

NEW LEGISLATION

May 14, 2012

Temp. No.	Introduced	Committee	Description
A-50	5/14/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Genuine Parts Company for the purchase of a prefabricated, unassembled metal storage building, and declaring an emergency.
A-51	5/14/12	Fin	An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Genuine Parts Company for the purchase and installation of a security fence for the City Service Complex at 2560 Bailey Road, and declaring an emergency.
A-52	5/14/12	Fin	An ordinance providing for supplemental appropriations of money for current operating expenses and capital expenditures of the City of Cuyahoga Falls for the various funds hereinafter set forth, and declaring an emergency.
A-53	5/14/12	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the reconstruction of concrete pavement at various locations in the City, and declaring an emergency.
A-54	5/14/12	PI	An ordinance authorizing and directing the appropriation of certain interests in real property necessary for the improvement of State Road between Graham Road and Steels Corners Road, and declaring an emergency.
A-55	5/14/12	PI	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant or loan from the Ohio Public Works Commission for replacement of a 16”

water main in Graham Road, and declaring an emergency.

A-56 5/14/12 PA

An ordinance authorizing the Mayor to enter into an intergovernmental agreement known as the Summit County Intergovernmental Memorandum of Understanding for Job Creation and Retention and Tax Revenue Sharing, as amended, and declaring an emergency.

A-57 5/14/12 PA

An ordinance authorizing the Director of Public Service to issue an encroachment permit to Barbara S. Dieterich dba Diamond Deli for the purpose of installing and maintaining outdoor seating and food service activities in the public right-of-way of Front Street, and declaring an emergency.

A-58 5/14/12 CD

An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area tax exemption agreement jointly with Technicote, Inc. and CFO Realty, LLC, and declaring an emergency.

CALENDAR

May 14, 2012

The following legislation will be up for passage at the Council Meeting on May 14, 2012.

Temp. No.	Introduced	Committee	Description
A-46	4/23/12	P&Z	An ordinance approving a Minor Plat application for a lot line adjustment affecting land at 402 West Steels Corners Road (parcel nos. 35-02399, 35-02400 and 35-06265), and declaring an emergency.
A-47	4/23/12	P&Z	An ordinance approving a Minor Plat application for a lot line adjustment affecting land at 1705/1719 Akron-Peninsula Road (parcel nos. 35-01565, 35-02491 and 35-02490), and declaring an emergency.
A-48	4/23/12	P&Z	An ordinance approving a conditional zoning certificate for the construction of an outdoor recreation facility at 4190 State Road (parcel no. 35-01621), in an MU-3 Mixed Use District, and declaring an emergency.
A-49	4/23/12	PI	An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 6548 with GGC Engineers, Inc., and declaring an emergency.

PENDING LEGISLATION

May 14, 2012

Temp. No.	Introduced	Committee	Description
A-46	4/23/12	P&Z	An ordinance approving a Minor Plat application for a lot line adjustment affecting land at 402 West Steels Corners Road (parcel nos. 35-02399, 35-02400 and 35-06265), and declaring an emergency.
A-47	4/23/12	P&Z	An ordinance approving a Minor Plat application for a lot line adjustment affecting land at 1705/1719 Akron-Peninsula Road (parcel nos. 35-01565, 35-02491 and 35-02490), and declaring an emergency.
A-48	4/23/12	P&Z	An ordinance approving a conditional zoning certificate for the construction of an outdoor recreation facility at 4190 State Road (parcel no. 35-01621), in an MU-3 Mixed Use District, and declaring an emergency.
A-49	4/23/12	PI	An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 6548 with GGC Engineers, Inc., and declaring an emergency.

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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO ENTER INTO A CONTRACT WITHOUT
9 COMPETITIVE BIDDING WITH GENUINE PARTS COMPANY FOR
10 THE PURCHASE OF A PREFABRICATED, UNASSEMBLED
11 METAL STORAGE BUILDING, AND DECLARING AN EMER-
12 GENCY.

13
14 WHEREAS, Section 2 of the City Charter, adopted pursuant to Art. XVIII, Sections 3 and 7 of
15 the Ohio Constitution, authorizes this Council to make exception to the competitive bidding pro-
16 cedures set forth in the Revised Code,

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

20
21 Section 1. The Director of Public Service is hereby authorized to enter into a contract with-
22 out competitive bidding with the Genuine Parts Company, a Georgia corporation licensed to do
23 business in Ohio, for the purchase of a prefabricated, unassembled metal storage building of ap-
24 proximately 15,000 square feet when assembled.

25
26 Section 2. The Director of Finance is hereby authorized and directed to make payment for
27 same from the Capital Projects Fund, line item Capital Outlay.

28
29 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
30 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-
31 nances and resolutions not inconsistent herewith and which have not previously been repealed
32 are hereby ratified and confirmed.

33
34 Section 4. It is found and determined that all formal actions of this Council concerning and
35 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
36 that all deliberations of this Council and of any of its committees that resulted in such formal
37 action were in meetings open to the public, in compliance with all legal requirements including
38 Chapter 107 of the Codified Ordinances.

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

46
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48 Passed: _____

President of Council

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54 Clerk of Council

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56 Approved: _____

Mayor

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58
59 5/14/12

60 O:\2012ords\Genuine Parts Co. - steel bldg.

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO ENTER INTO A CONTRACT WITHOUT
9 COMPETITIVE BIDDING WITH GENUINE PARTS COMPANY FOR
10 THE PURCHASE AND INSTALLATION OF A SECURITY FENCE
11 FOR THE CITY SERVICE COMPLEX AT 2560 BAILEY ROAD,
12 AND DECLARING AN EMERGENCY.

13
14 WHEREAS, Section 2 of the City Charter, adopted pursuant to Art. XVIII, Sections 3 and 7 of
15 the Ohio Constitution, authorizes this Council to make exception to the competitive bidding proced-
16 ures set forth in the Revised Code,

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

20
21 Section 1. The Director of Public Service is hereby authorized to enter into a contract with-
22 out competitive bidding with the Genuine Parts Company, a Georgia corporation licensed to do
23 business in Ohio, for the purchase and installation of approximately 1,217 linear feet of security
24 fence, including two gates, for the City Service Complex located at 2560 Bailey Road.

25
26 Section 2. The Director of Finance is hereby authorized and directed to make payment for
27 same from the Capital Projects Fund, line item Capital Outlay.

28
29 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
30 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-
31 nances and resolutions not inconsistent herewith and which have not previously been repealed
32 are hereby ratified and confirmed.

33
34 Section 4. It is found and determined that all formal actions of this Council concerning and
35 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
36 that all deliberations of this Council and of any of its committees that resulted in such formal
37 action were in meetings open to the public, in compliance with all legal requirements including
38 Chapter 107 of the Codified Ordinances.

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

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48 Passed: _____
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50 President of Council

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52 _____
53 Clerk of Council

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56 Approved: _____
57 _____
58 Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE PROVIDING FOR SUPPLEMENTAL
8 APPROPRIATIONS OF MONEY FOR CURRENT OPERATING
9 EXPENSES AND CAPITAL EXPENDITURES OF THE CITY OF
10 CUYAHOGA FALLS FOR THE VARIOUS FUNDS HEREINAFTER
11 SET FORTH, AND DECLARING AN EMERGENCY.

12
13 WHEREAS, Article VI, Sections 7 and 8 of the City Charter provide that City Council may
14 revise, amend, and supplement budgetary appropriations during the fiscal year, and may
15 authorize the transfer of unencumbered appropriations within various accounts,

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

19
20 Section 1. In order to provide moneys to pay other expenses and capital expenditures
21 during fiscal year 2012, moneys are hereby appropriated from the un-appropriated fund balances
22 of the departments or divisions as set forth as follows:

Funds	Department	Appropriation Category	Amount
General	Community Development	Other Operations	\$35,977.00
Capital Projects	Capital Projects	Capital Outlays	\$ 4,062.00
Water	Water	Other Operations	\$ 4,648.00
			\$44,687.00

23
24
25 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions
26 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
27 ordinances and resolutions not inconsistent herewith and which have not previously been
28 repealed are hereby ratified and confirmed.

29
30 Section 3. It is found and determined that all formal actions of this Council concerning and
31 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
32 that all deliberations of this Council and of any of its committees that resulted in such formal
33 action were in meetings open to the public, in compliance with all legal requirements including
34 Chapter 107 of the Codified Ordinances.

35
36 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
37 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
38 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
39 members elected or appointed to Council, it shall take effect and be in force immediately upon its
40 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
41 period allowed by law.

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44 Passed: _____
45 _____
46 President of Council

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50 Clerk of Council

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52 Approved: _____
53 _____
54 Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2012

6
7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
10 ACCORDING TO LAW, FOR THE RECONSTRUCTION OF
11 CONCRETE PAVEMENT AT VARIOUS LOCATIONS IN THE CITY,
12 AND DECLARING AN EMERGENCY.
13

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

16
17 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
18 contracts, according to law, for the reconstruction of concrete pavement within the public right-of-
19 way at the following locations:

- 20
21 a) Remington Road
22 b) Cavalier Trail
23

24 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
25 from the Capital Projects Fund, line item Capital Outlay.
26

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

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

37 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
38 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
39 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and
40 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
41 the members elected or appointed to Council, it shall take effect and be in force immediately upon its
42 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period
43 allowed by law.
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46 Passed: _____

President of Council

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49 _____
Clerk of Council

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53 Approved: _____

Mayor

54 5/14/12

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2012

7
8 AN ORDINANCE AUTHORIZING AND DIRECTING THE
9 APPROPRIATION OF CERTAIN INTERESTS IN REAL
10 PROPERTY NECESSARY FOR THE IMPROVEMENT OF
11 STATE ROAD BETWEEN GRAHAM ROAD AND STEELS
12 CORNERS ROAD, AND DECLARING AN EMERGENCY.
13

14 WHEREAS, on April 9, 2012, this Council adopted Resolution No. 11-2012, declaring
15 the intention of the City to appropriate certain interests in real property necessary for the
16 improvement of State Road between Graham Road and Steels Corners Road, and caused
17 notice thereof to be served on the owners thereof as required by law, and
18

19 WHEREAS, despite diligent efforts, the City and property owners have been unable to
20 agree to the terms by which the necessary land will be transferred to the City, and
21

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

25 Section 1. This Council authorizes and directs the appropriation of certain interests in
26 real property necessary for the improvement of State Road between Graham Road and
27 Steels Corners Road as more fully described in the exhibits numbered A(004 WD&T),
28 A(007 T), A(015 WD, T1 & T2), A(25 SH, T1, T2, & U), A(045 S), A(054 S, T1 & T2),
29 A(058 WD & T), A(073 WD & T), A(073 BS), A(075 WD, T1 & T2), A(081 WD & T),
30 A(90T) and A(092 T), which are on file with the Clerk of Council in Council File No.
31 _____ and incorporated as if fully rewritten herein.
32

33 Section 2. The Director of Law is hereby authorized to file any necessary civil actions in
34 the Summit County Probate Court, or any other court of competent jurisdiction, to provide
35 for the appropriation of the real property interests mentioned in Section 1 hereof by
36 eminent domain and the assessment of the compensation to be paid for the interests
37 hereby appropriated.
38

39 Section 3. The Director of Finance is hereby authorized to deposit with the Court the
40 amount of the appraised value of each of the real property interests mentioned in Section 1
41 hereof, which is on file with the Clerk of Council in Council File No. _____ and
42 incorporated as if fully rewritten herein, to permit the immediate appropriation of the
43 property. The Director of Finance is hereby authorized to make payment for the same out
44 of the Capital Projects Fund, line item Capital Outlay.
45

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

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

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

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

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65 Passed: _____
66 _____
67 President of Council

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70 Clerk of Council

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73 Approved: _____
74 _____
75 Mayor

76 5/14/12

77 O:\2012ords\appropriation ordinance Part 2-State Road.doc

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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 RESOLUTION NO. - 2012

6
7 A RESOLUTION AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO APPLY FOR AND ACCEPT
9 FINANCIAL ASSISTANCE IN THE FORM OF A GRANT
10 OR LOAN FROM THE OHIO PUBLIC WORKS
11 COMMISSION FOR REPLACEMENT OF A 16" WATER
12 MAIN IN GRAHAM ROAD, AND DECLARING AN
13 EMERGENCY.

14
15 WHEREAS, the Ohio Public Works Commission (OPWC), through its State
16 Capital Improvement Program and Local Transportation Improvement Program,
17 provides financial assistance to political subdivisions for capital improvements to
18 public infrastructure; and

19
20 WHEREAS, the City of Cuyahoga Falls has identified the need, plans for, and
21 proposes a capital improvement to public infrastructure, to wit: replacement of a
22 16" water main, including all necessary appurtenances, in Graham Road between
23 Bath Road and Graham Road Circle; and

24
25 WHEREAS, the infrastructure improvement hereinabove described is considered
26 to be a priority need for the community and is a qualified project under the OPWC
27 programs,

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

31
32 Section 1. The Director of Public Service is hereby authorized to apply for and
33 accept financial assistance in the form of a grant or loan from the Ohio Public
34 Works Commission for the purpose of supporting the capital improvement
35 consisting of replacement of a 16" water main, including all necessary
36 appurtenances, in Graham Road between Bath Road and Graham Road Circle, by
37 means of the State Capital Improvement Program (SCIP) and/or Local
38 Transportation Improvement Program (LTIP) administered by the Ohio Public
39 Works Commission.

40
41 Section 2. The Director of Public Service is hereby authorized to enter into
42 agreements as may be necessary to apply for and accept the financial assistance
43 mentioned herein.

44
45 Section 3. The Clerk is hereby directed to prepare and transmit a certified copy
46 of this Resolution to the Ohio Public Works Commission.

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

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

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

62
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64 Passed: _____
65 _____
66 President of Council

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68 Clerk of Council

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70 Approved: _____
71 _____
72 Mayor

73 5/14/12
74 O:2012 ords/apply & accept – OPWC – Graham Road WM

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
8 AN INTERGOVERNMENTAL AGREEMENT KNOWN AS THE
9 SUMMIT COUNTY INTERGOVERNMENTAL MEMORANDUM OF
10 UNDERSTANDING FOR JOB CREATION AND RETENTION AND
11 TAX REVENUE SHARING, AS AMENDED, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, pursuant to the authority of Ord. No. 74-2010, the City and 14 other local gov-
15 ernments entered into the Summit County Intergovernmental Memorandum of Understanding for
16 Job Creation and Retention and Tax Revenue Sharing, and

17
18 WHEREAS, pursuant to Ord. No. 58-2011, the City entered in a first amendment of that
19 agreement, and

20
21 WHEREAS, certain amendments have been proposed to the agreement,

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

25
26 Section 1. The Mayor is hereby authorized to enter into the Summit County Intergovern-
27 mental Memorandum of Understanding for Job Creation and Retention and Tax Revenue Sharing,
28 as amended, including amendments effective July 1, 2012, substantially in the form of agreement
29 placed on file with the Clerk of Council in Council File No. _____.

30
31 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions
32 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-
33 nances and resolutions not inconsistent herewith and which have not previously been repealed
34 are hereby ratified and confirmed.

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

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

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50 Passed: _____

President of Council

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55 Clerk of Council

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58 Approved: _____

Mayor

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61 5/14/12

62 O:\2012ords\intergovernmental tax sharing agreement

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO ISSUE AN ENCROACHMENT PERMIT TO
9 BARBARA S. DIETERICH DBA DIAMOND DELI FOR THE
10 PURPOSE OF INSTALLING AND MAINTAINING OUTDOOR
11 SEATING AND FOOD SERVICE ACTIVITIES IN THE PUBLIC
12 RIGHT-OF-WAY OF FRONT STREET, AND DECLARING AN
13 EMERGENCY.

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

17
18 Section 1. The Director of Public Service is hereby authorized to issue an encroachment
19 permit, revocable at the will of Council, to Barbara S. Dieterich dba Diamond Deli, for the
20 purpose of installing and maintaining outdoor seating and food service in the public right-of-
21 way of Front Street adjacent to the permittee’s property at 2202 Front Street (Parcel No. 02-
22 14274). The permit shall be substantially in the form now on file with the Clerk in Council
23 File No. ___ and shall contain such terms and conditions as are necessary in the opinion of
24 the Director of Law to protect the public interest.

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

30
31 Section 3. It is found and determined that all formal actions of this Council concerning
32 and relating to the adoption of this ordinance were adopted in an open meeting of this
33 Council and that all deliberations of this Council and of any of its committees that resulted
34 in such formal action were in meetings open to the public, in compliance with all legal
35 requirements including Chapter 107 of the Codified Ordinances.

36
37 Section 4. This ordinance is hereby declared to be an emergency measure necessary for
38 the preservation of the public peace, health, safety, convenience and welfare of the City of
39 Cuyahoga Falls, and provided it receives the affirmative vote of two-thirds of the members
40 elected or appointed to Council, it shall take effect and be in force immediately upon its
41 passage and approval by the Mayor; otherwise it shall take effect and be in force at the
42 earliest period allowed by law.

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45 Passed: _____

President of Council

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Clerk of Council

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53 Approved: _____

Mayor

54
55 5/14/12

56 O:\2012ords\Diamond Deli encroachment permit

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 JOINTLY WITH TECHNICOTE, INC. AND
11 CFO REALTY, LLC, AND DECLARING AN
12 EMERGENCY.

13
14 WHEREAS, pursuant to Ordinance No. 83-2007, this Council established and
15 designated the boundaries of the Cuyahoga Falls Community Reinvestment Area
16 (“CFCRA”) pursuant to Ohio Revised Code §3735.65 *et seq.*, to encourage the
17 development of real property within the CFCRA; and

18
19 WHEREAS, the State of Ohio Director of Development has made a
20 determination that the findings contained in Ord. No. 83-2007 are valid, and that
21 the classification of structures and/or remodeling eligible for exemption under the
22 Ordinance is consistent with zoning restrictions applicable to the CFCRA, and

23
24 WHEREAS, with receipt of the Director’s positive determination, the City is
25 enabled to abate certain taxes on real property located in the CFCRA, in order to
26 provide an incentive for the creation and retention of jobs and investment within
27 the CFCRA; and

28
29 WHEREAS, this Council has determined to provide economic development
30 assistance in the form of tax abatement jointly to Technicote, Inc. and CFO Realty,
31 LLC in connection with improvements to a light manufacturing, offices and
32 warehouse facility located at 70 Marc Drive (Parcel No. 35-03133),

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

36
37 Section 1. The Director of Community Development is hereby authorized to
38 enter into a Community Reinvestment Area tax exemption agreement in
39 accordance with Ohio Revised Code §§3735.67 and 3735.671, jointly with
40 Technicote, Inc. and CFO Realty, LLC, consistent with Ordinance No. 83-2007 and
41 the terms set forth in the application for tax exemption attached hereto as Exhibit
42 A, in order to provide an exemption from real property tax at the percentage and
43 for the duration stipulated in said application.

44
45 Section 2. This Council further authorizes the Mayor, Director of Finance,
46 Director of Community Development, Director of Law and any other city officials,
47 individually and/or collectively as may be appropriate, to prepare and execute such
48 other documents and do other things as are necessary or incidental to carrying out

49 the requirements of this legislation consistent with the terms of the attached
50 application.

51
52 Section 3. Any ordinances or resolutions or portions of ordinances and
53 resolutions inconsistent herewith are hereby repealed, but any ordinances and
54 resolutions not inconsistent herewith and which have not previously been repealed
55 are hereby ratified and confirmed.

56
57 Section 4. It is found and determined that all formal actions of this Council
58 concerning and relating to the adoption of this ordinance were adopted in an open
59 meeting of this Council, and that all deliberations of this Council and of any of its
60 committees that resulted in such formal action, were in meetings open to the
61 public, in compliance with all legal requirements including Chapter 107 of the
62 Codified Ordinances.

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

71
72
73 Passed: _____
74 _____
75 President of Council

76
77 _____
78 Clerk of Council

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80
81 Approved: _____
82 _____
83 Mayor

84
85 5/14/12
86 O:\2012ords\Technicote CRA Agreement

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Cuyahoga Falls located in the County of Summit and Technicote, Inc. & CFO Realty.

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

<u>Technicote</u>	<u>Dan Clarke</u>
Enterprise Name	Contact Person

<u>222 Mound Avenue Miamisburg, Ohio 45342</u>	
Address	Telephone Number

<u>CFO Realty</u>	<u>Vince Kyle</u>
Enterprise Name	Contact Person

<u>3802 Winkler Drive, Dover, Ohio 44622</u>	<u>330-447-5852</u>
Address	Telephone Number

- b. Project site:

<u>70 Marc Drive, Cuyahoga Falls, Ohio 44223</u>	<u>Dan Clarke</u>
Address	Contact Person

<u>937-859-4448</u>
Telephone Number

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

Manufacturing

- b. List primary 6 digit North American Industry Classification System (NAICS) # Business may list other relevant SIC numbers. 322200

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

n/a

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

Limited Liability Company

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

George Corbett, Vincent Kyle, Doug O'Connell

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

40

- 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):

66 Permanent Full Time located in Cuyahoga Falls and Miamisburg, OH

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

No relocation of employment

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

NA

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:

Replace facility at 70 Marc Drive previously destroyed in fire. Purchase and install manufacturing and support equipment to restore previous manufacturing capacity. Approximately 8,825 square feet will be salvaged and 45,800 square feet will be constructed for a total of 54,625 square feet.

7. Project will begin in May 2012 and be completed by March 2013 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):

12 new full time employees

b. State the time frame of this projected hiring: 24 months

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

2012 = 5 Full Time Employees 2013 = 7 Full Time Employees

9.

a. Estimate the amount of annual payroll such new employees will add:
\$ 498,828.00 based on 12 employees with Average Wage \$41,569.00/yr
(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: \$ 1,598,200

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:
- | | |
|--|---------------------------|
| A. Acquisition of Land: | \$ <u> 0</u> |
| B. Additions/New Construction: | \$ <u>3,000,000</u> |
| C. Improvements to existing buildings: | \$ <u> 0</u> |
| D. Machinery & Equipment: | \$ <u>3,750,000</u> |
| E. Furniture & Fixtures: | \$ <u> 100,000</u> |
| F. Inventory: | \$ <u>3,500,000/Month</u> |
| Total New Project Investment: | \$10,350,000 |

- 11.
- a. Business requests the following tax exemption incentives: 50 % for 15 years covering the real property improvements as described above.
 - b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

Technicote, Inc. was established in 1980 in Cuyahoga Falls, Ohio to service local roll converters. As a financially stable, privately owned company, Technicote has grown to include 9 manufacturing and distribution facilities throughout the United States and Mexico. With outstanding employees, and a strong customer base, Technicote continues to maintain substantial growth year after year.

In December 2011, our Cuyahoga Falls location experienced a devastating fire that destroyed most of the building and equipment and displaced our workforce. After this major business interruption, we were forced to relocate the manufacturing demand to our 3 other manufacturing sites in Ohio, Indiana, and California. We continued to offer employment to all existing personnel who were willing to work temporarily at our Indiana Facility. To minimize hardship, we have paid all travel, housing, and meals for approximately 20 employees working in Terre Haute, IN since the beginning of the year. In addition we have maintained their Ohio wage rates, which are higher than Indiana. This has resulted in a transparent situation to the County and City as all employees have been able to maintain their Ohio residency.

Technicote has effectively absorbed our lost manufacturing capacity into existing company assets. We have investigated all options including relocating outside Cuyahoga Falls, the county, or the State of Ohio. There are many reasons that moving would make sense. However our preferred course of action would be to rebuild at the 70 Marc Drive location, which allows us to maintain our experienced work force and support the local customers which have been with us since starting the Company.

Technicote looks forward to a continued partnership and requests that all financial support possible be given to assist us in this decision.

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.

Name of Property Owner

Title

Signature

Date

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

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

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