

NEW LEGISLATION

July 8, 2013

Temp. No.	Introduced	Committee	Description
B-42	7/8/13	P&Z	An ordinance approving a conditional zoning certificate for the operation of a vehicle repair facility at 2010 Bailey Road in an MU-2 neighborhood Center District, and declaring an emergency.
B-43	7/8/13	P&Z	An ordinance approving the Preliminary Plat of Hidden Lakes Phase 3 Subdivision, and declaring an emergency.
B-44	7/8/13	P&Z	An ordinance approving the site plan related to the French Mill Run Subdivision Plat (Parcel Nos. 35-06452, 35-05607, and 35-02080), and declaring an emergency.
B-45	7/8/13	P&Z	An ordinance approving the Preliminary and Final Subdivision Plat of French Mill Run Subdivision, and declaring an emergency.
B-46	7/8/13	Fin	An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Siemens Industry, Inc. for the purchase of a distribution feeder automation system for use by the Electric Department, and declaring an emergency.
B-47	7/8/13	Fin	An ordinance providing for the issuance and sale of \$7,600,000 principal amount of notes, in anticipation of the issuance of bonds, for the purpose of revitalizing the State Road Redevelopment Area by acquiring, clearing and improving certain properties in that area, and declaring an emergency.
B-48	7/8/13	Fin	An ordinance accepting applications submitted by financial institutions and designating depositories for the active and

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interim funds of the City of Cuyahoga Falls for the five-year period beginning August 23, 2013 and ending August 22, 2018, and declaring an emergency.

B-49	7/8/13	Fin	An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Bell Equipment Company for the purchase of a used "Epoke" salt spreader for use by the Street Department, and declaring an emergency.
B-50	7/8/13	PI	An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Coastal Steel Management, LLC dba Coastal Steel Structures, for the purchase of a prefabricated, unassembled metal storage building, authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the assembly or construction of said building for the Department of Public Service, and declaring an emergency.
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-52	7/8/13	CD	An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement with French Mill Run, LLC, and declaring an emergency.

CALENDAR

July 8, 2013

The following legislation will be up for passage at the Council Meeting on July 8, 2013.

Temp. No.	Introduced	Committee	Description
B-39	6/24/13	PZ	An ordinance approving the site plan related to construction of 92,622 square foot grocery store at 2687 State Road (Parcel No. 02-20436) and a 34,562 square foot cinema at 2925 State Road (Parcel Nos. 02-20437, 02-20439, and 02-02885) within the Portage Crossing Redevelopment Site, and declaring an emergency.
B-40	6/24/13	PZ	An ordinance approving a conditional zoning certificate for the operation of an outdoor bulk storage facility at 4575 State Road in an E-1 Employment District, and declaring an emergency.
B-41	6/24/13	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement of a 16" water main in Graham Road, from Bath Road to Graham Road Circle, and declaring an emergency.

PENDING LEGISLATION

July 8, 2013

Temp. No.	Introduced	Committee	Description
B-39	6/24/13	PZ	An ordinance approving the site plan related to construction of 92,622 square foot grocery store at 2687 State Road (Parcel No. 02-20436) and a 34,562 square foot cinema at 2925 State Road (Parcel Nos. 02-20437, 02-20439, and 02-02885) within the Portage Crossing Redevelopment Site, and declaring an emergency.
B-40	6/24/13	PZ	An ordinance approving a conditional zoning certificate for the operation of an outdoor bulk storage facility at 4575 State Road in an E-1 Employment District, and declaring an emergency.
B-41	6/24/13	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement of a 16" water main in Graham Road, from Bath Road to Graham Road Circle, and declaring an emergency.

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2013

8
9 AN ORDINANCE APPROVING A CONDITIONAL ZONING
10 CERTIFICATE FOR THE OPERATION OF A VEHICLE
11 REPAIR FACILITY AT 2010 BAILEY ROAD IN AN MU-2
12 NEIGHBORHOOD CENTER DISTRICT, AND DECLARING
13 AN EMERGENCY.

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

18
19 WHEREAS, the Planning Commission has jurisdiction to grant a conditional
20 zoning certificate relative to certain uses in certain districts, subject to the approval
21 of this Council, pursuant to Section 1113.08 of the Codified Ordinances, and

22
23 WHEREAS, on July 2, 2013, the Planning Commission approved the issuance of
24 a conditional zoning certificate for the operation of a vehicle repair facility at 2010
25 Bailey Road (Parcel Nos. 02-15855 and 02-15856) in an MU-2 Neighborhood Center
26 District, within the City of Cuyahoga Falls, Ohio.

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

30
31 Section 1. This Council approves the issuance of a conditional zoning certificate
32 for the operation of a vehicle repair facility at 2010 Bailey Road (Parcel Nos. 02-
33 15855 and 02-15856) within the City of Cuyahoga Falls, Ohio, situated an MU-2
34 Neighborhood Center District, in accordance with the district and zoning regulations
35 contained in the Codified Ordinances of the City of Cuyahoga Falls and subject to
36 the conditions approved by the Planning Commission as set forth in File P-18-13-CZ.

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

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

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

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62 Passed: _____
63 _____
64 President of Council

65
66 _____
67 Clerk of Council

68 Approved: _____
69 _____
70 Mayor

71 7/8/2013

72 O:\2013ords\P-18-13-CZ 2010 Bailey Conditional Use Permit.doc

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2013

8
9 AN ORDINANCE APPROVING THE PRELIMINARY PLAT
10 OF HIDDEN LAKES PHASE 3 SUBDIVISION, AND
11 DECLARING AN EMERGENCY.

12
13 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires
14 that all affirmative decisions made by the Planning Commission be submitted to
15 Council, and

16
17 WHEREAS, all subdivision of land in the city is subject to the conditions set forth
18 in Section 1113.03 of the Codified Ordinances and prior review and approval of the
19 Planning Commission, and

20
21 WHEREAS, on July, 2, 2013 the Planning Commission approved the preliminary
22 plat of the Hidden Lakes – Phase 3 Subdivision (Parcel No. 37-00373) located in the
23 Northampton Planning District and situated west of the intersection of Lake Forest
24 Drive and Hidden Lake Lane,

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

28
29 Section 1. This Council approves the preliminary plat of the of the Hidden Lakes
30 Phase 3 Subdivision, in accordance with the Cuyahoga Falls General Development
31 Code regulations as set forth in the Codified Ordinances and as approved by the
32 Planning Commission, subject to the conditions contained in File P-19-13-S, and as
33 further depicted on the subdivision plan attached hereto as Exhibit “A.”

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

39
40 Section 3. It is found and determined that all formal actions of this Council
41 concerning and relating to the adoption of this ordinance were adopted in an open
42 meeting of this Council, and that all deliberations of this Council and of any of its
43 committees that resulted in such formal action, were in meetings open to the public,
44 in compliance with all legal requirements, to the extent applicable, including Chapter
45 107 of the Codified Ordinances.

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

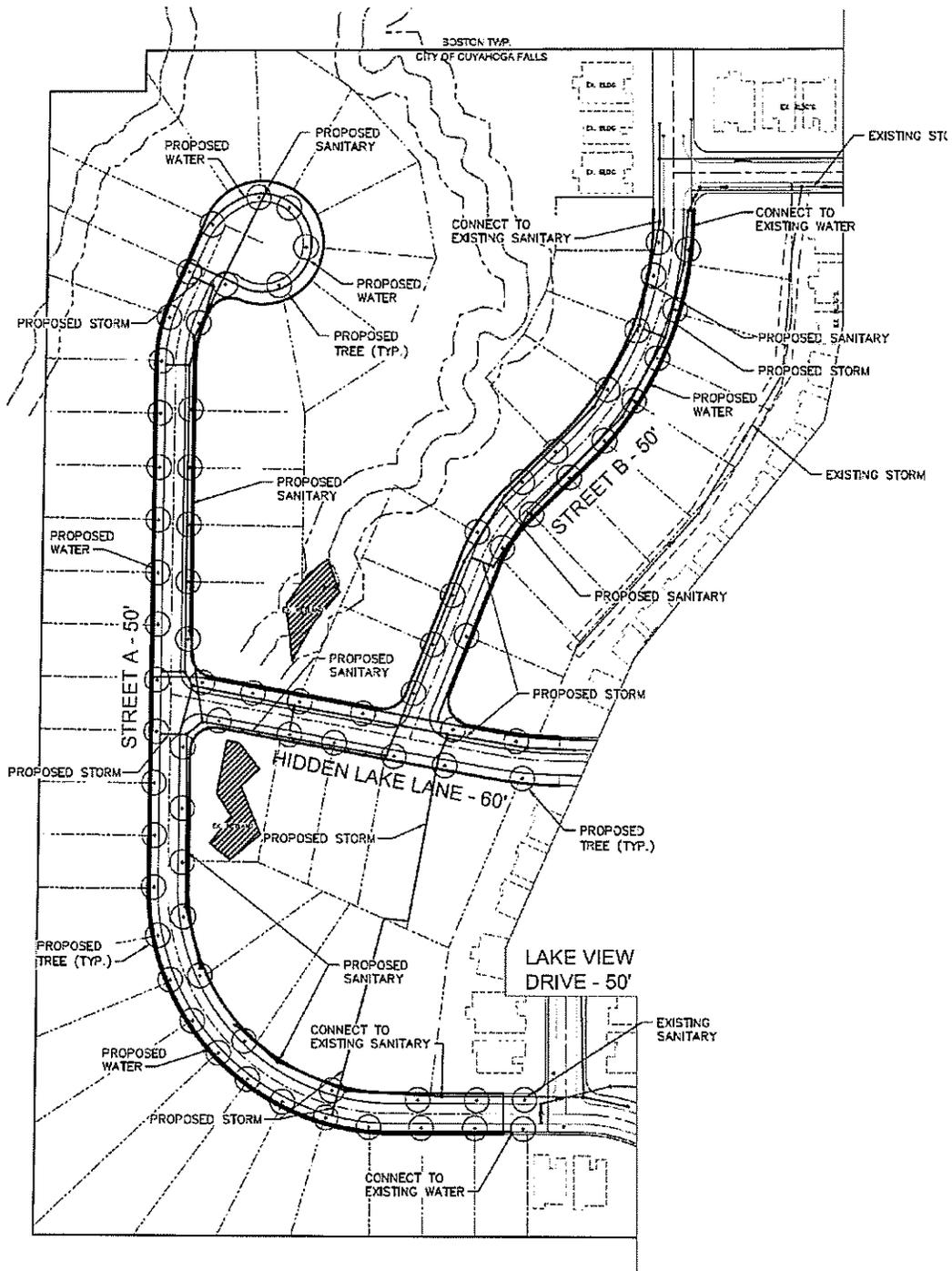
53 its passage and approval by the Mayor; otherwise it shall take effect and be in force
54 at the earliest period allowed by law.

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Passed: _____
President of Council

Clerk of Council
Approved: _____
Mayor

7/8/2013
O:\2013ords\P-19-13-S Hidden Lakes Phase 3 Prelim Subdivision.doc



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70 **Figure 1 Hidden Lakes -- Phase 3 Preliminary Plat**

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Exhibit A

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2013

8
9 AN ORDINANCE APPROVING THE SITE PLAN RELATED
10 TO THE FRENCH MILL RUN SUBDIVISION PLAT
11 (PARCEL NOS. 35-06452, 35-05607, AND 35-02080),
12 AND DECLARING AN EMERGENCY.
13

14 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires
15 that all affirmative decisions made by the Planning Commission be submitted to
16 Council; and
17

18 WHEREAS, site plan review by the Planning Commission is required for all new
19 subdivision plats filed in the City of Cuyahoga Falls, and
20

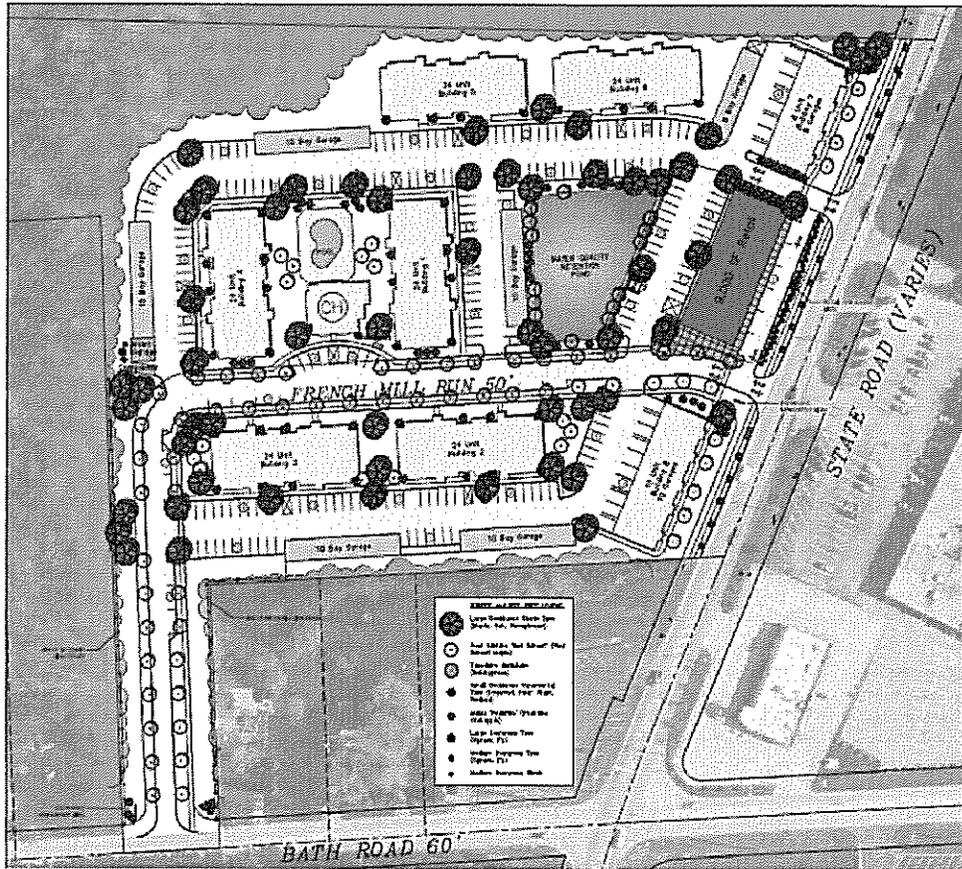
21 WHEREAS, on July, 2, 2013 the Planning Commission approved the site plan
22 related to the French Mill Run subdivision plat for French Mill Run, LLC, for
23 development of a mixed-use residential and retail project to be located on the west
24 side of State Road between West Bath Road and Ascot Parkway (Parcel Nos. 35-
25 05607, 35-06452 and 35-02080) within the City of Cuyahoga Falls, Ohio,
26

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

30 Section 1. This Council approves the site plan related to the French Mill Run
31 subdivision plat, for development of a mixed-use residential and retail project to be
32 located on the west side of State Road between West Bath Road and Ascot Parkway
33 (Parcel Nos. 35-05607, 35-06452 and 35-02080) in Cuyahoga Falls, Ohio, in
34 accordance with Cuyahoga Falls General Development Code regulations as set forth
35 in the Codified Ordinances of the City of Cuyahoga Falls and as approved by the
36 Planning Commission as per the plans and final conditions contained in File P-20-
37 13-SP, as further depicted on the plan and elevation drawings attached hereto as
38 Exhibits A-1 and A-2.
39

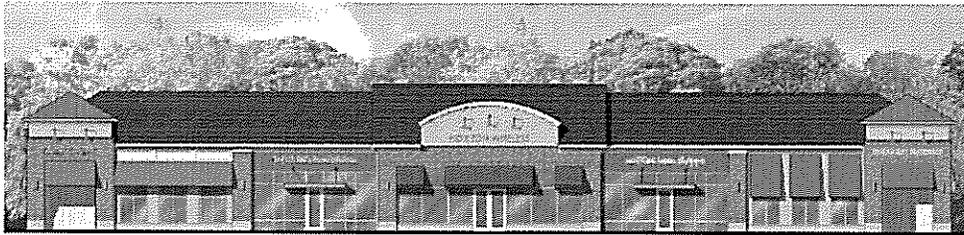
40 Section 2. Any other ordinances or resolutions or portions of ordinances and
41 resolutions inconsistent herewith are hereby repealed, but any ordinances and
42 resolutions not inconsistent herewith and which have not previously been repealed
43 are hereby ratified and confirmed.
44

45 Section 3. It is found and determined that all formal actions of this Council
46 concerning and relating to the adoption of this ordinance were adopted in an open
47 meeting of this Council, and that all deliberations of this Council and of any of its
48 committees that resulted in such formal action, were in meetings open to the public,
49 in compliance with all legal requirements, to the extent applicable, including Chapter
50 107 of the Codified Ordinances.
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75 Figure 1 -- Site/Landscape Plan



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77 Figure 2 -- Retail Center



Figure 3 -- 2-story apartment building



Figure 4 -- 3-story apartment building

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2013

8
9 AN ORDINANCE APPROVING THE PRELIMINARY AND
10 FINAL SUBDIVISION PLAT OF FRENCH MILL RUN
11 SUBDIVISION, AND DECLARING AN EMERGENCY.

12
13 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires
14 that all affirmative decisions made by the Planning Commission be submitted to
15 Council, and

16
17 WHEREAS, all subdivision of land in the city is subject to the conditions set forth
18 in Sections 1113.03 and 1113.04 of the Codified Ordinances and prior review and
19 approval of the Planning Commission, and

20
21 WHEREAS, on July, 2, 2013 the Planning Commission approved the preliminary
22 and final subdivision plat of the French Mill Run Subdivision (Parcel Nos. 35-06452,
23 35-05607 and 35-02080) on the west side of State Road between West Bath Road
24 and Ascot Parkway within the City of Cuyahoga Falls, Ohio,

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

28
29 Section 1. This Council approves the preliminary and final plat of the French Mill
30 Run Subdivision, in accordance with the Cuyahoga Falls General Development Code
31 regulations as set forth in the Codified Ordinances and as approved by the Planning
32 Commission, subject to the conditions contained in File P-21-13-S, and as further
33 depicted on the subdivision plan attached hereto as Exhibit "A."

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

39
40 Section 3. It is found and determined that all formal actions of this Council
41 concerning and relating to the adoption of this ordinance were adopted in an open
42 meeting of this Council, and that all deliberations of this Council and of any of its
43 committees that resulted in such formal action, were in meetings open to the public,
44 in compliance with all legal requirements, to the extent applicable, including Chapter
45 107 of the Codified Ordinances.

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

53 its passage and approval by the Mayor; otherwise it shall take effect and be in force
54 at the earliest period allowed by law.

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Passed: _____
_____ President of Council

_____ Clerk of Council

Approved: _____
_____ Mayor

67 7/8/2013

68 O:\2013ords\P-21-13-S French Mill Run Prelim-Final Subdivision.doc

FRENCH MILL RUN SUBDIVISION

ACREAGE SUMMARY
 9.5809 AC. IN SUBLOTS
 1.8101 AC. IN RIGHT-OF-WAY
 11.3910 AC. TOTAL SUBDIVISION



GRAPHIC SCALE
 (IN FEET)
 1 inch = 100 ft.



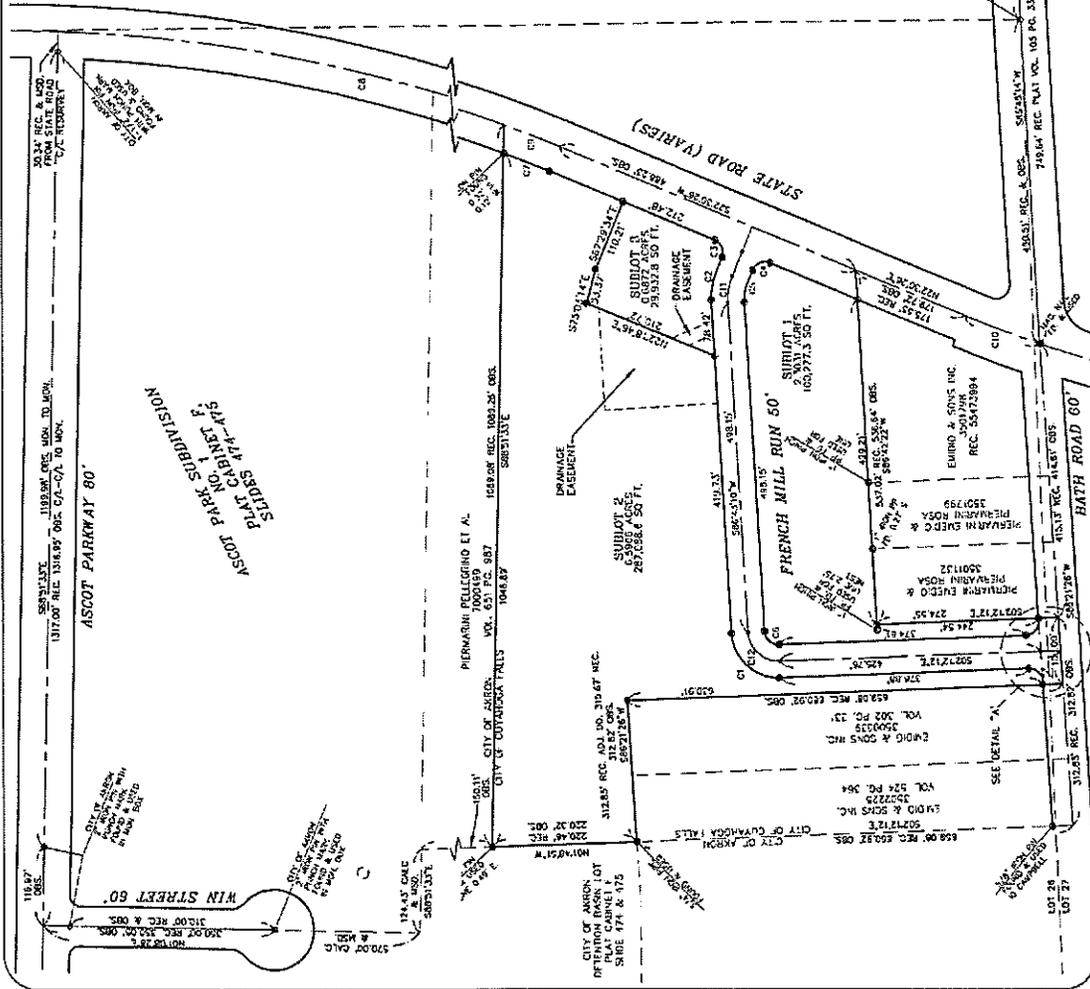
Curve #	Radius	Length	Delta	Tangent	Chord	Chord Direction
C1	211.00'	110.18'	85°55'22"	89.68'	99.48'	S42°15'29"W
C2	121.00'	53.07'	25°07'31"	26.97'	32.83'	N88°42'55"W
C3	20.00'	31.35'	89°48'20"	16.93'	28.24'	N87°24'56"E
C4	20.00'	31.48'	90°11'40"	20.07'	28.33'	N22°32'44"W
C5	71.00'	31.14'	25°07'31"	15.83'	36.09'	N88°42'55"W
C6	21.00'	32.59'	89°55'22"	20.61'	29.42'	S42°15'29"W
C7	2251.83'	770.06'	15°35'37"	383.83'	766.33'	N12°42'43"E
C8	2281.83'	854.70'	20°32'03"	422.03'	833.09'	S69°47'58"W
C9	2281.83'	903.97'	62°16'27"	45.49'	50.96'	S31°25'17"W
C10	1909.89'	126.61'	03°37'05"	60.33'	126.59'	S20°14'53"W
C11	98.00'	48.11'	25°07'31"	21.40'	41.72'	N88°42'55"W
C12	46.00'	71.39'	89°55'22"	45.14'	64.44'	S42°15'29"W

GUTOSKEY & ASSOCIATES, INC.
 Civil Engineers, Surveyors & Land Planners
 1015 COTTONWOOD PARKWAY 4
 CHESTER, PA. 19380
 Tel: (410) 343-8600
 Fax: (410) 343-3778

LEGEND

5/8" X 3/4" LONG IRON PIN SET, 10. GUTOSKEY P.S. 7507

CONTRACT NO.
 12-244



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 70
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Figure 1 – French Mill Run Subdivision Plat

Exhibit A

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2013

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
9 PUBLIC SERVICE TO ENTER INTO A CONTRACT
10 WITHOUT COMPETITIVE BIDDING WITH SIEMENS
11 INDUSTRY, INC. FOR THE PURCHASE OF A
12 DISTRIBUTION FEEDER AUTOMATION SYSTEM FOR
13 USE BY THE ELECTRIC DEPARTMENT, AND
14 DECLARING AN EMERGENCY.

15
16 WHEREAS, Section 2 of the City Charter, adopted pursuant to Art. XVIII,
17 Sections 3 and 7 of the Ohio Constitution, authorizes this Council to make exception
18 to the competitive bidding procedures set forth in the Revised Code,
19

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

23 Section 1. The Director of Public Service is hereby authorized to enter into a
24 contract without competitive bidding with Siemens Industry, Inc. for a distribution
25 feeder automation system, in accordance with the vendor's proposal dated June 12,
26 2013.
27

28 Section 2. The Director of Finance is hereby authorized and directed to make
29 payment for same from the Electric Fund, line item Other Operations.
30

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

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

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

48 approval by the Mayor; otherwise it shall take effect and be in force at the earliest
49 period allowed by law.

50

51

52 Passed:_____

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President of Council

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Clerk of Council

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60 Approved_____

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Mayor

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63 7/8/13

64 O:\2013ords\Distribution Feeder Automation System

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. -2013

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8
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE
10 AND SALE OF \$7,600,000 PRINCIPAL AMOUNT OF
11 NOTES, IN ANTICIPATION OF THE ISSUANCE OF
12 BONDS, FOR THE PURPOSE OF REVITALIZING THE
13 STATE ROAD REDEVELOPMENT AREA BY
14 ACQUIRING, CLEARING AND IMPROVING CERTAIN
15 PROPERTIES IN THAT AREA, AND DECLARING AN
16 EMERGENCY.
17

18 WHEREAS, the City has undertaken a program for the clearance,
19 redevelopment and rehabilitation of blighted areas in the City, and the City,
20 under its home rule powers, and acting through this City Council, by
21 Resolution No. 18-2007, passed October 1, 2007, approved the State Road
22 Redevelopment and Retail Analysis Master Plan (which plan is herein referred to
23 as the "Urban Redevelopment Plan") for the State Road commercial area (the
24 "Plan Area"); and
25

26 WHEREAS, the Urban Redevelopment Plan includes, but is not limited to,
27 undertakings and activities by the City for the purpose of elimination of blight
28 and to obtain redevelopment of the sites and facilities therein for commercial
29 purposes to prevent the recurrence of blight, and revitalizing the Plan Area
30 pursuant to Section 20 of Article VIII of the Ohio Constitution by providing for
31 and enabling the environmentally safe and productive development and use or
32 reuse of lands within the Plan Area by addressing by clearance, land acquisition
33 or assembly or otherwise property conditions or circumstances that preclude
34 and inhibit environmentally sound and economic use or reuse of such
35 properties; and
36

37 WHEREAS, this City Council, in furtherance of carrying out that Urban
38 Redevelopment Plan and revitalizing the Plan Area, authorized the
39 appropriation of certain property in the Plan Area by Resolution 18-2007 and by
40 Ordinance No. 116-2007, passed October 9, 2007 and the City acquired
41 property in the Plan area, demolished buildings thereon and remediated the
42 site; and
43

44 WHEREAS, pursuant to Ordinance No. 67-2012, passed July 30, 2012, notes
45 in anticipation of bonds in the amount of \$8,600,000 dated August 15, 2012 and
46 maturing August 15, 2013 (the Outstanding Notes) were issued for the purpose
47 stated in Section 1 (the Project); and
48

49 WHEREAS, this Council finds and determines that the City should retire the
50 Outstanding Notes with the proceeds of the Notes described in Section 3 and
51 other funds available to the City; and
52

53 WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to
54 this Council that the estimated life or period of usefulness of the improvement
55 described in Section 1 is at least five years, the estimated maximum maturity of
56 the bonds described in Section 1 is 49 years, and the maximum maturity of the
57 notes described in Section 3, to be issued in anticipation of the bonds, is August
58 21, 2028;

59
60 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
61 Falls, Summit County, Ohio, that:

62
63 Section 1. It is necessary to issue bonds of this City in the aggregate principal
64 amount of \$7,600,000 (the Bonds) for the purpose of revitalizing the State Road
65 Redevelopment Area by acquiring, clearing and improving certain properties in
66 that Area.

67
68 Section 2. The Bonds shall be dated approximately August 1, 2014, shall bear
69 interest at the now estimated rate of 6.5% per year, payable on June 1 and
70 December 1 of each year, commencing December 1, 2014, until the principal
71 amount is paid, and are estimated to mature in twenty-five annual principal
72 installments that are in such amounts that the total principal and interest
73 payments on the Bonds in any fiscal year in which principal is payable are no
74 more than three times the amount of those payments in any other fiscal year.
75 The first principal installment is estimated to be December 1, 2015.

76
77 Section 3. It is necessary to issue and this Council determines that notes in
78 the aggregate principal amount of \$7,600,000 (the Notes) shall be issued in
79 anticipation of the issuance of the Bonds and to retire, together with other funds
80 available to the City, the Outstanding Notes. The Notes shall bear interest at a
81 rate or rates not to exceed 5.5% per year (computed on the basis of a 360-day
82 year consisting of twelve 30-day months), payable at maturity and until the
83 principal amount is paid or payment is provided for. The rate or rates of interest
84 on the Notes shall be determined by the Director of Finance in the certificate
85 awarding the Notes (the "Certificate of Award") in accordance with Section 6 of
86 this ordinance.

87
88 Section 4. The debt charges on the Notes shall be payable in Federal Reserve
89 funds of the United States of America, and shall be payable, without deduction for
90 services of the City's paying agent, at the main office of The Huntington National
91 Bank, Columbus, Ohio or at the office of a bank or trust company designated by
92 the Director of Finance in the Certificate of Award after determining that the
93 payment at that bank or trust company will not endanger the funds or securities
94 of the City and that proper procedures and safeguards are available for that
95 purpose or at the office of the Director of Finance if agreed to by the Director of
96 Finance and the Original Purchaser (the Paying Agent). The Notes shall be dated
97 the date of issuance and shall mature not earlier than ten months from that date
98 and not later than twelve months from that date, as shall likewise be fixed by the
99 Director of Finance in the Certificate of Award.

100
101 Section 5. The Notes shall be signed by the Mayor and Director of Finance, in
102 the name of the City and in their official capacities, provided that one of those
103 signatures may be a facsimile. The Notes shall be issued in the denominations
104 and numbers as requested by the original purchaser and approved by the
105 Director of Finance, provided that no Note shall be issued in a denomination less

106 than \$100,000. The entire principal amount may be represented by a single note
107 and may be issued as fully registered securities (for which the Director of Finance
108 will serve as note registrar) and in book entry or other uncertificated form in
109 accordance with Section 9.96 and Chapter 133 of the Revised Code if it is
110 determined by the Director of Finance that issuance of fully registered securities
111 in that form will facilitate the sale and delivery of the Notes. The Notes shall not
112 have coupons attached, shall be numbered as determined by the Director of
113 Finance and shall express upon their faces the purpose, in summary terms, for
114 which they are issued and that they are issued pursuant to this Ordinance. As
115 used in this section and this ordinance:
116

117 “Book entry form” or “book entry system” means a form or system under
118 which (i) the ownership of beneficial interests in the Notes and the principal of,
119 and interest on, the Notes may be transferred only through a book entry, and (ii) a
120 single physical Note certificate is issued by the City and payable only to a
121 Depository or its nominee, with such Notes “immobilized” in the custody of the
122 Depository or its agent for that purpose. The book entry maintained by others
123 than the City is the record that identifies the owners of beneficial interests in the
124 Notes and that principal and interest.
125

126 “Depository” means any securities depository that is a clearing agency under
127 federal law operating and maintaining, with its Participants or otherwise, a book
128 entry system to record ownership of beneficial interests in the Notes or the
129 principal of, and interest on, the Notes and to effect transfers of the Notes, in book
130 entry form, and includes and means initially The Depository Trust Company (a
131 limited purpose trust company), New York, New York.
132

133 “Participant” means any participant contracting with a Depository under a
134 book entry system and includes security brokers and dealers, banks and trust
135 companies, and clearing corporations.
136

137 The Notes may be issued to a Depository for use in a book entry system and, if
138 and as long as a book entry system is utilized, (i) the Notes may be issued in the
139 form of a single Note made payable to the Depository or its nominee and
140 immobilized in the custody of the Depository or its agent for that purpose; (ii) the
141 beneficial owners in book entry form shall have no right to receive the Notes in the
142 form of physical securities or certificates; (iii) ownership of beneficial interests in
143 book entry form shall be shown by book entry on the system maintained and
144 operated by the Depository and its Participants, and transfers of the ownership of
145 beneficial interests shall be made only by book entry by the Depository and its
146 Participants; and (iv) the Notes as such shall not be transferable or exchangeable,
147 except for transfer to another Depository or to another nominee of a Depository,
148 without further action by the City.
149

150 If any Depository determines not to continue to act as a Depository for the
151 Notes for use in a book entry system, the Directory of Finance may attempt to
152 establish a securities depository/book entry relationship with another qualified
153 Depository. If the Director of Finance does not or is unable to do so, the Director
154 of Finance, after making provision for notification of the beneficial owners by the
155 then Depository and any other arrangements deemed necessary, shall permit
156 withdrawal of the Notes from the Depository, and shall cause the Notes in bearer
157 or payable form to be signed by the officers authorized to sign the Notes and
158 delivered to the assigns of the Depository or its nominee, all at the cost and

159 expense (including any costs of printing), if the event is not the result of City
160 action or inaction, of those persons requesting such issuance.

161
162 The Director of Finance is also hereby authorized and directed, to the extent
163 necessary or required, to enter into any agreements determined necessary in
164 connection with the book entry system for the Notes, after determining that the
165 signing thereof will not endanger the funds or securities of the City.
166

167 Section 6. The Notes shall be sold at not less than 97% of the principal
168 amount thereof plus any accrued interest at private sale by the Director of
169 Finance in accordance with law and the provisions of this ordinance. The
170 Director of Finance shall, in accordance with his determination of the best
171 interests of and financial advantages to the City and its taxpayers and conditions
172 then existing in the financial market, consistently with the provisions of Sections
173 3 and 4, establish the interest rates to be borne by the Notes and their maturity,
174 sign the Certificate of Award referred to in Sections 3 and 4 evidencing those
175 determinations, cause the Notes to be prepared, and have the Notes signed and
176 delivered, together with a true transcript of proceedings with reference to the
177 issuance of the Notes if requested by the original purchaser or purchasers
178 (collectively, the "Original Purchaser"), to the Original Purchaser upon payment of
179 the purchase price. The Mayor and the Director of Finance are also authorized, if
180 requested by the Original Purchaser as a condition of such sale, to execute, on
181 behalf of the City, a Note Purchase Agreement between the City and such Original
182 Purchaser relating to the sale of such Notes, or the sale of any consolidated issue
183 of which the Notes are a part, substantially in the form now on file with the Clerk
184 of Council in Council File No. _____, which Note Purchase Agreement is hereby
185 approved, together with any changes or amendments not inconsistent with this
186 ordinance and not substantially adverse to the City and that are approved by the
187 Mayor and the Director of Finance on behalf of the City, all of which shall be
188 conclusively evidenced by the signing of the Note Purchase Agreement or any
189 amendments thereto by the Mayor and the Director of Finance. The Mayor, the
190 Director of Finance, the Clerk of Council and other City officials, as appropriate,
191 are each authorized and directed to sign any transcript certificates, financial
192 statements, and other documents and instruments and to take such actions as
193 are necessary and appropriate to consummate the transactions contemplated by
194 this ordinance. The Director of Finance is authorized, if it is determined to be in
195 the best interest of the City, to combine the issue of Notes with one or more other
196 note issues of the City into a consolidated note issue pursuant to Section
197 133.30(B) of the Revised Code.
198

199 The Director of Finance is hereby authorized to offer all or part of the Notes at
200 par and any accrued interest to the Treasury Investment Board of the City for
201 investment under Section 731.56 of the Revised Code, in accordance with law and
202 the provisions of this ordinance if, as a result of the conditions then existing in the
203 financial markets, the Director of Finance determines it is in the best financial
204 interest of the City in lieu of the private sale authorized in the preceding
205 paragraph.
206

207 If the Mayor or the Director of Finance determines it to be in the best interests
208 of and financially advantageous to the City, either or both of those officers are
209 authorized, on behalf of the City, to apply for a rating on the Notes from one or
210 more nationally-recognized rating organizations.
211

212 Section 7. The proceeds from the sale of the Notes, except any premium and
213 accrued interest, shall be paid into the proper fund or funds and those proceeds
214 are appropriated and shall be used for the purpose for which the Notes are being
215 issued. Any portion of those proceeds representing premium and accrued interest
216 shall be paid into the Bond Retirement Fund.
217

218 Section 8. The par value to be received from the sale of the Bonds or of any
219 renewal notes and any excess funds resulting from the issuance of the Notes
220 shall, to the extent necessary, be used to pay the debt charges on the Notes at
221 maturity and are pledged for that purpose.
222

223 Section 9. During the year or years in which the Notes are outstanding, there
224 shall be levied on all the taxable property in the City, in addition to all other taxes,
225 the same tax that would have been levied if the Bonds had been issued without
226 the prior issuance of the Notes. The tax shall be within the eleven mill limitation
227 provided by the Charter of the City, shall be and is ordered computed, certified,
228 levied and extended upon the tax duplicate and collected by the same officers, in
229 the same manner, and at the same time that taxes for general purposes for each
230 of those years are certified, levied, extended and collected, and shall be placed
231 before and in preference to all other items and for the full amount thereof. The
232 proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is
233 irrevocably pledged for the payment of the debt charges on the Notes or the Bonds
234 when and as the same fall due. In each year to the extent money from the
235 municipal income tax, as provided below, is available for the payment of the debt
236 charges on the Notes and Bonds and is appropriated for that purpose, the amount
237 of the tax shall be reduced by the amount of the money so available and
238 appropriated in compliance with the covenant hereinafter set forth. To the extent
239 necessary, the debt charges on the Notes and Bonds shall be paid from municipal
240 income taxes lawfully available therefor under the Constitution and laws of the
241 State of Ohio; and the City hereby covenants, subject and pursuant to such
242 authority, including particularly Section 133.05(B)(7), Revised Code, to
243 appropriate annually from such municipal income taxes such amount as is
244 necessary to meet such annual debt charges. Nothing in this paragraph in any
245 way diminishes the pledge of the full faith and credit and property taxing power of
246 the City to the prompt payment of the debt charges on the Notes.
247

248 Section 10. The City does not intend or represent that the interest on the
249 Notes will be excluded from gross income for federal income tax purposes under
250 Section 103 of the Internal Revenue Code of 1986 and the City is not obligated to
251 take any action to attempt to secure or maintain any such exclusion.
252

253 Section 11. The Clerk of Council is directed to deliver a certified copy of this
254 ordinance to the Fiscal Officer in Summit County.
255

256 Section 12. This Council determines that all acts and conditions necessary to
257 be done or performed by the City or to have been met precedent to and in the
258 issuing of the Notes in order to make them legal, valid and binding general
259 obligations of the City have been performed and have been met, or will at the time
260 of delivery of the Notes have been performed and have been met, in regular and
261 due form as required by law; that the full faith and credit and general property
262 taxing power (as described in Section 9) of the City are pledged for the timely
263 payment of the debt charges on the Notes; and that no statutory or constitutional

264 limitation of indebtedness or taxation will have been exceeded in the issuance of
265 the Notes.
266

267 Section 13. The Director of Law is authorized to engage the legal services of
268 the law firm of Squire Sanders (US) LLP, which legal services are to be in the
269 nature of legal advice and recommendations as to the documents and the
270 proceedings, and rendering an approving legal opinion, in connection with the
271 issuance and sale of the Notes. In rendering those legal services, as an
272 independent contractor and in an attorney-client relationship, that Firm shall not
273 exercise any administrative discretion on behalf of this City in the formulation of
274 public policy, expenditure of public funds, enforcement of laws rules and
275 regulations of the State, any county, or cities or of this City, or the execution of
276 public trusts. For those legal services that Firm shall be paid fees now estimated
277 at \$9,500, and in addition shall be reimbursed for actual out-of-pocket expenses
278 (including, but not limited to, travel, long-distance telephone, fax and duplicating
279 expenses) incurred in rendering those legal services. The Director of Finance is
280 authorized and directed to make appropriate certification as to the availability of
281 funds for that fee and any reimbursement and to issue an appropriate order for
282 their payment as they become payable.
283

284 Section 14. This Council finds and determines that all formal actions of this
285 Council and of any of its committees concerning and relating to the passage of
286 this ordinance were taken in an open meeting and that all deliberations of this
287 Council and of any committees that resulted in those formal actions were held, in
288 meetings open to the public, in compliance with Chapter 107 of the City's Codified
289 Ordinances.
290

291 Section 15. This ordinance is declared to be an emergency measure necessary
292 for the immediate preservation of the public peace, health and safety of the City,
293 and for the further reason that this ordinance is required to be immediately
294 effective in order to issue and sell the Notes, which is necessary to enable the City
295 to timely retire the Outstanding Notes and thereby preserve its credit; wherefore,
296 this ordinance shall be in full force and effect immediately upon its passage and
297 approval by the Mayor.
298
299
300

301 Passed: _____
302 _____
303 President of Council

304 _____
305 Clerk of Council

306
307 Approved: _____
308 _____
309 Mayor

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2013

7
8
9 AN ORDINANCE ACCEPTING APPLICATIONS
10 SUBMITTED BY FINANCIAL INSTITUTIONS AND
11 DESIGNATING DEPOSITORIES FOR THE ACTIVE
12 AND INTERIM FUNDS OF THE CITY OF CUYAHOGA
13 FALLS FOR THE FIVE-YEAR PERIOD BEGINNING
14 AUGUST 23, 2013 AND ENDING AUGUST 22, 2018,
15 AND DECLARING AN EMERGENCY.
16

17 WHEREAS, First Merit Bank, Fifth Third Bank, PNC Bank, RBS Citizens
18 Bank, and Key Bank have properly submitted applications to hold active and
19 interim deposits of the City as provided by law,
20

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

24 Section 1. This Council does hereby estimate the 2013 total active and
25 interim funds to be deposited as of August 22, 2013 to be approximately Fifty
26 Million Dollars (\$50,000,000) and the Council does hereby designate First Merit
27 Bank, Fifth Third Bank, PNC Bank, RBS Citizens Bank, and Key Bank as
28 depositories for active and interim funds for the five-year period beginning
29 August 23, 2013 and ending August 22, 2018.
30

31 Section 2. The designated depositories shall be awarded the active and
32 interim deposits of the City in the manner provided in the Revised Code of the
33 State of Ohio. The maximum amount to be deposited at any one time in the
34 designated depositories shall be in the aggregate amount of Fifty Million Dollars
35 (\$50,000,000).
36

37 Section 3. The Mayor and the Finance Director are hereby authorized to sign
38 and execute depository contracts with First Merit Bank, Fifth Third Bank, PNC
39 Bank, RBS Citizens Bank, and Key Bank as provided by law.
40

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

47 Section 5. It is found and determined that all formal actions of this Council
48 concerning and relating to the adoption of this ordinance were adopted in an
49 open meeting of this Council and that all deliberations of this Council and of
50 any of its committees that resulted in such formal action were in meetings open

51 to the public, in compliance with all legal requirements including Chapter 107
52 of the Codified Ordinances.

53

54 Section 6. This ordinance is hereby declared to be an emergency measure
55 necessary for the preservation of the public peace, health, safety, convenience
56 and welfare of the City of Cuyahoga Falls and the inhabitants thereof for the
57 reason that the present depository contracts expire on August 22, 2013, and
58 provided it receives the affirmative vote of two-thirds of the members elected or
59 appointed to Council, it shall take effect and be in force immediately upon its
60 passage and approval by the Mayor; otherwise it shall take effect and be in force
61 at the earliest period allowed by law.

62

63

64 Passed: _____
65 _____
66 President of Council

67

68

69 _____
70 Clerk of Council

71

72 Approved: _____
73 _____
74 Mayor

75

7/8/13

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2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2013

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
9 PUBLIC SERVICE TO ENTER INTO A CONTRACT
10 WITHOUT COMPETITIVE BIDDING WITH BELL
11 EQUIPMENT COMPANY FOR THE PURCHASE OF A
12 USED "EPOKE" SALT SPREADER FOR USE BY THE
13 STREET DEPARTMENT, AND DECLARING AN
14 EMERGENCY.

15
16 WHEREAS, the used salt spreader identified below is a unique, non-fungible
17 item due to its characteristics, and purchase of said item is therefore not susceptible
18 to conventional competitive bidding; and

19
20 WHEREAS, Section 2 of the City Charter, adopted pursuant to Art. XVIII,
21 Sections 3 and 7 of the Ohio Constitution, authorizes this Council to make exception
22 to the competitive bidding procedures set forth in the Revised Code,

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

26
27 Section 1. The Director of Public Service is hereby authorized to enter into a
28 contact without competitive bidding with Bell Equipment Co. Inc., on the basis of its
29 proposal dated July 3, 2013, which is on file with the Clerk of Council in Council
30 File No. _____, for the purchase of a used "Epoke S4902 Sirius Combi AST" salt
31 spreader, Serial No. 49130361.

32
33 Section 2. The Director of Finance is hereby authorized and directed to make
34 payment for same from the Capital Projects Fund.

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

40
41 Section 4. It is found and determined that all formal actions of this Council
42 concerning and relating to the passage of this ordinance were taken in an open
43 meeting of this Council and that all deliberations of this Council and of any
44 committees that resulted in those formal actions were in meetings open to the
45 public, in compliance with all legal requirements including Chapter 107 of the
46 Codified Ordinances.

47
48 Section 5. That this ordinance is hereby declared to be an emergency
49 measure necessary for the preservation of the public peace, health, safety,

50 convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof,
51 and provided it receives the affirmative vote of two-thirds of the members elected or
52 appointed to Council, it shall take effect and be in force immediately upon its
53 passage and approval by the Mayor; otherwise it shall take effect and be in force at
54 the earliest period allowed by law.

55

56

57 Passed: _____

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65 Approved _____

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69 7/8/13

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President of Council

Clerk of Council

Mayor

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3
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 CONTRACT WITHOUT
11 COMPETITIVE BIDDING WITH COASTAL STEEL
12 MANAGEMENT, LLC DBA COASTAL STEEL STRUCTURES,
13 FOR THE PURCHASE OF A PREFABRICATED,
14 UNASSEMBLED METAL STORAGE BUILDING,
15 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO
16 ENTER INTO A CONTRACT OR CONTRACTS, ACCORDING
17 TO LAW, FOR THE ASSEMBLY OR CONSTRUCTION OF SAID
18 BUILDING FOR THE DEPARTMENT OF PUBLIC SERVICE,
19 AND DECLARING AN EMERGENCY.
20

21
22 WHEREAS, Section 2 of the City Charter, adopted pursuant to Art. XVIII, Sections 3 and 7
23 of the Ohio Constitution, authorizes this Council to make exception to the competitive
24 bidding procedures set forth in the Revised Code,
25

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

29 Section 1. The Director of Public Service is hereby authorized to enter into a contract
30 without competitive bidding with Coastal Steel Management, LLC dba Coastal Steel
31 Structures, for the purchase of a prefabricated, unassembled metal storage building of
32 approximately 15,000 square feet when assembled.
33

34 Section 2. The Director of Public Service is hereby authorized to enter into a contract or
35 contracts, according to law, for the assembly and/or construction of the building referenced
36 in Section 1 hereof, for the Department of Public Service, at 2560 Bailey Road.
37

38 Section 3. The Director of Finance is hereby authorized and directed to make payment
39 for the contract referenced in Section 1 hereof from the Capital Projects Fund, line item
40 Capital Outlay and for the contract referenced in Section 2 hereof, equally from the
41 Sanitation Fund, line item Capital Outlay, and the Capital Projects Fund, line item Capital
42 Outlay.
43

44 Section 4. Ordinance No. 49-2012, passed May 14, 2012, is hereby repealed.
45

46 Section 5. Any other ordinances or resolutions or portions of ordinances and resolutions
47 inconsistent herewith are hereby repealed, but any ordinances and resolutions not
48 inconsistent herewith and which have not previously been repealed are hereby ratified and
49 confirmed.
50

51 Section 6. It is hereby found and determined that all formal actions of this Council
52 concerning and relating to the adoption of this ordinance were adopted in an open meeting
53 of this Council, and that all deliberations of this Council and of any of its committees that
54 resulted in such formal action, were in meetings open to the public, in compliance with all
55 legal requirements, to the extent applicable, including Chapter 107 of the Codified
56 Ordinances.

57 Section 7. This ordinance 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, for the reason that it is immediately necessary
60 to permit timely and appropriate development of this property, and provided it receives the
61 affirmative vote of two thirds of the members elected or appointed to Council, it shall take
62 effect and be in force immediately upon its passage and approval by the Mayor; otherwise it
63 shall take effect and be in force at the earliest period allowed by law.
64
65

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67 Passed: _____
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72 President of Council

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78 Clerk of Council

79 Approved: _____

Mayor

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2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 RESOLUTION NO. - 2013

6
7 A RESOLUTION APPROVING AN AMENDMENT TO THE
8 SUMMIT COUNTY 9-1-1 PLAN TO INCLUDE THE
9 SOUTHWEST SUMMIT COUNCIL OF GOVERNMENTS
10 AS A PUBLIC SAFETY ANSWERING POINT, AND
11 DECLARING AN EMERGENCY.

12
13 WHEREAS, the City of Barberton, City of Norton and Copley Township have
14 formed the Southwest Summit Council of Governments (“SWSCOG”) for the purpose
15 of consolidating dispatch operations into one public safety answering point (“PSAP”);
16 and

17
18 WHEREAS, pursuant to Section 5507.12 of the Ohio Revised Code, addition of the
19 SWSCOG PSAP to the Summit County 9-1-1 Plan requires a plan amendment that
20 must be approved by the Summit County 9-1-1 Planning Committee; and

21
22 WHEREAS, on May 29, 2013, the Summit County 9-1-1 Planning Committee met
23 and approved by unanimous vote a recommendation to add the SWSCOG PSAP by
24 amendment to the Summit County 9-1-1 Plan; and

25
26 WHEREAS, pursuant to Sections 5508.09 and 5507.12 of the Ohio Revised Code,
27 the legislative authority of each municipality in the County and the board of trustees
28 of each township whose territory is included in the countywide 9-1-1 system must
29 approve or disapprove any amendment to the Summit County 9-1-1 Plan; and

30
31 WHEREAS, the Summit County 9-1-1 Plan will be amended to include the
32 SWSCOG PSAP upon the approval of municipalities and townships that contain sixty
33 (60) percent of the County’s population; and

34
35 WHEREAS, this Council finds and determines, after reviewing all pertinent
36 information, that it is necessary, and in the best interest of the City of Cuyahoga
37 Falls, to approve the aforementioned amendment to the Summit County 9-1-1 Plan,

38
39 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga
40 Falls, County of Summit and State of Ohio, that:

41
42 Section 1. This Council hereby approves the amendment to the Summit County
43 9-1-1 Plan, recommended by the Summit County 9-1-1 Planning Committee, to add
44 the Southwest Summit Council of Governments as a public safety answering point.

45
46 Section 2. It is found and determined that all formal actions of this Council
47 concerning and relating to the adoption of this resolution were adopted in an open
48 meeting of this Council and that all deliberations of this Council and of any of its

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

52

53 Section 3. This resolution is hereby declared to be an emergency measure
54 necessary for the preservation of the public peace, health, safety, convenience and
55 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
56 received the affirmative vote of two-thirds of the members elected or appointed to
57 Council, it shall take effect and be in force immediately upon its passage and
58 approval by the Mayor; otherwise it shall take effect and be in force at the earliest
59 period allowed by law.

60

61

62 Passed: _____

President of Council

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Clerk of Council

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70 Approved: _____

Mayor

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2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. -2013

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

13 WHEREAS, pursuant to Ordinance No. 83-2007, passed June 25, 2007, this
14 Council established and designated the boundaries of the Cuyahoga Falls
15 Community Reinvestment Area ("CFCRA") pursuant to Ohio Revised Code §3735.65
16 et seq., to encourage the development of real property within the CFCRA; and
17

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

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

28 WHEREAS, this Council has determined to provide economic development
29 assistance in the form of tax abatement to French Mill Run, LLC in connection with
30 development of a mixed-use residential and retail project to be located on the west
31 side of State Road between West Bath Road and Ascot Parkway (Parcel Nos. 35-
32 05607, 35-06452 and 35-02080), hereinafter the "Project,"
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 accordance
39 with Ohio Revised Code §§3735.67 and 3735.671, with French Mill Run, LLC,
40 consistent with Ordinance No. 83-2007 and the terms set forth in the application for
41 tax exemption attached hereto as Exhibit A, in order to provide the Project with an
42 exemption from real property tax at (or not exceeding) the percentage and for (or not
43 exceeding) 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 public,
61 in compliance with all legal requirements including Chapter 107 of the Codified
62 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: _____

President of Council

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Clerk of Council

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81 Approved: _____

Mayor

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Exhibit A

City of Cuyahoga Falls Community Reinvestment Area Application

DRAFT

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Cuyahoga Falls located in the County of Summit and French Mill Run LLC (property owner)

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

<u>French Mill Run LLC</u>	<u>Martin Mehall, President</u>
Enterprise Name	Contact Person
<u>7055 Engle Rd, Suite 302</u>	<u>440-234-6500</u>
<u>Cleveland, OH 44130</u>	Telephone Number
Address	

- b. Project site:

<u>PPN - 3505607,3506452,3502080</u>	<u>Martin Mehall, President</u>
Address	Contact Person
	<u>440-234-6500</u>
	Telephone Number

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

Approximately 162 apartment units and 9,000sf retail center.

- b. List primary 6 digit North American Industry Classification System (NAICS) # 531110
Business may list other relevant SIC numbers. Retail to be determined

- 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.

Martin Mehall - President, Brent Mehall - Vice President

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

N.A.

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):

N.A.

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

N.A.

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

N.A.

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes ___ No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes ___ No X

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?
Yes ___ No X

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: The project will consist of approximately 162 apartment units in 8 residential buildings on 11.4 acres at the corner of State Rd. and Bath Rd. In addition to the residential buildings, the project will also include a 9,000sf retail center.
7. Project will begin Summer, 20 13 and be completed Fall, 20 15 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):
See Exhibit A
- b. State the time frame of this projected hiring: 2 yrs.
- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):
See Exhibit A
9. a. Estimate the amount of annual payroll such new employees will add \$ See Exhibit A (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).
- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ N.A.
10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:
- | | |
|--|-------------------------------|
| A. Acquisition of Buildings: | \$ <u>808,500 (Land Cost)</u> |
| B. Additions/New Construction: | \$ <u>17,057,405.00</u> |
| C. Improvements to existing buildings: | \$ <u>0</u> |
| D. Machinery & Equipment: | \$ <u>0</u> |
| E. Furniture & Fixtures: | \$ <u>0</u> |
| F. Inventory: | \$ <u>0</u> |
| Total New Project Investment: | \$ <u>17,865,905</u> |

11. a. Business requests the following tax exemption incentives: 50 % for 10 years covering real property as described above. Be specific as to the rate, and term.
- b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

See Exhibit B

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.

French Mill Run LLC
Name of Property Owner

May 23, 2013
Date

M. Mehall
Signature

Martin Mehall, President
Typed Name and Title

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

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

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

**French Mill Run LLC - Community Reinvestment Area Application
Exhibit A**

Construction - Construction Period Only

Employer	Position Created	Employment Status	Expected Hiring Date	Expected Compensation
French Mill Run LLC	Construction Management	Full Time	Summer 2013	\$ 250,000.00
Sub Contractors*	Labor	Full Time	Summer 2013	\$ 6,000,000.00
				<u>\$ 6,250,000.00</u>

*Estimated 200,000 man hours at \$30.00/hr

Residential - Permanent

Employer	Position Created	Employment Status	Expected Hiring Date	Expected Compensation
French Mill Run LLC	General Manager	Full Time	Spring 2014	\$ 45,000.00
French Mill Run LLC	Assistant Manager	Full Time	Spring 2014	\$ 35,000.00
French Mill Run LLC	Lead Maintenance Technician	Full Time	Spring 2014	\$ 35,000.00
French Mill Run LLC	Maintenance Technician	Full Time	Summer 2014	\$ 30,000.00
French Mill Run LLC	Leasing Agent	Part Time	Summer 2014	\$ 20,000.00
				<u>\$ 165,000.00</u>

Retail - Permanent

The retail component of the project will consist of a single 9,000sf retail building. We are projecting that approximately 10 jobs will be created within the retail building. At this time we are unable to project the employment status, expected hiring date, or expected compensation of these employees.

**French Mill Run LLC – Community Reinvestment Area Application
Exhibit B**

An affiliate of the owner (French Mill Run LLC) has previously developed Linden Lane Apartments, a fully amenitized apartment community of 144 suites on Wyoga Lake Rd. This project was successful in large part because it was the highest quality apartment property in the area.

The owner is now proposing a community of 162 suites, with a 9,000sf retail center on State Rd. Our market research shows that the highest percentage of rental demand is for apartments similar to Linden Lane. We cannot attain that quality of product unless we are granted our request for tax abatement.