

## NEW LEGISLATION

November 28, 2016

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-92	11/28/16	PZ	An ordinance accepting the Planning Commission second one year extension for the Menards site plan at 75 Graham Road, and declaring an emergency.
A-93	11/28/16	PZ	An ordinance authorizing and approving the conditional zoning certificate to operate a wine bar at 4964 State Road (Parcel 37-00223) in an MU-1 Rural Neighborhood Center, and declaring an emergency.
A-94	11/28/16	CD	An ordinance authorizing the Director of Community Development to amend the Community Reinvestment Area Tax Exemption Agreement with Menard Incorporated, and declaring an emergency.

## CALENDAR

November 28, 2016

The following legislation will be up for passage at the Council Meeting on November 28, 2016.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-88	11/14/16	Fin	A resolution requesting the Summit County Fiscal Officer to make advance distribution of tax receipts payable to the City of Cuyahoga Falls, and declaring an emergency.
A-90	11/14/16	PA	An ordinance authorizing the Mayor to enter into a license agreement with Alan Ederer for the use of three feet of City right-of-way for the purpose of constructing and operating a parking lot in the Cody Avenue right-of-way abutting the property at 1928 Portage Trail (Parcel No. 02-20463), and declaring an emergency.
A-91	11/14/16	PA	An ordinance authorizing the Mayor to enter into a license agreement with Valley Park LTD. for the purpose of installing and maintaining a business identification sign in the public right-of-way of State Road, and declaring an emergency.

**PENDING LEGISLATION**

November 28, 2016

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-88	11/14/16	Fin	A resolution requesting the Summit County Fiscal Officer to make advance distribution of tax receipts payable to the City of Cuyahoga Falls, and declaring an emergency.
A-89	11/14/16	Fin	An ordinance establishing annual appropriations of money for the current expenses, capital expenditures and other expenses of the City of Cuyahoga Falls for the fiscal year ending December 31, 2017, and declaring an emergency.
A-90	11/14/16	PA	An ordinance authorizing the Mayor to enter into a license agreement with Alan Ederer for the use of three feet of City right-of-way for the purpose of constructing and operating a parking lot in the Cody Avenue right-of-way abutting the property at 1928 Portage Trail (Parcel No. 02-20463), and declaring an emergency.
A-91	11/14/16	PA	An ordinance authorizing the Mayor to enter into a license agreement with Valley Park LTD. for the purpose of installing and maintaining a business identification sign in the public right-of-way of State Road, and declaring an emergency.

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2016

8  
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION  
10 SECOND ONE YEAR EXTENSION FOR THE MENARDS SITE  
11 PLAN AT 75 GRAHAM ROAD, AND DECLARING AN  
12 EMERGENCY.

13  
14 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by  
15 the Planning Commission be submitted to Council; and

16  
17 WHEREAS, on February 3, 2015 the Planning Commission recommended approval of  
18 the site plan for the construction of a 172,740 square foot heated retail building with  
19 27,260 square feet of unheated overhang space and a 46,780 square foot unheated  
20 warehouse at 75 Graham Road; and

21  
22 WHEREAS, on February 23, 2015, City Council approved the site plan as recommended  
23 by Planning Commission; and

24  
25 WHEREAS, all site plan approvals remain valid for one year following the date of City  
26 Council Approval; and

27  
28 WHEREAS, on April 19, 2016 the Planning Commission recommended a one year  
29 extension of the Menards site plan approval. City Council approved the site plan extension  
30 on June 13, 2016; and

31  
32 WHEREAS, on November 15, 2016, the Planning Commission recommended an  
33 additional one year extension commencing on the approval of this Ordinance.

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

37  
38 Section 1. The City Council accepts the Planning Commission recommendation to  
39 extend the Menards site plan approval for 75 Graham Road for an additional year beginning  
40 on the approval date of this Ordinance.

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

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

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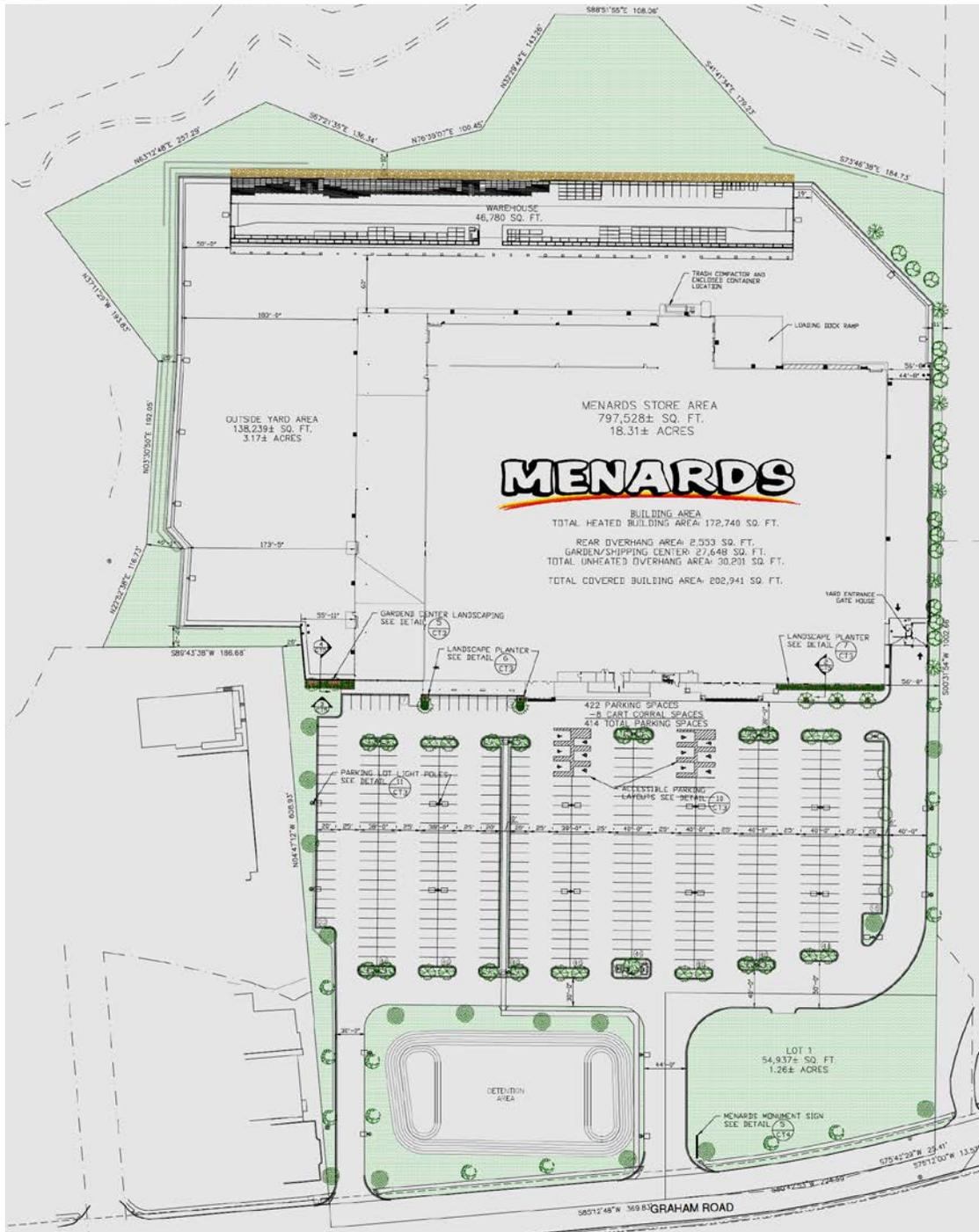
Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and appropriate development of this property, 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

11/28/16  
O:\2016ords\Menards Site Plan-Additional 1 year extension 11-2016.doc



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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2016

8  
9 AN ORDINANCE AUTHORIZING AND APPROVING THE  
10 CONDITIONAL ZONING CERTIFICATE TO OPERATE A  
11 WINE BAR AT 4964 STATE ROAD (PARCEL 37-00223)  
12 IN AN MU-1 RURAL NEIGHBORHOOD CENTER, AND  
13 DECLARING AN EMERGENCY.  
14  
15

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

19 WHEREAS, conditional zoning certificate reviews by the Planning Commission are  
20 required of all development of land within the City of Cuyahoga Falls, Ohio,  
21 according to Sections 1113.08 of the Cuyahoga Falls General Development; and  
22

23 WHEREAS, on November 15, 2016 the Planning Commission approved a  
24 conditional zoning certificate for the Wine Mill to operate a wine bar at 4964 State  
25 Road with limited outdoor entertainment activities, within the City of Cuyahoga  
26 Falls, Ohio.  
27

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

31 Section 1. The City Council approves the conditional zoning certificate for the  
32 Wine Mill to operate a wine bar at 4964 State Road with limited outdoor  
33 entertainment activities (Parcel 37-00223) in the City of Cuyahoga Falls, Ohio,  
34 situated an MU-1 Rural Neighborhood Center, in accordance with such district and  
35 zoning regulations as stipulated in the Codified Ordinances of the City of Cuyahoga  
36 Falls as approved by the Planning Commission as per the plans and stipulations  
37 contained in File CZ-16-00032.  
38

39 Section 2. Any other ordinances or resolutions or portions of ordinances and  
40 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
41 resolutions not inconsistent herewith and which have not previously been repealed  
42 are hereby ratified and confirmed.  
43

44 Section 3. 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 open  
46 meeting of this Council, and that all deliberations of this Council and of any of its  
47 committees that resulted in such formal action, were in meetings open to the public,  
48 in compliance with all legal requirements, to the extent applicable, including Chapter  
49 107 of the Codified Ordinances.  
50

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

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61 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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67 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

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69 11/28/16

70 O:\2016ords\CZ-16-00032 Wine Mill Cond Zone Cert.doc

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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. -2016

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 COMMUNITY DEVELOPMENT TO AMEND THE  
9 COMMUNITY REINVESTMENT AREA TAX EXEMPTION  
10 AGREEMENT WITH MENARD INCORPORATED, AND  
11 DECLARING AN EMERGENCY.  
12

13 WHEREAS, pursuant to Ordinance No. 69-2006, adopted June 26, 2006, and  
14 Ordinance No. 83-2007 adopted on June 25, 2007 this Council established and  
15 designated the boundaries of the Cuyahoga Falls Northern Community Reinvestment  
16 Area (“CRA”) pursuant to Ohio Revised Code §3735.65 et seq., to encourage the  
17 development of real property within the CRA; and  
18

19 WHEREAS, the State of Ohio has made a determination that the findings contained  
20 in Ord. No. 69- 2006 and Ord. No. 83-2007 are valid, and that the classification of  
21 structures and/or remodeling eligible for exemption under the Ordinance is consistent  
22 with zoning restrictions applicable to the CRA; and  
23

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

28 WHEREAS, pursuant to Ordinance No. 81-2014; amended by Ordinance No. 43-  
29 2016 , this Council provided economic development assistance in the form of tax  
30 abatement to Menard Incorporated to construct a Menards home improvement and  
31 building supply store to be located on the north side of Graham Road at the former  
32 Giant Eagle location; and  
33

34 WHEREAS, Menard Inc. has completed the acquisition of land and demolition of the  
35 vacant Giant Eagle structure towards the total new project investment of \$20,100,000;  
36 and  
37

38 WHEREAS, Menard Inc. is requesting an amendment of Ordinance No. 43-2016 by  
39 stating the continuation of the project will begin in calendar year 2017 and be completed  
40 by calendar year 2018.  
41

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

45 Section 1. The Director of Community Development is hereby authorized to amend  
46 the Community Reinvestment Area tax exemption agreement in accordance with Ohio  
47 Revised Code §§3735.67 and 3735.671, consistent with Ordinance No. 69-2006 and  
48 Ordinance No. 83-2007 and the terms set forth in the application for tax exemption  
49 attached hereto as Exhibit A, in order to provide an exemption from real property tax at  
50 the percentage and for the duration stipulated in said application.

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

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

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

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

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78 Passed: \_\_\_\_\_  
79 \_\_\_\_\_  
80 President of Council

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82 \_\_\_\_\_  
83 Clerk of Council

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86 Approved: \_\_\_\_\_  
87 \_\_\_\_\_  
88 Mayor

89 11/28/16  
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**2<sup>nd</sup> AMENDMENT**

A-94

EXHIBIT A

**PROPOSED AGREEMENT** for Community Reinvestment Area Tax Incentives between the City of Cuyahoga Falls, Ohio located in the County of Summit and Menard. Inc., a Wisconsin Corporation.

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

<u>Menard, Inc</u>	<u>Darren Appleby</u>
Enterprise Name	Contact Person
<u>5101 Menard Drive, Eau Claire, WI 54703</u>	<u>(715)876.2274</u>
Address	Telephone Number
<u>dappleby@menard-inc.com</u>	
Contact Email (For annual CRA reporting)	

- b. Project site:

<u>Graham Road</u>	
Address	Parcel Number
<u>Tom O'Neil (715)876.2810</u>	<u>toneil@menard-inc.com</u>
Contact Person, Telephone Number,	Email address

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.

Menards home improvement and building material supply retailer.

- b. List primary 6 digit North American Industry Classification System (NAICS) #  
Business may list other relevant SIC numbers. 444110

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

3. Name of principal owner(s) or officers of the business. John Menard, Jr.

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

Full Time: Zero Part Time: 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): Full Time: 1,428 / Part Time: 2,168

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 X

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:

**Original Application (Approved 9/23/14)** - Menard, Inc is under contract with two (2) property owners to assemble the necessary acreage to build a Menards home improvement and building supply store. This will involve the demolition of the former Giant Eagle, grading the former Giant Eagle property in conjunction with the property to the north and construction of the Menards store. The goal is to perform the bulk of this work in 2015 with store opening scheduled early 2016.

**June 15, 2016 Amendment (approved 6/15/16)** – The amendment indicated that construction would begin in May of 2017 and be completed in May of 2018. All details of the original application remain the same.

**Current Amendment Request** – Menard Incorporated is requesting an amendment stating that construction will begin in 2017 and be completed in 2018. All details of the original application remain the same.

7. Project will begin in 2017 and be completed in 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):

Full Time: 40 / Part Time: 80

- b. State the time frame of this projected hiring: Six (6) months

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): All employees will be hired in the months immediately leading up to the opening of the store.

9.

a. Estimate the amount of annual payroll such new employees will add: \$2, 250,000 (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:	\$4,600,000
B. Additions/New Construction:	\$7,500,000
C. Improvements to existing buildings:	\$0
D. Machinery & Equipment:	\$0
E. Furniture & Fixtures:	\$1,000,000
F. Inventory:	\$7,000,000

**Total New Project Investment: \$20,100,000**

11.

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

b. Business's reasons for requesting and AMENDMENT of application (be quantitatively specific as possible)

Menards Incorporated shall begin construction in 2017 and be completed in 2018. All details from the original application remain the same.

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.

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Name of Property Owner

Title

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Signature

Date

**For City Use Only**

\* 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 Development Services Agency within fifteen (15) days of execution.