

NEW LEGISLATION

March 12, 2012

Temp. No.	Introduced	Committee	Description
A-27	3/12/12	Fin	An ordinance authorizing the Park and Recreation Board to enter into a contract without competitive bidding with Landscape Structures, Inc. for the purchase of playground equipment for installation at Quirk Cultural Center, and declaring an emergency.
A-28	3/12/12	PI	An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Akron Building and Outdoor Maintenance, Inc. dba RiverReach Construction for the professional and construction services necessary to design and execute the demolition and removal of two dams in the Cuyahoga River, and for associated stream bank restoration, and declaring an emergency.
A-29	3/12/12	PI	A resolution declaring the necessity of and intention to appropriate certain interests in real property necessary for the improvement of State Road between Graham Road and Steels Corners Road, and declaring an emergency.
A-30	3/12/12	PA	An ordinance amending various sections of the Codified Ordinances to conform to state law, approving the 2011 replacement pages to the Codified Ordinances of the City of Cuyahoga Falls, and declaring an emergency.
A-31	3/12/12	CD	An ordinance authorizing the Director of Community Development to enter into a contract with Wohlwend Engineering Group, Ltd. for the professional design engineering services necessary to prepare public roadway, utility and other public infrastructure plans and regulatory documents associated with the proposed "Nikki's Walk" development (Parcel Nos.

37-00484 and 37-00485), and declaring an emergency.

A-32 3/12/12 CD

An ordinance authorizing the Mayor to enter into a contract without competitive bidding with Suite 200 Group, LLC for the sale of certain real property not needed for any municipal purpose, and declaring an emergency.

A-33 3/12/12 CD

An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement with Albrecht, Inc. and declaring an emergency.

CALENDAR

March 12, 2012

The following legislation will be up for passage at the Council Meeting on March 12, 2012.

Temp. No.	Introduced	Committee	Description
A-21	2/27/12	P&Z	An ordinance approving the site plan related to construction of a 52,500 square foot grocery store at 2226 State Road (Parcel No. 02-00205) and declaring an emergency.
A-22	2/27/12	Fin	An ordinance authorizing payment of the moral claim of John and Betty Stebbins as approved by the Claims Commission, and declaring an emergency.
A-23	2/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into an energy purchase agreement known as the "Non-Pool Power Sales Schedule" with American Municipal Power, Inc., and declaring an emergency.
A-24 Sub	2/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts without competitive bidding with the Metropolitan Regional Service Council dba Northeast Ohio Network for Educational Technology ("NEOnet") for the purchase of IP telephony and voicemail services for a period not to exceed five years, and declaring an emergency.
A-26	2/27/12	CD	A resolution establishing the State Road Community Reinvestment Area pursuant to Sections 3735.65 through 3735.70 of the Ohio Revised Code, describing the

boundaries thereof, designating a housing officer, making certain related findings, and declaring an emergency.

PENDING LEGISLATION

March 12, 2012

Temp. No.	Introduced	Committee	Description
A-21	2/27/12	P&Z	An ordinance approving the site plan related to construction of a 52,500 square foot grocery store at 2226 State Road (Parcel No. 02-00205) and declaring an emergency.
A-22	2/27/12	Fin	An ordinance authorizing payment of the moral claim of John and Betty Stebbins as approved by the Claims Commission, and declaring an emergency.
A-23	2/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into an energy purchase agreement known as the "Non-Pool Power Sales Schedule" with American Municipal Power, Inc., and declaring an emergency.
A-24 Sub	2/27/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts without competitive bidding with the Metropolitan Regional Service Council dba Northeast Ohio Network for Educational Technology ("NEOnet") for the purchase of IP telephony and voicemail services for a period not to exceed five years, and declaring an emergency.
A-26	2/27/12	CD	A resolution establishing the State Road Community Reinvestment Area pursuant to Sections 3735.65 through 3735.70 of the Ohio Revised Code, describing the boundaries thereof, designating a housing officer, making certain related findings, and declaring an emergency.

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AUTHORIZING THE PARK AND RECREATION
8 BOARD TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE
9 BIDDING WITH LANDSCAPE STRUCTURES, INC. FOR THE
10 PURCHASE OF PLAYGROUND EQUIPMENT FOR INSTALLATION
11 AT QUIRK CULTURAL CENTER, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, the purchase by contract of the equipment, services, materials or supplies
15 identified herein is through participation in a contract between the vendor and the State of Ohio,
16 Dept. of Administrative Services, and is thus exempt from competitive bidding requirements
17 pursuant to Ohio Revised Code §125.04,
18

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

21
22 Section 1. The Park and Recreation Board is hereby authorized to enter into a contract
23 without competitive bidding with Landscape Structures, Inc. a Minnesota corporation authorized
24 to do business in Ohio, for the purchase of playground equipment for installation at Quirk
25 Cultural Center playground.
26

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

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

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

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

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49 Passed: _____
50 _____
51 President of Council

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53 _____
54 Clerk of Council

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57 Approved: _____
58 _____
59 Mayor

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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2012

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8
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
10 PUBLIC SERVICE TO ENTER INTO A CONTRACT
11 WITHOUT COMPETITIVE BIDDING WITH AKRON
12 BUILDING AND OUTDOOR MAINTENANCE, INC. dba
13 RIVERREACH CONSTRUCTION FOR THE
14 PROFESSIONAL AND CONSTRUCTION SERVICES
15 NECESSARY TO DESIGN AND EXECUTE THE
16 DEMOLITION AND REMOVAL OF TWO DAMS IN THE
17 CUYAHOGA RIVER, AND FOR ASSOCIATED STREAM
18 BANK RESTORATION, AND DECLARING AN
19 EMERGENCY.
20

21 WHEREAS, Section 2 of the City Charter, adopted pursuant to Art. XVIII,
22 Section 3 of the Ohio Constitution, authorizes this Council to make exception to
23 competitive bidding procedures set forth in the Revised Code,
24

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

28 Section 1. The Director of Public Service is hereby authorized to enter into a
29 contract with Akron Building and Outdoor Maintenance, Inc. dba RiverReach
30 Construction, on the basis of its proposal dated February 28, 2012, for the
31 professional and construction services necessary to design and execute the
32 demolition and removal of two low head dams in the Cuyahoga River, one adjacent
33 to Parcel No. 02-18895 and one adjacent to Parcel No. 02-19099, and for stream
34 bank restoration associated with the dam removals.
35

36 Section 2. It is found and determined by this Council that the professional and
37 non-professional services sought by the City for the purpose of executing the
38 project contemplated by this Ordinance are inextricably linked and thus not
39 susceptible to conventional competitive bidding. Therefore, competitive bidding
40 requirements are waived for the contract authorized by this Ordinance.
41

42 Section 3. The Director of Finance is hereby authorized and directed to make
43 payment for same from the Storm Drainage Utility Fund, line item Capital Outlay.
44

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

50 Section 5. It is found and determined that all formal actions of this Council
51 concerning and relating to the adoption of this ordinance were adopted in an open
52 meeting of this Council, and that all deliberations of this Council and of any of its

53 committees that resulted in such formal action, were in meetings open to the
54 public, in compliance with all legal requirements, to the extent applicable,
55 including Chapter 107 of the Codified Ordinances.
56

57 Section 6. This ordinance is hereby declared to be an emergency measure
58 necessary for the preservation of the public peace, health, safety, convenience and
59 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason
60 that it is immediately necessary to permit timely and appropriate development of
61 this property, and provided it receives the affirmative vote of two thirds of the
62 members elected or appointed to Council, it shall take effect and be in force
63 immediately upon its passage and approval by the Mayor; otherwise it shall take
64 effect and be in force at the earliest period allowed by law.
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68 Passed: _____
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72 President of Council
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74 Approved: _____
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76 _____
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78 Clerk of Council
79
80 Mayor

3/12/12
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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTION NO. - 2012

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9 A RESOLUTION DECLARING THE NECESSITY OF AND
10 INTENTION TO APPROPRIATE CERTAIN INTERESTS IN
11 REAL PROPERTY NECESSARY FOR THE
12 IMPROVEMENT OF STATE ROAD BETWEEN GRAHAM
13 ROAD AND STEELS CORNERS ROAD, AND
14 DECLARING AN EMERGENCY.

15
16 WHEREAS, the City wishes to repair, improve and widen State Road between
17 Graham Road and Steels Corners Road, a road which shall be open to the public
18 without charge, and

19
20 WHEREAS, this Council finds and determines that the acquisition of fee simple
21 title and temporary construction easements is a proper public use associated with
22 the improvement, as contemplated in Art. I, §19 of the Ohio Constitution,

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

26
27 Section 1. This Council considers it necessary and hereby declares its
28 intention to appropriate, for public purposes, certain temporary and permanent
29 interests in real property necessary for the improvement of State Road between
30 Graham Road and Steels Corners Road, namely, the property described in the
31 Exhibits numbered A(004 WD&T), A(007 T), A(016 WD & T), A(018 T1 & T2), A(054
32 S, T1 & T2), A(058 WD & T), A(071 T), A(073 WD & T), A(073 BS), A(075 WD, 75T1
33 & T2), A(076 WD & T), A(078 WD & T), A(081 WD & T), A(084 T1 & T2), A(092 T),
34 A(015 WD, T1 & T2), and A(045 S), which are on file with the Clerk of Council in
35 Council File No. _____ and incorporated as if fully rewritten herein.

36
37 Section 2. This Council finds and determines that the acquisition of the
38 interests in real property as necessary to establish the mentioned public
39 improvement is a proper public use as contemplated in Art. I, §19 of the Ohio
40 Constitution.

41
42 Section 3. The Mayor is hereby authorized to cause written notice of the
43 adoption of this resolution to be given to the owners, persons in possession, or
44 others having an interest of record in one or more of the properties described in the
45 Exhibits hereto. The notice shall be served and returned according to law.

46
47 Section 4. It is found and determined that all formal actions of this Council
48 concerning and relating to the adoption of this resolution were adopted in an open
49 meeting of this Council and that all deliberations of this Council and of any of its

50 committees that resulted in such formal action were in meetings open to the
51 public, in compliance with all legal requirements, to the extent applicable,
52 including Chapter 107 of the Codified Ordinances.
53

54 Section 5. This resolution is hereby declared to be an emergency measure
55 necessary for the preservation of the public peace, health, safety, convenience and
56 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
57 received the affirmative vote of two-thirds of the members elected or appointed to
58 Council, it shall take effect and be in force immediately upon its passage and
59 approval by the Mayor; otherwise it shall take effect and be in force at the earliest
60 period allowed by law.
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63 Passed: _____
64 _____
65 President of Council
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67 _____
68 Clerk of Council
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71 Approved: _____
72 _____
73 Mayor

74 3/12/12
75 O:\2012ords\appropriation reso2-State Road

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. -2012

6
7 AN ORDINANCE AMENDING VARIOUS SECTIONS OF
8 THE CODIFIED ORDINANCES TO CONFORM TO STATE
9 LAW, APPROVING THE 2011 REPLACEMENT PAGES TO
10 THE CODIFIED ORDINANCES OF THE CITY OF
11 CUYAHOGA FALLS, AND DECLARING AN EMERGENCY.

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

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

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

25
26 WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane
27 Company to prepare and publish such revisions as are approved by this Council,

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 Ordinances of the City of Cuyahoga Falls, Ohio, of a general and
33 permanent nature, as revised, recodified, rearranged and consolidated into component
34 codes, titles, chapters and sections within the 2011 Replacement Pages to the Codified
35 Ordinances, are hereby approved and adopted.

36
37 Section 2. The following sections and chapters are hereby added, amended or
38 repealed as respectively indicated, to read in full as set forth in the document
39 referenced in Section 3 hereof, in order to conform to current State law:

40
41 Traffic Code

- 42
- 43 333.01 Driving or Physical Control While Under the Influence.
- 44 (Amended)
- 45 335.01 Driver’s License or Commercial Driver’s License Required.
- 46 (Amended)
- 47 335.02 Permitting Operation Without a Valid License. (Amended)
- 48 335.05 Wrongful Entrustment of Motor Vehicle. (Amended)
- 49 335.06 Display of License. (Amended)
- 50 335.07 Driving Under License Suspension or Restriction. (Amended)
- 51 335.071 Driving Under OVI Suspension. (Amended)
- 52 335.072 Driving Under Financial Responsibility Law Suspension or
- 53 Cancellation. (Amended)
- 54

54	335.073	Driving Without Complying With License Reinstatement Requirements (Amended)
55		
56	335.074	Driving Under License Forfeiture or Child Support Suspension. (Added)
57		
58	335.12	Stopping After Accident Upon Streets. (Amended)
59	335.13	Stopping After Accident Upon Property Other Than Street. (Amended)
60		
61	335.14	Vehicle Accident Resulting in Damage to Realty. (Amended)
62	337.22	Windshield and Windshield Wipers. (Amended)
63	351.04	Parking Near Curb; Handicapped Parking. (Amended)
64	373.02	Riding Upon Seats; Handlebars; Helmets. (Amended)

General Offenses Code

65		
66		
67		
68	501.01	Definitions. (Amended)
69	501.02	Classification of Offenses. (Amended)
70	501.14	Conspiracy. (Added)
71	501.99	Penalties for Misdemeanors. (Amended)
72	509.06	Inducing Panic. (Amended)
73	509.07	Making False Alarms. (Amended)
74	517.05	Cheating. (Amended)
75	525.01	Law Enforcement and Public Office Definitions. (Amended)
76	525.02	Falsification. (Amended)
77	529.07	Open Container Prohibited. (Amended)
78	541.02	Arson. (Amended)
79	545.02	Determining Property Value in Theft Offense. (Amended)
80	545.04	Detention of Shoplifters. (Amended)
81	545.05	Petty Theft. (Amended)
82	545.07	Insurance Fraud. (Amended)
83	545.08	Unauthorized Use of Property. (Amended)
84	545.09	Passing Bad Checks. (Amended)
85	545.10	Misuse of Credit Cards. (Amended)
86	545.13	Criminal Simulation. (Amended)
87	545.14	Tampering With Records. (Amended)
88	545.15	Securing Writings by Description. (Amended)
89	545.17	Defrauding Creditors. (Amended)
90	545.18	Receiving Stolen Property. (Amended)
91	549.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)

92

93 Section 3. The complete text of the sections listed above is set forth in full in the
94 current replacement pages to the Codified Ordinances which are on file with the Clerk
95 of Council in Council File No. _____, and are incorporated as if fully rewritten
96 herein. The listing above of each new section by reference to its title shall constitute
97 sufficient publication of new matter contained therein.

98

99 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions
100 inconsistent herewith are hereby repealed, but any ordinances and resolutions not
101 inconsistent herewith and which have not previously been repealed are hereby ratified
102 and confirmed.

103

104 Section 5. It is found and determined that all formal actions of this Council
105 concerning and relating to the adoption of this ordinance were adopted in an open
106 meeting of this Council and that all deliberations of this Council and any of its
107 committees that resulted in such formal action were in meetings open to the public, in

108 compliance with all legal requirements including Chapter 107 of the Codified
109 Ordinances.

110
111 Section 6. This ordinance is hereby declared to be an emergency measure necessary
112 for the preservation of the public peace, health and safety of the Municipality and its
113 inhabitants for the reason that there exists an imperative necessity for the earliest
114 publication and distribution of current Replacement Pages to the officials and residents
115 of the Municipality, so as to facilitate administration, daily operation and avoid practical
116 and legal entanglements, and provided that it receives the affirmative vote of two-thirds
117 of the members elected or appointed to Council, it shall take effect and be in force
118 immediately upon its passage and approval by the Mayor, otherwise, it shall take effect
119 and be in force at the earliest period allowed by law.

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123 Passed: _____
124 _____
125 President of Council

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127 _____
128 Clerk of Council

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131 Approved: _____
132 _____
133 Mayor

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2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 COMMUNITY DEVELOPMENT TO ENTER INTO A CONTRACT
9 WITH WOHLWEND ENGINEERING GROUP, LTD. FOR THE
10 PROFESSIONAL DESIGN ENGINEERING SERVICES
11 NECESSARY TO PREPARE PUBLIC ROADWAY, UTILITY AND
12 OTHER PUBLIC INFRASTRUCTURE PLANS AND REGULATORY
13 DOCUMENTS ASSOCIATED WITH THE PROPOSED "NIKKI'S
14 WALK" DEVELOPMENT (PARCEL NOS. 37-00484 and 37-
15 00485), AND DECLARING AN EMERGENCY.

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

19
20 Section 1. The Director of Community Development is hereby authorized to enter into a
21 contract with Wohlwend Engineering Group Ltd., on the basis of its proposal dated March 6,
22 2012 for the professional design engineering services necessary to prepare public roadway, utility,
23 and other public infrastructure plans and associated regulatory documents necessary for
24 construction of the public infrastructure portion of Phase 1 of the proposed "Nikki's Walk"
25 development, Parcel Nos. 37-00484 and 37-00485.

26
27 Section 2. The Director of Finance is hereby authorized and directed to make payment for
28 same from the CDBG Fund, Line Item Other Operations.

29
30 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
31 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
32 ordinances and resolutions not inconsistent herewith and which have not previously been
33 repealed are hereby ratified and confirmed.

34
35 Section 4. That it is found and determined that all formal actions of this Council concerning
36 and relating to the adoption of this ordinance were adopted in an open meeting of this Council
37 and that all deliberations of this Council and of any of its committees that resulted in such formal
38 action were in meetings open to the public, in compliance with all legal requirements including
39 Chapter 107 of the Codified Ordinances.

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

47
48
49 Passed: _____
50 _____
51 President of Council

52 _____
53 Clerk of Council

54
55 Approved: _____
56 _____
57 Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2011

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
8 INTO A CONTRACT WITHOUT COMPETITIVE BIDDING
9 WITH SUITE 200 GROUP, LLC FOR THE SALE OF
10 CERTAIN REAL PROPERTY NOT NEEDED FOR ANY
11 MUNICIPAL PURPOSE, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, the City owns certain real property located at 1110-1130 Portage Trail
15 (Parcel No. 02-04623), which property is not needed for any municipal purpose, and

16
17 WHEREAS, pursuant to Ohio Revised Code (“R.C.”) §721.28, the sale of real
18 property in accordance with and for the purposes of an urban redevelopment or urban
19 renewal plan is exempt from competitive bidding requirements,

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 Mayor is hereby authorized to enter into a contract without
25 competitive bidding with Suite 200 Group, LLC for the sale of 1110-1130 Portage Trail
26 (Parcel No. 02-04623), substantially in the form of the contract now on file with the
27 Clerk of Council in Council File No. _____.

28
29 Section 2. Upon invoice duly rendered, the City shall pay an amount not to exceed
30 \$17,330.74 to the Community Improvement Corporation of Cuyahoga Falls, Ohio, for
31 services rendered to the City in connection with the acquisition and sale of the property
32 mentioned in Section 1 for redevelopment, as authorized by R.C. §1724.02(K). The
33 Director of Finance is hereby authorized and directed to make payment for same from
34 the Capital Projects Fund.

35
36 Section 3. It is hereby found and determined that the real property mentioned in
37 Section 1 of this Ordinance is not needed for any municipal purpose and that its sale is
38 in accordance with and for the purposes of a plan adopted by this Council for urban
39 redevelopment or urban renewal.

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

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

52
53 Section 6. This ordinance is hereby declared to be an emergency measure necessary
54 for the preservation of the public peace, health, safety, convenience and welfare of the
55 City of Cuyahoga Falls and the inhabitants thereof and provided, it receives the

1 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
2 take effect and be in force immediately upon its passage and approval by the Mayor;
3 otherwise it shall take effect and be in force at the earliest period allowed by law.

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6 Passed: _____
7 _____
8 President of Council

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10 _____
11 Clerk of Council

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14 Approved: _____
15 _____
16 Mayor

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18 3/12/12

19 O:\2012ords\Sale of 1110-1130 Portage Trail

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. -2012

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 COMMUNITY DEVELOPMENT TO ENTER INTO A
9 COMMUNITY REINVESTMENT AREA TAX EXEMPTION
10 AGREEMENT WITH ALBRECHT, INC. AND
11 DECLARING AN EMERGENCY.
12

13 WHEREAS, pursuant to Resolution No. __-2012, this Council established and
14 designated the boundaries of the State Road Community Reinvestment Area (“State
15 Road CRA”) pursuant to Ohio Revised Code §3735.65 *et seq.*, to encourage the
16 development of real property within the State Road CRA; and
17

18 WHEREAS, the City has petitioned the State of Ohio Director of Development to
19 confirm the findings contained in Resolution No. __-2012, and
20

21 WHEREAS, the City has requested that the State of Ohio Director of
22 Development make a determination that the findings contained in Resolution No.
23 __-2012 are valid, and that the classification of structures and/or remodeling
24 eligible for exemption under the resolution is consistent with zoning restrictions
25 applicable to the State Road CRA, and
26

27 WHEREAS, upon receipt of the Director’s positive determination, the City will
28 be enabled to abate certain taxes on real property located in the State Road CRA,
29 in order to provide an incentive for the creation and retention of jobs and
30 investment within the CRA; and
31

32 WHEREAS, this Council has determined to provide economic development
33 assistance in the form of tax abatement to Albrecht, Inc. in connection with
34 improvements to a retail grocery and pharmacy located at 2226 State Road,
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. Subject to and in accordance with all required determinations to
40 be made by the State of Ohio Director of Development, the Director of Community
41 Development is hereby authorized to enter into a Community Reinvestment Area
42 tax exemption agreement in accordance with Ohio Revised Code §§3735.67 and
43 3735.671, with Albrecht, Inc., consistent with Resolution No. _____ - 2012
44 and the terms set forth in the application for tax exemption attached hereto as
45 Exhibit A, in order to provide an exemption from real property tax at the
46 percentage and for the duration stipulated in said application.
47

48 Section 2. This Council further authorizes the Mayor, Director of Finance,
49 Director of Community Development, Director of Law and any other city officials,

1 individually and/or collectively as may be appropriate, to prepare and execute such
2 other documents and do other things as are necessary or incidental to carrying out
3 the requirements of this legislation consistent with the terms of the attached
4 application.

5
6 Section 3. Any ordinances or resolutions or portions of ordinances and
7 resolutions inconsistent herewith are hereby repealed, but any ordinances and
8 resolutions not inconsistent herewith and which have not previously been repealed
9 are hereby ratified and confirmed.

10
11 Section 4. It is found and determined that all formal actions of this Council
12 concerning and relating to the adoption of this ordinance were adopted in an open
13 meeting of this Council, and that all deliberations of this Council and of any of its
14 committees that resulted in such formal action, were in meetings open to the
15 public, in compliance with all legal requirements including Chapter 107 of the
16 Codified Ordinances.

17
18 Section 5. This ordinance is hereby declared to be an emergency measure
19 necessary for the preservation of the public peace, health, safety, convenience and
20 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
21 receives the affirmative vote of two thirds of the members elected or appointed to
22 Council, it shall take effect and be in force immediately upon its passage and
23 approval by the Mayor; otherwise it shall take effect and be in force at the earliest
24 period allowed by law.

25
26
27 Passed: _____
28 _____
29 President of Council

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31 _____
32 Clerk of Council

33
34
35 Approved: _____
36 _____
37 Mayor

38
39 3/12/12

40 O:\2012ords\Acme CRA Agreement

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

<u>Albrecht, Incorporated</u> (owner and landlord) <u>P.O. Box 1714</u> <u>Akron, Ohio 44309-1714</u>	<u>James P. Nilsen, President</u> Contact Person <u>(330) 376-6677, extension 341</u> <u>jnilsen@albrechtinc.com</u>
<u>The Fred W. Albrecht Grocery Co.</u> (operator & tenant) <u>PO Box 1910</u> <u>Akron, OH 44309-1910</u>	<u>F. Steven Albrecht, President</u> Contact Person <u>(330) 733-2263 ext. 55219</u> <u>Steve_Albrecht @acmestores.com</u>

- b. Project site:

<u>Acme Fresh Market #10</u> <u>2226 State Road</u> <u>Cuyahoga Falls, Ohio 44223</u> Address	<u>Steve Albrecht, President</u> Contact Person <u>(330) 733-2263, ext. 55219</u> <u>Steve_Albrecht@acmestores.com</u>
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2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

Retail grocery and pharmacy operating in a 52,500 square foot Acme Fresh Market format

- b. List primary 6 digit North American Industry Classification System (NAICS) #
 Business may list other relevant SIC numbers. SIC 5411

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: Not applicable)

- d. Form of business of enterprise (corporation, partnership, proprietorship, or other).
Corporation

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

James P. Nilsen, President, Albrecht Incorporated (owner & landlord)
Steve Albrecht, President, The Fred W. Albrecht Grocery Co. (tenant)

4. a. State the enterprise's current employment level at the proposed project site: 68
- b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes _____ No XXX
- 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: Not applicable
- d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees): 40 Full time, 28 Part time employees
- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: Not applicable
- f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? Not applicable
5. Does the enterprise owe:
- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes _____ No XXX
- b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes _____ No XXX
- 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 XXX
- 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 (add additional sheets).
6. Project Description: Demolition of existing building and construction of new grocery and pharmacy store from current total building area of 33,742 square feet to 52,500 square feet.
7. Project will begin on or about May 1, 2012 and is expected to be completed on or about November 1, 2012 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): Acme Fresh Market #10 expects to employ 20 additional permanent positions at the expanded store.

b. State the time frame of this projected hiring: October 1, 2012 through November 30, 2012 from completion of project.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): 8 full-time permanent; 12 part-time permanent.

9. a. Estimate the amount of annual payroll such new employees will add. \$ 286,208. (New annual payroll must be itemized by full and part-time and permanent and temporary new employees).

Est. Employee	Est. hours	Est. weeks/ year	Est. hourly wage	Est. total.
8 Full Time Employees	40 hours	52 weeks/ year	\$ 12 / hour	\$ 199,680
12 Part Time Employees	24 hours	52 weeks/ year	\$ 10 / hour	\$ 149,760
			\$ / hour	\$
			\$ / hour	\$
			\$ / hour	\$
			\$ / hour	\$

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$1,759,000

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

A. Acquisition of Buildings:	\$ <u>460,000</u>
B. New Construction & Site Work:	\$ <u>5,127,300</u>
C. Interior Build Out & Finishes:	\$ <u>2,031,400</u>
D. Machinery & Equipment:	\$ <u>1,893,900</u>
E. Furniture & Fixtures:	\$ _____
F. Inventory (incremental):	\$ <u>350,000</u>
Total New Project Investment:	\$ <u>9,862,600</u>

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

b. Business's reasons for requesting tax incentives:

Acme currently operates 2 full-service grocery stores in the City of Cuyahoga Falls. Both of these stores have served the community very well for several generations. Acme was founded in 1891 by Fred W. Albrecht and has been locally owned and operated by the Albrecht family since its founding. Acme's roots and interests are in our local communities as opposed to most of Acme's most fierce competitors. Acme supports countless local events and charities in the form of both cash and in-kind support.

The Acme store located at 2226 State Road is located in a mature commercial section of the city. This section of Cuyahoga Falls has been designated by the city for investment and re-development. The city is offering targeted tax incentives to encourage reinvestment as part of this re-development effort. We believe the contemplated 2012 remodeling of this store is a bona fide candidate for this tax incentive program.

The Acme store at 2226 State Road was originally built in 1949 as a neighborhood supermarket store. The contemplated 2012 demolition of the existing Acme store and construction of a new larger store will make a significant transformation to a modern Acme Fresh Market store similar to Acme Fresh Market #12 located at 2630 Bailey Road, Cuyahoga Falls. The store will have completely different look and impression inside and out. Essentially an entire new store will be built around and above the existing location to create a new 52,500 square foot structure. A large entry vestibule will greet customers with a warm, airy space with merchandise available for purchase right at the doors. There will be a strong focus on fresh meats & seafood, produce, deli, bakery, and floral set in a market style space. The "center store" grocery, dairy, frozen, general merchandise and pharmacy departments will all be completely expanded and reformatted. New equipment and inventory investments that are not part of this CRA application will exceed \$2,200,000. We are certain the residents of Cuyahoga Falls will find the new Acme Fresh Market #10 both a major enhancement to their community and a great place to shop.

The total investment in the expansion and remodeling of this location is expected to exceed \$9,862,600 of which we have determined that \$7,158,700 (budgeted) qualifies for the requested tax incentive. This is a substantial investment that will have a tremendous impact to our capital in 2012, and therefore the approval of the tax incentive is an essential element allowing this project to go forward at this time. Approval of our requested tax incentive will facilitate our undertaking the proposed capital improvements in 2012, not waiting until future years and/or moving other important projects ahead in the capital budget line. The partial abatement of new property taxes related to these improvements is the necessary relief we need while we digest both the initial capital outlay and the reduced store profitability.

Acme has adopted a very long-term view in considering this expansion and remodeling project with the expectation of offering a 1st class grocery store to the community of Cuyahoga Falls. No jobs will be lost or transferred because of this project. In fact, we expect to add 20 new jobs with an initial increase in payroll of approximately \$350,000 annually. As mentioned earlier, approval of the requested tax incentive is absolutely key to this project moving ahead at this time. Acme, and Albrecht Incorporated, have several other very important, high cost development projects on the near horizon, and Acme's decision to move ahead with this project now, ahead of others, is due to the tax incentive support being critically important in helping to fund the capital requirements and offset the reduced store profitability coming from a larger operation. Therefore, we respectfully request a 50% reduction for a period of 10 years to the taxes on the proposed real property improvements to be completed as part of the remodeling and expansion of grocery and pharmacy store.

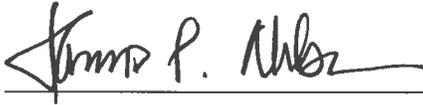
Submission of this application expressly authorizes the City of Cuyahoga Falls to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property

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.

Applicant: Albrecht, Incorporated

By:  James P. Nilsen, President & Treasurer

03/02/12
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.