

## NEW LEGISLATION

September 10, 2018

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-69	9/10/18	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for Premier OEM at 3479 State Road, and declaring an emergency.
A-70	9/10/18	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the Cavalier Trail Storage Facility site plan, and declaring an emergency.
A-71	9/10/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for City-wide tree removal, trimming, and stump grinding, and declaring an emergency.
A-72	9/10/18	Fin	An ordinance providing for the issuance and sale of Notes in the maximum principal amount of \$1,800,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of constructing waterlines in Graham Road, together with all appurtenances thereto, and declaring an emergency.
A-73	9/10/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition and removal of demolition debris from dangerous buildings located at 2463 12th Street and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.
A-74	9/10/18	PI	An ordinance authorizing the Mayor to enter into a contract or contracts, according to law, for construction of a Law Enforcement Training Facility,

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located at 3497 Wyoga Lake Road, and declaring an emergency.

A-75	9/10/18	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
A-76	9/10/18	PA	An ordinance authorizing the Mayor to grant an easement on a portion of City owned Parcel #0202812 to the Ohio Bell Telephone Company, dba AT&T Ohio, an Ohio corporation, for the purpose of extending communication, video and/or information services, and declaring an emergency.
A-77	9/10/18	CD	A resolution accepting the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council concerning Enterprise Zone and Community Reinvestment Area Tax Exemption Agreements within the City of Cuyahoga Falls, and declaring an emergency.
A-78	9/10/18	CD	An ordinance authorizing the Mayor to enter into an Enterprise Zone Tax Incentive Agreement with Williams Land Corp and the County of Summit, and declaring an emergency.

## CALENDAR

September 10, 2018

The following legislation will be up for passage at the Council Meeting on September 10, 2018.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-67	7/23/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for overhead line clearance services including tree maintenance, tree and brush removal services, and mowing, for a period not to exceed two years, and declaring an emergency.
A-68	7/23/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts with an engineering firm or firms to provide professional engineering services for improvements to Barney's Busy Corners, and declaring an emergency.

## PENDING LEGISLATION

September 10, 2018

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-67	7/23/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for overhead line clearance services including tree maintenance, tree and brush removal services, and mowing, for a period not to exceed two years, and declaring an emergency.
A-68	7/23/18	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts with an engineering firm or firms to provide professional engineering services for improvements to Barney's Busy Corners, and declaring an emergency.

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3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2018

7  
8 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION APPROVAL,  
9 FINDINGS AND CONDITIONS OF THE SITE PLAN FOR PREMIER OEM AT  
10 3479 STATE ROAD, AND DECLARING AN EMERGENCY.

11  
12 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the Planning  
13 Commission be submitted to Council; and

14  
15 WHEREAS, on August 7, 2018, the Planning Commission recommended approval of the site plan to  
16 construct a 20,095 square foot addition to the front of Premier OEM's existing 37,000 square foot facility at  
17 3479 State Road (Parcel 35-01996); and

18  
19 WHEREAS, the 20,095 square foot addition will allow Premier OEM to purchase new equipment and hire  
20 additional employees; and

21  
22 WHEREAS, such approval is given subject to conditions subsequent to be satisfied; and

23  
24 WHEREAS, such approval is necessary to determine that the site plan is satisfactory, serves the public  
25 interest, and is acceptable for recording.

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

29  
30 Section 1. The City Council approves the site plan to construct a 20,095 square foot addition to the  
31 front of Premier OEM's existing 37,000 square foot facility at 3479 State Road as approved by the Planning  
32 Commission on August 7, 2018 per the plans and findings contained in Project File MSP-18-00041.

33  
34 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions inconsistent  
35 herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have  
36 not previously been repealed are hereby ratified and confirmed.

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

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

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51  
52 Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

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56  
57  
58  
59  
60 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

61  
62 9/10/18



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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2018

8  
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION  
10 APPROVAL, FINDINGS AND CONDITIONS OF THE CAVALIER  
11 TRAIL STORAGE FACILITY SITE PLAN, AND DECLARING AN  
12 EMERGENCY.  
13

14 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the Planning  
15 Commission be submitted to Council; and

16  
17 WHEREAS, on August 21, 2018, the Planning Commission recommended approval of the site plan to  
18 construct a 9,540 square foot pole barn building at the west end of 3420 Cavalier Trail (Parcel 35-03245).  
19 The structure will house ten 950 square foot storage units; and

20  
21 WHEREAS, the primary function of the proposed units will be storage of recreational vehicles; and

22  
23 WHEREAS, such approval is given subject to conditions subsequent to be satisfied; and

24  
25 WHEREAS, such approval is necessary to determine that the site plan is satisfactory, serves the public  
26 interest, and is acceptable for recording.

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

30  
31 Section 1. The City Council approves the Cavalier Trail Storage Facility site plan to construct a 9,540  
32 square foot pole barn building at the west end of 3420 Cavalier Trail (Parcel 35-03245). The structure will  
33 house ten 950 square foot storage units as approved by the Planning Commission on August 21, 2018 per  
34 the plans and findings contained in Project File MSP-18-00037.

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

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

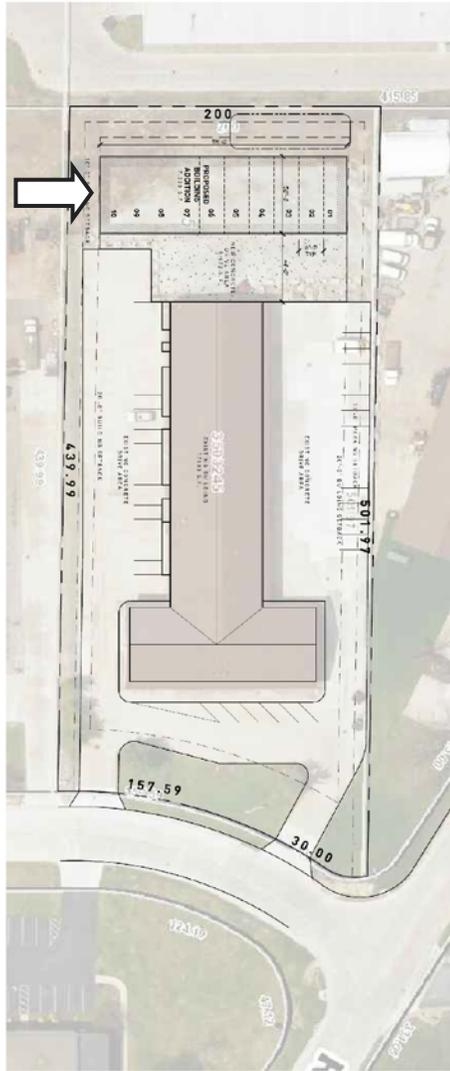
45  
46 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the preservation  
47 of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants  
48 thereof, for the reason that it is immediately necessary to permit timely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

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53  
54 Passed: \_\_\_\_\_  
55 \_\_\_\_\_  
56 President of Council

57  
58 \_\_\_\_\_  
59 Clerk of Council

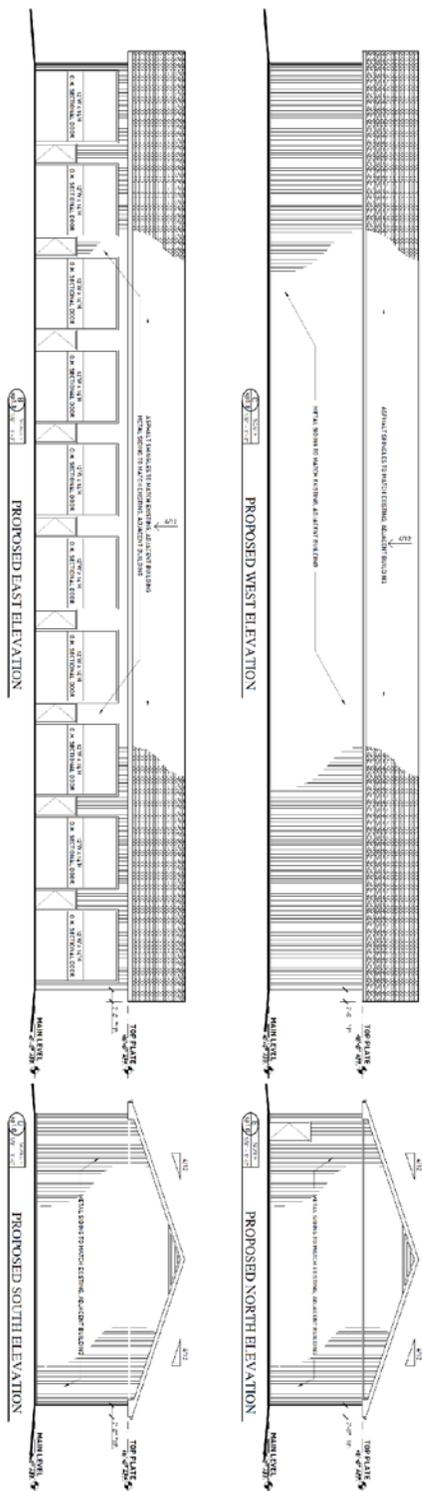
60 Approved: \_\_\_\_\_  
61 \_\_\_\_\_  
62 Mayor

63 8/29/18



**NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. THE PROPOSED BUILDING IS TO BE CONSTRUCTED ON THE EXISTING GRADE.
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**sp. 1**

**1807**

**Proposed Building Expansion For  
Storage Facility (Hw Stabl)**

2  
3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO - 2018

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
9 ACCORDING TO LAW, FOR CITY-WIDE TREE REMOVAL,  
10 TRIMMING, AND STUMP GRINDING, AND DECLARING AN  
11 EMERGENCY.

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

15  
16 Section 1. The Director of Public Service is hereby authorized to enter into a contact or  
17 contracts for tree removal, trimming and stump grinding services (for all needs other than utility  
18 line clearance), according to law, for a period of two years, with an option for up to three one-year  
19 extensions.

20  
21 Section 2. The Finance Director is hereby authorized and directed to make payment for  
22 same from funds properly appropriated therefor.

23  
24 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions  
25 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of  
26 ordinances and resolutions not inconsistent herewith and which have not previously been  
27 repealed are hereby ratified and confirmed.

28  
29 Section 4. It is found and determined that all formal actions of this Council concerning and  
30 relating to the adoption of this ordinance were adopted in an open meeting of this Council and  
31 that all deliberations of this Council and of any of its committees that resulted in such formal  
32 action were in meetings open to the public, in compliance with all legal requirements including  
33 Section 121.22 of the Ohio Revised Code.

34  
35 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
36 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
37 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the  
38 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
39 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
40 period allowed by law.

41  
42  
43 Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

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46  
47 \_\_\_\_\_  
48 Clerk of Council

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50  
51 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

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53  
54  
55 9/10/18

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. -2018

7  
8  
9 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF  
10 NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,800,000,  
11 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE  
12 PURPOSE OF PAYING THE COSTS OF CONSTRUCTING  
13 WATERLINES IN GRAHAM ROAD, TOGETHER WITH ALL  
14 APPURTENANCES THERETO, AND DECLARING AN  
15 EMERGENCY.  
16

17  
18 WHEREAS, pursuant to Ordinance No. 77-2017 passed October 23, 2017, notes in  
19 anticipation of bonds in the amount of \$1,800,000 dated November 29, 2017 (the "Outstanding  
20 Notes"), were issued for the purpose stated in Section 1, to mature on November 29, 2018; and  
21

22 WHEREAS, this Council finds and determines that the City should retire the Outstanding  
23 Notes with the proceeds of the Notes described in Section 3 and other funds available to the  
24 City; and  
25

26 WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this Council  
27 that the estimated life or period of usefulness of the Improvement described in Section 1 is at  
28 least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is  
29 forty (40) years, the maximum maturity of the Notes described in Section 3, to be issued in  
30 anticipation of the Bonds, is (a) December 4, 2033 allocable to the \$725,000 portion of the  
31 Notes, (b) December 3, 2034 allocable to the \$325,000 portion of the Notes and (c) December 1,  
32 2035 allocable to the \$750,000 portion of the Notes;  
33

34 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
35 Summit County, Ohio, that:  
36

37 Section 1. It is necessary to issue bonds of this City in the maximum principal amount of  
38 \$1,800,000 (the "Bonds") for the purpose of paying the costs of constructing waterlines in  
39 Graham Road, together with all appurtenances thereto (the "Improvement").  
40

41 Section 2. The Bonds shall be dated approximately December 1, 2019, shall bear interest  
42 at the now estimated rate of 5.50% per year, payable on June 1 and December 1 of each year,  
43 commencing June 1, 2020, until the principal amount is paid, and are estimated to mature in  
44 twenty (20) annual principal installments that are in such amounts that the total principal and  
45 interest payments on the Bonds in any fiscal year in which principal is payable are not more  
46 than three times the amount of those payments in any other fiscal year. The first principal  
47 installment is estimated to be December 1, 2020.  
48

49 Section 3. It is necessary to issue and this Council determines that notes in the maximum  
50 principal amount of \$1,800,000 (the "Notes") shall be issued in anticipation of the issuance of  
51 the Bonds for the purpose stated in Section 1 and to retire, together with other funds available  
52 to the City, the Outstanding Notes and to pay any financing costs. The principal amount of  
53 Notes to be issued (not to exceed the stated maximum principal amount) shall be determined

54 by the Director of Finance in the certificate of award awarding the Notes in accordance with  
55 Section 6 of this ordinance (the "Certificate of Award") as the amount which, along with other  
56 available funds of the City, is necessary to provide for the retirement of the Outstanding Notes  
57 and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature  
58 not earlier than six months from that date and not later than 12 months from that date, as  
59 shall likewise be fixed by the Director of Finance in the Certificate of Award. The Notes shall  
60 bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-  
61 day year consisting of twelve 30-day months), payable at maturity and until the principal  
62 amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be  
63 determined by the Director of Finance in the Certificate of Award in accordance with Section 6  
64 of this ordinance.  
65

66 Section 4. The debt charges on the Notes shall be payable in Federal Reserve funds of the  
67 United States of America, and shall be payable, without deduction for services of the City's  
68 paying agent, at the designated corporate trust office of The Huntington National Bank or at  
69 the office of a bank or trust company designated by the Director of Finance in the Certificate of  
70 Award after determining that the payment at that bank or trust company will not endanger the  
71 funds or securities of the City and that proper procedures and safeguards are available for that  
72 purpose or at the office of the Director of Finance if agreed to by the Director of Finance and  
73 the original purchaser (the "Paying Agent"). The Director of Finance is authorized, to the extent  
74 necessary or appropriate, to enter into an agreement with the Paying Agent in connection with  
75 the services to be provided by the Paying Agent after determining that the signing thereof will  
76 not endanger the funds or securities of the City.  
77

78 Section 5. The Notes shall be signed by the Mayor and Director of Finance, in the name of  
79 the City and in their official capacities, provided that one of those signatures may be a  
80 facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be  
81 issued in denominations in such amounts in excess thereof as requested by the original  
82 purchaser and approved by the Director of Finance) and with numbers as requested by the  
83 original purchaser and approved by the Director of Finance. The entire principal amount may  
84 be represented by a single note and may be issued as fully registered securities (for which the  
85 Director of Finance will serve as note registrar) and in book entry or other uncertificated form  
86 in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined  
87 by the Director of Finance that issuance of fully registered securities in that form will facilitate  
88 the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be  
89 numbered as determined by the Director of Finance and shall express upon their faces the  
90 purpose, in summary terms, for which they are issued and that they are issued pursuant to  
91 this ordinance. As used in this section and this ordinance:  
92

93 "Book entry form" or "book entry system" means a form or system under which (a) the  
94 ownership of beneficial interests in the Notes and the principal of and interest on the Notes  
95 may be transferred only through a book entry, and (b) a single physical Note certificate in fully  
96 registered form is issued by the City and payable only to a Depository or its nominee as  
97 registered owner, with the certificate deposited with and "immobilized" in the custody of the  
98 Depository or its designated agent for that purpose. The book entry maintained by others than  
99 the City is the record that identifies the owners of beneficial interests in the Notes and that  
100 principal and interest.  
101

102 "Depository" means any securities depository that is a clearing agency registered pursuant  
103 to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and  
104 maintaining, with its Participants or otherwise, a book entry system to record ownership of  
105 beneficial interests in the Notes or the principal of and interest on the Notes, and to effect

106 transfers of the Notes, in book entry form, and includes and means initially The Depository  
107 Trust Company (a limited purpose trust company), New York, New York.  
108

109 “Participant” means any participant contracting with a Depository under a book entry  
110 system and includes securities brokers and dealers, banks and trust companies and clearing  
111 corporations.  
112

113 The Notes may be issued to a Depository for use in a book entry system and, if and as long  
114 as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note  
115 made payable to the Depository or its nominee and immobilized in the custody of the  
116 Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have  
117 no right to receive the Notes in the form of physical securities or certificates; (c) ownership of  
118 beneficial interests in book entry form shall be shown by book entry on the system maintained  
119 and operated by the Depository and its Participants, and transfers of the ownership of  
120 beneficial interests shall be made only by book entry by the Depository and its Participants;  
121 and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to  
122 another Depository or to another nominee of a Depository, without further action by the City.  
123

124 If any Depository determines not to continue to act as a Depository for the Notes for use in  
125 a book entry system, the Director of Finance may attempt to establish a securities  
126 depository/book entry relationship with another qualified Depository. If the Director of  
127 Finance does not or is unable to do so, the Director of Finance, after making provision for  
128 notification of the beneficial owners by the then Depository and any other arrangements  
129 deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause  
130 the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes  
131 and delivered to the assigns of the Depository or its nominee, all at the cost and expense  
132 (including any costs of printing), if the event is not the result of City action or inaction, of those  
133 persons requesting such issuance.  
134

135 The Director of Finance is also hereby authorized and directed, to the extent necessary or  
136 required, to enter into any agreements determined necessary in connection with the book entry  
137 system for the Notes, after determining that the signing thereof will not endanger the funds or  
138 securities of the City.  
139

140 Section 6. The Notes shall be sold at not less than 97% of the par value thereof at private  
141 sale by the Director of Finance in accordance with law and the provisions of this ordinance, the  
142 Certificate of Award and the Note Purchase Agreement (as hereinafter defined). The Director of  
143 Finance shall, in accordance with his determination of the best interests of and financial  
144 advantages to the City and its taxpayers and conditions then existing in the financial market,  
145 consistently with the provisions of Sections 3 and 4, establish the interest rates to be borne by  
146 the Notes and their maturity, sign the Certificate of Award referred to in Sections 3 and 4  
147 evidencing those determinations, cause the Notes to be prepared, and have the Notes, signed  
148 and delivered, together with a true transcript of proceedings with reference to the issuance of  
149 the Notes, if requested by the original purchaser, to the original purchaser upon payment of  
150 the purchase price. The note purchase agreement (the “Note Purchase Agreement”) now on file  
151 with the Clerk of Council is approved, and the Mayor and the Director of Finance are  
152 authorized to sign and deliver, on behalf of the City, the Note Purchase Agreement with such  
153 changes that are not inconsistent with the provisions of this ordinance, are not materially  
154 adverse to the interests of the City and are approved by the Mayor and the Director of Finance.  
155 Any such changes to the Note Purchase Agreement are not materially adverse to the interests  
156 of the City and are approved by the Mayor and the Director of Finance shall be evidenced  
157 conclusively by the signing of the Note Purchase Agreement by the Mayor and the Director of  
158 Finance. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and

159 other City officials, as appropriate, are each authorized and directed to sign any transcript  
160 certificates, financial statements, continuing disclosure agreement and other documents and  
161 instruments, including any paying agent agreement, and to take such actions as are necessary  
162 and appropriate to consummate the transactions contemplated by this ordinance. The actions  
163 of the Mayor, the Director of Finance, the Director of Law, the Clerk of Council or other City  
164 official, as appropriate, in doing any and all acts necessary in connection with the issuance  
165 and sale of the Notes are hereby ratified and confirmed. The Director of Finance is authorized,  
166 if it is determined to be in the best interest of the City, to combine the issue of Notes with one  
167 or more other note issues of the City into a consolidated note issue pursuant to  
168 Section 133.30(B) of the Ohio Revised Code.  
169

170 The Director of Finance is also hereby authorized to offer all or part of the Notes at par and  
171 any accrued interest to the Treasury Investment Board of the City for investment under  
172 Section 731.56 of the Ohio Revised Code, in accordance with law and the provisions of this  
173 ordinance if, as a result of the conditions then existing in the financial markets, the Director of  
174 Finance determines it is in the best financial interest of the City in lieu of the private sale  
175 authorized in the preceding paragraph and which determination shall be set forth in the  
176 Certificate of Award.  
177

178 Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the  
179 original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall  
180 be paid into the proper fund or funds, and those proceeds are appropriated and shall be used  
181 for the purpose for which the Notes are being issued. The Certificate of Award may authorize  
182 the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit  
183 certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the  
184 payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying  
185 Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund  
186 in accordance with the Certificate of Award for that purpose. Any portion of those proceeds  
187 received by the City (after payment of those financing costs) representing premium or accrued  
188 interest shall be paid into the Bond Retirement Fund.  
189

190 Section 8. The par value to be received from the sale of the Bonds or of any renewal notes  
191 and any excess funds resulting from the issuance of the Notes shall, to the extent necessary,  
192 be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.  
193

194 Section 9. During the year or years in which the Notes are outstanding, there shall be  
195 levied on all the taxable property in the City, in addition to all other taxes, the same tax that  
196 would have been levied if the Bonds had been issued without the prior issuance of the Notes.  
197 The tax shall be within the eleven-mill limitation provided by the Charter of the City, shall be  
198 and is ordered computed, certified, levied and extended upon the tax duplicate and collected by  
199 the same officers, in the same manner, and at the same time that taxes for general purposes  
200 for each of those years are certified, levied, extended and collected, and shall be placed before  
201 and in preference to all other items and for the full amount thereof. The proceeds of the tax  
202 levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment  
203 of the debt charges on the Notes or the Bonds when and as the same fall due.  
204

205 In each year to the extent net revenues from the City's water system are available for the  
206 payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose,  
207 the amount of the tax shall be reduced by the amount of such net revenues so available and  
208 appropriated.  
209

210 In each year to the extent receipts from the municipal income tax are available for the  
211 payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose,

212 and to the extent not paid from net revenues of the City's water system, the amount of the tax  
213 shall be reduced by the amount of such receipts so available and appropriated in compliance  
214 with the following covenant. To the extent necessary, the debt charges on the Notes or the  
215 Bonds shall be paid from municipal income taxes lawfully available therefor under the  
216 Constitution and the laws of the State of Ohio, and the Charter of the City; and the City hereby  
217 covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7)  
218 of the Ohio Revised Code, to appropriate annually from such municipal income taxes such  
219 amount as is necessary to meet such annual debt charges.  
220

221 Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of  
222 the full faith and credit and general property taxing power of the City to the prompt payment of  
223 the debt charges on the Notes and the Bonds.  
224

225 Section 10. The City covenants that it will use, and will restrict the use and investment of,  
226 the proceeds of the Notes in such manner and to such extent as may be necessary so that (a)  
227 the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or  
228 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than  
229 as bonds the interest on which is excluded from gross income under Section 103 of the Code,  
230 and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the  
231 Code.  
232

233 The City further covenants that (a) it will take or cause to be taken such actions that may  
234 be required of it for the interest on the Notes to be and remain excluded from gross income for  
235 federal income tax purposes, (b) it will not take or authorize to be taken any actions that would  
236 adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of  
237 compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing,  
238 (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the  
239 federal government, (iv) maintain books and records and make calculations and reports and  
240 (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with  
241 such proceeds, all in such manner and to the extent necessary to assure such exclusion of that  
242 interest under the Code.  
243

244 The Director of Finance, as the fiscal officer, or any other officer of the City having  
245 responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election,  
246 selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to  
247 the Notes as the City is permitted to or required to make or give under the federal income tax  
248 laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of  
249 the Notes or interest thereon or assisting compliance with requirements for that purpose,  
250 reducing the burden or expense of such compliance, reducing the rebate amount or payments  
251 or penalties, or making payments of special amounts in lieu of making computations to  
252 determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as  
253 determined by that officer, which action shall be in writing and signed by the officer, (b) to take  
254 any and all other actions, make or obtain calculations, make payments, and make or give  
255 reports, covenants and certifications of and on behalf of the City, as may be appropriate to  
256 assure the exclusion of interest from gross income and the intended tax status of the Notes,  
257 and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of  
258 proceedings for the Notes, setting forth the reasonable expectations of the City regarding the  
259 amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on  
260 which they are based, and other facts and circumstances relevant to the tax treatment of the  
261 interest on and the tax status of the Notes. The Director of Finance or any other officer of the  
262 City having responsibility for issuance of the Notes is specifically authorized to designate the  
263 Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and  
264 to make any related necessary representations and covenants.

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Each covenant made in this section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes.

Section 11. The Director of Finance is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or S&P Global Ratings, or both, as the Director of Finance determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 12. The Clerk of Council is directed to deliver a certified copy of this ordinance to the Fiscal Officer in Summit County.

Section 13. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 14. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. The services of H.J. Umbaugh & Associates, Certified Public Accountants, LLP, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the

318 State, the City or any other political subdivision, or the execution of public trusts. That firm  
319 shall be paid just and reasonable compensation for those municipal advisory services and shall  
320 be reimbursed for the actual out-of pocket expenses it incurs in rendering those municipal  
321 advisory services. The Director of Finance is authorized and directed to make appropriate  
322 certification as to the availability of funds for those fees and any reimbursement and to issue  
323 an appropriate order for their timely payment as written statements are submitted by that firm.  
324 The amounts necessary to pay those fees and any reimbursement are hereby appropriated from  
325 the proceeds of the Notes, if available, and otherwise from available moneys in the General  
326 Fund.

327  
328 Section 16. This Council finds and determines that all formal actions of this Council and  
329 any of its committees concerning and relating to the passage of this ordinance were taken in an  
330 open meeting of this Council or any of its committees, and that all deliberations of this Council  
331 and of any of its committees that resulted in those formal actions were in meetings open to the  
332 public, all in compliance with Chapter 107 of the City's Codified Ordinances.  
333

334 Section 17. This ordinance is declared to be an emergency measure necessary for the  
335 immediate preservation of the public peace, health and safety of the City, and for the further  
336 reason that this ordinance is required to be immediately effective in order to issue and sell the  
337 Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby  
338 preserve its credit; wherefore, this ordinance shall be in full force and effect immediately upon  
339 its passage and approval by the Mayor.  
340

341  
342 Passed: \_\_\_\_\_  
343 \_\_\_\_\_  
344 President of Council

345  
346 \_\_\_\_\_  
347 Clerk of Council  
348

349  
350 Approved: \_\_\_\_\_  
351 \_\_\_\_\_  
352 Mayor

3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2018

7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
10 ACCORDING TO LAW, FOR THE DEMOLITION AND  
11 REMOVAL OF DEMOLITION DEBRIS FROM DANGEROUS  
12 BUILDINGS LOCATED AT 2463 12<sup>TH</sup> STREET AND  
13 CERTIFYING THE COST THEREOF TO THE COUNTY FISCAL  
14 OFFICER FOR COLLECTION IN THE MANNER PROVIDED  
15 BY LAW, AND DECLARING AN EMERGENCY.

16  
17 WHEREAS, the Building Official has declared the buildings identified in Section 1 below  
18 to be dangerous buildings within the meaning of Chapter 1343 of the Summit County  
19 Codified Ordinances; and

20  
21 WHEREAS, the Building Official has provided notice to all owners and interested parties  
22 concerned with the buildings identified in Section 1 below, instructing such owners and  
23 interested parties as to the repairs required to make the building safe, ordering the owners  
24 to repair or demolish the buildings accordingly, and informing the owners and interested  
25 parties of their right of appeal under Section 1343.07 of said Chapter; and

26  
27 WHEREAS, no appeals of the Building Official’s orders have been received; and

28  
29 WHEREAS, no remediation of the conditions found by the Building Official have been  
30 attempted or accomplished by any of the owners or interested parties.

31  
32 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
33 County of Summit and State of Ohio, that:

34  
35 Section 1. Council hereby finds and determines that the following described structures  
36 are insecure, unsafe, and structurally defective within the meaning of Ohio Revised Code  
37 §715.26, and dangerous buildings within the meaning of Section 1343.01 of the Summit  
38 County Codified Ordinances:

39  
40 2463 12<sup>th</sup> Street (house and garage)

41  
42 Section 2. The Director of Public Service is authorized to enter into a contract or  
43 contracts, according to law, for the demolition of the dangerous buildings listed in Section 1  
44 above, and removal of debris therefrom.

45  
46 Section 3. The Finance Director is authorized to make payment for same from the  
47 Capital Projects Fund.

48  
49 Section 4. In accordance with the Ohio Revised Code §715.26, the Finance Director is  
50 hereby directed to certify the costs of demolition and debris removal to the Clerk of Council  
51 who shall then certify the same to the Summit County Fiscal Officer for placement thereof  
52 on the tax duplicate together with interest and penalties provided by law.

53  
54 Section 5. Any other ordinances and resolutions or portions of ordinances and  
55 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions  
56 or portions of ordinances and resolutions not inconsistent herewith and which have not  
57 previously been repealed are hereby ratified and confirmed.  
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Section 6. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including, to the extent applicable, including Chapter 107 of the Codified Ordinances.

Section 7. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

09/10/18

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4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2018

7  
8  
9 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
10 SAFETY TO ENTER INTO A CONTRACT OR CONTRACTS,  
11 ACCORDING TO LAW, FOR CONSTRUCTION OF A LAW  
12 ENFORCEMENT TRAINING FACILITY, LOCATED AT 3497 WYOGA  
13 LAKE ROAD, AND DECLARING AN EMERGENCY.  
14

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

18  
19 Section 1. The Director of Public Safety is hereby authorized to enter into a contract or  
20 contracts, according to law, for the construction of a Law Enforcement Training Facility at 3497  
21 Wyoga Lake Road.  
22

23 Section 2. The Director of Finance is hereby authorized and directed to make payment for same  
24 from the Capital Projects Fund, line item Capital 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 hereby found and determined that all formal actions of this Council concerning  
31 and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and  
32 that all deliberations of this Council and of any of its committees that resulted in such formal  
33 action, were in meetings open to the public, in compliance with all legal requirements, 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, for the reason that it is immediately necessary to permit timely  
39 and appropriate development of this property, and provided it receives the affirmative vote of two  
40 thirds of the members elected or appointed to Council, it shall take effect and be in force  
41 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in  
42 force at the earliest period allowed by law.  
43

44  
45 Passed: \_\_\_\_\_  
46 \_\_\_\_\_  
47 President of Council

48  
49 \_\_\_\_\_  
50 Clerk of Council

51  
52 Approved: \_\_\_\_\_  
53 \_\_\_\_\_  
54 Mayor

54 9/10/18

2 Presented by the Administration upon  
3 recommendation of the Traffic Committee

4  
5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2018

8  
9 AN ORDINANCE AMENDING THE TRAFFIC  
10 CONTROL FILE BY PROVIDING FOR INSTALLATION  
11 OF VARIOUS TRAFFIC CONTROL DEVICES, AND  
12 DECLARING AN EMERGENCY.  
13

14 WHEREAS, site-specific traffic control regulations of the City are established  
15 and maintained in the "Traffic Control File," a document established and  
16 maintained by the Chief of Police pursuant to Chapter 305 of the Codified  
17 Ordinances, and  
18

19 WHEREAS, Section 305.02 of said Chapter requires that amendments to the  
20 Traffic Control File be made only through legislation passed by City Council.  
21

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

25 Section 1. Upon the recommendation of the Traffic Committee, the Traffic  
26 Control File is hereby amended as follows:  
27

- 28 1. Add a left turn lane northbound and signage to designate the same on  
29 State Road into 4351 Quick Road; Woodridge Elementary School.
- 30 2. Add signage designating school zones on Quick Road and State Road  
31 in front of 4351 Quick Road; Woodridge Elementary School.
- 32 3. Designate a left turn only lane and a right turn only lane on Liverpool  
33 at Howe Road.  
34

35 Section 2. The Chief of Police is hereby authorized and directed to note in  
36 the Traffic Control File the proper legends.  
37

38 Section 3. The Mayor is hereby authorized and directed to cause the  
39 installation or removal of the proper signage reflecting the above amendments.  
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 been previously 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 and  
57 provided it receives the affirmative vote of two-thirds of the members elected or  
58 appointed to Council, it shall take effect and be in force immediately upon its  
59 passage and approval by the Mayor; otherwise it shall take effect and be in force  
60 at the earliest period allowed by law.

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62

63 Passed: \_\_\_\_\_

\_\_\_\_\_

64

President of Council

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\_\_\_\_\_

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Clerk of Council

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71 Approved: \_\_\_\_\_

\_\_\_\_\_

72

Mayor

73

74 9/10/18

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2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2018

6  
7  
8 AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT AN  
9 EASEMENT ON A PORTION OF CITY OWNED PARCEL #0202812 TO  
10 THE OHIO BELL TELEPHONE COMPANY, dba AT&T OHIO, AN  
11 OHIO CORPORATION, FOR THE PURPOSE OF EXTENDING  
12 COMMUNICATION, VIDEO AND/OR INFORMATION SERVICES,  
13 AND DECLARING AN EMERGENCY.  
14

15  
16 WHEREAS, in order to extend communication, video and/or information services to the  
17 residents of Cuyahoga Falls, Ohio Bell Telephone Company, dba AT&T Ohio, has requested an  
18 easement on a portion of City owned parcel #0202812.  
19

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

22  
23 Section 1. The Mayor is hereby authorized to grant an easement to the Ohio Bell Telephone  
24 Company, dba AT&T Ohio, on a portion of City owned parcel #0202812, as described in Exhibit A.  
25

26 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions  
27 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of  
28 ordinances and resolutions not inconsistent herewith and which have not previously been repealed  
29 are hereby ratified and confirmed.  
30

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

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

46 Passed: \_\_\_\_\_  
47 \_\_\_\_\_  
48 President of Council

49 \_\_\_\_\_  
50 Clerk of Council

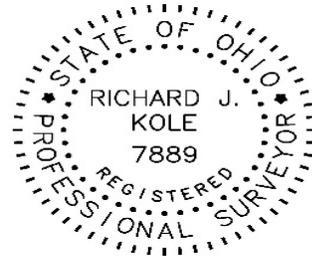
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52 Approved: \_\_\_\_\_  
53 \_\_\_\_\_  
54 Mayor

54 9/10/18

# EXHIBIT "A"

TO AN EASEMENT DATED \_\_\_\_\_  
 FROM  
 CITY OF CUYAHOGA FALLS  
 TO  
**THE OHIO BELL TELEPHONE COMPANY**  
**d/b/a AT&T OHIO, AN OHIO**  
**CORPORATION**

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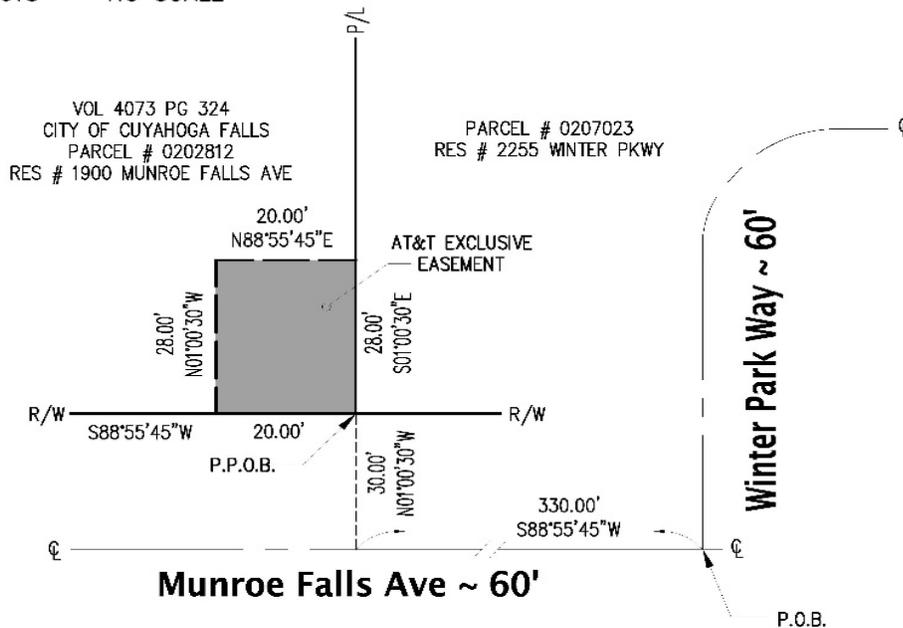
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 W 81°27.179'

Prepared by:



*Richard J. Kole*

AUGUST 2, 2018 NO SCALE



Situated in the City of Cuyahoga Falls, County of Summit and State of Ohio, and known as being a part of Original Lot No. 4 Stow Township.

Beginning at the intersection of the centerlines of Winter Park Way, 60.00 feet wide, and Munroe Falls Avenue, 60.00 feet wide; thence South 88° 55' 45" West along said centerline of Munroe Falls Avenue, 330.00 feet to a point; thence North 01° 00' 30" West, 30.00 feet to a point in the northerly line of said Munroe Falls Avenue at the southeast corner of land conveyed to the city of Cuyahoga Falls by deed recorded in Volume 4073 Page 324 of Summit County Deed Records, said point also being the Principal Place of Beginning of the easement herein intended to be described;

thence South 88° 55' 45" West along said northerly line of Munroe Falls Avenue, 20.00 feet;  
 thence North 01° 00' 30" West, 28.00 feet;  
 thence North 88° 55' 45" East, 20.00 feet to a point in the easterly line of said land so conveyed;  
 thence South 01° 00' 30" East along said easterly line of land so conveyed, 28.00 feet to the Principal Place of Beginning and containing about 560.00 square feet (about 0.0128 acres) of land as described on August 2, 2018 by R.M. Kole & Assoc. Corp., Professional Land Surveyors.

AT&T Undertaking No. A019Y9C

File No. 18102 Excl.

R.M. KOLE & ASSOC. CORP. - 5316 RIDGE ROAD - PARMA, OHIO 44129 - 440.885.7137 - www.kolesurvey.com

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 RESOLUTION NO. - 2018

7  
8 A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE  
9 TAX INCENTIVE REVIEW COUNCIL AND THE COMMUNITY  
10 REINVESTMENT AREA HOUSING COUNCIL CONCERNING  
11 ENTERPRISE ZONE AND COMMUNITY REINVESTMENT AREA TAX  
12 EXEMPTION AGREEMENTS WITHIN THE CITY OF CUYAHOGA  
13 FALLS, AND DECLARING AN EMERGENCY.  
14

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

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

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

30 WHEREAS, the Tax Incentive Review Council is required to annually submit written  
31 recommendations to this Council concerning whether each tax exemption agreement subject to its  
32 review should be continued, amended or terminated; and  
33

34 WHEREAS, this Council has received the recommendations of the Tax Incentive Review Council  
35 and the Community Reinvestment Area Housing Council relative to tax exemption agreements in  
36 effect in tax year 2017; and  
37

38 WHEREAS, R.C. §5709.85 requires the legislative authority of a local government granting  
39 Enterprise Zone or Community Reinvestment Area tax exemptions to continue, amend or terminate  
40 all or any portion of the recommendations of its Tax Incentive Review Council.  
41

42 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls, County of  
43 Summit, and State of Ohio, that:  
44

45 Section 1. This Council hereby accepts the recommendations of the Tax Incentive Review  
46 Council and the Community Reinvestment Area Housing Council for tax exemption agreements in  
47 effect during the 2017 tax year, as follows:  
48

<u>Tax Exemption Agreement with:</u>	<u>Recommendation</u>
49 2821 Front Street (MMB)	Continue
50 Albrecht Inc. Acme #10	Continue
51 Americhem Inc.	Continue
52 Arkay Properties LLC	Continue
53 Falls River LLC – Riverwalk	Continue
54 Harbor Castings, Inc.	Terminate
55 River Falls LLC (Hotel)	Terminate
56 River Falls Property LLC (Ohio Brewing)	Continue

59	TRM Manufacturing-Stingray Ventures	Continue
60	Village at Watermark LLC	Continue
61	Alro Steel Corporation	Continue
62	Buckeye Sports Center, Inc	Continue
63	Cascade Auto Group	Continue
64	Decker Fasteners	Continue
65	Eagle Elastomers	Continue
66	French Mill Run	Continue
67	GoJo Industries, Inc	Continue
68	Juzo Investments	Continue
69	Menard Inc	Continue
70	State 8 Motorcycles	Continue
71	Techicote Inc & CFO Realty	Continue
72	Sustainability Funding of Alliance Ohio LLC. (1846 Front – Unit 3)	Continue
73	Harris, Marcia (1846 Front – Unit 4)	Continue
74	Harris, Marcia (1846 Front – Unit 5)	Continue
75	Charboneau, Denise (1846 Front – Unit 6)	Continue
76	Hardwick, Patricia(1846 Front – Unit 7)	Continue
77	Soldes, Oliver (1846 Front – Unit 8)	Continue
78	Somers, Jenette (1846 Front – Unit 9)	Continue
79	Salaheddine, Robby (1846 Front – Unit 10)	Continue
80	Mazurek, David & Vicki (1846 Front – Unit 11)	Continue
81	Bolf, James Trustee (1846 Front – Unit 12)	Continue
82	Hands, David L, Trustee(1846 Front – Unit 13)	Continue
83	Hogston, Michael & Holly (1846 Front – Unit 14)	Continue

84  
85       Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions  
86 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
87 herewith and which have not previously been repealed are hereby ratified and confirmed.  
88

89       Section 3. It is found and determined that all formal actions of this Council concerning and  
90 relating to the acceptance of this resolution were adopted in an open meeting of this Council, and  
91 that all deliberations of this Council and of any of its committees that resulted in such formal action,  
92 were in meetings open to the public, in compliance with all legal requirements, to the extent  
93 applicable, including Chapter 107 of the Codified Ordinances.  
94

95       Section 4. This resolution is hereby declared to be an emergency measure necessary for the  
96 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls  
97 and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the members  
98 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and  
99 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by  
100 law.  
101  
102

103 Passed: \_\_\_\_\_  
104 \_\_\_\_\_  
105 President of Council

106  
107 \_\_\_\_\_  
108 Clerk of Council

109  
110  
111 Approved: \_\_\_\_\_  
112 \_\_\_\_\_  
113 Mayor

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CITY OF CUYAHOGA FALLS, OHIO

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ORDINANCE NO. - 2018

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AN ORDINANCE AUTHORIZING THE MAYOR TO  
ENTER INTO AN ENTERPRISE ZONE TAX  
INCENTIVE AGREEMENT WITH WILLIAMS LAND  
CORP AND THE COUNTY OF SUMMIT, AND  
DECLARING AN EMERGENCY.

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WHEREAS, the City passed Ordinance Nos. 129-1995 and 26-1996 to  
authorize the City's participation in the County's Enterprise Zone Program; and

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WHEREAS, the City of Cuyahoga Falls has been certified by the State of  
Ohio Director of Development Services Agency as an Enterprise Zone enabling it  
to exempt certain taxes imposed on industry provided said industry creates or  
retains jobs and makes a significant investment within the certified zone; and

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WHEREAS, the creation of an Enterprise Zone in the City of Cuyahoga Falls  
was intended primarily to induce economic growth by assisting Cuyahoga Falls'  
businesses to expand and businesses to locate in Cuyahoga Falls through the  
use of tax incentives.

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

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Section 1. The Mayor is hereby authorized to enter into an Enterprise Zone  
Tax Incentive Agreement with Williams Land Corp. and the County of Summit  
consistent with the terms in the proposed Enterprise Zone Application attached  
hereto as Exhibit A, to provide real property tax abatement at the percentage  
and length of abatement as stipulated in said application, to benefit the City  
and being consistent with the objectives of this ordinance.

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Section 2. Council further authorizes the Mayor, Director of Finance,  
Director of Community Development, Director of Law and any other City  
officials, individually and/or collectively as may be appropriate, to prepare and  
execute such other documents and do other things as are necessary for and  
incidental to carrying out the requirements of this legislation consistent with  
the terms of the attached application.

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

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Section 4. It is found and determined that all formal actions of this  
Council concerning and relating to the adoption of this ordinance were adopted  
in an open meeting of this Council and that all deliberations of this Council and  
of any of its committees that resulted in such formal action were in meetings

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52 open to the public, in compliance with all legal requirements including Chapter  
53 107 of the Codified Ordinances.

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55 Section 5. This ordinance is hereby declared to be an emergency measure  
56 necessary for the preservation of the public peace, health, safety, convenience  
57 and welfare of the City of Cuyahoga falls and the inhabitants thereof, 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.

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64 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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72 Approved: \_\_\_\_\_

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Mayor

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77 O:\2018ords\Williams Land Corp Enterprise Zone Agr.doc

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**PROPOSED AGREEMENT for Enterprise Zone Tax Incentives** between the City of Cuyahoga Falls located in the County of Summit and:

Williams Land Corp.

(Company Name)

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

Williams Land Corp  
Enterprise Name

Patrick Williams  
Contact Person

4535 State Rd. Peninsula, OH 44264  
Address

330-696-3986  
Telephone Number

patrick@wccv.com  
Contact Email

Project site:

3479 State Rd., Cuyahoga Falls, OH 44223  
Address

35-01996  
Parcel Number

Patrick Williams  
Contact Person

330-696-3986  
Telephone Number

patrick@wccv.com  
Contact Email

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

20,000 sf addition for Manufacturing Space for tenant at building, Premier OEM, wholly owned subsidiary of Polaris INC (Stock Symbol NYSE: PII)

Space will allow tenant to add 3-4 Rotational Molders to increase production capacity to its core clients.

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

326199

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

NA

- d. Form of business of enterprise:

Corporation  Partnership  Proprietorship  Other

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

Patrick Williams, President

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

Full Time: 76 Part Time: 0

(To be considered full time the individual must work at least 35 hours per week.)

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another?  Yes  No

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):

	Permanent	Temporary
Full Time	50	26
Part Time		

(To be considered full time the individual must work at least 35 hours per week.)

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

N/A – No relocation

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

N/A – No relocation

5. Does the Property Owner Currently Owe:
- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
    - Yes     No
  - b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State?     Yes     No
  - 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
  - d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers.
 

N/A

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6. Project Description. Be as detailed as possible:
- We propose to construct a 20,000 SF physical building expansion to allow for OEM (tenant) to install and operate three (3) shift per day utilizing 3 to 4 Rotational Molders to satisfy their clients capacity demands.
-

7. Project will begin on Oct 2018 and be completed by Aug 2019 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):

	Permanent	Temporary
Full Time	30	10
Part Time		

(To be considered full time the individual must work at least 35 hours per week.)

b. State the time frame of this projected hiring: 36 months.

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

Prior to November 30, 2019, 15 permanent FTE and five (5) temporary FTE shall be hired.

Prior to December 31, 2020, 15 permanent FTE and five (5) temporary FTE shall be hired.

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

	Permanent		Temporary	
Full-time	\$	930,000	\$	\$260,000
Part-time	\$		\$	
TOTAL:	\$	930,000	\$	260,000

(To be considered full time the individual must work at least 35 hours per week.)

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 3,784,000.

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

A. Acquisition of Land/Buildings	\$ 0
B. Additions/New Construction	\$ \$1,800,000
C. Improvements to Existing Buildings	\$ \$35,000
D. Machinery & Equipment	\$ \$1,200,000
E. Furniture & Fixtures	\$ \$100,000
F. Inventory	\$ \$1,100,000
<b>Total New Project Investment</b>	<b>\$ \$4,235,000</b>

11.

a. Business requests the following tax exemption incentives: 75 %  
for 10 years covering the real property improvements as described above.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

Without the Tax Incentives, Premier OEM will not be able to move forward with the physical expansion and employment growth due to the increased cost of the expansion. With the tax incentives, Premier OEM and Williams Land Corp. will be able to follow through on this project by retaining jobs currently located in the City as well as bring the jobs stated above to the City of Cuyahoga Falls.

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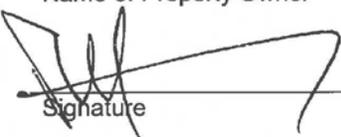
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Submission of this application expressly authorizes the City of Cuyahoga Falls and County of Summit to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable 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.

<u>Patrick Williams</u> Name of Property Owner	<u>President Williams Land Corp</u> Title
 Signature	<u>8/23/18</u> Date