

## NEW LEGISLATION

June 22, 2015

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-45	6/22/15	PZ	An ordinance authorizing and approving the conditional zoning certificate for the installation of an outdoor pavilion/projection screen at the Wing Warehouse at 4165 Wyoga Lake Road (Parcel 35-06454) in a MU-3 Suburban Center District, and declaring an emergency.
B-46	6/22/15	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts with Glaus, Pyle, Schomer, Burns, & Dehaven Inc., for North American Electric Reliability Corporation and substation management consulting services in the Electric Department during 2015, and declaring an emergency.
B-47	6/22/15	Fin	An ordinance authorizing the Director of Finance to enter into a contract and/or contracts without competitive bidding with Solupay Consulting Inc., for credit card processing services for use by various departments within the City, and declaring an emergency.
B-48	6/22/15	Fin	An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Sherman and Reilly, Inc. for the purchase of a turret mounted hydraulic powered 4-drum pilot line winder for use in the Electric Department, and declaring an emergency.
B-49	6/22/15	PA	An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 3, 2015,

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which amendment will revise Article III, Section 9, and declaring an emergency.

B-50	6/22/15	PA	An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 3, 2015, which amendment will revise Article IV, Section 3, and declaring an emergency.
B-51	6/22/15	PA	An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 3, 2015, which amendment will revise Article V, Section 2, and declaring an emergency.
B-52	6/22/15	PA	An ordinance providing an amendment to the Charter of the City of Cuyahoga Falls, Ohio, originally adopted by the electorate on November 3, 1959, and amended from time to time, to be submitted at the next general election on November 3, 2015, which amendment will revise Article VII, Section 2, and declaring an emergency.
B-53	6/22/15	CD	An ordinance authorizing the sale of Parcel 107 in the Front and Center Urban Renewal Project Area to River Falls Property III, LLC., for development in accordance with a contract for sale of land for private development, determining that such real property will not be needed for public use, that the purchase price is satisfactory, and related findings, and declaring an emergency.
B-54	6/22/15	CD	An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area Tax Exemption Agreement with Cascade Auto Group, Ltd. dba Primm Land Ltd. and

Valley Park Ltd., and declaring an emergency.

B-55          6/22/15      CD

An ordinance authorizing the Mayor to enter into a Community Reinvestment Area Agreement with River Falls Property III, LLC and declaring an emergency.

## CALENDAR

June 22, 2015

The following legislation will be up for passage at the Council Meeting on June 22, 2015.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-41	6/8/15	Fin	An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts without competitive bidding with Best Heating and Cooling, LLC, for the replacement of three (3) boilers, mechanical room controls, and accessories necessary for proper operation of the HVAC system in the City municipal building, and declaring an emergency.
B-42	6/8/15	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement of waterline in Graham Road, from Bath Road to State Road, and declaring an emergency.
B-43 Sub	6/8/15	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the stabilization of Hardy Road, between Northampton Road and Theiss Road, and declaring an emergency.
B-44	6/8/15	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

## PENDING LEGISLATION

June 22, 2015

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-40*	6/8/15	PZ	An ordinance approving a zoning map amendment for Parcels 35-00857, 35-02577 and 35-00103, from MU-3 Sub-Urban Center to E-1 Employment District, as more fully described and depicted herein, and declaring an emergency.
B-41	6/8/15	Fin	An ordinance authorizing the Director of Public Service to enter into a contract and/or contracts without competitive bidding with Best Heating and Cooling, LLC, for the replacement of three (3) boilers, mechanical room controls, and accessories necessary for proper operation of the HVAC system in the City municipal building, and declaring an emergency.
B-42	6/8/15	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the replacement of waterline in Graham Road, from Bath Road to State Road, and declaring an emergency.
B-43 Sub	6/8/15	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the stabilization of Hardy Road, between Northampton Road and Theiss Road, and declaring an emergency.
B-44	6/8/15	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

\*Public Hearing 7-20-15

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2015

8  
9 AN ORDINANCE AUTHORIZING AND APPROVING THE  
10 CONDITIONAL ZONING CERTIFICATE FOR THE  
11 INSTALLATION OF AN OUTDOOR  
12 PAVILION/PROJECTION SCREEN AT THE WING  
13 WAREHOUSE AT 4165 WYOGA LAKE ROAD (PARCEL 35-  
14 06454) IN A MU-3 SUBURBAN CENTER DISTRICT, AND  
15 DECLARING AN EMERGENCY.

16  
17 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions  
18 made by the Planning Commission be submitted to Council, and

19  
20 WHEREAS, conditional zoning certificate reviews by the Planning Commission  
21 is required of all development of land within the City of Cuyahoga Falls, Ohio,  
22 according to Sections 1113.08 of the Cuyahoga Falls General Development Code,  
23 and

24  
25 WHEREAS, on June 16, 2015 the Planning Commission approved a conditional  
26 zoning certificate allowing the Wing Warehouse to include an 18 foot tall, 300  
27 square foot outdoor pavilion/projection screen within a new outdoor patio, located  
28 in the City of Cuyahoga Falls, Ohio.

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

32  
33 Section 1. The City Council approves the conditional zoning certificate for the  
34 construction of an 18 foot tall, 300 square foot outdoor pavilion/projection screen  
35 within a new outdoor patio at the Wing Warehouse at 4165 Wyoga Lake Road  
36 (Parcel 35-06454) in the City of Cuyahoga Falls, Ohio, in a MU-3 Suburban Center  
37 District, in accordance with such district and zoning regulations as stipulated in  
38 the Codified Ordinances of the City of Cuyahoga Falls as approved by the Planning  
39 Commission as per the plans and stipulations contained in File CZ-15-00014.

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

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

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

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63    Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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69    Approved: \_\_\_\_\_

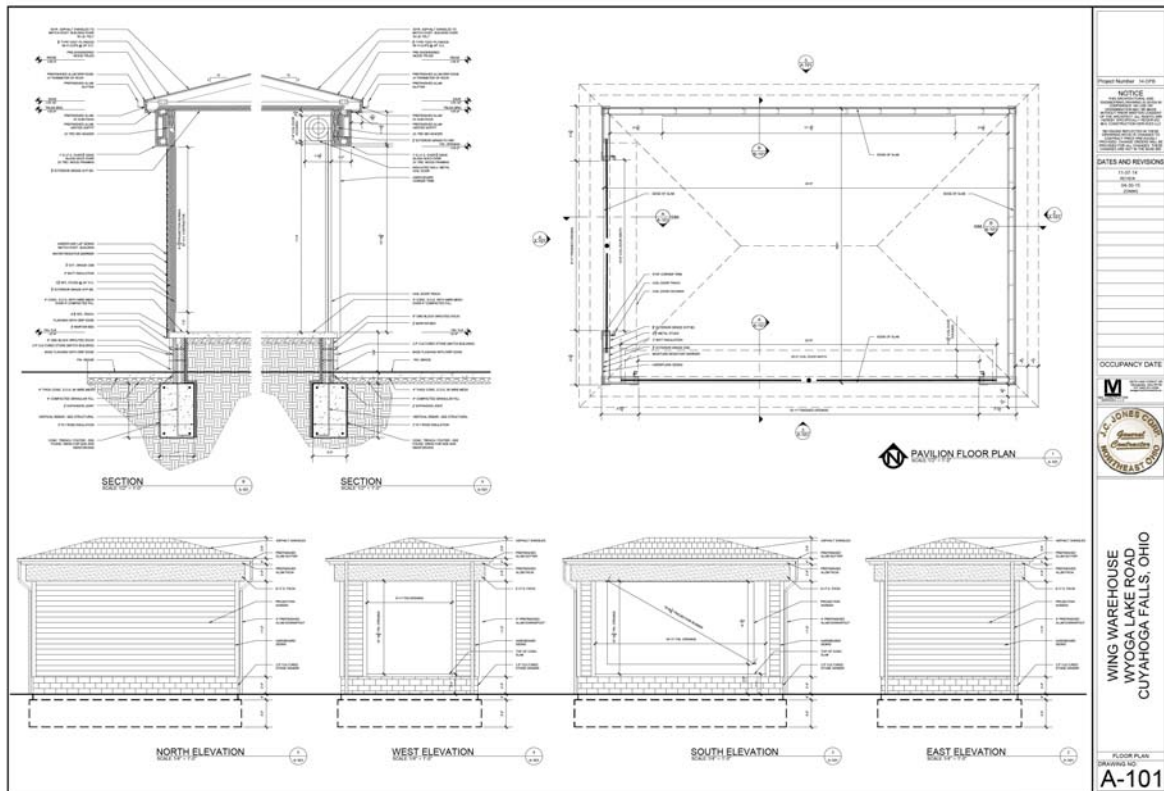
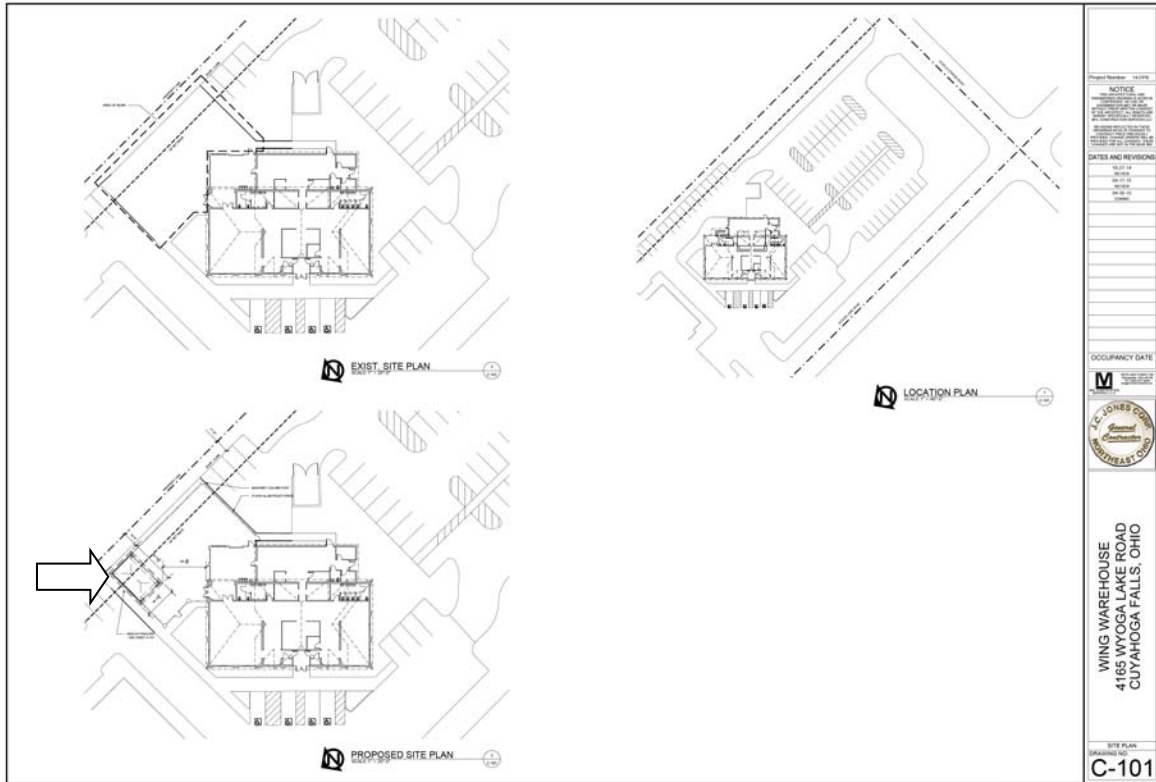
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Mayor

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72    O:\2015 ords\CZ-15-00014 Wings Warehouse Outdoor Screen Cond Zone Cert.doc





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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2015

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS WITH  
9 GLAUS, PYLE, SCHOMER, BURNS, & DEHAVEN INC., FOR  
10 NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION  
11 AND SUBSTATION MANAGEMENT CONSULTING SERVICES IN  
12 THE ELECTRIC DEPARTMENT DURING 2015, AND DECLARING  
13 AN EMERGENCY.  
14

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

17  
18 Section 1. The Director of Public Service is hereby authorized to enter into a contract or  
19 contracts with Glaus, Pyle, Schomer, Burns, & Dehaven Inc., dba GPD Group for North American  
20 Electric Reliability Corporation and substation management consulting services in the Electric  
21 Department during 2015.  
22

23 Section 2. The Director of Finance is hereby authorized and directed to make payment for  
24 same from the Electric Fund, line items Other Operations.  
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  
31 and relating to the passage of this ordinance were taken in an open meeting of this Council and  
32 that all deliberations of this Council and of any committees that resulted in those formal actions  
33 were in meetings open to the public, in compliance with all legal requirements including Chapter  
34 107 of the Codified Ordinances.  
35

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

43  
44 Passed: \_\_\_\_\_  
45 \_\_\_\_\_  
46 President of Council

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

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

55 6/22/15

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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2015

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO  
8 ENTER INTO A CONTRACT AND/OR CONTRACTS WITHOUT  
9 COMPETITIVE BIDDING WITH SOLUPAY CONSULTING INC., FOR  
10 CREDIT CARD PROCESSING SERVICES FOR USE BY VARIOUS  
11 DEPARTMENTS WITHIN THE CITY, AND DECLARING AN  
12 EMERGENCY.  
13

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

17  
18 Section 1. The Director of Finance is hereby authorized to enter into a contract or contracts,  
19 according to law with Solupay Consulting Inc., for credit card processing services for use by various  
20 departments within the City.  
21

22 Section 2. The Director of Finance is hereby authorized and directed to make payment for same  
23 from funds properly appropriated to the various departments of the City for these purposes,  
24 according to an apportionment of costs as between the departments.  
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, were  
33 in meetings open to the public, in compliance with all legal requirements, to the extent applicable,  
34 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 period  
41 allowed by law.  
42

43  
44 Passed: \_\_\_\_\_  
45 \_\_\_\_\_  
46 President of Council

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48 Clerk of Council

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50 Approved: \_\_\_\_\_  
51 \_\_\_\_\_  
52 Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2015

7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
9 PUBLIC SERVICE TO ENTER INTO A CONTRACT  
10 WITHOUT COMPETITIVE BIDDING WITH SHERMAN  
11 AND REILLY, INC. FOR THE PURCHASE OF A TURRET  
12 MOUNTED HYDRAULIC POWERED 4-DRUM PILOT  
13 LINE WINDER FOR USE IN THE ELECTRIC  
14 DEPARTMENT, AND DECLARING AN EMERGENCY.  
15

16  
17 WHEREAS, Article I, Section 2 of the City Charter, adopted pursuant to Art.  
18 XVIII, Sections 3 and 7 of the Ohio Constitution, authorizes this Council to make  
19 exception to the competitive bidding procedures set forth in the Revised Code,  
20

21 WHEREAS, Sherman and Reilly, Inc. is the sole source purveyor of the  
22 turret mounted hydraulic powered 4-drum pilot line winder.  
23

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

27 Section 1. The Director of Public Service is hereby authorized to enter into  
28 a contract or contracts, without competitive bidding, with Sherman and Reilly, Inc.  
29 based upon the proposal dated May 20, 2015, for the purchase of a turret mounted  
30 hydraulic powered 4-drum pilot line winder.  
31

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

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

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

47 Section 5. That this ordinance is hereby declared to be an emergency  
48 measure necessary for the preservation of the public peace, health, safety,  
49 convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof,  
50 and provided it receives the affirmative vote of two-thirds of the members elected or

51 appointed to Council, it shall take effect and be in force immediately upon its  
52 passage and approval by the Mayor; otherwise it shall take effect and be in force at  
53 the earliest period allowed by law.

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

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

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Clerk of Council

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64 Approved \_\_\_\_\_

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Mayor

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6 CITY OF CUYAHOGA FALLS, OHIO

7  
8 ORDINANCE NO. - 2015

9  
10 AN ORDINANCE PROVIDING AN AMENDMENT TO THE  
11 CHARTER OF THE CITY OF CUYAHOGA FALLS, OHIO,  
12 ORIGINALLY ADOPTED BY THE ELECTORATE ON  
13 NOVEMBER 3, 1959, AND AMENDED FROM TIME TO TIME,  
14 TO BE SUBMITTED AT THE NEXT GENERAL ELECTION ON  
15 NOVEMBER 3, 2015, WHICH AMENDMENT WILL REVISE  
16 ARTICLE III, SECTION 9, AND DECLARING AN  
17 EMERGENCY.

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

21  
22 Section 1. That the question of the proposed amendment to the Charter of the City of  
23 Cuyahoga Falls, Ohio, as adopted by the electorate on November 3, 1959, and amended  
24 from time to time, such amendment being to Article III, "Departments and Divisions" Section  
25 9, "Park and Recreation Board" in the form set forth in the ballot text appearing in Section 2  
26 of this ordinance, is hereby directed to be submitted to the vote of the qualified electors of  
27 the City of Cuyahoga Falls, Ohio at the next general election to be held on November 3,  
28 2015, at the regular places of voting in the City of Cuyahoga Falls, during hours provided by  
29 law.

30  
31 Section 2. That the ballots for said election shall, at the top thereof, be entitled "City of  
32 Cuyahoga Falls Proposed Charter Amendment," and the question to be separately submitted  
33 on said ballots shall be as follows:

34  
35 Charter Issue No. \_\_\_\_\_ Shall the amendment to the Charter of the City of  
36 Cuyahoga Falls amending Article III, Section 9, be adopted so that, as amended, the  
37 Article shall provide as follows:

38  
39 Article III DEPARTMENTS AND DIVISIONS  
40 Section 9. Park and Recreation Board

41  
42 There is hereby created a Park and Recreation Board which shall consist of five  
43 members who are electors of the City to serve for terms of six years, except as  
44 hereinafter provided. Commencing 2016, one member shall be appointed by the  
45 Cuyahoga Falls City School District Board of Education and one member shall be  
46 appointed by the Woodridge Local School District Board of Education, respectively,  
47 and three members appointed by the Mayor. The first appointees by the Board of  
48 Education shall serve for four and two year terms respectively, and the first  
49 appointees by the Mayor shall serve for six, four and two year terms respectively.  
50 The Board shall elect one of its own members as Chairman to serve a term of two  
51 years. Vacancies on the Board shall be filled in the same manner as original  
52 appointments were made. The Board shall have all of the powers and duties granted  
53 to Recreation Boards by the laws of the State of Ohio unless and until otherwise  
54 provided by ordinance.

55  
56 Section 3. That the Clerk of Council is hereby directed to certify a copy of this  
57 ordinance to the Board of Elections of Summit County, Ohio, immediately upon the passage  
58 of this ordinance.

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Section 4. That the Board of Elections of Summit County, Ohio, shall cause an appropriate notice to be duly given of the election to be held on November 3, 2015, on the foregoing amendment to the Cuyahoga Falls Charter and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 5. That any ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

Section 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances.

Section 7. That 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

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Clerk of Council

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

6/22/15

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6 CITY OF CUYAHOGA FALLS, OHIO

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8 ORDINANCE NO. - 2015

9  
10 AN ORDINANCE PROVIDING AN AMENDMENT TO THE  
11 CHARTER OF THE CITY OF CUYAHOGA FALLS, OHIO,  
12 ORIGINALLY ADOPTED BY THE ELECTORATE ON  
13 NOVEMBER 3, 1959, AND AMENDED FROM TIME TO TIME,  
14 TO BE SUBMITTED AT THE NEXT GENERAL ELECTION ON  
15 NOVEMBER 3, 2015, WHICH AMENDMENT WILL REVISE  
16 ARTICLE IV, SECTION 3, AND DECLARING AN  
17 EMERGENCY.

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

21  
22 Section 1. That the question of the proposed amendment to the Charter of the City of  
23 Cuyahoga Falls, Ohio, as adopted by the electorate on November 3, 1959, and amended  
24 from time to time, such amendment being to Article IV, "City Council" Section 3,  
25 "Qualifications" in the form set forth in the ballot text appearing in Section 2 of this  
26 ordinance, is hereby directed to be submitted to the vote of the qualified electors of the City  
27 of Cuyahoga Falls, Ohio at the next general election to be held on November 3, 2015, at the  
28 regular places of voting in the City of Cuyahoga Falls, during hours provided by law.

29  
30 Section 2. That the ballots for said election shall, at the top thereof, be entitled "City of  
31 Cuyahoga Falls Proposed Charter Amendment," and the question to be separately submitted  
32 on said ballots shall be as follows:

33  
34 Charter Issue No. \_\_\_\_\_ Shall the amendment to the Charter of the City of  
35 Cuyahoga Falls amending Article IV, Section 3, be adopted so that, as amended, the  
36 Article shall provide as follows:

37  
38 Article IV CITY COUNCIL  
39 Section 3. Qualifications

40  
41 Candidates for City Council shall have maintained their primary residence within the  
42 City for a period of three (3) years immediately preceding the filing of their  
43 declarations of candidacy. In addition, each candidate for ward council shall have  
44 maintained his primary residence within that ward for a period of six (6) consecutive  
45 months immediately preceding the filing of his declaration of candidacy.

46  
47 All councilmen shall maintain their primary residence within the City during their  
48 term of office. Ward councilmen shall not maintain their primary residence outside  
49 the ward in which they were elected for more than sixty (60) consecutive days in any  
50 twelve-month period. The sixty (60) consecutive days shall begin on the date of  
51 actual removal from the ward in which they were elected. For the purpose of this  
52 section, primary residence shall mean a person's usual or customary place of abode  
53 where the individual lives and regularly stays; it shall not mean a "legal", "voting" or  
54 other address where the person does not actually live. Councilmen who move their  
55 primary residence shall notify the Clerk of Council within seven (7) days of such  
56 move.

58 Councilmen shall not hold any other municipal employment during their term of  
59 office. The qualifications for those appointed to Council shall be the same as for  
60 those elected. If any council member shall cease to possess any of the qualifications  
61 for such office, he shall forthwith forfeit his office.

62  
63 Section 3. That the Clerk of Council is hereby directed to certify a copy of this  
64 ordinance to the Board of Elections of Summit County, Ohio, immediately upon the passage  
65 of this ordinance.

66  
67 Section 4. That the Board of Elections of Summit County, Ohio, shall cause an  
68 appropriate notice to be duly given of the election to be held on November 3, 2015, on the  
69 foregoing amendment to the Cuyahoga Falls Charter and otherwise to provide for such  
70 election in the manner provided by the general laws of the State of Ohio.

71  
72 Section 5. That any ordinances or resolutions or portions of ordinances and resolutions  
73 inconsistent herewith be and the same are hereby repealed, but any ordinances and  
74 resolutions not inconsistent herewith and which have not previously been repealed are  
75 hereby ratified and confirmed.

76  
77 Section 6. That it is found and determined that all formal actions of this Council  
78 concerning and relating to the passage of this ordinance were taken in an open meeting of  
79 this Council and that all deliberations of this Council and of any committees that resulted in  
80 those formal actions were in meetings open to the public, in compliance with all legal  
81 requirements including Chapter 107 of the Codified Ordinances.

82  
83 Section 7. That this ordinance is hereby declared to be an emergency measure  
84 necessary for the preservation of the public peace, health, safety, convenience and welfare of  
85 the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
86 affirmative vote of two-thirds of the members elected or appointed to Council, it shall take  
87 effect and be in force immediately upon its passage and approval by the Mayor; otherwise it  
88 shall take effect and be in force at the earliest period allowed by law.

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91 Passed: \_\_\_\_\_  
92 \_\_\_\_\_  
93 President of Council

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95 \_\_\_\_\_  
96 Clerk of Council

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99 Approved \_\_\_\_\_  
100 \_\_\_\_\_  
101 Mayor



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6 CITY OF CUYAHOGA FALLS, OHIO

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8 ORDINANCE NO. - 2015

9  
10 AN ORDINANCE PROVIDING AN AMENDMENT TO THE  
11 CHARTER OF THE CITY OF CUYAHOGA FALLS, OHIO,  
12 ORIGINALLY ADOPTED BY THE ELECTORATE ON  
13 NOVEMBER 3, 1959, AND AMENDED FROM TIME TO TIME,  
14 TO BE SUBMITTED AT THE NEXT GENERAL ELECTION ON  
15 NOVEMBER 3, 2015, WHICH AMENDMENT WILL REVISE  
16 ARTICLE V, SECTION 2, AND DECLARING AN EMERGENCY.

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

20  
21 Section 1. That the question of the proposed amendment to the Charter of the City of  
22 Cuyahoga Falls, Ohio, as adopted by the electorate on November 3, 1959, and amended  
23 from time to time, such amendment being to Article V, "Elections" Section 2, "Nominations"  
24 in the form set forth in the ballot text appearing in Section 2 of this ordinance, is hereby  
25 directed to be submitted to the vote of the qualified electors of the City of Cuyahoga Falls,  
26 Ohio at the next general election to be held on November 3, 2015, at the regular places of  
27 voting in the City of Cuyahoga Falls, during hours provided by law.

28  
29 Section 2. That the ballots for said election shall, at the top thereof, be entitled "City of  
30 Cuyahoga Falls Proposed Charter Amendment," and the question to be separately submitted  
31 on said ballots shall be as follows:

32  
33 Charter Issue No. \_\_\_\_\_ Shall the amendment to the Charter of the City of  
34 Cuyahoga Falls amending Article V, Section 2, be adopted so that, as amended, the  
35 Article shall provide as follows:

36  
37 Article V ELECTIONS  
38 Section 2. Nominations

39  
40 Candidates for all offices at any regular municipal election under the provisions of  
41 this Charter, with the exception of candidates for the office of Judge of the Municipal  
42 Court, Clerk of Municipal Court, other candidates who are elected by electors from  
43 both within and without the City and/or independent candidates for any other  
44 elective municipal office, shall be nominated at a primary election to be held on the  
45 8th Tuesday prior to such regular municipal election. The method of nomination and  
46 the procedures for nomination shall be in conformity with the State Law on the  
47 subject of nominations for public office, and the result certified in like manner; that  
48 commencing with the 2017 elections, independent candidates for the offices of Mayor  
49 and Councilmen shall file their nominating petitions at the same time that partisan  
50 candidates for the office of Mayor and Councilmen file their nominating petitions.  
51 Candidates for the office of the Judge of the Municipal Court, Clerk of the Municipal  
52 Court and other candidates who are elected by electors from both within and without  
53 the City shall be nominated by nominating petition filed and signed in accordance  
54 with the laws of the State of Ohio relating thereto.

55  
56 Section 3. That the Clerk of Council is hereby directed to certify a copy of this  
57 ordinance to the Board of Elections of Summit County, Ohio, immediately upon the passage  
58 of this ordinance.

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Section 4. That the Board of Elections of Summit County, Ohio, shall cause an appropriate notice to be duly given of the election to be held on November 3, 2015, on the foregoing amendment to the Cuyahoga Falls Charter and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 5. That any ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

Section 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances.

Section 7. That 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

6/22/15

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6 CITY OF CUYAHOGA FALLS, OHIO

7  
8 ORDINANCE NO. - 2015

9  
10 AN ORDINANCE PROVIDING AN AMENDMENT TO THE  
11 CHARTER OF THE CITY OF CUYAHOGA FALLS, OHIO,  
12 ORIGINALLY ADOPTED BY THE ELECTORATE ON  
13 NOVEMBER 3, 1959, AND AMENDED FROM TIME TO TIME,  
14 TO BE SUBMITTED AT THE NEXT GENERAL ELECTION ON  
15 NOVEMBER 3, 2015, WHICH AMENDMENT WILL REVISE  
16 ARTICLE VII, SECTION 2, AND DECLARING AN  
17 EMERGENCY.

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

21  
22 Section 1. That the question of the proposed amendment to the Charter of the City of  
23 Cuyahoga Falls, Ohio, as adopted by the electorate on November 3, 1959, and amended  
24 from time to time, such amendment being to Article VII, "The Civil Service Commission"  
25 Section 2, "Powers and Duties" in the form set forth in the ballot text appearing in Section 2  
26 of this ordinance, is hereby directed to be submitted to the vote of the qualified electors of  
27 the City of Cuyahoga Falls, Ohio at the next general election to be held on November 3,  
28 2015, at the regular places of voting in the City of Cuyahoga Falls, during hours provided by  
29 law.

30  
31 Section 2. That the ballots for said election shall, at the top thereof, be entitled "City of  
32 Cuyahoga Falls Proposed Charter Amendment," and the question to be separately submitted  
33 on said ballots shall be as follows:

34  
35 Charter Issue No. \_\_\_\_\_ Shall the amendment to the Charter of the City of  
36 Cuyahoga Falls amending Article VII, Section 2, be adopted so that, as amended, the  
37 Article shall provide as follows:

38  
39 Article VII THE CIVIL SERVICE COMMISSION  
40 Section 2. Powers and Duties

41  
42 Appointments and promotions within the classified service of the City shall be  
43 determined on the basis of merit and fitness and in the manner provided for cities by  
44 the Constitution and the general laws of the State of Ohio, except as otherwise  
45 provided in this Charter or City Ordinance. The Civil Service Commission shall  
46 adopt rules and regulations implementing the provisions of the general law and as to  
47 any matter not controlled by the general law may provide by general rule therefor.  
48 However, the Civil Service Commission may adopt rules and regulations that differ  
49 from those established by general law so long as such rules and regulations are  
50 reviewed and approved by City Council. The Commission shall submit to the Mayor  
51 and to the Council an annual report of its activities at the beginning of each fiscal  
52 year.

53  
54 Section 3. That the Clerk of Council is hereby directed to certify a copy of this  
55 ordinance to the Board of Elections of Summit County, Ohio, immediately upon the passage  
56 of this ordinance.  
57

58        Section 4. That the Board of Elections of Summit County, Ohio, shall cause an  
59 appropriate notice to be duly given of the election to be held on November 3, 2015, on the  
60 foregoing amendment to the Cuyahoga Falls Charter and otherwise to provide for such  
61 election in the manner provided by the general laws of the State of Ohio.

62  
63        Section 5. That any ordinances or resolutions or portions of ordinances and resolutions  
64 inconsistent herewith be and the same are hereby repealed, but any ordinances and  
65 resolutions not inconsistent herewith and which have not previously been repealed are  
66 hereby ratified and confirmed.

67  
68        Section 6. That it is found and determined that all formal actions of this Council  
69 concerning and relating to the passage of this ordinance were taken in an open meeting of  
70 this Council and that all deliberations of this Council and of any committees that resulted in  
71 those formal actions were in meetings open to the public, in compliance with all legal  
72 requirements including Chapter 107 of the Codified Ordinances.

73  
74        Section 7. That this ordinance is hereby declared to be an emergency measure  
75 necessary for the preservation of the public peace, health, safety, convenience and welfare of  
76 the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
77 affirmative vote of two-thirds of the members elected or appointed to Council, it shall take  
78 effect and be in force immediately upon its passage and approval by the Mayor; otherwise it  
79 shall take effect and be in force at the earliest period allowed by law.

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82        Passed: \_\_\_\_\_  
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President of Council

\_\_\_\_\_

Clerk of Council

\_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_

Mayor

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3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. -2015

7  
8 AN ORDINANCE AUTHORIZING THE SALE OF PARCEL 107 IN  
9 THE FRONT AND CENTER URBAN RENEWAL PROJECT AREA  
10 TO RIVER FALLS PROPERTY III, LLC., FOR DEVELOPMENT IN  
11 ACCORDANCE WITH A CONTRACT FOR SALE OF LAND FOR  
12 PRIVATE DEVELOPMENT, DETERMINING THAT SUCH REAL  
13 PROPERTY WILL NOT BE NEEDED FOR PUBLIC USE, THAT THE  
14 PURCHASE PRICE IS SATISFACTORY, AND RELATED FINDINGS,  
15 AND DECLARING AN EMERGENCY.

16  
17 WHEREAS, for purposes of carrying out an Urban Renewal Plan for the Front and  
18 Center Urban Renewal Project adopted by the Council of the City of Cuyahoga Falls,  
19 Ohio, by Resolution No. 40-1972 adopted on November 16, 1972, and to eliminate  
20 conditions of blight existing in the Plan area, the City acquired the real property known  
21 as Parcel 107 and described in Exhibit A (the "Property"); and

22  
23 WHEREAS, for the purpose of preventing the recurrence of said conditions of blight,  
24 to provide for the productive development and reuse of the Property, to allow  
25 construction of a hotel in the downtown and for the purpose of creation of jobs and  
26 employment opportunities and improving the economic welfare of the people, the City  
27 has determined to sell the Property for hotel and hospitality uses; and

28  
29 WHEREAS, the Mayor and Director of Community Development of the City have  
30 recommended and approved the disposition of the Property by private negotiation as  
31 being the best means of accomplishing title conveyance and construction of  
32 improvements in order to carry out the aforesaid purposes; and

33  
34 WHEREAS, River Falls Property III, LLC (the "Developer"), has made an offer to the  
35 City for the purchase and development of the Property.

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

39  
40 Section 1. This Council hereby finds and determines that the Property will not be  
41 needed for public use by the City and that continued City ownership thereof will not be  
42 necessary to carry out the purpose of eliminating conditions of blight and, further, that  
43 the sale thereof is necessary to the carrying out of the public purpose of preventing the  
44 recurrence of the conditions of blight, to provide for the productive development and  
45 reuse of the Property, to provide a new hotel in the downtown area and for the purpose  
46 of creation of jobs and employment opportunities and improving the economic welfare of  
47 the people.

48  
49 Section 2. This Council hereby authorizes the disposition of the Property by  
50 negotiation; approves the sale of the Property to the Developer upon the terms and  
51 conditions contained in the "Contract for Sale of Land for Private Development" (the  
52 "Contract"), including the provision by the City to provide financial assistance up to  
53 \$100,000 for the construction of the public right-of-way improvements provided for  
54 therein for the safe and efficient flow of pedestrian and vehicular traffic adjacent to the  
55 development area and to provide adequate parking for the proposed development,  
56 notwithstanding the provisions, if any, of any other ordinance, a copy of which Contract  
57 is on file in the office of the Clerk of Council and marked with the same number as this

58 ordinance, which Contract this Council hereby finds and determines to be satisfactory.  
59 The Mayor and Director of Community Development are hereby authorized and directed  
60 to execute said Contract on behalf of the City in substantially the form on file with the  
61 Clerk, together with such revisions or additions thereto as are approved by the Mayor,  
62 Director of Community Development and Director of Law, and are consistent with the  
63 objectives and requirements provided in this ordinance. The Mayor is authorized to  
64 execute and deliver such deed or deeds and purchase and accept delivery of such  
65 easements as are necessary to carry out such Contract, and the Mayor and Director of  
66 Community Development, Director of Finance, Director of Law, and other City officials,  
67 as appropriate, are authorized to provide such information and to execute, certify or  
68 furnish such other documents, and do all other things, as are necessary for and  
69 incidental to carrying out said sale of the Property pursuant to the Contract.

70  
71 Section 3. This Council hereby finds and determines the sale of the Property for the  
72 purchase price provided in the Contract is satisfactory and hereby determines that the  
73 development of the Property as a hotel and hospitality use provided for in the Contract  
74 will result in the achievement of important City objectives for eliminating conditions of  
75 blight, to provide for the productive development and reuse of the Property, and for the  
76 creation of jobs and employment opportunities and improving the economic welfare of  
77 the people, all of which represent substantial additional valuable considerations to the  
78 City. This Council hereby also finds that, subject to the conditions of the Contract with  
79 respect thereto being met, the Developer possesses the qualifications and financial  
80 resources necessary to acquire and develop the real property in accordance with the  
81 Contract.

82  
83 Section 4. It is found and determined that all formal actions of this Council  
84 concerning and relating to the passage of this ordinance were taken in an open meeting  
85 of this Council and that all deliberations of this Council and of any of its committees  
86 that resulted in those formal actions were in meetings open to the public, in compliance  
87 with the law.

88  
89 Section 5. This ordinance is hereby declared to be an emergency measure necessary  
90 for the immediate preservation for the public peace, health and safety of the inhabitants  
91 of this City, and for the further reason that it is necessary to carry out the sale of the  
92 Property as soon as possible so that it can be developed in order to prevent the  
93 recurrence of conditions of blight in the Urban Renewal Plan area, and to create jobs  
94 and employment opportunities, wherefore, this ordinance shall be in full force and effect  
95 immediately upon its passage and approval by the Mayor.

96  
97  
98 Passed: \_\_\_\_\_

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

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

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

\_\_\_\_\_  
Mayor

107  
108 6/22/15

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**EXHIBIT A**

**DESCRIPTION OF THE PROPERTY**

Urban Renewal Parcel 107 in the Front and Center Urban Renewal Plat as recorded in Plat Book 125, Page 66 in the Summit County records.

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. -2015

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 COMMUNITY DEVELOPMENT TO ENTER INTO A  
9 COMMUNITY REINVESTMENT AREA TAX EXEMPTION  
10 AGREEMENT WITH CASCADE AUTO GROUP, LTD.  
11 DBA PRIMM LAND LTD. AND VALLEY PARK LTD., AND  
12 DECLARING AN EMERGENCY.  
13

14  
15 WHEREAS, pursuant to Ordinance No. 69-2006, passed June 26, 2006, this  
16 Council established and designated the boundaries of the Cuyahoga Falls Northern  
17 Community Reinvestment Area ("CRA") pursuant to Ohio Revised Code §3735.65 et  
18 seq., to encourage the development of real property within the CRA; and  
19

20 WHEREAS, the State of Ohio has made a determination that the findings  
21 contained in Ord. No. 69- 2006 are valid, and that the classification of structures  
22 and/or remodeling eligible for exemption under the Ordinance is consistent with  
23 zoning restrictions applicable to the CRA, and  
24

25 WHEREAS, with receipt of the Director's positive determination, the City is  
26 enabled to abate certain taxes on real property located in the CRA, in order to  
27 provide an incentive for the creation and retention of jobs and investment within  
28 the CRA; and  
29

30 WHEREAS, this Council has determined to provide economic development  
31 assistance in the form of tax abatement to Cascade Auto Group, Ltd., dba Primm  
32 Land Ltd. and Valley Park Ltd., in connection with a new Audi retail store and the  
33 expansion and remodeling of the Subaru retail store both located on State Road  
34 parcels 35.00711 and 35.02603, hereinafter the "Project".  
35

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

39 Section 1. The Director of Community Development is hereby authorized to  
40 enter into a Community Reinvestment Area tax exemption agreement with Cascade  
41 Auto Group, Ltd. dba Primm Land and Valley Park Ltd. This agreement is in  
42 accordance with Ohio Revised Code §§3735.67 and 3735.671 and consistent with  
43 Ordinance No. 69-2006. The terms are set forth in the application for tax  
44 exemption attached hereto as Exhibit A.  
45

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



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

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

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

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

72  
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74 Passed: \_\_\_\_\_  
75 \_\_\_\_\_  
76 President of Council

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78 \_\_\_\_\_  
79 Clerk of Council

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82 Approved: \_\_\_\_\_  
83 \_\_\_\_\_  
84 Mayor

85 6/22/15  
86 O:\2015 ords\Cascade Auto Legislation.doc

Draft

EXHIBIT A

**PROPOSED AGREEMENT** for Community Reinvestment Area Tax Incentives between the City of Cuyahoga Falls located in the County of Summit and:

**Cascade Auto Group, Ltd dba PrimmLand Ltd and Valley Park Ltd**

(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).

Cascade et al  
Enterprise Name

Michelle Primm  
Contact Person

4149, 4152, 4161(F+R), 4173, 4193 State Rd.  
Cuyahoga Falls, Ohio 44223

330-929-1861

Address

Telephone Number

michelleprimm@cascadeautogroup.com

Contact Email

Project site:

4193-New Audi  
4173-Subaru remodel/expansion

35-00711  
35-02603

Address

Parcel Number

Michelle/Pat/Mike Primm

330-929-1861

Contact Person

Telephone Number

michelleprimm@cascadeautogroup.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.

An Audi retail store is being built at 4193 State Road. The design will include a new showroom, service write-up, offices (public and private) and customer lounges.

This new building is in response to and a compromise with Audi Corporate to avoid moving to the Arlington Road Auto Mile in South Akron. Cascade's area of responsibility reaches South to Canton and East to Youngstown. The Arlington Road Auto Mile is perceived to better serve the complete market.

Subaru at 4173 State Rd is being remodeled and enlarged. The retail portion will expand by approximately 100sq feet, furniture, ceiling and floors will be replaced and the exterior will change to meet Subaru corporate standards.

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

441110

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

The new Audi retail store (4193) will replace the current Audi retail store (4161.) 4161 will become a used car showroom. Sales, reception and Technologists will move from the old building. Service Advisors and senior Management will move from other buildings to the new location.

- d. Form of business of enterprise:

Corporation  Partnership  Proprietorship  Other

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

Michelle Primm

Pat Primm

Mike Primm

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

Full Time: 0 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:

See previous answers for specific numbers. Cascade has grown from 30 employees (1970's), 40(1980's), 50(2000's) to 73 today. We fully expect to reach and maintain 80 in 2016. 85 employees in 2017 is a reasonable target given our sales and service growth.

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	57	
Part Time	16	

(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:

4161 5 staff will move to the new facility (3 sales, 1 mgrs, 1 receptionist, 1 technologist.)

4149 2 staff will move to the new facility (2 mgrs)

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

Cascade will be more efficient. Expanded outdoor space will allow for more Inventory. Cascade will meet the Audi and Subaru corporate standards. With Expansion, more staff will be added to service customers and support front Facing staff. Used car sales and service will expand.

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.

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6. Project Description. Be as detailed as possible:

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Cascade Auto has purchased a blighted building (former Boot Scoot'n Saloon) on State Road that has been an eyesore in Cuyahoga Falls for over a decade. Their investment provides great value for not only the State Road corridor but the city as a whole. This project includes the construction of a new Audi showroom and office, a renovation of the Subaru facility and improvements to the current Audi building to serve the used car market. These improvements to the Cascade Campus will "anchor" the North end of State road. Portage Crossings has substantially improved State Road. It is our plant that our project will be a catalyst to spur additional growth at the north end of the State Rd corridor and hopefully the rebirth in between the two ends will continue. We anticipate that our project will provide an opportunity for other entities to see the value of investing in Cuyahoga Falls.

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7. Project will begin on July 1<sup>st</sup>, 2015 and be completed by March 2016 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	2-5	4
Part Time	1-3	2

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

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

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

We will begin hiring 3 months prior to completion (expected January 2016.)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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	\$	\$216,000	\$	
Part-time	\$	\$ 22,000	\$	
<b>TOTAL:</b>	\$	<b>\$238,000</b>	\$	

(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: \$596,000.00

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

A. Acquisition of Land	\$	<u>750,000</u>
B. Additions/New Construction	\$	<u>4,000,000</u>
C. Improvements to Existing Buildings	\$	<u>300,000</u>
D. Machinery & Equipment	\$	<u>50,000</u>
E. Furniture & Fixtures	\$	<u>200,000</u>
F. Inventory	\$	<u>500,000</u>
<b>Total New Project Investment</b>	<b>\$</b>	<b>5,800,000.</b>

11.

a. Business requests the following tax exemption incentives: 50 %  
for 10 years covering the real property improvements as described above.

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

The scope and size of the project is greater than originally anticipated to meet outside factors including manufacturer demands, city requirements, customer needs, etc. Changes in State of Ohio taxation and unavailability of energy efficiency grants from city have resulted in cost increases and less subsidy.

We anticipate driveway and bike trail request from Cuyahoga Falls to extend the current road construction to the end of our property.

While we are being pursued and encouraged by Audi to relocate to South Arlington Road where there is greater traffic and customer availability, it is our desire to remain in Cuyahoga Falls if possible.

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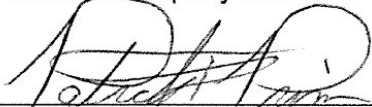
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Submission of this application expressly authorizes the City of Cuyahoga Falls to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

<u>Patrick T Pimm</u>	<u>Managing Partner</u>
Name of Property Owner	Title
<u></u>	<u>6/3/15</u>
Signature	Date



2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2015

7  
8 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER  
9 INTO A COMMUNITY REINVESTMENT AREA AGREEMENT  
10 WITH RIVER FALLS PROPERTY III, LLC AND DECLARING  
11 AN EMERGENCY.  
12

13  
14 WHEREAS, the City of Cuyahoga Falls designated an O.R.C. Chapter 3735  
15 Community Reinvestment Area by virtue of Ordinance No. 95-2004 to encourage the  
16 development of real property within the Cuyahoga River Community Reinvestment Area;  
17 and,  
18

19 WHEREAS, the City of Cuyahoga Falls has designated a certain area within the City  
20 that has been certified by the State of Ohio as a Community Reinvestment Area enabling it  
21 to exempt certain real property taxes imposed on industry provided said industry creates or  
22 retains jobs and makes a significant investment within the certified zone; and  
23

24 WHEREAS, the City Council and the Administration wish to provide assistance to  
25 River Falls Property III, LLC to construct an approximate 80 room, eight story hotel on  
26 parcel 02.18226 also known as Front & Center Urban Renewal Parcel 107R.  
27

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

31 Section 1. That the Mayor is hereby authorized to enter into a Community  
32 Reinvestment Area (CRA) Agreement with River Falls Property III, LLC, consistent with the  
33 terms in the proposed CRA Application attached hereto as Exhibit A, to provide real  
34 property tax relief at the percentage and length of abatement as stipulated in said  
35 Application to benefit the City and being consistent with the objectives of this ordinance.  
36

37 Section 2. That Council further authorizes the Mayor, Director of Finance, Director of  
38 Community Development, Director of Law and any other city officials, individually and/or  
39 collectively as may be appropriate, to prepare and execute such other documents and do  
40 other things as are necessary for or incidental to carrying out the requirements of this  
41 legislation consistent with the terms of the attached Application.  
42

43 Section 3. That any ordinances or resolutions or portions of ordinances and resolutions  
44 inconsistent herewith be and the same are hereby repealed, but any ordinances and  
45 resolutions not inconsistent herewith and which have not previously been repealed are  
46 hereby ratified and confirmed.  
47

48 Section 4. That it is found and determined that all formal actions of this Council  
49 concerning and relating to the adoption of this ordinance were adopted in an open meeting  
50 of this Council, and that all deliberations of this Council and of any of its committees that  
51 resulted in such formal action, were in meetings open to the public, in compliance with all  
52 legal requirements, to the extent applicable, including Chapter 107 of the Codified  
53 Ordinances.  
54

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

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

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

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

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

6/22/14

O:\2015 ords\Legislation River Falls III, LLC.doc

EXHIBIT A

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives  
between the  
City of Cuyahoga Falls located in the County of Summit and:

River Falls III, LLC  
(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).

<u>River Falls III, LLC</u>	<u>Thomas Bartlebaugh</u>
Enterprise Name	Contact Person

<u>2251 Front Street Suite 200</u>	<u>330-425-4696</u>
Address	Telephone Number

TEBartlebaugh@msn.com  
Contact Email

Project site:

<u>Front &amp; Center Urban Renewal Parcel 107R</u>	<u>02-18226</u>
<u>Cuyahoga Falls, Ohio 44221</u>	
Address	Parcel Number

<u>Same as above</u>	<u>Same as above</u>
Contact Person	Telephone Number

Same as above  
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.

Construction of an approximate 80 room, eight (8) story hotel

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

721110

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

N/A

- d. Form of business of enterprise:

Corporation  Partnership  Proprietorship  Other

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

Thomas Bartlebaugh & Steven Krutowsky

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

Full Time: 0 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	0	0
Part Time	0	0

(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

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

N/A

5 Does the Property Owner 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

6 Project Description. Be as detailed as possible:

Construction of an approximate 80 room, eight (8) story hotel

7. Project will begin in Fall of 2015 and be completed within 18 months of construction start date 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	25 (hotel jobs)	20 (construction)
Part Time	10 (hotel jobs)	15 (construction)

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

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

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

Temporary full time and part time construction jobs – Fall 2015  
Full and part time permanent hotel jobs 2016

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	\$ 850,000.00	\$ 825,000.00
Part-time	\$ 150,000.00	\$ 125,000.00
TOTAL:	\$ 1,000,000.00	\$ 950,000.00

(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: \$ N/A.

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

A. Acquisition of Land	\$ 54,160.00
B. Additions/New Construction	\$ 8,000,000
C. Improvements to Existing Buildings	\$ 0
D. Machinery & Equipment	\$ 0
E. Furniture & Fixtures	\$ 650,000
F. Inventory	\$ 80,000
Total New Project Investment	\$ 8,784,160.00

11

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

River Falls III, LLC will be constructing an approximate \$8,000,000 eight-story hotel on a City parcel which has been vacant for over thirty years. The Cuyahoga River CRA was enacted in 2004 to encourage reinvestment and new development in this important area of town. The hotel project will create jobs, enhance the downtown district and create more vibrancy and activity in the heart of the City.



Submission of this application expressly authorizes the City of Cuyahoga Falls to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request. The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.56(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>Thomas Bartlebaugh</u> Name of Property Owner	<u>Partner</u> Title
<u><i>Thomas Bartlebaugh</i></u> Signature	<u>3/5/2015</u> Date