- With the tax abatement, we can allocate resources towards training programs for employees and community engagement initiatives.

We appreciate your consideration of our application and the potential benefits it holds for the City of Cuyahoga Falls.

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.

Applicant acknowledges an understanding of the following:

- **If approved by City Council, there is a \$750 application fee payable to the Ohio Development Services Agency;**
- **All abatements are only on the improved value of the property;**
- **Property valuations are determined by the County of Summit Fiscal Office; and**
- **The investment amounts noted in item # 10 may not be fully reflected in the final appraised value of the property as determined by the County of Summit Fiscal Office.**

Receipt of an abatement also requires the following:

- **Annual reporting each year of the abatement, including, but not limited to the project investment, payroll and job creation levels identified in this application; copy of W-3 Transmittals; and other items as determined by the State of Ohio Development Services Agency;**
- **Commitment by applicant and/or any commercial tenant to provide a scholarship in the amount of \$1,000.00 per year and three (3) internships to the Cuyahoga Falls School District for the entire period of the abatement, being [10] years;**
- **Commitment by applicant and/or any commercial tenant to provide public art in and/or around the new development pursuant to the newly adopted Master Public Arts Plan for Cuyahoga Falls;**
- **Commitment by applicant AND any commercial tenant to join the Downtown Cuyahoga Falls Partnership.; and**
- **Payment to the City of Cuyahoga Falls of an annual fee in the amount of 1% of the incentives offered, but no less than \$500 and no greater than \$2,500.**

The Applicant agrees to supply additional information upon request.

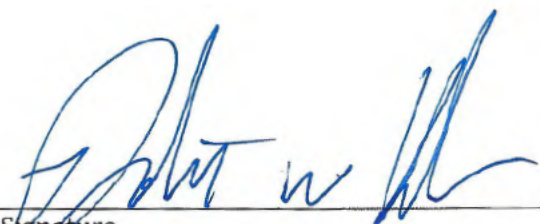
The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development 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.

BVI Realty LLC / Robert Habeger

Name of Property Owner

President and Owner

Title


Signature

5/17/2023
Date

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 Development of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2023

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO RETURN
8 REVOLVING LOAN FUNDS TO THE DEPARTMENT OF
9 HOUSING AND URBAN DEVELOPMENT AND REUTILIZING
10 THE SAME FOR FUTURE ECONOMIC DEVELOPMENT AND
11 PUBLIC FACILITIES AND/OR INFRASTRUCTURE
12 IMPROVEMENT GRANTS FOR CALENDAR YEAR 2023, AND
13 DECLARING AN EMERGENCY.
14

15 WHEREAS, the City of Cuyahoga Falls is the recipient of Community Development
16 Block Grant (“CDBG”) funds through the Department of Housing and Urban
17 Development (“HUD”); and
18

19 WHEREAS, the City has a revolving loan program for its Minor Home Repair program
20 and economic development working capital loan program; and
21

22 WHEREAS, the City has seen an influx in program income received in its Revolving
23 Loan Fund Program as a result of the housing market; and
24

25 WHEREAS, the supply chain issues, product shortages, and increase in the cost of
26 housing materials, as a direct result of the COVID-19 pandemic, have resulted in fewer
27 homeowners using the Minor Home Rehab Program during the year; and
28

29 WHEREAS, the City is desirous to reallocate \$300,000 of revolving loan funds to
30 entitlement funds for use in economic development and public facilities and
31 improvements activities; and
32

33 WHEREAS, this Council passed Ordinance 22-2023, approving the amendment of
34 the 2019-2023 Consolidated Plan document for submittal to HUD for utilization of
35 CDBG funds for a different activity category; and
36

37 WHEREAS, this Council finds and determines after reviewing all pertinent
38 information, that the aforementioned reallocation appropriations in the amount of
39 \$300,000 are necessary and in the best interest of the City of Cuyahoga Falls.
40

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

44 Section 1. The Director of Finance is hereby authorized to increase appropriations in
45 the Community Development Block Grant, line item, Other Operations, by \$300,000
46 and make payments from the same.
47

48 Section 2. That Council further authorizes the Mayor, Director of Finance, Director
49 of Community Development, Director of Law and any other city officials, individually
50 and/or collectively as may be appropriate, to prepare and execute such other documents

51 and do other things as are necessary for and incidental to carrying out the requirements
52 of this legislation.

53
54 Section 3. Any ordinance or resolutions or portions of ordinances and resolutions
55 inconsistent herewith are hereby repealed, but any ordinances and resolutions not
56 inconsistent herewith and which have not previously been repealed are hereby ratified
57 and confirmed.

58
59 Section 4. It is found and determined that all formal actions of this Council
60 concerning and relating to the adoption of this ordinance were adopted in an open
61 meeting of this Council, and that all deliberations of this Council and of any of its
62 committees that resulted in such formal action, were in meetings open to the public, in
63 compliance with all legal requirements including Chapter 107 of the Codified
64 Ordinances.

65
66 Section 5. This ordinance is hereby declared to be an emergency measure necessary
67 of the preservation of the public peace, health, safety, convenience, and welfare of the
68 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the
69 affirmative vote of two thirds of the members elected or appointed to Council, it shall
70 take effect and be in force immediately upon its passage and approval by the Mayor;
71 otherwise it shall take effect and be in force at the earliest period allowed by law.

72
73
74 Passed: _____
75 _____
76 President of Council

77
78 _____
79 Clerk of Council

80
81
82 Approved: _____
83 _____
84 Mayor

85 6/26/23
86 \\cf-file04\LDPublic\Council\2023ords\06-26-23\Revolving Loan Allocation
2023.docx