

NEW LEGISLATION

February 13, 2017

Temp. No.	Introduced	Committee	Description
B-9	2/13/17	Fin	An ordinance authorizing a waiver of the water and sewer tap-in fees set forth in Sections 923.10 and 925.06 of the Cuyahoga Falls Code of Ordinances for Woodridge Local School District, and declaring an emergency.
B-10	2/13/17	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, according to law, to replace the roof at Quirk Cultural Center, and declaring an emergency.
B-11	2/13/17	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, according to law, for the replacement of the restroom building in Water Works Park, and declaring an emergency.
B-12	2/13/17	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for replacement of the sanitary sewer and concrete pavement on 18 th Street, from Ohio Avenue to Phelps Avenue, and declaring an emergency.
B-13	2/13/17	PA	An ordinance amending the traffic control file by providing for installation of various traffic control devices, and declaring an emergency.
B-14	2/13/17	PA	An ordinance amending various sections of the Codified Ordinances to conform to State law, approving the 2016 replacement pages to the Codified Ordinances of the City of Cuyahoga Falls, and declaring an emergency.

Please Recycle Waste Paper

B-15

2/13/17

CD

Creating a Tax Increment Financing Incentive District; declaring improvements to the parcels within the Incentive District to be a public purpose and exempt from real property taxation; requiring the owners of those parcels to make service payments in lieu of taxes; establishing a Municipal Public Improvement Tax Increment Equivalent Fund for the deposit of those service payments; and specifying the public infrastructure improvements that benefit or serve parcels in the Incentive District.

CALENDAR

February 13, 2017

The following legislation will be up for passage at the Council Meeting on February 13, 2017.

Temp. No.	Introduced	Committee	Description
A-111*	12/27/16	P&Z	An ordinance approving the creation of a Downtown Historic Overlay District according to Section 1132.21 H, Historic Overlay in the Cuyahoga Falls General Development Code, and declaring an emergency.
B-1	1/23/17	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with Motorola, Inc. for the maintenance of the public safety regional dispatch system equipment, and declaring an emergency.
B-2	1/23/17	Fin	An ordinance authorizing the Mayor to enter into a contract or contracts, without competitive bidding, with Guardian Life Insurance Company of America for the City's group life insurance for employees and retirees, and declaring an emergency.
B-3 Sub	1/23/17	Fin	An ordinance authorizing the Mayor to enter into a Master Meter Agreement with the City of Akron to provide continued sewer services, and declaring an emergency.
B-4	1/23/17	PI	An ordinance authorizing the Mayor or his designee to enter into a contract or contracts, according to law, for the replacement of a waterline in Highland Avenue, from Bailey Road to Victoria Street, and declaring an emergency.
B-5	1/23/17	PI	An ordinance authorizing the Mayor or his designee to enter into a contract or contracts, according to law, for the Woodward Creek Culvert under

Sandalwood Lane Improvement Project,
and declaring an emergency.

B-6 1/23/17 PI

An ordinance authorizing the Mayor or his designee to enter into a contract or contracts, according to law, for services to design, engineer and construct concrete, masonry, electrical and mechanical repairs to the City-owned parking garages located at 2035 Old Town Loop (the “Blue” Parking Deck), 2052 Front Street (the “Red” Parking Deck), and 2318 Second Street (the “Green” Parking Deck), and declaring an emergency.

B-8 1/23/17 CD

An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement with State 8 Motorcycles dba KPG Realty and Wholecycle Incorporated, and declaring an emergency.

Public Hearing 2-6-17

PENDING LEGISLATION

February 13, 2017

Temp. No.	Introduced	Committee	Description
A-111*	12/27/16	P&Z	An ordinance approving the creation of a Downtown Historic Overlay District according to Section 1132.21 H, Historic Overlay in the Cuyahoga Falls General Development Code, and declaring an emergency.
B-1	1/23/17	Fin	An ordinance authorizing the Director of Public Safety to enter into a contract or contracts, without competitive bidding, with Motorola, Inc. for the maintenance of the public safety regional dispatch system equipment, and declaring an emergency.
B-2	1/23/17	Fin	An ordinance authorizing the Mayor to enter into a contract or contracts, without competitive bidding, with Guardian Life Insurance Company of America for the City's group life insurance for employees and retirees, and declaring an emergency.
B-3 Sub	1/23/17	Fin	An ordinance authorizing the Mayor to enter into a Master Meter Agreement with the City of Akron to provide continued sewer services, and declaring an emergency.
B-4	1/23/17	PI	An ordinance authorizing the Mayor or his designee to enter into a contract or contracts, according to law, for the replacement of a waterline in Highland Avenue, from Bailey Road to Victoria Street, and declaring an emergency.
B-5	1/23/17	PI	An ordinance authorizing the Mayor or his designee to enter into a contract or contracts, according to law, for the Woodward Creek Culvert under Sandalwood Lane Improvement Project, and declaring an emergency.
B-6	1/23/17	PI	An ordinance authorizing the Mayor or his

designee to enter into a contract or contracts, according to law, for services to design, engineer and construct concrete, masonry, electrical and mechanical repairs to the City-owned parking garages located at 2035 Old Town Loop (the "Blue" Parking Deck), 2052 Front Street (the "Red" Parking Deck), and 2318 Second Street (the "Green" Parking Deck), and declaring an emergency.

B-8 1/23/17 CD

An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement with State 8 Motorcycles dba KPG Realty and Wholecycle Incorporated, and declaring an emergency.

Public Hearing 2-6-17

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4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2017

7
8 AN ORDINANCE AUTHORIZING A WAIVER OF THE WATER
9 AND SEWER TAP- IN FEES SET FORTH IN SECTIONS 923.10
10 AND 925.06 OF THE CUYAHOGA FALLS CODE OF
11 ORDINANCES FOR WOODRIDGE LOCAL SCHOOL DISTRICT,
12 AND DECLARING AN EMERGENCY.
13

14
15 WHEREAS, on September 26, 2016, City Council approved the Woodridge Local School
16 District’s (“Woodridge”) site plan for the construction of a new 84,047 square foot
17 elementary school and a 19,000 square foot high school gymnasium addition in the City;
18 and
19

20 WHEREAS, the construction of a state-of-the-art elementary school facility will create
21 new educational opportunities and options for Woodridge school students for decades to
22 come; and
23

24 WHEREAS, the relocation of Woodridge Intermediate School from the Village of
25 Peninsula to the City of Cuyahoga Falls will bring just over fifty new jobs with an annual
26 payroll of approximately \$2.33 million into the City; and
27

28 WHEREAS, construction personnel working on the building project will contribute an
29 estimated \$225,000 in income tax to the City during the project period; and
30

31 WHEREAS, with the completion of this \$28 million dollar construction project, all of the
32 Woodridge Local School District’s educational facilities will be within the City of Cuyahoga
33 Falls; and
34

35 WHEREAS, the Woodridge Local School District Board of Education and Administration
36 has endeavored to maintain a collaborative relationship with the leadership of the City of
37 Cuyahoga Falls in support of the City’s ongoing efforts to serve its residents; and
38

39 WHEREAS, the City and Woodridge have previously partnered in economic development
40 endeavors whereby Woodridge has agreed to receive less tax dollars in order to attract new
41 economic development opportunities into the City; and
42

43 WHEREAS, the new school facility will greatly enhance the development of the State
44 Road corridor; and
45

46 WHEREAS, waiver of the tap-in fees is necessary so that Woodridge can move forward
47 with making this substantial investment in the community and creating new employment
48 opportunities.
49

50 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
51 County of Summit, and State of Ohio, that:
52

53 Section 1. The City Council hereby authorizes a waiver of the water and sewer tap-in
54 fees set forth in Sections 923.10 and 925.06 of the Cuyahoga Falls Code of Ordinances for
55 Woodridge Local School District’s construction of a new 84,047 square foot elementary
56 school and 19,000 square foot high school gymnasium addition within the City.

57
58 Section 2. Any other ordinances or resolutions or portions of ordinances and
59 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions
60 not inconsistent herewith and which have not previously been repealed are hereby ratified
61 and confirmed.

62
63 Section 3. It is found and determined that all formal actions of this Council concerning
64 and relating to the adoption of this ordinance 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 4. This ordinance is hereby declared to be an emergency measure necessary
70 for the preservation of the public peace, health, safety, convenience and welfare of the City
71 of Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately
72 necessary to permit timely and appropriate development of this property, and provided it
73 receives the affirmative vote of two thirds of the members elected or appointed to Council, it
74 shall take effect and be in force immediately upon its passage and approval by the Mayor;
75 otherwise it shall take effect and be in force at the earliest period allowed by law.

76
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78 Passed: _____
79 _____
80 President of Council

81 _____
82 Clerk of Council

83
84 Approved: _____
85 _____
86 Mayor

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2017

8
9 AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION
10 BOARD TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, TO REPLACE THE ROOF AT QUIRK
12 CULTURAL CENTER, AND DECLARING AN EMERGENCY.
13

14 WHEREAS, the roof at the Quirk Cultural Center has met its expected life of 25 years and is
15 in need of replacement; and

16
17 WHEREAS, the new roof will ensure a safe and stable environment in the building for the
18 citizens of Cuyahoga Falls to enjoy various recreational opportunities for many years in the
19 future.

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

23
24 Section 1. The Parks and Recreation Board is hereby authorized to enter into a contract or
25 contracts, according to law, to replace the roof at Quirk Cultural Center.

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

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

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

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

47
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49 Passed: _____

President of Council

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52
53 _____
Clerk of Council

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55 Approved: _____

Mayor

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2017

8
9 AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION
10 BOARD TO ENTER INTO A CONTRACT OR CONTRACTS,
11 ACCORDING TO LAW, FOR THE REPLACEMENT OF THE
12 RESTROOM BUILDING IN WATER WORKS PARK, AND
13 DECLARING AN EMERGENCY.

14
15 WHEREAS, the restroom building in Water Works Park was built 55 years ago in 1962 and
16 has surpassed its useful life; and

17
18 WHEREAS, a new six station restroom that meets all required codes will better serve the
19 community.

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

23
24 Section 1. The Parks and Recreation Board is hereby authorized to enter into a contract or
25 contracts, according to law, for the replacement of the restroom building in Water Works Park.

26
27
28 Section 2. The Finance Director is hereby authorized and directed to make payment for same
29 from the Recreation Levy Fund, line item Capital Outlay.

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

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

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

48
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50 Passed: _____

President of Council

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53 _____
54 Clerk of Council

55
56 Approved: _____

Mayor

57
58
59 2/13/17

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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2017

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7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
10 ACCORDING TO LAW, FOR REPLACEMENT OF THE SANITARY
11 SEWER AND CONCRETE PAVEMENT ON 18TH STREET, FROM OHIO
12 AVENUE TO PHELPS AVENUE, AND DECLARING AN EMERGENCY.
13

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

17
18 Section 1. The Director of Public Service is hereby authorized to enter into a contract or
19 contracts, according to law, for replacement of the sanitary sewer and concrete pavement on 18th
20 Street from Ohio Avenue to Phelps Avenue.
21

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

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

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

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

43 Passed: _____
44 _____
45 President of Council

46 _____
47 Clerk of Council

48
49 Approved: _____
50 _____
51 Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

5 ORDINANCE NO. - 2017

6
7
8 AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE BY
9 PROVIDING FOR INSTALLATION OF VARIOUS TRAFFIC
10 CONTROL DEVICES, AND DECLARING AN EMERGENCY.

11
12 WHEREAS, site-specific traffic control regulations of the City are established and maintained
13 in the "Traffic Control File," a document established and maintained by the Chief of Police
14 pursuant to Chapter 305 of the Codified Ordinances, and

15
16 WHEREAS, Section 305.02 of said Chapter requires that amendments to the Traffic Control
17 File be made only through legislation passed by City Council.

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

21
22 Section 1. Upon the recommendation of the Traffic Committee, the Traffic Control File is
23 hereby amended as follows:

- 24
25 1. Prohibit parking from 6:00pm to 6:00am at the dead end of Valley View Drive.

26
27 Section 2. The Chief of Police is hereby authorized and directed to note in the Traffic
28 Control File the proper legends.

29
30 Section 3. The Mayor is hereby authorized and directed to cause the installation or
31 removal of the proper signage reflecting the above amendments.

32
33 Section 4. Any other ordinances and resolutions or portions of ordinances and resolutions
34 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of
35 ordinances and resolutions not inconsistent herewith and which have not been previously
36 repealed are hereby ratified and confirmed.

37
38 Section 5. It is found and determined that all formal actions of this Council concerning
39 and relating to the adoption of this ordinance were adopted in an open meeting of this Council
40 and that all deliberations of this Council and of any of its committees that resulted in such formal
41 action were in meetings open to the public, in compliance with all legal requirements including
42 Chapter 107 of the Codified Ordinances.

43
44 Section 6. This ordinance is hereby declared to be an emergency measure necessary for
45 the preservation of the public peace, health, safety, convenience and welfare of the City of
46 Cuyahoga Falls and the inhabitants thereof and provided it receives the affirmative vote of two-
47 thirds of the members elected or appointed to Council, it shall take effect and be in force
48 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in
49 force at the earliest period allowed by law.

50
51
52 Passed: _____
53 _____
54 President of Council

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56 _____
57 Clerk of Council

58 Approved: _____
59 _____
60 Mayor

61 2/13/17

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. -2017

6
7 AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CODIFIED
8 ORDINANCES TO CONFORM TO STATE LAW, APPROVING THE 2016
9 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY
10 OF CUYAHOGA FALLS, AND DECLARING AN EMERGENCY.

11
12 WHEREAS, Article XVIII, Section 3 of the Ohio Constitution provides that municipalities shall have
13 the authority to enforce local police, sanitary and other similar regulations as are not in conflict with
14 general laws, and

15
16 WHEREAS, certain provisions within the Codified Ordinances of the City of Cuyahoga Falls should be
17 amended to conform to current State laws that have been amended, so as to avoid conflict in matters that
18 are not subject to the City’s powers of local self-government; and

19
20 WHEREAS, various ordinances and ordinance amendments of a general and permanent nature have
21 been passed by this Council which should be included in the published Codified Ordinances; and

22
23 WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to
24 prepare and publish such revisions as are approved by this Council,

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

28
29 Section 1. The Ordinances of the City of Cuyahoga Falls, Ohio, of a general and permanent nature,
30 as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections
31 within the 2016 Replacement Pages to the Codified Ordinances, are hereby approved and adopted.

32
33 Section 2. The following sections and chapters are hereby added, amended or repealed as
34 respectively indicated in order to comply with current State law.

35
36 Traffic Code

- 37
- 38 301.04 Bicycle; Motorized Bicycle; Moped. (Amended)
- 39 301.19 Motorcycle. (Amended)
- 40 331.21 Right of Way of Public Safety or Coroner’s Vehicle. (Amended)
- 41 331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle.
- 42 (Added)
- 43 335.021 Ohio Driver’s License Required for In State Residents. (Added)
- 44 335.09 Display of License Plates. (Amended)
- 45 335.111 Registration Within Thirty Days of Residency. (Added)
- 46 335.12 Stopping After Accident Upon Streets. (Amended)
- 47 335.13 Stopping After Accident Upon Property Other Than Street. (Amended)
- 48 373.02 Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)
- 49

50 General Offenses Code

- 51
- 52 501.06 Limitation of Criminal Prosecution. (Amended)
- 53 505.081 Cruelty to Companion Animals. (Amended)
- 54 513.02 Gift of Marihuana. (Amended)
- 55 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)

- 56 513.04 Possessing Drug Abuse Instruments. (Amended)
- 57 513.05 Permitting Drug Abuse. (Amended)
- 58 513.07 Possessing or Using Harmful Ingredients. (Amended)
- 59 513.08 Illegally Dispensing Drug Samples. (Amended)
- 60 513.11 Possessing Nitrous Oxide in Motor Vehicle. (Amended)
- 61 513.12 Drug Paraphernalia. (Amended)
- 62 513.121 Marihuana Drug Paraphernalia. (Amended)
- 63 513.13 Counterfeit Controlled Substances. (Amended)
- 64 525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
- 65 529.01 Liquor Control Definitions. (Amended)
- 66 529.07 Open Container Prohibited. (Amended)
- 67 537.051 Menacing by Stalking. (Amended)
- 68 537.18 Criminal Child Enticement. (Amended)
- 69 541.04 Criminal Mischief. (Amended)
- 70 541.09 Vehicular Vandalism. (Amended)

Fire Prevention Code

- 74 1519.04 Fireworks Possession, Sale or Discharge Prohibited. (Amended)

76 Section 3. The complete text of the sections listed above are set forth in full in the current
 77 replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A.
 78 The listing above of each new section by reference to its title shall constitute sufficient publication of new
 79 matter contained therein.

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

87 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
 88 preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason
 89 that there exists an imperative necessity for the earliest publication and distribution of current
 90 Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration,
 91 daily operation and avoid practical and legal entanglements, and provided that it receives the affirmative
 92 vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force
 93 immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at
 94 the earliest period allowed by law.

97 Passed: _____
 98 _____
 99 President of Council

 Clerk of Council

105 Approved: _____
 106 _____
 107 Mayor

108 2/13/17

2
3 CITY OF CUYAHOGA FALLS

4
5 ORDINANCE NO. - 2017

6
7
8 CREATING A TAX INCREMENT FINANCING INCENTIVE DISTRICT;
9 DECLARING IMPROVEMENTS TO THE PARCELS WITHIN THE
10 INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT
11 FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS
12 OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF
13 TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT
14 TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF
15 THOSE SERVICE PAYMENTS; AND SPECIFYING THE PUBLIC
16 INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE
17 PARCELS IN THE INCENTIVE DISTRICT.

18
19 WHEREAS, Ohio Revised Code (“ORC”) Sections 5709.40, 5709.42, and 5709.43
20 (collectively, the “TIF Statutes”) authorize this Council, by ordinance, to create an incentive
21 district within the corporate boundaries of the City of Cuyahoga Falls, Ohio (the “City”), and
22 declare the improvement to each parcel of real property located within the incentive district to
23 be a public purpose and exempt from taxation, require the owner of each parcel to make service
24 payments in lieu of taxes, establish a municipal public improvement tax increment equivalent
25 fund for the deposit of those service payments, and specify public infrastructure improvements
26 made, to be made or in the process of being made that benefit or serve, or that once made will
27 benefit or serve, parcels in the incentive district; and

28
29 WHEREAS, the City desires to create the Mudbrook - Mill Pond Incentive District, an
30 incentive district (the “Incentive District”) under ORC Section 5709.40(C), the boundaries of
31 which will be coextensive with the boundaries of, and will include, the Parcels (as defined in
32 Section 1) and as further reflected on the map set forth on Exhibit A; and

33
34 WHEREAS, the City anticipates that 72 new single-family homes will be constructed
35 within the Incentive District and commercial development of a home improvement store and a
36 senior housing facility (collectively, the “Project”); and

37
38 WHEREAS, by Ordinance No. 97-2016 adopted on December 27, 2016, this Council
39 approved an Economic Development Plan for the Incentive District (the “Economic Development
40 Plan”), which Economic Development Plan is on file with the City Department of Planning and
41 Development and provides that the current infrastructure in the Incentive District is inadequate
42 to support development of the Incentive District due to inadequate stormwater management
43 system and flood controls, sanitary sewer extensions and road connections and floodplain
44 mitigation controls; and

45
46 WHEREAS, since the adoption of the Economic Development Plan the Parcels have been
47 further subdivided with such additional parcel numbers reflected on Exhibit A hereto; and

48
49 WHEREAS, the City Engineer has certified to this Council that (i) the Incentive District is
50 less than 300 acres in size and enclosed by a contiguous boundary, and (ii) the public
51 infrastructure serving the Incentive District is inadequate to meet the development needs of the
52 Incentive District as evidenced by the Economic Development Plan; and

54 WHEREAS, notice of this proposed ordinance has been delivered to the Board of
55 Education of the Woodridge Local School District (the “School District”) in accordance with and
56 within the time periods prescribed in ORC Sections 5709.40 and 5709.83; and
57

58 WHEREAS, a public hearing was held on March 20, 2017 and notice given pursuant to
59 ORC Section 5709.40(D) and 5709.83; and
60

61 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
62 Summit County, Ohio, that:
63

64 Section 1. Incentive District Projects; Creation of Incentive District. This Council
65 finds and determines that the Project will place additional demand on the Public Infrastructure
66 Improvements (as defined in Section 2). This Council further finds that the sum of the taxable
67 value of real property in the Incentive District for tax year 2016 and the taxable value of all real
68 property in the City that would have been taxable in tax year 2016 were it not for the fact that
69 the property was in an existing incentive district and therefore exemption from taxation, does
70 not exceed twenty-five percent of the taxable value of real property within the City for tax year
71 2016. Pursuant to the TIF Statutes, this Council creates the Incentive District, the boundaries
72 of which are coextensive with the boundaries of, and include, the Parcels specifically identified
73 and depicted in Exhibit A (as currently or subsequently configured, the “Parcels,” with each
74 individual parcel a “Parcel”) and as further reflected on the map depicted in Exhibit A.
75

76 This Council hereby confirms the findings of the Economic Development Plan and
77 confirms that the existing infrastructure in the Incentive District is inadequate to support
78 development of the Incentive District including the findings that the Incentive District lacks an
79 adequate stormwater management system and flood controls leading to frequent flooding and
80 has insufficient sanitary sewer extensions and road connections. Within the Incentive District,
81 the Mud Brook stream corridor lacks proper floodplain mitigation controls that cause frequent
82 flooding of the stream as well as unstable streambanks. This Council hereby finds that in order
83 for the Incentive District to be developed in a viable manner, the Incentive District will need new
84 or updated infrastructure in the way of construction of and improvements to the stormwater
85 management system and flood controls, construction of streetways, sanitary sewer extensions,
86 floodplain mitigation and controls and streambank stabilization improvements. Passive
87 recreation improvements will also support stormwater management in the Incentive District.
88

89 Section 2. Public Infrastructure Improvements. This Council hereby designates the
90 public infrastructure improvements described in Exhibit B (the “Public Infrastructure
91 Improvements”) and any other public infrastructure improvements hereafter designated by
92 ordinance as public infrastructure improvements made, to be made or in the process of being made
93 by the City that benefit or serve, or that once made will benefit or serve, the Parcels.
94

95 Section 3. Authorization of Tax Exemption; Life of Incentive District. Pursuant to and
96 in accordance with the provisions of ORC Section 5709.40(C), this Council declares that 75% of
97 the increase in assessed value of each Parcel subsequent to the effective date of this ordinance
98 (which increase in assessed value is hereinafter referred to as the “Improvement” as defined in ORC
99 Section 5709.40(A)) is a public purpose and exempt from taxation for a period coextensive with the
100 life of the Incentive District. The life of the Incentive District commences with the first tax year that
101 begins after the effective date of this ordinance and in which an Improvement attributable to a new
102 structure would first appear on the tax list and duplicate of real and public utility property for any
103 Parcel within the Incentive District were it not for the exemption granted in this ordinance and
104 ends on the earlier of (a) 10 years after such commencement or (b) the date on which the City can
105 no longer require service payments in lieu of taxes, all in accordance with the requirements of the
106 TIF Statutes. Notwithstanding any other provision of this ordinance, the exemption granted
107 pursuant to this Section 3 and the payment obligations established pursuant to Section 4 of this
108 ordinance are subject and subordinate to any tax exemptions applicable to the Improvement under

109 ORC Sections 3735.65 through 3735.70; provided, however, that this does not preclude a
110 community reinvestment area exemption and tax increment financing exemption from occurring
111 in the same tax years.

112
113 Section 4. Service Payments. As provided in ORC Section 5709.42, the owner of each
114 Parcel is hereby required to make service payments in lieu of taxes with respect to the Improvement
115 allocable to each Parcel to the Summit County Fiscal Officer (the "County Fiscal Officer") on or
116 before the final dates for payment of real property taxes. The service payments in lieu of taxes will
117 be charged and collected in the same manner and in the same amount as the real property taxes
118 that would have been charged and collected against that Improvement if it were not exempt from
119 taxation pursuant to Section 3, including any penalties and interest (collectively, the "Service
120 Payments"). The Service Payments, and any other payments with respect to each Improvement
121 that are received by the County Fiscal Officer in connection with the reduction required by ORC
122 Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time,
123 or any successor provisions thereto as the same may be amended from time to time (the "Property
124 Tax Rollback Payments"), will be deposited and distributed in accordance with Section 6.

125
126 Section 5. TIF Fund. This Council establishes, pursuant to and in accordance with
127 the provisions of ORC Section 5709.43, the Mudbrook – Mill Pond Municipal Public Improvement
128 Tax Increment Equivalent Fund (the "TIF Fund"), into which the County Fiscal Officer will deposit
129 the Service Payments and Property Tax Rollback Payments collected with respect to the Parcels
130 and not required to be distributed to either the School District or Summit County pursuant to
131 Section 6 of this ordinance. The TIF Fund will be maintained in the custody of the City. The
132 City may use amounts deposited into the TIF Fund only for the purposes authorized in the TIF
133 Statutes and this ordinance (as it may be amended). The TIF Fund will remain in existence so
134 long as the Service Payments and Property Tax Rollback Payments are collected and used for the
135 aforesaid purposes, after which time the TIF Fund will be dissolved and any surplus funds
136 remaining therein transferred to the City's General Fund, all in accordance with ORC Section
137 5709.43.

138
139 Section 6. Distribution of Funds. Pursuant to the TIF Statutes, the County Fiscal
140 Officer is requested to distribute all of the Service Payments and Property Tax Rollback Payments
141 to the City for further deposit into the TIF Fund for payment of costs of the Public Infrastructure
142 Improvements, including, without limitation, debt charges on any notes or bonds of the City issued
143 to pay or reimburse costs of those Public Infrastructure Improvements or finance costs for those
144 improvements or to reimburse the City for costs of those Public Infrastructure Improvements paid
145 prior to the City's receipt of Service Payments and Property Tax Rollback Payments. All
146 distributions required under this Section are requested to be made at the same time and in the
147 same manner as real property tax distributions.

148
149 Section 7. Further Authorizations. This Council hereby authorizes and directs the
150 Mayor, the Director of Law, the Director of Finance, or other appropriate officers of the City to
151 make such arrangements as are necessary and proper for collection of the Service Payments. This
152 Council further authorizes the Mayor, the Director of Law, the Director of Finance or, or other
153 appropriate officers of the City to prepare and sign all agreements and instruments and to take
154 any other actions as may be appropriate to implement this ordinance.

155
156 Section 8. Filings with Ohio Development Services Agency. Pursuant to Ohio Revised
157 Code Section 5709.40(I), the Mayor, the Director of Law, the Director of Finance, or any other
158 appropriate officer of the City is hereby directed to deliver a copy of this ordinance to the Director
159 of the Ohio Development Services Agency within fifteen days after its effective date. Further, and
160 on or before March 31 of each year that the tax exemption authorized by Section 3 remains in
161 effect, the Mayor, the Director of Law, the Director of Finance, or any other authorized officer of
162 the City is directed to prepare and submit to the Director of the Ohio Development Services Agency
163 the status report required under Ohio Revised Code Section 5709.40(I).

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Section 9. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including ORC Section 121.22.

Section 10. Effective Date. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that this ordinance is required to be immediately effective in order to enable the City to timely enter into contracts related to the timely development of the Incentive District and related public infrastructure improvements; wherefore, this ordinance shall be in full force and effect immediately upon its passage.

Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

2/13/17

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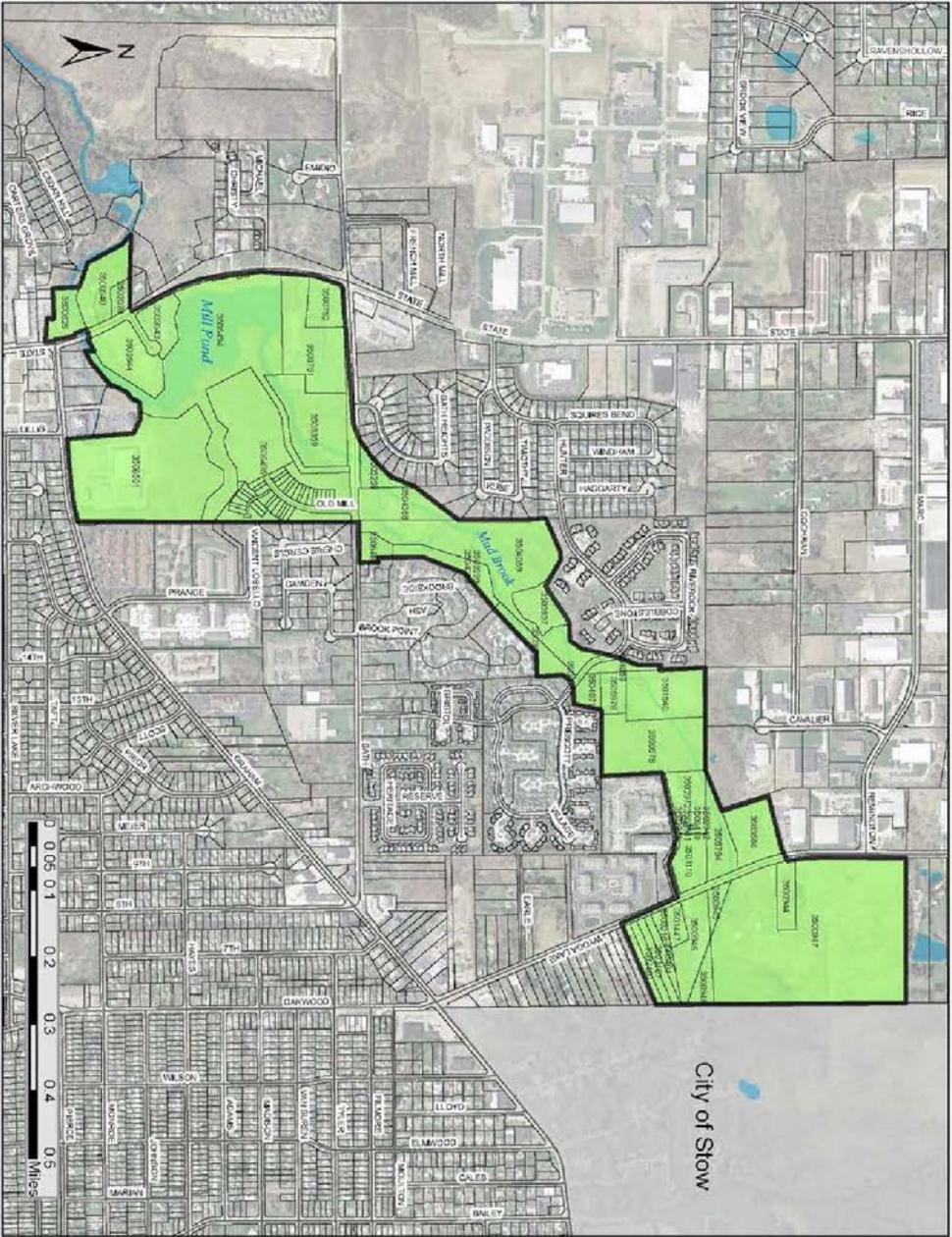
EXHIBIT A
IDENTIFICATION AND MAP OF THE PARCELS

The enclosed area on the following map specifically identifies and depicts the Parcels and the boundaries of the Incentive District, and constitutes part of this Exhibit A. The following Parcel numbers are as of January 15, 2017, and are included for ease of reference only.

Parcel Numbers:

3505259	3505978	3506512
3503359	3501110	3506513
3504388	3506494	3506514
3503600	3500625	3506515
3503599	3500540	3506516
3504059	3502070	3506517
3506495	3503543	3506518
3506483	3503544	3506519
3500752	3504071	3506520
3500751	3501447	3506521
3506501	3500210	3506522
3500578	3503586	3506523
3506419	3500948	3506524
3502972	3502401	3506525
3501540	3502402	3506526
3502947	3502487	3506527
3502946	3500945	3506528
3502945	3500946	3506529
3502944	3505784	3506530
3502943	3500947	3506531
3502942	3500944	3506532
3502941	3501823	3506533
3506534	3506535	3506536
3506537	3506538	3506539
3506540	3506541	3506542
3506543	3506544	3506545
3506546	3506547	3506548

Incentive District 1



Prepared by the City of Cayahoga Falls Department of Community Development 11-17-2016

EXHIBIT B
PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements consist of any “public infrastructure improvement” defined under Section 5709.40(A)(7) of the Ohio Revised Code and that directly benefits or serves parcels in the Incentive Districts and specifically include, but are not limited to, any of the following improvements that will benefit or serve parcels in the Incentive Districts and all related costs of those permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code):

- **Stormwater.** Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare, including but not limited to the construction and installation of stormwater sewers along Wyoga Lake Road, Pleasant Meadow Boulevard and Bath Road, and the construction and installation of a regional storm water basin on Pleasant Meadow Boulevard;
- **Parks.** Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, multi-use trails and bridges, together with all appurtenances thereto, including, without limitation, improvements to parkland and multi-use trails within or proximate to the Incentive District, including but not limited to construction of multi-use paths along Wyoga Lake Road, Hunter Parkway and Bath Road and installation of trail access paths from and along Hunter Parkway;
- **Roadways.** Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto, including but not limited to the construction, reconstruction, improving, grading, draining and resurfacing of, and installation of sidewalks along, Wyoga Lake Road, Pleasant Meadow Boulevard, Hunter Parkway, Bath Road and People Care Park;
- **Water/Sewer.** Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto, including but not limited to construction and installation of sanitary sewers along State Road near People Care Park and along Wyoga Lake Road, and construction and installation of water line along Wyoga Lake Road;
- **Environmental/Health.** Implementation of environmental remediation measures necessary to enable the Project and the construction of public health , including but not limited to preservation of wetlands and flood plain management in the areas around Mud Brook, dam modifications and improvements, the dredging of Mill Pond, streambank erosion protection and renovation and related environmental studies and remediation;
- **Utilities.** Construction, reconstruction or installation of gas, electric and communication service facilities and all appurtenances thereto;
- **Demolition.** Demolition, including demolition on private property when determined to be necessary for public health, safety and welfare;

- **Streetscape/Landscape.** Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described in “Roadways” above, and including but not limited to lighting along Wyoga Lake Road, Bath Road and People Care Park;
- **Real Estate.** Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing improvements, or (b) in aid of industry, commerce, distribution or research; including, but not limited to, the purchase of parkland; and
- **Professional Services.** Engineering, consulting, legal, administrative, and other professional services associated with the planning, design, acquisition, construction and installation of the foregoing improvements and real estate.