

NEW LEGISLATION

July 8, 2019

Temp. No.	Introduced	Committee	Description
B-52	7/8/19	PZ	An ordinance authorizing and approving the Villages at Sycamore Phase I Final Subdivision Plat and Improvement Plans for Parcels 35-02255, 35-00672, 35-00673 and 35-00674, and declaring an emergency.
B-53	7/8/19	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for a 2,440 multi-tenant building at 3422 State Road (Parcel 35-05424), and declaring an emergency.
B-54	7/8/19	Fin	An ordinance approving the Akron-Summit County Energy Special Improvement District Residential Program Plan; authorizing and approving the execution, delivery, and performance of a City Residential Pace Cooperative Agreement with respect to property assessed clean energy transactions in cooperation with the Akron-Summit County Energy Special Improvement District and the Toledo-Lucas County Port Authority; authorizing the Toledo-Lucas County Port Authority to approve petitions and plans for public improvements or public services submitted by the owners of real property within the City requesting that their property be added to the territory of the Akron-Summit County Energy Special Improvement District and assessed for the costs of such plans on behalf of the Council of the City; and declaring an emergency.
B-55	7/8/19	Fin	A resolution approving amendments to the Articles of Incorporation of the Akron-Summit County Energy Special Improvement District, Inc., and declaring an emergency.

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CALENDAR

July 8, 2019

The following legislation will be up for passage at the Council Meeting on July 8, 2019.

Temp. No.	Introduced	Committee	Description
B-47	6/24/19	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for plan for a 10,500 square foot showroom addition at 4610 State Road (Parcel 37-00661), and declaring an emergency.
B-48	6/24/19	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for Buckeye Sports Center watercraft storage facility at 190 Cochran Road (Parcel 35-04058), and declaring an emergency.
B-49	6/24/19	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the field house addition site plan for the Cuyahoga Valley Christian Academy at 4687 Wyoga Lake Road (Parcel 37-00014), and declaring an emergency.
B-50	6/24/19	CD	An ordinance approving the 2019-2023 CDBG Consolidated Plan Document and, declaring an emergency.
B-51	6/24/19	CD	An ordinance approving the Community Development Block Grant Annual Action Plan for fiscal year 2019, and declaring an emergency.

PENDING LEGISLATION

July 8, 2019

Temp. No.	Introduced	Committee	Description
B-24	3/25/19	Fin	An ordinance authorizing the Mayor to enter into a development agreement with CF Development Group, LLC for the construction of multifamily development projects at 2221 2nd Street and 2035 Old Town Loop Road, Cuyahoga Falls, Ohio, and declaring an emergency.
B-39*	6/10/19	PZ	An ordinance approving a zoning map amendment for Parcels 35-01636, 35-01637, and 35-03632, from E-1 Employment District to MU-3 Sub-Urban Center, and declaring an emergency.
B-47	6/24/19	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for plan for a 10,500 square foot showroom addition at 4610 State Road (Parcel 37-00661), and declaring an emergency.
B-48	6/24/19	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for Buckeye Sports Center watercraft storage facility at 190 Cochran Road (Parcel 35-04058), and declaring an emergency.
B-49	6/24/19	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the field house addition site plan for the Cuyahoga Valley Christian Academy at 4687 Wyoga Lake Road (Parcel 37-00014), and declaring an emergency.
B-50	6/24/19	CD	An ordinance approving the 2019-2023 CDBG Consolidated Plan Document and, declaring an emergency.
B-51	6/24/19	CD	An ordinance approving the Community Development Block Grant Annual Action Plan for fiscal year 2019, and declaring an emergency.

*Public Hearing 7-15-19

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2019

6
7
8 AN ORDINANCE AUTHORIZING AND APPROVING THE VILLAGES AT
9 SYCAMORE PHASE I FINAL SUBDIVISION PLAT AND IMPROVEMENT
10 PLANS FOR PARCELS 35-02255, 35-00672, 35-00673 AND 35-00674,
11 AND DECLARING AN EMERGENCY.
12

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

15
16 WHEREAS, the Planning Commission is required to review and provide a recommendation for all
17 Subdivision Plats/Improvement Plans in the City of Cuyahoga Falls, Ohio; and

18
19 WHEREAS, on July 2, 2019, the Planning Commission approved The Villages at Sycamore Phase
20 I Final Subdivision Plat and Improvement Plans on parcels 35-02255, 35-00672, 35-00673 and 35-
21 00674, within the City of Cuyahoga Falls, Ohio.
22

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

25
26 Section 1. The City Council approves The Villages at Sycamore Phase I Final Subdivision Plat
27 and Improvement Plans for Parcels 35-02255, 35-00672, 35-00673 and 35-00674 in Cuyahoga Falls,
28 Ohio, in accordance with all Cuyahoga Falls General Development Code regulations and as stipulated
29 in the Codified Ordinances of the City of Cuyahoga Falls as approved by the Planning Commission on
30 July 2, 2019 and as per all plans and stipulations contained in Project File FMP-19-00042.
31

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

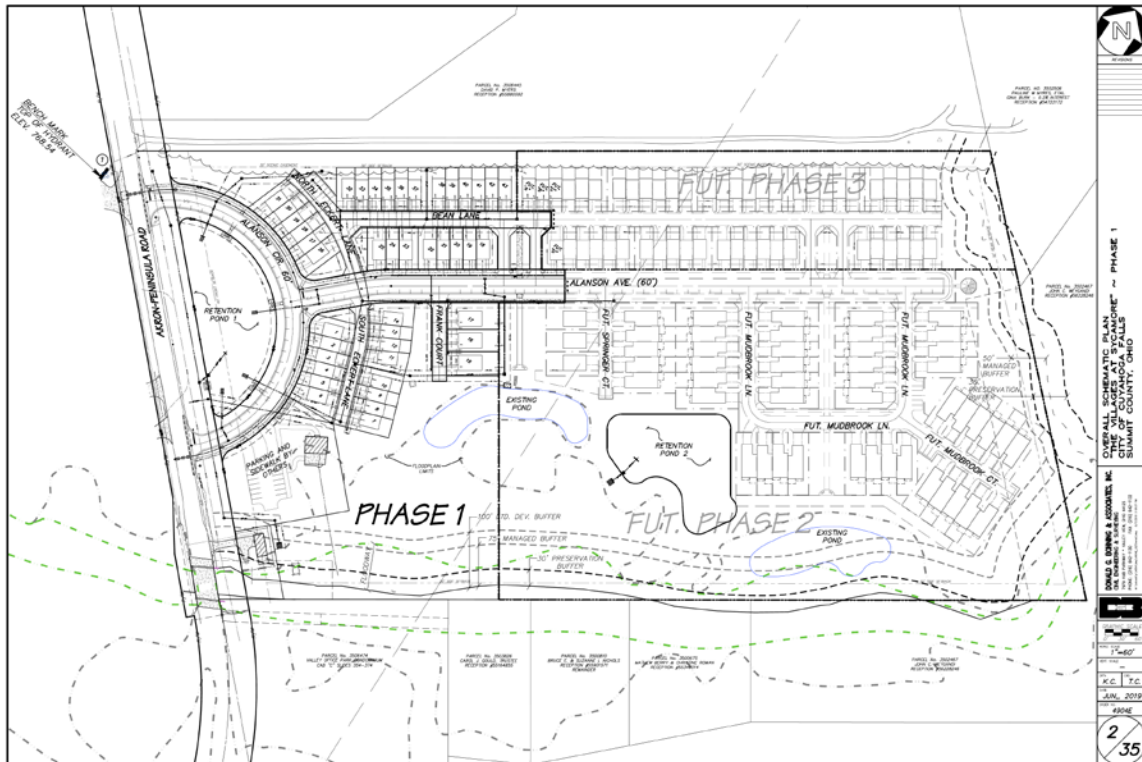
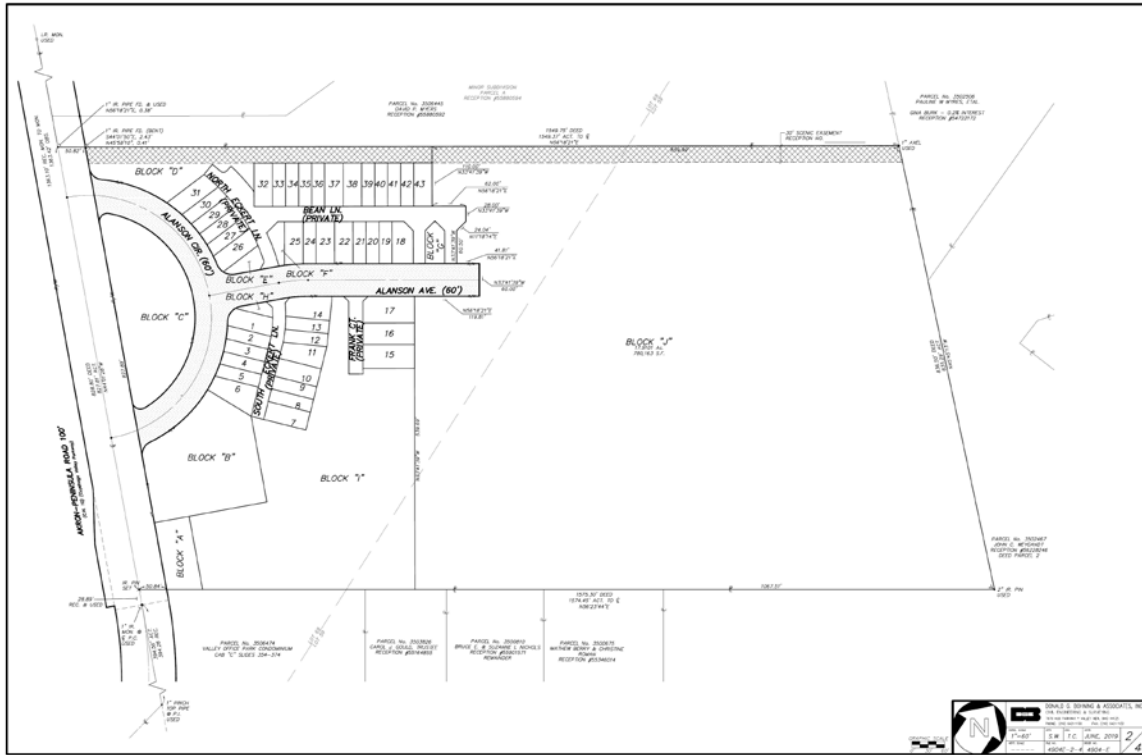
36 Section 3. It is found and determined that all formal actions of this Council concerning and
37 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that
38 all deliberations of this Council and of any of its committees that resulted in such formal action,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

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

50 Passed: _____
51 _____
52 President of Council

53
54 _____
55 Clerk of Council

56
57
58 Approved: _____
59 _____
60 Mayor



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4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2019

8
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION
10 APPROVAL, FINDINGS AND CONDITIONS OF THE SITE PLAN FOR
11 A 22,440 MULTI-TENANT BUILDING AT 3422 STATE ROAD
12 (PARCEL 35-05424), AND DECLARING AN EMERGENCY.

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

16
17 WHEREAS, on July 2, 2019, the Planning Commission recommended approval of the site plan
18 for a 22,440 multi-tenant building at 3422 State Road (Parcel 35-05424); and

19
20 WHEREAS, the expansion project includes parking improvements and landscape screening; and

21
22 WHEREAS, such approval is given subject to all Planning Commission findings and provisions
23 contained in Project File MSP-19-00041; and

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

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

30
31 Section 1. The City Council approves the site plan for a 22,440 multi-tenant building at 3422
32 State Road (Parcel 35-05424) as approved by the Planning Commission on July 2, 2019 per the plans
33 and findings contained in Project File MSP-19-00041.

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

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

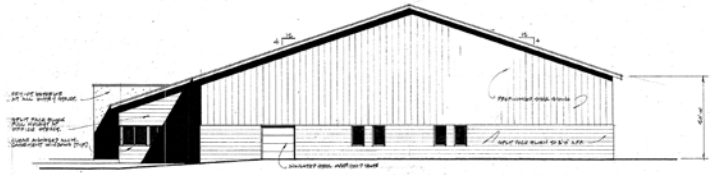
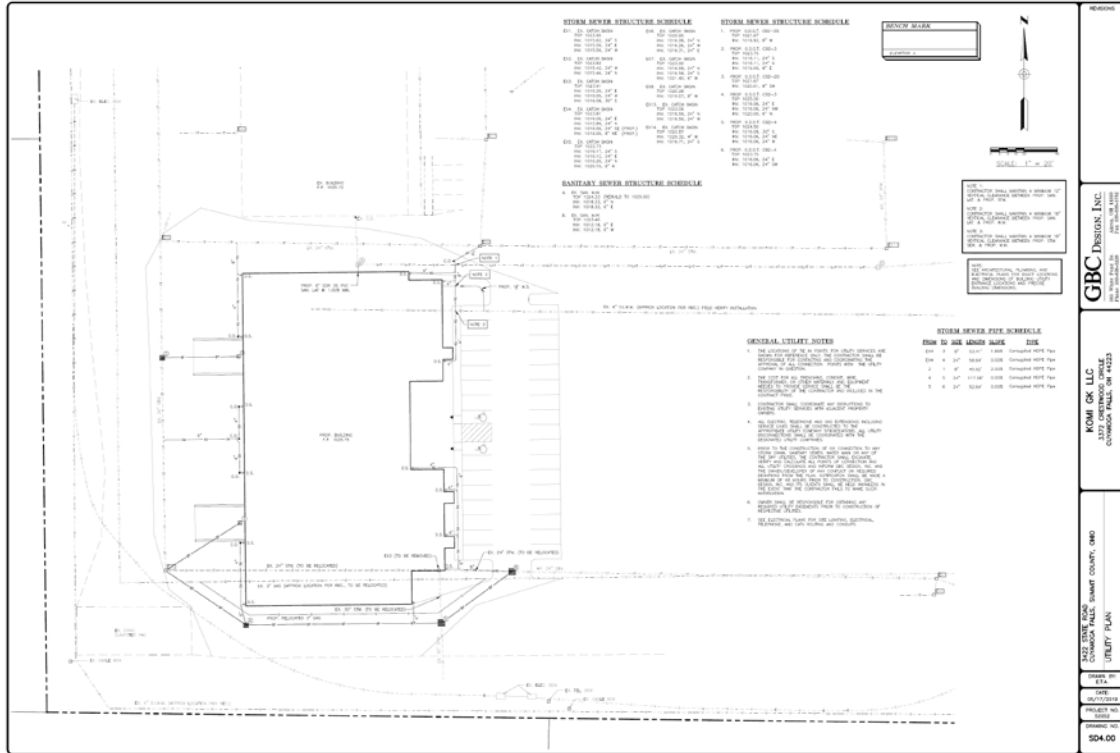
44
45 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
46 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls
47 and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and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

52
53
54 Passed: _____
55 _____
56 President of Council

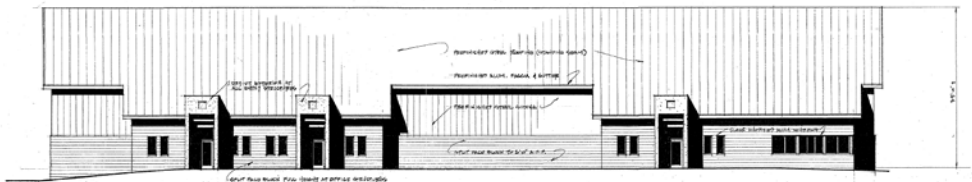
57
58 _____
59 Clerk of Council

60 Approved: _____
61 _____
62 Mayor

63 7/8/19



PROPOSED NORTH ELEVATION
1/8\"/>



PROPOSED EAST ELEVATION
1/8\"/>

GBC DESIGN, INC.
 1000 EAST 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111
 FAX: 303.733.1112
 WWW.GBCDESIGN.COM

KOM OR, LLC
 1000 EAST 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111
 FAX: 303.733.1112
 WWW.KOMOR.COM

PROJECT NO. 1000
 SHEET NO. 1000
 DATE: 10/1/11
 PRICE: \$504.00

AUSTIN BRADSHAW & ASSOCIATES ARCHITECTS
PARKSIDE
 1402 SOUTH KENT AVENUE, SUITE 100
 FORT PEARSON, TEXAS 78124
 TEL: 361.775.1111
 FAX: 361.775.1112
 WWW.PARKSIDEARCHITECTS.COM

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 1000 EAST 10TH AVENUE, SUITE 100
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 WWW.FRANKSDWIGA.COM

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2019

7
8 AN ORDINANCE APPROVING THE AKRON-SUMMIT COUNTY
9 ENERGY SPECIAL IMPROVEMENT DISTRICT RESIDENTIAL
10 PROGRAM PLAN; AUTHORIZING AND APPROVING THE
11 EXECUTION, DELIVERY, AND PERFORMANCE OF A CITY
12 RESIDENTIAL PACE COOPERATIVE AGREEMENT WITH
13 RESPECT TO PROPERTY ASSESSED CLEAN ENERGY
14 TRANSACTIONS IN COOPERATION WITH THE AKRON-SUMMIT
15 COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT AND THE
16 TOLEDO-LUCAS COUNTY PORT AUTHORITY; AUTHORIZING THE
17 TOLEDO-LUCAS COUNTY PORT AUTHORITY TO APPROVE
18 PETITIONS AND PLANS FOR PUBLIC IMPROVEMENTS OR
19 PUBLIC SERVICES SUBMITTED BY THE OWNERS OF REAL
20 PROPERTY WITHIN THE CITY REQUESTING THAT THEIR
21 PROPERTY BE ADDED TO THE TERRITORY OF THE AKRON-
22 SUMMIT COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT
23 AND ASSESSED FOR THE COSTS OF SUCH PLANS ON BEHALF
24 OF THE COUNCIL OF THE CITY; AND DECLARING AN
25 EMERGENCY.

26
27 WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has
28 authorized property owners to include their properties within energy special improvement
29 districts (ESIDs) upon a petition to a municipal corporation or township; and

30
31 WHEREAS, ESIDs are voluntary organizations of municipal corporations, townships, and
32 property owners who undertake special energy improvement projects that benefit real property
33 and finance those special energy improvement projects through voluntary special assessments;
34 and

35
36 WHEREAS, the Akron, Barberton, Bath Township, Copley Township, Coventry Township,
37 Cuyahoga Falls, Fairlawn, Green, Lakemore, New Franklin, Norton, Richfield, Springfield
38 Township, Tallmadge Energy Special Improvement District, Inc., doing business as Akron-
39 Summit County Energy Special Improvement District, Inc. (the District) was created under Ohio
40 Revised Code Chapters 1702 and 1710 as an ESID and established pursuant to Resolution No.
41 390-2016 of the Council of the City of Akron, Ohio on December 5, 2016; and

42
43 WHEREAS, the City has determined to develop the *Akron-Summit County Energy Special*
44 *Improvement District Residential Program Plan* as a proposed plan for public improvements and
45 public services under Ohio Revised Code Chapter 1710, substantially in the form attached to
46 and incorporated into this ordinance as Exhibit A (the Residential PACE Plan), and any petitions
47 by the owners of residential real property located within the boundaries of the City for special
48 assessments to finance the costs of special energy improvement projects on their properties shall
49 be considered, and, if approved, implemented, under and subject to the terms and conditions of
50 the Residential PACE Plan; and

51
52 WHEREAS, the Residential PACE Plan sets forth the terms and conditions under which the
53 City and the District will facilitate the financing of special energy improvement projects on
54 residential real property located within the City and the District; and

56 WHEREAS, in order to provide for the efficient implementation of the Residential PACE Plan,
57 the Development Finance Authority of Summit County and the Toledo-Lucas County Port
58 Authority, a port authority and political subdivision of the State of Ohio (the Program Port
59 Authority), have entered into an Ohio Residential PACE Cooperative Agreement to establish
60 acceptable program parameters and consumer protections for residential PACE financing
61 programs in Ohio; and

62
63 WHEREAS, in order to provide for the efficient implementation of the Residential PACE Plan,
64 the City has determined to enter into a City Residential PACE Cooperative Agreement as a
65 cooperative agreement with the Program Port Authority (the Cooperative Agreement); and

66
67 WHEREAS, under the Cooperative Agreement the City and the Program Port Authority will
68 cooperatively agree to cause the Program Port Authority to exercise certain powers, perform
69 certain functions, and render certain services on behalf of the City, all as authorized under this
70 ordinance, the Cooperative Agreement, and Ohio Revised Code Sections 4582.17(B) and 9.482;
71 and

72
73 WHEREAS, this Council, as mandated by Ohio Revised Code Chapter 1710, must approve or
74 disapprove the Petition within 60 days of the submission of the Petition; and

75
76 WHEREAS, this Council has determined to approve the Residential PACE Plan and to
77 authorize and approve the Cooperative Agreement.

78
79 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, Summit
80 County, Ohio, that:

81
82 Section 1. Each capitalized term not otherwise defined in this ordinance or by reference to
83 another document shall have the meaning assigned to it in the Residential PACE Plan.

84
85 Section 2. This Council hereby approves the Residential PACE Plan now on file with the Clerk
86 of Council. Any petitions by the owners of residential real property located within the boundaries
87 of the City for special assessments to finance the costs of special energy improvement projects
88 on their properties shall be considered, and, if approved, implemented, under and subject to the
89 terms and conditions of the Residential PACE Plan.

90
91 Section 3. This Council hereby approves the Cooperative Agreement, substantially in the
92 form now on file with the Clerk of Council with any amendments or modifications to it as are not
93 materially adverse to the City, are consistent with this ordinance, and are approved by the officer
94 or officers of the City signing the Cooperative Agreement, all of which shall be conclusively
95 demonstrated by the signature of the duly authorized officer or officers of the City on the
96 Cooperative Agreement. The Mayor or his designee, is hereby authorized, for and on behalf of the
97 City, to execute and deliver the Cooperative Agreement, including any amendments or
98 modifications to the Cooperative Agreement as are not materially adverse to the City, are
99 consistent with this ordinance, and are approved by the Director of Law, all of which shall be
100 conclusively demonstrated by the signature of the Mayor or his designee of the City on the
101 Cooperative Agreement. The City is hereby authorized to perform the terms and conditions of the
102 Cooperative Agreement, as it may be amended and in effect at any time. The Mayor or his
103 designee, is hereby authorized, for and on behalf of the City, to execute and deliver any additional
104 amendments, agreements, certificates, or instruments, including any additional agreements by
105 or among the City, the County Auditor, the County Treasurer, the Program Port Authority, any
106 other port authority, the District, and any other energy special improvement district, as may be
107 reasonably necessary to carry out the purposes of the Cooperative Agreement, and the City is
108 hereby authorized to perform the terms and conditions of any of those amendments, agreements,
109 certificates, or instruments.

111 Section 4. Under the Cooperative Agreement, the City shall, pursuant to Ohio Revised Code
112 Sections 4582.17(B) and 9.482, authorize and request the Program Port Authority to act on
113 behalf of the City during the term of the Cooperative Agreement to receive and approve or
114 disapprove Petitions and Plans (as defined in the Residential PACE Plan and the Cooperative
115 Agreement) in its reasonable discretion and subject to certain terms and conditions stated in the
116 Residential PACE Plan, the Cooperative Agreement, and this ordinance. Upon the execution and
117 delivery of the Cooperative Agreement by all of the parties to it, this Council hereby appoints the
118 Program Port Authority as its delegate to, for, and on behalf of this Council, receive and approve
119 or disapprove Petitions and Plans in its discretion and subject to certain terms and conditions
120 stated in the Residential PACE Plan, the Cooperative Agreement, and this Ordinance. The
121 approval or disapproval of any Petitions and shall constitute the legislative approval or
122 disapproval of this Council for all purposes of law, including, without limitation, Ohio Revised
123 Code Chapter 1710, and all legal consequences appertaining to a legislative authority's legislative
124 approval or disapproval of petitions and plans for public improvements or public services under
125 Ohio Revised Code Chapter 1710 shall appertain to the Program Port Authority's approval or
126 disapproval of Petitions and Plans for and on behalf of this Council.
127

128 The Program Port Authority shall not approve any Petitions and Plans unless the Petitions
129 and Plans and the information regarding the properties, special energy improvement projects,
130 financing terms, and other facts and terms certified within the Petitions and Plans conform and
131 comply in all material respects with the terms and conditions of the Residential PACE Plan,
132 which is are attached to, and incorporated into, this ordinance by this reference.
133

134 Section 5. Any other ordinances or resolutions or portions of ordinances and resolutions
135 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
136 herewith and which have not previously been repealed are hereby ratified and confirmed.
137

138 Section 6. It is found and determined that all formal actions of this Council concerning and
139 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and
140 that all deliberations of this Council and of any of its committees that resulted in such formal
141 action, were in meetings open to the public, in compliance with all legal requirements, to the
142 extent applicable, including Chapter 107 of the Codified Ordinances.
143

144 Section 7. This ordinance is hereby declared to be an emergency measure necessary for the
145 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
146 Falls and the inhabitants thereof, provided it receives the affirmative vote of two thirds of the
147 members elected or appointed to Council, it shall take effect and be in force immediately upon
148 its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
149 period allowed by law.
150

151
152 Passed: _____
153 _____
154 President of Council

155
156 _____
157 Clerk of Council

158
159
160 Approved: _____
161 _____
162 Mayor

EXHIBIT A

RESIDENTIAL PACE PLAN AKRON-SUMMIT COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT PROGRAM PLAN

RESIDENTIAL PLAN

The Akron-Summit County Energy Special Improvement District (the **District**) is a special improvement district under Chapter 1710 of the Ohio Revised Code organized for the purpose of facilitating the financing of special energy improvement projects (an **Energy Special Improvement District**). The District currently administers a property assessed clean energy (**PACE**) program for commercial properties (the **Commercial Program**). The Commercial Program is described in the Akron-Summit County Energy Special Improvement District Project Plan (the **Commercial Plan**). Under the Commercial Program, the District facilitates financing for commercial real property secured by special assessments on real property for special energy improvement projects.

Under this Residential Plan (the **Plan**), the District will facilitate the financing of certain special energy improvement projects on residential real property as more fully described in this Plan (the **Residential Program**). This Plan refers to Chapter 1710 and any and all future amendments to the Energy Special Improvement District provisions of Chapter 1710 as the “**Act.**” Any specific reference to the Act or to any other law in this Plan also refers to any succeeding or amending provision of law.

Participation in the District’s Residential Program is limited to property owners who have agreed to add their property to the District and who otherwise meet the Residential Program’s terms and conditions. Those terms and conditions are described in this Plan, and include, without limitation, a petition, a supplemental plan, a schedule of assessments to be levied against property (**Assessment Schedule**), a description of the special energy improvement projects to be installed on the property (**Project Description**), the governing documents forming the District, and the financing documents associated with the special assessment financing undertaken through the Residential Program.

The District’s governing documents include its Articles of Incorporation, Code of Regulations, resolutions duly adopted by the board of directors of the District (the **District Board**), the applicable resolutions and ordinances of the participating political subdivisions of the District, and the applicable agreements of the participating political subdivisions of the District entered into with respect to this Residential Program (collectively, the **Governing Documents**). Each participating political subdivision of the District that has authorized the Residential Program has agreed in one or more Governing Documents that the Toledo-Lucas County Port Authority (the **Program Port Authority**) will serve as its designee and as designee of the legislative authority of the participating political subdivision (the **Legislative Authority**), and that the Program Port Authority is authorized to take certain actions on behalf of each participating political subdivision with respect to the Residential Program. Certain consumer protection policies (the **Consumer Protection Policies**) have been authorized by the Program Port Authority with respect to special energy improvement projects authorized under this Plan. The Consumer Protection Policies may be modified from time to time in accordance with the Governing Documents. Property owners may be required to agree to, and sign, an agreement to impose special assessments as a condition to receiving financing of special energy improvement projects facilitated by the District, and property owners that participate in the District’s Residential Program may have one or more financing agreements with program administrators or third parties associated with the special assessment financing undertaken as part of the Residential Program (such agreements, and any related documents, instruments, or certificates, are collectively the **Financing Documents**). This Plan refers to this Plan, the Governing Documents, agreements between the Program Port

To be eligible for participation in the Residential Program, a property owner must file a petition, a Supplemental Plan (as defined below), an Assessment Schedule, and a Project Description (collectively, the **Application Documents**) with the Program Port Authority. The Application Documents submitted under this Plan with respect to a Project shall constitute a petition submitted under Section 1710.02 of the Act. The petition will request that the participating political subdivision of the District in which the real property subject to the petition is located to add the property described in the petition to the District. The petition will further request that the participating political subdivision of the District in which the real property subject to the petition is located levy special assessments to be used to pay or secure Program Obligations issued or used to finance the Projects described in the Application Documents. The petition may contain conditions that must be satisfied prior to the levy of special assessments, such as availability of Project financing or execution of the Financing Documents.

By submitting Application Documents to the Program Port Authority, a property owner is submitting a petition under Section 1710.02 of the Act requesting and authorizing the levying of special assessments as an additional charge against real property, subject to any conditions contained in the petition or any reasonable conditions of the Program Port Authority necessary to cause the funding of the Project or as a result of funding the Project.

This Plan may be amended and supplemented from time to time, including, specifically, by supplements to this Plan. To be eligible for participation in the Residential Program, each property owner must file a supplement to this Plan (each a **Supplemental Plan**) with the Program Port Authority as part of the Application Documents. Each Supplemental Plan will supplement this Plan by identifying the Project to be undertaken for the real property described in the Supplemental Plan. Supplemental Plans shall include any other information as may be required by the Program Port Authority. Supplemental Plans shall conform to the requirements of the Act and any requirements in this Plan.

Each parcel of real property added to the District must have at least one Project. A property owner may file more than one set of Application Documents and may amend or withdraw any Application Documents filed at any time before the Application Documents are approved or disapproved by the Program Port Authority. Application Documents shall conform to the requirements of the Act and any requirements in this Plan.

The participating political subdivisions of the District each have authorized the Program Port Authority to approve or disapprove, on behalf of the Legislative Authority, the Application Documents submitted under this Plan. If Application Documents submitted under this Plan comply with this Plan's terms and conditions, the Program Port Authority shall approve the Application Documents on behalf of the Legislative Authority. If Application Documents do not comply with this Plan, the Program Port Authority shall not approve the Application Documents on behalf of the Legislative Authority. The Program Port Authority's approval or disapproval of the Application Documents shall constitute the Legislative Authority's approval or disapproval of the Application Documents for all purposes of the Act.

The Legislative Authority shall levy the special assessments described in the Assessment Schedule upon approval of the Application Documents by the Program Port Authority.

ARTICLE 3. Eligible Projects

In order to be eligible to participate in the Residential Program, Application Documents submitted to the Program Port Authority must identify Projects to be undertaken on the subject property in the Project Description submitted with the Application Documents. The Program Port Authority shall review the Application Documents submitted to it, and shall determine, in its reasonable discretion, whether each of the improvements described in the Application Documents constitute eligible Projects. Only Application Documents that describe eligible Projects will be approved by

the Program Port Authority. No improvements other than the Projects are eligible for participation in the Residential Program.

ARTICLE 4. Eligible Financing Terms

In order to be eligible to participate in the Residential Program, Application Documents submitted to the Program Port Authority must meet certain financing criteria described in the Consumer Protection Policies for the Residential Program in effect from time to time and other applicable Residential Program eligibility requirements. The Program Port Authority shall review the Application Documents submitted to it, and shall determine, in its reasonable discretion, whether all applicable eligibility requirements have been met.

ARTICLE 5. Fees

The participating political subdivisions of the District and the District Board are each authorized to charge to property owners, as costs of administering the Residential Program, any costs permitted by the Act. Program costs included as part of the cost of a Project shall be identified in one or more District Documents applicable to the Project, and such program costs may be included in the amount of special assessments levied on real property within the District.

ARTICLE 6. RENEWABLE Energy Regulations and ENERGY Requirements

The District Board is hereby authorized to adopt rules governing renewable energy credits associated with renewable energy Projects financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with District Board requirements related to renewable energy credits.

The District Board is hereby authorized to adopt rules governing the monetization of any energy efficiency or renewable energy attributes of any Projects financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with District Board requirements in furtherance of the monetization of such attributes.

The District Board is hereby authorized to adopt rules governing reporting of any energy efficiency attributes of any Projects financed with Program Obligations or the proceeds of Program Obligations if such reporting is requested by an electric distribution utility pursuant to the Act. Property owners shall comply with District Board requirements in furtherance of such reporting.

ARTICLE 7. Requirements Under the Act and Other Applicable Law

As provided in the District Documents:

(A) Additional territory may be added to the District under the Act, this Plan, and the rules established by the District Board.

(B) The District Documents may be amended or supplemented in accordance with their terms.

(C) As described in this Plan, the District Board is authorized to implement and amend this Plan, any Supplemental Plan, and any other plans for Projects, public improvements, and public services, all in accordance with the Act; provided that any changes to this Plan, Supplemental Plan or other requirements effecting the Residential Program shall not apply to any property owner's whose Application Document(s) have already been approved and the District shall give the Program Port Authority reasonable prior notice of any such changes.

(D) The public improvements to be provided by the District are the Projects identified by the Program Port Authority in this Plan and each Supplemental Plan. The area where the Projects will be undertaken will be the area identified in each petition submitted under this Plan. The method of assessment shall be in proportion to the special benefits received by each property within the District as a result of Projects.

(E) Except as provided in any applicable collection agreement to which the District or the Program Port Authority, on behalf of the District, is a party, for the purpose of levying an assessment, the District Board may combine levies for Projects, public improvements, and public services into one special assessment to be levied against each specially benefited property within the District.

ARTICLE 8. Changes in State and Federal Law

The ability to issue or use Program Obligations to finance Projects and to have special assessments levied for that purpose is subject to a variety of state and federal laws. The District shall not be obligated to implement any provision of this Plan which is contrary to state or federal law.

ARTICLE 9. Changes in the Residential Program's Terms; Severability

Participation in the Residential Program is subject to the District Documents' terms and conditions in effect from time to time during participation. Changes to the District Documents authorized in this Plan or in the District Documents themselves may result in modifications to the terms of the Residential Program or to property owner obligations, but no change to any District Documents may materially modify the payment obligations to which a property owner is subject for a Project that has already been funded as part of the Residential Program. If any provision of the District Documents is determined to be unlawful, void, or for any reason unenforceable, that provision shall be severed from the District Documents and shall not affect the validity and enforceability of any remaining provisions.

ARTICLE 10. Disclosure of Information

The District and all District Documents are subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.*, and certain information may be exempt from disclosure based on exemptions available under those laws. The District and all District Documents may be subject to federal laws that prevent disclosure of certain information.

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2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 RESOLUTION NO. - 2019

6
7 A RESOLUTION APPROVING AMENDMENTS TO THE ARTICLES
8 OF INCORPORATION OF THE AKRON-SUMMIT COUNTY ENERGY
9 SPECIAL IMPROVEMENT DISTRICT, INC., AND DECLARING AN
10 EMERGENCY.

11
12 WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has
13 authorized property owners to include their properties within energy special improvement
14 districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are
15 voluntary organizations of property owners who undertake special energy improvement projects
16 for their properties and finance such special energy improvement projects by way of voluntary
17 special assessments; and

18
19 WHEREAS, the Akron, Barberton, Bath Township, Copley Township, Coventry Township,
20 Cuyahoga Falls, Fairlawn, Green, Lakemore, New Franklin, Norton, Richfield, Springfield
21 Township, Tallmadge Energy Special Improvement District, Inc. doing business under the
22 registered trade name Akron-Summit County Energy Special Improvement District, Inc. (the
23 “District”) has been duly created and is validly existing pursuant to the laws of the State of Ohio,
24 and the City of Cuyahoga Falls, Ohio is a “participating political subdivision” of the District in
25 accordance with Ohio Revised Code Section 1710.01(E); and

26
27 WHEREAS, in furtherance of the District’s public purposes, the District has determined to
28 amend the *Articles of Incorporation of the Akron, Barberton Energy Special Improvement District,*
29 *Inc.* (as amended and supplemented from time to time, the “Articles of Incorporation”) in order to
30 better describe the public purposes of the District and the role of each of the participating
31 political subdivisions in appointing directors to the board of directors of the District; and

32
33 WHEREAS, in order to amend the Articles of Incorporation, the Council of the City of
34 Cuyahoga Falls, Ohio, as the legislative authority of a participating political subdivision of the
35 District, must approve, by resolution, the amendment to the Articles of Incorporation pursuant
36 to Ohio Revised Code Section 1710.02(D)(3) and the Articles of Incorporation; and

37
38 WHEREAS, this Council has determined to approve the amendments to the Articles of
39 Incorporation substantially as shown on Exhibit A attached to and incorporated into this
40 Resolution.

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

44
45 Section 1. This Council hereby approves the amendments to the District’s Articles of
46 Incorporation substantially as shown on Exhibit A attached to and incorporated into this
47 Resolution.

48
49 Section 2. It is found and determined that all formal actions of this Council concerning and
50 relating to the adoption of this resolution were adopted in an open meeting of this Council and
51 that all deliberations of this Council and of any of its committees that resulted in such formal
52 action were in meetings open to the public, in compliance with all legal requirements including
53 Chapter 107 of the Codified Ordinances.
54

55 Section 3. This resolution is hereby declared to be an emergency measure necessary for the
56 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
57 Falls and the inhabitants thereof 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 immediately upon
59 its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
60 period allowed by law.

61
62

63 Passed: _____
64 _____
65 President of Council

66
67 _____
68 Clerk of Council

69
70
71 Approved: _____
72 _____
73 Mayor

74 7/8/19
75 O:\2019ords\Cuyahoga Falls Residential PACE Resolution Approving Articles.docx

EXHIBIT A

Amendments to District Articles of Incorporation

Replace Article Third with the following:

(A) To govern the Akron, Barberton, Bath Township, Copley, Coventry Township, Cuyahoga Falls, Fairlawn, New Franklin, Norton, Springfield Township, Tallmadge Energy Special Improvement District, a special improvement district (as the same shall from time to time be named in accordance with Article First of these Articles of Incorporation, the "District") created pursuant to ORC Chapter 1710. The District will be authorized to provide special energy improvement projects pursuant to ORC Chapter 1710 within the boundaries of the District, including energy efficiency and clean and renewable energy projects. The Corporation will be conducive to and promote the public health, safety, peace, convenience, and general welfare by creating projects that conserve energy and create a cleaner environment, lead to energy independence, create jobs and economic growth and development, and promote the general welfare within the District and the participating political subdivisions.

(B) To engage in any lawful act, activity, or business not contrary to, and for which a nonprofit corporation may be formed under, the laws of the State of Ohio. The District will be authorized to take any other actions pursuant to ORC Chapter 1710 that may be taken by a special improvement district organized for the purpose of developing and implementing plans for special energy improvement projects. The City of Akron, Ohio ("Akron") and the City of Barberton, Ohio ("Barberton") are each a "participating political subdivision," as that term is defined in ORC Section 1710.01(E), that will be authorized to levy a special assessment on each property within their respective territory within the District to pay for such improvements, based on the benefits those special energy improvement projects confer.

(C) To have and exercise all powers, rights, and privileges conferred by the laws of the State of Ohio on nonprofit corporations or on special improvement districts, including, but not limited to, buying, leasing, or otherwise acquiring and holding, using or otherwise enjoying and selling, leasing or otherwise disposing of any interest in any property, real or personal, of whatever nature and wheresoever situated, and buying and selling renewable energy credits, stocks, bonds, or any other security of any issuer as the Corporation by action of its Board may, at any time and from time to time, deem advisable.

(D) The reasons for establishing the District include enhancing public health, safety, peace, convenience, and welfare by developing and assisting in developing special energy improvement projects that reduce the territory's carbon footprint, promote the District as a location for green technology job creation, benefit property within the District, and improve the environment.

Replace Article Fourth with the following:

In accordance with R.C. Chapter 1702, no part of the net earnings of the Corporation shall inure to the benefit of any private person, including any Director, officer, or member of the Corporation, except the Corporation shall be permitted to pay reasonable compensation for services actually rendered to the Corporation, or allowed by the Corporation as a reasonable allowance for authorized expenditures incurred on behalf of the Corporation.

Replace Article Sixth with the following:

The Corporation shall be controlled and managed under the direction of the Board. The Board shall at all times consist of at least nine (9) individuals (individually a "Director").

(A) The municipal executive, as defined in ORC Section 1710.01(D), of each participating political subdivision of the District or an employee of each participating political subdivision who is involved with its planning or economic development functions and who shall be appointed by and serve at the pleasure of such participating political subdivision's municipal executive each shall serve as a Director.

(B) A person appointed by and serving at the pleasure of the legislative authority of each participating political subdivision of the District each shall serve as a Director.

(C) Three (3) Directors shall be Members or executive representatives of Members elected, designated, or appointed by the Members as described in the Code of Regulations of the Corporation.

(D) The remaining Directors, if any, shall be elected by the political subdivisions of the District as described in the Code of Regulations of the Corporation.

The Board of Directors of the Corporation from time to time shall constitute the Board of Directors of the Corporation under ORC Chapter 1710.

Replace Article Ninth with the following:

The existence of the Corporation shall be perpetual, provided however, that the Corporation may be dissolved in accordance with the procedure proscribed under ORC Chapter 1710.13. No rights or obligations of any person under any contract, or in relation to any bonds, notes, or assessments made under this chapter, shall be affected by the dissolution of the Corporation or the repeal of a plan, except with the consent of that person or by order of a court with jurisdiction over the matter. Upon dissolution of the Corporation, any assets or rights of the Corporation, after payment of all bonds, notes, or other obligations of the Corporation, shall be deposited in a special account in the treasury of each participating political subdivision, prorated among all participating political subdivisions to reflect the percentage of the District's territory within that political subdivision, to be used for the benefit of the territory that made up the District.

Notwithstanding anything herein to the contrary, no part of the Corporation's income will be distributed to any entity other than a political subdivision of a state or an organization the income of which is excluded from gross income under Internal Revenue Code section 115(1).