

NEW LEGISLATION

November 12, 2013

Temp. No.	Introduced	Committee	Description
B-78	11/12/13	P&Z	An ordinance approving the site plan related to the construction of a 3-building, 36-unit residential apartment development at 3574 Wyoga Lake Road (Parcel No. 35-01110), and declaring an emergency.
B-79	11/12/13	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the City's requirements for maintenance of the heating and air conditioning systems and automatic control systems in municipal buildings, and declaring an emergency.
B-80	11/12/13	Fin	An ordinance authorizing the Director of Finance to enter into a contract without competitive bidding with New World Systems Corp. for software maintenance and customer support of the City's licensed public safety systems software, and declaring an emergency.
B-81	11/12/13	Fin	An ordinance authorizing the Mayor to enter into a settlement agreement in the case of <i>In re Estate of Ferrato</i> , and declaring an emergency.
B-82	11/12/13	Fin	An ordinance amending Section 923.10 of Title Five, Part Nine of the Codified Ordinances, relating to water rates in the Northeast High Pressure Water District, and declaring an emergency.
B-83	11/12/13	Fin	An ordinance authorizing the Director of Public Service to enter into a third modification of Contract No. 6548 with GGC Engineers, Inc., and declaring an emergency.
B-84	11/12/13	PI	A resolution authorizing the Director of Public Service to apply for and accept

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financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the resurfacing of Second Street between Crawford School Way and Broad Boulevard, and declaring an emergency.

B-85 11/12/13 PI

A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the reconstruction of Front and Second Streets between Chestnut Boulevard and Cuyahoga River, and declaring an emergency.

B-86 11/12/13 PI

A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the construction of the Wyoga Lake Road Multi-Purpose Trail Phase One, and declaring an emergency.

B-87 11/12/13 PI

A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the resurfacing of Steels Corners Road between State Road and Wyndham Ridge Drive, and declaring an emergency.

B-88 11/12/13 PI

A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), for the resurfacing of Front Street between Broad Boulevard and Second Street, and declaring an emergency.

- | | | | |
|------|----------|----|--|
| B-89 | 11/12/13 | PI | A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant from the U.S. Dept. of Transportation, through the Akron Metropolitan Area Transportation Study (AMATS), to conduct a feasibility study of implementing two-way traffic on Front and Second Streets between Broad Boulevard and State Route 8, and declaring an emergency. |
| B-90 | 11/12/13 | CD | A resolution accepting the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council Concerning Enterprise Zone and Community Reinvestment Area tax exemption agreements within the City of Cuyahoga Falls, and declaring an emergency. |
| B-91 | 11/12/13 | CD | An ordinance authorizing the Director of Community Development to make a subgrant of Clean Ohio Revitalization Fund Grant proceeds to Testa Enterprises, Inc. to provide financial assistance for the acquisition of certain real property located at 1783 Front Street (Parcel Nos. 02-17696, 02-03124, 02-03123, 02-17770, and 02-03122), and declaring an emergency. |

CALENDAR

November 12, 2013

The following legislation will be up for passage at the Council Meeting on November 12, 2013.

Temp. No.	Introduced	Committee	Description
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No Business

PENDING LEGISLATION

November 12, 2013

Temp. No.	Introduced	Committee	Description
B-51	7/8/13	PA	A resolution approving an amendment to the Summit County 9-1-1 Plan to include the Southwest Summit Council of Governments as a public safety answering point, and declaring an emergency.
B-55	7/22/13	PA	An ordinance amending Section 131.01 of Title Five, Part One of the Codified Ordinances, relating to authorized staffing of the Fire Department, and declaring an emergency.
B-64*	9/23/13	PZ	An ordinance designating a Revitalization Signage Area for the Portage Crossing Redevelopment Site consisting of Parcel Nos. 02-05240, 02-05241, 02-14014, 02-01811, 02-18517, 02-18768, 02-18769, 02-20436, 02-20437, 02-20439 and 02-02885, authorizing a corresponding amendment of the City's official zone maps, making certain findings in connection therewith, and declaring an emergency.

*Public Hearing 11/4/13

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2013

8
9 AN ORDINANCE APPROVING THE SITE PLAN RELATED TO THE
10 CONSTRUCTION OF A 3-BUILDING, 36-UNIT RESIDENTIAL
11 APARTMENT DEVELOPMENT AT 3574 WYOGA LAKE ROAD
12 (PARCEL NO. 35-01110), AND DECLARING AN EMERGENCY.

13
14 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires that all affirmative
15 decisions made by the Planning Commission be submitted to Council; and

16
17 WHEREAS, site plan review by the Planning Commission is required for the construction of all
18 new buildings in excess of 8,000 SF in the City of Cuyahoga Falls, Ohio, and

19
20 WHEREAS, on October 1, 2013 the Planning Commission approved the site plan for the
21 construction of a 3-building, 36-unit residential apartment development for Twin Crown Properties,
22 LLC, at 3574 Wyoga Lake Road (Parcel No. 35-01110), within the City of Cuyahoga Falls, Ohio; and

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

26
27 Section 1. This Council approves the site plan related to the construction of a 3-building, 36-
28 unit residential apartment development for Twin Crown Properties, LLC, at 3574 Wyoga Lake Road
29 (Parcel No. 35-01110), in Cuyahoga Falls, Ohio, in accordance with Cuyahoga Falls General
30 Development Code regulations as set forth in the Codified Ordinances of the City of Cuyahoga Falls
31 and as approved by the Planning Commission subject to the plans and final conditions contained in
32 File P-23-13-SP and as further depicted on the plan and elevation drawings attached hereto as
33 Exhibits A-1 and A-2.

34
35 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions
36 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
37 herewith and which have not previously been repealed are hereby ratified and confirmed.

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

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

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54 Passed: _____
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56 President of Council

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58 Clerk of Council

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60 Approved: _____
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62 Mayor

63 11/12/13

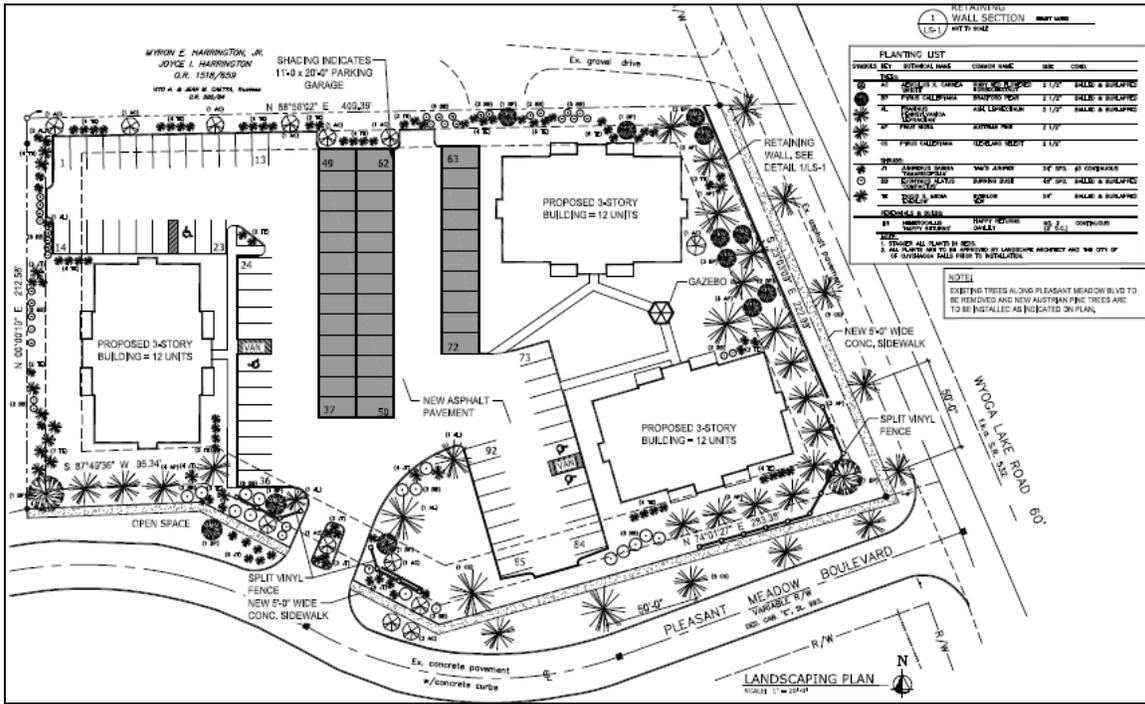


Figure 1 -- Site/Landscape Plan



Figure 2 – Front Elevation



Figure 3 – Rear Elevation



Figure 4 – Side Elevation

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2013

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8
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, FOR THE CITY'S REQUIREMENTS FOR
12 MAINTENANCE OF THE HEATING AND AIR CONDITIONING
13 SYSTEMS AND AUTOMATIC CONTROL SYSTEMS IN MUNICIPAL
14 BUILDINGS, AND DECLARING AN EMERGENCY.
15

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

19
20 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
21 contracts, according to law, for the City requirements for maintenance of the heating and air
22 conditioning systems and the automatic control systems in municipal buildings for an initial term of
23 two (2) years with the option for up to three additional one-year terms.
24

25 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
26 from the Other Operations and Maintenance line items of the Building and Maintenance and
27 individual departments.
28

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

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

39 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
40 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
41 Falls and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and
42 appropriate development of this property, and provided it receives the affirmative vote of two thirds of
43 the 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 period
45 allowed by law.
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48 Passed: _____

President of Council

Clerk of Council

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54 Approved: _____

Mayor

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56 11/12/13

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2013

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE
9 TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE
10 BIDDING WITH NEW WORLD SYSTEMS CORP. FOR SOFTWARE
11 MAINTENANCE AND CUSTOMER SUPPORT OF THE CITY'S
12 LICENSED PUBLIC SAFETY SYSTEMS SOFTWARE, AND
13 DECLARING AN EMERGENCY.
14

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

18
19 Section 1. The Director of Finance is hereby authorized to enter into a contract without
20 competitive bidding with New World Systems Corp., a Michigan corporation, for software
21 maintenance and customer support of the City's licensed public safety systems software, for a
22 period of five (5) years, on the basis of its proposal dated September 16, 2013.
23

24 Section 2. The Director of Finance and is further authorized and directed to make payment
25 for same from funds properly appropriated therefor.
26

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

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

38 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
39 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
40 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
41 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
43 period allowed by law.
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47 Passed: _____

President of Council

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Clerk of Council

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55 Approved: _____

Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2013

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
8 INTO A SETTLEMENT AGREEMENT IN THE CASE OF *IN*
9 *RE ESTATE OF FERRATO*, AND DECLARING AN
10 EMERGENCY.

11
12 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,
13 and State of Ohio, that:

14
15 Section 1. The Mayor is hereby authorized to execute a settlement agreement in the
16 case of *In re Estate of Ferrato*, Summit County Court of Common Pleas, Probate
17 Division, Case No. 2011 ES 985, and Ohio Court of Appeals, Ninth District, Case No.
18 26742, on the basis of the settlement proposal negotiated and presented to City Council
19 on November __, 2013.

20
21 Section 2. The Mayor and/or Director of Law, as indicated, are hereby authorized
22 to execute and file such pleadings and documents with the court or other agencies,
23 including, without limitation, a stipulated judgment entry and any other pleadings
24 necessary to effectuate the intent of the parties as set forth in the proposed settlement
25 agreement.

26
27 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions
28 inconsistent herewith are hereby repealed, but any ordinances and resolutions not
29 inconsistent herewith and which have not previously been repealed are hereby ratified
30 and confirmed.

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

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

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46 Passed: _____

President of Council

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Clerk of Council

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52 Approved _____

Mayor

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54 11/12/13

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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2013

6
7 AN ORDINANCE AMENDING SECTION 923.10 OF
8 TITLE FIVE, PART NINE OF THE CODIFIED
9 ORDINANCES, RELATING TO WATER RATES IN THE
10 NORTHEAST HIGH PRESSURE WATER DISTRICT,
11 AND DECLARING AN EMERGENCY.
12

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

15
16 Section 1. Section 929.10 of the Codified Ordinances of the City of
17 Cuyahoga Falls is hereby amended to read in full as follows (new text
18 underlined; deleted text in ~~strikethrough~~):
19

20 923.10 NORTHEAST HIGH PRESSURE WATER DISTRICT CAPITAL
21 COST SURCHARGES.

22 (a) The Director of Public Service is authorized and directed to require
23 that every person or business located in the Surcharge Areas as defined in
24 Ordinance No. 60-1996 duly passed by City Council on April 22, 1996 and now
25 on file in the office of the Clerk of Council and served or to be served by a
26 connection to the City's water system, shall pay, in addition to the other
27 charges provided in this Chapter the capital cost surcharges calculated as
28 follows:

29 (1) The Lump Sum Surcharge Amount shall be calculated by
30 multiplying the Base Surcharge, as set forth in the table below, by the number
31 of capital surcharge units assigned or anticipated to be assigned as of the date
32 of connection to the water system, determined as follows:

33 A. Each single-family residential unit shall be assigned one
34 capital surcharge unit.

35 B. A multi-family residential or nonresidential building, structure,
36 or other facility shall be assigned capital surcharge units or portions thereof to
37 the nearest one-hundredth as is arrived at by dividing the assumed average
38 daily water usage for the structure by 400. Such daily water usage shall be
39 determined from the "Water Usage Suggested Guide" as set forth in the
40 publication entitled "Guidelines for Design of Small Public Water Systems"
41 published by the Ohio Environmental Protection Agency in 1988, which guide is
42 on file with the Clerk of Council and incorporated herein by reference.

43 C. A nonresidential building, structure or other facility, the daily
44 water usage of which is not set forth in "Water Usage Suggested Guide", shall
45 be assigned such number of capital surcharge benefits or portions thereof to
46 the nearest one-hundredth as determined by the Director of Public Service who
47 shall review the preliminary plans of the building, structure, or other facility
48 together with other pertinent information, and based upon accepted engineering
49 practices, determine the anticipated daily water usage to be delivered to such

50 building, structure, or other facility from the water system. This quantity
51 divided by 400 shall be the number of surcharge benefits units assigned.

52

53 The Lump Sum Surcharge Amount shall be in effect for and apply to all
54 users located in the Lump Sum Surcharge Area depicted in Exhibit A, other
55 than users on property which has been assessed for the water lines to which
56 they connect, who connect to the City's water system on or after May 1,1996.
57 For purposes of the Lump Sum Surcharge Amount but not for purposes of the
58 High Pressure Service Charge Amount, any user who was served by a
59 connection to the County water system prior to May 1,1996, shall be deemed to
60 have connected to the City's water system prior to May 1,1996. The Lump Sum
61 Surcharge Amount shall be paid by all such users in the Lump Sum Surcharge
62 Area depicted in Exhibit A who connect to the City's water system on or after
63 May 1,1996, prior to connection to the water system, and said Surcharge
64 Amount shall be equal to the following amounts for each calendar year in which
65 a tap-in permit is obtained:

66

Year	Base Surcharge
1996	\$ 2,500.00
1997	2,650.00
1998	2,809.00
1999	2,977.54
2000	3,156.19
2001	3,345.56
2002	3,546.30
2003	3,759.08
2004	3,984.62
2005	4,223.70
2006	4,477.12

67

68 Any person planning to connect to the City's water system may pay the
69 entire Lump Sum Surcharge Amount in a year prior to connection equal to the
70 amount that would apply as if a tap-in permit had been obtained in the year of
71 payment, provided, however, if the use of the applicable property changes by
72 the date of the actual connection, the amount due will be adjusted. All users
73 actually served by a connection to the City's water system within eighteen (18)
74 months of the date upon which the City Engineer and the Water
75 Superintendent certify that the waterline serving that user is completed, except
76 those connecting to a newly-constructed facility, shall have an option of paying
77 the surcharge in 120 monthly installment payments, which payments increase
78 each calendar year. The installment payments to be made each calendar year
79 shall be calculated by dividing the lump sum surcharge which would apply as if
80 a connection had been made in the year the payment is due by 120. At any time
81 a user may determine to prepay the remaining installments due by paying an
82 amount calculated by dividing the remaining installment payments due by 120
83 and multiplying the quotient by the applicable lump sum surcharge for the year
84 in which the prepayment is made.

85

86 In the event a property owner moves before making all 120 payments,
87 the new owner of the property shall be responsible for all remaining surcharge
payments due under this Section. The owner of each property is responsible for

88 the payment of the surcharge in the event of failure of a tenant to make such
89 payment.

90 In the event that within ten years following the payment of all or any
91 portion of a surcharge there is a substantial change in the usage of or
92 substantial development of any property or facility served by the connection to
93 the City's water system which does not result in a new connection to the City's
94 water system, the Director of Service shall determine in his discretion whether a
95 new surcharge or an additional surcharge amount shall be imposed.

96 (2) In addition to any other charges there shall also be charged to
97 each user located in the High Pressure Service Charge Area depicted in Exhibit
98 B and connected to the City's water system, except customers of the Cuyahoga
99 Falls Water Utility who obtained Cuyahoga Falls Water service prior to May I,
100 1996, a High Pressure Service Charge Amount as follows:
101

First 400 cubic feet. per month - Minimum	\$6.88 per month
All Over 400 cubic feet per month	\$17.21 per 1000 cubic feet

102
103 (3) The High Pressure Service Charge imposed pursuant to subsection
104 (a)(2) above shall terminate effective December 1, 2013.

105
106 (b) Upon completion of construction of all waterlines and facilities
107 necessary to serve the Northeast High Pressure Water District, and at five year
108 intervals thereafter, City Council shall evaluate the costs of construction, the
109 revenue being generated, and the projected development within the District and
110 may determine to modify the amount of either surcharge, to extend the time for
111 payment of either surcharge, or to discontinue either surcharge as Council
112 determines to be appropriate to accomplish the equitable reimbursement of the
113 City's actual costs of the improvements in the Surcharge Areas as set out
114 herein.

115
116 (c) The tap-in service charge provided in Sections 923.04(b) and the
117 surcharges provided in 923.06, 923.07, 923.08 and 923.09 will be waived to the
118 extent Lump Sum Surcharge payments under this Section have been paid or to
119 the extent improvements are constructed at no cost to the City to the extent
120 provided by ordinances enacted by City Council.

121
122 Section 2. Existing Section 923.10 of the Codified Ordinances, as enacted by
123 Ord. No. 60-1996, passed April 22, 1996, is hereby repealed.

124
125 Section 3. Any ordinances or resolutions or portions of ordinances and
126 resolutions inconsistent herewith are hereby repealed, but any ordinances and
127 resolutions not inconsistent herewith and which have not previously been
128 repealed are hereby ratified and confirmed.

129
130 Section 4. It is found and determined that all formal actions of this
131 Council concerning and relating to the passage of this ordinance were taken in
132 an open meeting of this Council and that all deliberations of this Council and of
133 any committees that resulted in those formal actions were in meetings open to

134 the public, in compliance with all requirements including Chapter 107 of the
135 Codified Ordinances.

136
137 Section 5. This ordinance is hereby declared to be an emergency measure
138 necessary for the preservation of the public peace, health, safety, convenience
139 and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and
140 provided it receives the affirmative vote of two-thirds of the members elected or
141 appointed to Council, it shall take effect and be in force immediately upon its
142 passage and approval by the Mayor; otherwise it shall take effect and be in force
143 at the earliest period allowed by law.

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146 Passed: _____
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148 President of Council

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151 Clerk of Council

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153 Approved _____
154 _____
155 Mayor

156 11/12/13
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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2013

7
8
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO ENTER INTO A THIRD MODIFICATION OF
11 CONTRACT NO. 6548 WITH GGC ENGINEERS, INC., AND
12 DECLARING AN EMERGENCY.
13

14 WHEREAS, pursuant to the authority of Ordinance Nos. 35-2010 and 63-2010, the City
15 entered into Contract No. 6548 with GGC Engineers, Inc., for the professional services
16 necessary to design public infrastructure improvements related to the redevelopment of the
17 former State Road Shopping Center, and
18

19 WHEREAS, pursuant to the authority of Section 181.06 of the Codified Ordinances, the
20 City entered into a first modification of said contract on or about June 21, 2011; and
21

22 WHEREAS, pursuant to the authority of Ordinance No. 50-2012, passed May 14, 2012,
23 the City entered into a second modification of said contract on or about May 16, 2012, and
24

25 WHEREAS, it is necessary to adjust the scope of work beyond what was originally
26 estimated, due to changes in the development plans for the property, necessitating further
27 design engineering work relating to roadways, traffic signalization, lane structure,
28 topographic surveying, and utility verification, which changes will increase the total
29 contract price, as amended, by an amount not exceeding \$46,550.00.
30

31 WHEREAS, it is necessary to authorize the performance of additional work outside the
32 scope of the original contract in order to obtain the professional engineering services
33 necessary to provide adequate supervision and oversight during construction of the
34 planned improvements;
35

36 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
37 County of Summit and State of Ohio, that:
38

39 Section 1. The Director of Public Service is hereby authorized to enter into a third
40 modification of Contract No. 6548 with GGC Engineers, Inc., increasing the original scope
41 of work as necessary in the opinion of the Director of Public Service, but not to exceed an
42 amount \$46,550.00 over the original contract price, as amended. The total contract price
43 as amended pursuant to this ordinance shall not exceed \$408,871. Said modification shall
44 be prepared in writing and signed by the Director of Public Service on behalf of the City.
45

46 Section 2. The Director of Finance is hereby authorized to pay approved invoices for
47 work based upon the Contract as modified, from the Capital Projects Fund, line item
48 Capital Outlay.
49

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

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

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

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71 Passed: _____
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73 President of Council

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77 Clerk of Council
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81 Approved: _____
82 _____
83 Mayor

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85 11/12/13
86 O:\2013ords\Modify Contract GGC (3rd) for Portage Crossing.doc

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTUION NO. - 2013

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8
9 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO APPLY FOR AND ACCEPT FINANCIAL
11 ASSISTANCE IN THE FORM OF A GRANT FROM THE U.S.
12 DEPT. OF TRANSPORTATION, THROUGH THE AKRON
13 METROPOLITAN AREA TRANSPORTATION STUDY (AMATS),
14 FOR THE RESURFACING OF SECOND STREET BETWEEN
15 CRAWFORD SCHOOL WAY AND BROAD BOULEVARD, AND
16 DECLARING AN EMERGENCY.

17
18
19 WHEREAS, the City Engineer has identified the need for and proposes the resurfacing
20 of Second Street between Crawford School Way and Broad Boulevard (the "Project"), in the
21 City of Cuyahoga Falls, and

22
23 WHEREAS, the Akron Metropolitan Area Transportation Study (AMATS) is conducting a
24 competitive grant process under which Federal Surface Transportation Funds may be made
25 available to partially support construction costs for City sponsored projects,

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

29
30 Section 1. The Director of Public Service is authorized to apply for and accept financial
31 assistance in the form of a grant from the U.S. Department of Transportation, through the
32 Akron Metropolitan Area Transportation Study (AMATS), for the purpose of supporting
33 construction costs related to the Project, as follows:

34
35 Project Name: Second Street in the City of Cuyahoga Falls.

36
37 Description: Resurfacing of Second Street between Crawford School Way and Broad
38 Boulevard (approximately 4,500 feet), including grind and pave 3" of asphalt pavement,
39 restripe pavement markings and replace traffic loops.

40
41 Estimated Construction Cost: \$375,000.

42
43 Section 2. This Council's authorization is granted with the following understandings:

- 44
45 A. The City will bear one hundred percent (100%) of the cost of preliminary
46 engineering.
47 B. The City will bear one hundred percent (100%) of the total cost of those
48 features requested by the City which are not eligible for Federal
49 participation.
50 C. The Federal share will assume eighty percent (80%) of the construction
51 cost of the improvement not to exceed \$300,000.00. The City will be
52 responsible for the local share.
53 D. The City of Cuyahoga Falls is in receipt of and acknowledges the
54 applicability of the AMATS "Funding Policy Guidelines" to this funding
55 request.
56

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTUION NO. - 2013

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9 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO APPLY FOR AND ACCEPT FINANCIAL
11 ASSISTANCE IN THE FORM OF A GRANT FROM THE U.S.
12 DEPT. OF TRANSPORTATION, THROUGH THE AKRON
13 METROPOLITAN AREA TRANSPORTATION STUDY (AMATS),
14 FOR THE RECONSTRUCTION OF FRONT AND SECOND
15 STREETS BETWEEN CHESTNUT BOULEVARD AND
16 CUYAHOGA RIVER, AND DECLARING AN EMERGENCY.

17
18
19 WHEREAS, the City Engineer has identified the need for and proposes the
20 reconstruction of Front and Second Streets between Chestnut Boulevard and the Cuyahoga
21 River (the "Project"), in the City of Cuyahoga Falls, and

22
23 WHEREAS, the Akron Metropolitan Area Transportation Study (AMATS) is conducting a
24 competitive grant process under which Federal Surface Transportation Funds may be made
25 available to partially support construction costs for City sponsored projects,

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

29
30 Section 1. The Director of Public Service is authorized to apply for and accept financial
31 assistance in the form of a grant from the U.S. Department of Transportation, through the
32 Akron Metropolitan Area Transportation Study (AMATS), for the purpose of supporting
33 construction costs related to the Project, as follows:

34
35 Project Name: Front Street and Second Street in the City of Cuyahoga Falls.

36
37 Description: From Chestnut Boulevard to the Cuyahoga River approximately 5,600 feet.
38 Reconstruction including pavement construction, concrete curbs, sidewalk, driveway
39 approach reconstruction, storm drainage, ditch reconstruction, water line replacement,
40 retaining walls as required, landscape restoration and upgraded signals.

41
42 Estimated Construction Cost: \$4,700,000.

43
44 Section 2. This Council's authorization is granted with the following understandings:

- 45
46 A. The City will bear one hundred percent (100%) of the cost of preliminary
47 engineering.
48 B. The City will bear one hundred percent (100%) of the total cost of those
49 features requested by the City which are not eligible for Federal
50 participation.
51 C. The Federal share will assume eighty percent (80%) of the construction
52 cost of the improvement not to exceed \$3,760,000. The City will be
53 responsible for the local share.
54 D. The City of Cuyahoga Falls is in receipt of and acknowledges the
55 applicability of the AMATS "Funding Policy Guidelines" to this funding
56 request.
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 and
61 confirmed.
62

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

69 Section 5. This resolution is hereby declared to be an emergency measure necessary for
70 the preservation of the public peace, health, safety, convenience and welfare of the City of
71 Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately necessary
72 to permit timely and appropriate development of this property, and provided it receives the
73 affirmative vote of two thirds of the members elected or appointed to Council, it shall take
74 effect and be in force immediately upon its passage and approval by the Mayor; otherwise it
75 shall take effect and be in force at the earliest period allowed by law.
76

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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 11/12/13
90 O:\2013ords\AMATS Grant App - 2nd-Front reconstruct

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTUION NO. - 2013

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9 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO APPLY FOR AND ACCEPT FINANCIAL
11 ASSISTANCE IN THE FORM OF A GRANT FROM THE U.S.
12 DEPT. OF TRANSPORTATION, THROUGH THE AKRON
13 METROPOLITAN AREA TRANSPORTATION STUDY (AMATS),
14 FOR THE CONSTRUCTION OF THE WYOGA LAKE ROAD
15 MULTI-PURPOSE TRAIL PHASE ONE, AND DECLARING AN
16 EMERGENCY.

17
18
19 WHEREAS, the City Engineer has identified the need for and proposes the construction
20 of the Wyoga Lake Road Multi-Purpose Trail, Phase One (the "Project"), in the City of
21 Cuyahoga Falls, and

22
23 WHEREAS, the Akron Metropolitan Area Transportation Study (AMATS) is conducting a
24 competitive grant process under which Federal Surface Transportation Funds may be made
25 available to partially support construction costs for City sponsored projects,

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

29
30 Section 1. The Director of Public Service is authorized to apply for and accept financial
31 assistance in the form of a grant from the U.S. Department of Transportation, through the
32 Akron Metropolitan Area Transportation Study (AMATS), for the purpose of supporting
33 construction costs related to the Project, as follows:

34
35 Project Name: Wyoga Lake Road Multi-Purpose Trail Phase 1.

36
37 Description: From Graham Road to Remington Road approximately 3,400 feet.
38 Construction of a multi-purpose trail on Wyoga Lake Road, providing multi-modal
39 access and future connections to more regional trails.

40
41 Estimated Construction/Traffic Study Cost: \$875,000.

42
43 Section 2. This Council's authorization is granted with the following understandings:

- 44
45 A. The City will bear one hundred percent (100%) of the cost of preliminary
46 engineering.
47 B. The City will bear one hundred percent (100%) of the total cost of those
48 features requested by the City which are not eligible for Federal
49 participation.
50 C. The Federal share will assume eighty percent (80%) of the construction
51 cost of the improvement not to exceed \$700,000. The City will be
52 responsible for the local share.
53 D. The City of Cuyahoga Falls is in receipt of and acknowledges the
54 applicability of the AMATS "Funding Policy Guidelines" to this funding
55 request.
56

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTUION NO. - 2013

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9 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO APPLY FOR AND ACCEPT FINANCIAL
11 ASSISTANCE IN THE FORM OF A GRANT FROM THE U.S.
12 DEPT. OF TRANSPORTATION, THROUGH THE AKRON
13 METROPOLITAN AREA TRANSPORTATION STUDY (AMATS),
14 FOR THE RESURFACING OF STEELS CORNERS ROAD
15 BETWEEN STATE ROAD AND WYNDHAM RIDGE DRIVE,
16 AND DECLARING AN EMERGENCY.

17
18
19 WHEREAS, the City Engineer has identified the need for and proposes the resurfacing
20 of Steels Corners Road between State Road and Wyndham Ridge Drive (the "Project"), in
21 the City of Cuyahoga Falls, and

22
23 WHEREAS, the Akron Metropolitan Area Transportation Study (AMATS) is conducting a
24 competitive grant process under which Federal Surface Transportation Funds may be made
25 available to partially support construction costs for City sponsored projects,

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

29
30 Section 1. The Director of Public Service is authorized to apply for and accept financial
31 assistance in the form of a grant from the U.S. Department of Transportation, through the
32 Akron Metropolitan Area Transportation Study (AMATS), for the purpose of supporting
33 construction costs related to the Project, as follows:

34
35 Project Name: Steels Corners Road in the City of Cuyahoga Falls.

36
37 Description: From State Road to Wyndham Ridge Drive approximately 5,200 feet.
38 Resurface roadway including grind and pave three-inches (3") of asphalt pavement,
39 restripe pavement markings and replace traffic loops.

40
41 Estimated Construction Cost: \$375,000.

42
43 Section 2. This Council's authorization is granted with the following understandings:

- 44
45 A. The City will bear one hundred percent (100%) of the cost of preliminary
46 engineering.
47 B. The City will bear one hundred percent (100%) of the total cost of those
48 features requested by the City which are not eligible for Federal
49 participation.
50 C. The Federal share will assume eighty percent (80%) of the construction
51 cost of the improvement not to exceed \$300,000.00. The City will be
52 responsible for the local share.
53 D. The City of Cuyahoga Falls is in receipt of and acknowledges the
54 applicability of the AMATS "Funding Policy Guidelines" to this funding
55 request.
56

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTUION NO. - 2013

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9 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO APPLY FOR AND ACCEPT FINANCIAL
11 ASSISTANCE IN THE FORM OF A GRANT FROM THE U.S.
12 DEPT. OF TRANSPORTATION, THROUGH THE AKRON
13 METROPOLITAN AREA TRANSPORTATION STUDY (AMATS),
14 FOR THE RESURFACING OF FRONT STREET BETWEEN
15 BROAD BOULEVARD AND SECOND STREET, AND
16 DECLARING AN EMERGENCY.

17
18
19 WHEREAS, the City Engineer has identified the need for and proposes the resurfacing
20 of Front Street between Broad Boulevard and Second Street (the "Project"), in the City of
21 Cuyahoga Falls, and

22
23 WHEREAS, the Akron Metropolitan Area Transportation Study (AMATS) is conducting a
24 competitive grant process under which Federal Surface Transportation Funds may be made
25 available to partially support construction costs for City sponsored projects,

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

29
30 Section 1. The Director of Public Service is authorized to apply for and accept financial
31 assistance in the form of a grant from the U.S. Department of Transportation, through the
32 Akron Metropolitan Area Transportation Study (AMATS), for the purpose of supporting
33 construction costs related to the Project, as follows:

34
35 Project Name: Front Street in the City of Cuyahoga Falls.

36
37 Description: From Broad Boulevard to 2nd Street approximately 4,400 feet. Resurface
38 roadway including grind and pave three-inches (3") of asphalt pavement, restripe
39 pavement markings and replace traffic loops.

40
41 Estimated Construction Cost: \$350,000.

42
43 Section 2. This Council's authorization is granted with the following understandings:

- 44
45 A. The City will bear one hundred percent (100%) of the cost of preliminary
46 engineering.
47 B. The City will bear one hundred percent (100%) of the total cost of those
48 features requested by the City which are not eligible for Federal
49 participation.
50 C. The Federal share will assume eighty percent (80%) of the construction
51 cost of the improvement not to exceed \$280,000.00. The City will be
52 responsible for the local share.
53 D. The City of Cuyahoga Falls is in receipt of and acknowledges the
54 applicability of the AMATS "Funding Policy Guidelines" to this funding
55 request.
56

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

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

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

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77 Passed: _____
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79 President of Council

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82 Clerk of Council

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85 Approved: _____
86 _____
87 Mayor

88 11/12/13
89 O:\2013ords\AMATS Grant App Front St resurface

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTUION NO. - 2013

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9 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC
10 SERVICE TO APPLY FOR AND ACCEPT FINANCIAL
11 ASSISTANCE IN THE FORM OF A GRANT FROM THE U.S.
12 DEPT. OF TRANSPORTATION, THROUGH THE AKRON
13 METROPOLITAN AREA TRANSPORTATION STUDY (AMATS),
14 TO CONDUCT A FEASIBILITY STUDY OF IMPLEMENTING
15 TWO-WAY TRAFFIC ON FRONT AND SECOND STREETS
16 BETWEEN BROAD BOULEVARD AND STATE ROUTE 8,
17 AND DECLARING AN EMERGENCY.
18
19

20 WHEREAS, the City Engineer has identified the need for and proposes a feasibility
21 study regarding implementation of two-way traffic on Front and Second Streets between
22 Broad Boulevard and State Route 8 (the "Project"), in the City of Cuyahoga Falls, and
23

24 WHEREAS, the Akron Metropolitan Area Transportation Study (AMATS) is conducting a
25 competitive grant process under which Federal Surface Transportation Funds may be made
26 available to partially support construction costs for City sponsored projects,
27

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

31 Section 1. The Director of Public Service is authorized to apply for and accept financial
32 assistance in the form of a grant from the U.S. Department of Transportation, through the
33 Akron Metropolitan Area Transportation Study (AMATS), for the purpose of supporting
34 construction costs related to the Project, as follows:
35

36 Project Name: Reconfiguring Front Street and Second Street to two-way traffic.
37

38 Description: From Broad Boulevard to State Route 8 approximately 4,500 feet. Traffic
39 volume and movement counts, traffic impact study, and signal warrants will be
40 completed to assess the possibility of converting both Front Street and Second Street to
41 two-way traffic.
42

43 Estimated Study Cost: \$250,000.
44

45 Section 2. This Council's authorization is granted with the following understandings:
46

- 47 A. The City will bear one hundred percent (100%) of the cost of preliminary
48 engineering.
- 49 B. The City will bear one hundred percent (100%) of the total cost of those
50 features requested by the City which are not eligible for Federal
51 participation.
- 52 C. The Federal share will assume eighty percent (80%) of the construction
53 cost of the improvement not to exceed \$200,000. The City will be
54 responsible for the local share.
- 55 D. The City of Cuyahoga Falls is in receipt of and acknowledges the
56 applicability of the AMATS "Funding Policy Guidelines" to this funding
57 request.

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

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

Section 5. This resolution 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

11/12/13
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5 CITY OF CUYAHOGA FALLS, OHIO

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7 RESOLUTION NO. - 2013

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9 A RESOLUTION ACCEPTING THE RECOMMENDATIONS
10 OF THE TAX INCENTIVE REVIEW COUNCIL AND THE
11 COMMUNITY REINVESTMENT AREA HOUSING
12 COUNCIL CONCERNING ENTERPRISE ZONE AND
13 COMMUNITY REINVESTMENT AREA TAX EXEMPTION
14 AGREEMENTS WITHIN THE CITY OF CUYAHOGA
15 FALLS, AND DECLARING AN EMERGENCY.
16

17
18 WHEREAS, the City of Cuyahoga Falls has designated certain areas within the
19 city as Enterprise Zones pursuant to Ohio Revised Code (“R.C.”) §§5709.61-69, and
20 as Community Reinvestment Areas, pursuant to R.C. §3735.65 *et seq.*; and
21

22 WHEREAS, pursuant to these statutes, the City of Cuyahoga Falls has entered
23 into Enterprise Zone and Community Reinvestment Area tax exemption
24 agreements (the “tax exemption agreements”) with various property owners in the
25 mentioned areas for the abatement of portions of the property owners’ real property
26 and/or tangible personal property taxes as incentives for the businesses and
27 homeowners to invest in the community; and
28

29 WHEREAS, the City has established a Tax Incentive Review Council pursuant
30 to R.C. §5709.85, and a Community Reinvestment Area Housing Council pursuant
31 to Ord. No. 95-2004, for the purpose of annually assessing whether each owner of
32 property exempted from taxation pursuant to a tax exemption agreement has
33 complied with the agreement; and
34

35 WHEREAS, the Tax Incentive Review Council is required to annually submit
36 written recommendations to this Council concerning whether each tax exemption
37 agreement subject to its review should be continued, modified or cancelled; and
38

39 WHEREAS, this Council has received the recommendations of the Tax Incentive
40 Review Council and the Community Reinvestment Area Housing Council relative to
41 tax exemption agreements in effect in calendar year 2012; and
42

43 WHEREAS, R.C. §5709.85 requires the legislative authority of a local
44 government granting Enterprise Zone or Community Reinvestment Area tax
45 exemptions to accept, reject or modify all or any portion of the recommendations of
46 its Tax Incentive Review Council,
47

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

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Section 1.This Council hereby accepts the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council for tax exemption agreements in effect during 2012, as follows:

<u>Tax Exemption Agreement with:</u>	<u>Recommendation</u>
ACME Twelve LLC	Continue
Albrecht Inc. (Acme #10)	Continue
Alro Steel Corporation	Continue
Americhem, Inc.	Continue
Andrea H. Folatko, DDS & Crooked River Properties	Continue
Ansco Machine	Continue
B&B Towing	Continue
CFP, Ltd.	Continue
GOJO Industries	Continue
JUZO Investments, Ltd.	Continue
Pilot Plastics	Continue
Roadrunner Dawes Freight Systems, Inc, et al	Continue
S. Lee & Judith Ann Combs & GS Steel	Continue
SGS Tool Company	Continue
Technicote, Inc. and CFO Realty, LLC	Continue
Village at Watermark, LLC	Continue
Alfera, Vincent & Connie	Continue
Spiroff, John	Continue
Tompkin, William	Continue
Falitico, Carmine & Diane	Continue
Richard, Don & Cosma	Continue
Bombard, Jennifer	Continue
McDevitt, Gregory & Cheryl	Continue

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

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

Section 4.This resolution 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

99 immediately upon its passage and approval by the Mayor; otherwise it shall take
100 effect and be in force at the earliest period allowed by law.

101

102 Passed: _____

103

President of Council

104

105

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Clerk of Council

108

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110 Approved: _____

111

Mayor

112 11/12/13

113 O:\2013ords\Tax Incentive Review Council.doc

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2013

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9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
10 COMMUNITY DEVELOPMENT TO MAKE A SUBGRANT
11 OF CLEAN OHIO REVITALIZATION FUND GRANT
12 PROCEEDS TO TESTA ENTERPRISES, INC. TO
13 PROVIDE FINANCIAL ASSISTANCE FOR THE
14 ACQUISITION OF CERTAIN REAL PROPERTY
15 LOCATED AT 1783 FRONT STREET (PARCEL NOS. 02-
16 17696, 02-03124, 02-03123, 02-17770, AND 02-
17 03122), AND DECLARING AN EMERGENCY.
18

19 WHEREAS, on September 24, 2007, the State of Ohio Department of
20 Development, through State Controlling Board Action No. DEV010038, awarded a
21 Clean Ohio Revitalization Fund (“CORF”) grant (Grant No. 08-022 ADMN,
22 hereinafter the “CORF Grant”) to the City Cuyahoga Falls in the amount of
23 \$2,381,440 for the purpose of assessment and remediation of environmental
24 contamination at 1783 Front Street (Parcel Nos. 02-17696, 02-03124, 02-03123,
25 02-17770, and 02-03122), hereinafter the “Property;” and
26

27 WHEREAS, pursuant to the authority of Ord. No. 11-2008, passed January
28 14, 2008, the City entered into contract to expend the CORF Grant for the
29 assessment and remediation purposes stated therein, which purposes have been
30 fully completed; and
31

32 WHEREAS, surplus monies associated with the CORF Grant remain available
33 to be reprogrammed for purposes authorized in Ohio law; and
34

35 WHEREAS, the Ohio Development Services Agency, as administrator of the
36 CORF Grant, has approved as consistent with governing law, a subgrant in the
37 amount of \$160,000 to be provided to Testa Enterprises, Inc. (“Testa”) to provide
38 financial assistance to Testa in the acquisition of the Property for redevelopment
39 purposes,
40

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

44 Section 1. The Director of Community Development is hereby authorized to
45 make a subgrant of the proceeds of CORF Grant No. 08-022 ADMN in the amount
46 of \$160,000 to Testa Enterprises, Inc. for the purpose of providing financial
47 assistance to Testa for the acquisition of the real property known as 1783 Front
48 Street (Parcel Nos. 02-17696, 02-03124, 02-03123, 02-17770, and 02-03122) for
49 redevelopment purposes, as set forth in the subgrant agreement now on file with
50 the Clerk of Council in Council File No._____
51

