

**NEW LEGISLATION**

April 26, 2021

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-21	4/26/21	PZ	An ordinance accepting the Planning Commission recommendation for the demolition of an existing boat repair building and construction of a 14,500 sq. ft. addition to an existing boat storage building to accommodate the repair operations of Buckeye Sports Center at 4610 State Rd., and declaring an emergency.
B-22	4/26/21	PZ	An ordinance authorizing and approving the Preliminary Subdivision Plat for Princeton Place on parcel numbers 3500517 and 3500402, and declaring an emergency.
B-23	4/26/21	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, for the stabilization of Akron-Peninsula Road in the City of Cuyahoga Falls, and declaring an emergency.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-24	4/26/21	Fin	An ordinance authorizing the Mayor or his designee to enter into an agreement with the Ohio Rail Development Commission and CSX Transportation for grade crossing warning device improvements and implementation of a 4 quadrant light and gate system quiet zone at the Bailey Road/CSX railroad crossing, and declaring an emergency.
B-25	4/26/21	Fin	An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 8100 with Quality Control Inspection, Inc., and declaring an emergency.
B-26	4/26/21	Fin	An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 8076 with Lake Erie Construction Company, and declaring an emergency.
B-27	4/26/21	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition of structures located on 3427 Wyoga Lake Road within the city, and removal of demolition debris, and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-28	4/26/21	PI	An ordinance authorizing the Director of Public service to enter into a contract or contracts, according to law, for the repair and resurfacing of Chestnut Boulevard from State Road to 2nd Street, and declaring an emergency.
B-29	4/26/21	CD	An ordinance authorizing the Mayor to enter into a Community Reinvestment Area Agreement with Harbor Castings, Inc., and declaring an emergency.
B-30	4/26/21	CD	An ordinance approving and authorizing the Mayor to execute a Community Development Block Grant agreement with R2K Contracting, Inc., in an amount not to exceed \$67,921.00 and declaring an emergency.

**CALENDAR**  
April 26, 2021

The following legislation will be up for passage at the Council Meeting on April 26, 2021.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-14	4/12/21	PZ	An ordinance authorizing and approving the Final Subdivision Plat and Improvement Plans for the Ledges of Pine Ridge on parcel 37-00221 also known as 5008 State Rd., and declaring an emergency.
B-16	4/12/21	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the Mud Brook Greenway Trail Phase I, and declaring an emergency.
B-17	4/12/21	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the removal of rust and loose paint and to repaint the steel framework at Substations 3 and 7, and declaring an emergency.
B-18	4/12/21	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-19	4/12/21	PA	A resolution supporting the Mayor's submission of an application to the Federal House Appropriations Committee for Federal Fiscal Year 2022 Community Projects to repair the Downtown Cuyahoga Falls Riverfront Boardwalk and complete the Gorge Terrace Street Transformation Project, and declaring an emergency.
B-20	4/12/21	CD	An ordinance authorizing the Mayor to enter into a Grant Agreement with the Ohio Development Services Agency for the Abandoned Gas Station Cleanup Grant Program in an amount not to exceed \$250,000.00 for the real property known as 1704 S. Front Street (parcel 02-04691), Cuyahoga Falls, Ohio 44221, and to make the necessary appropriations for the same, and declaring an emergency.

## PENDING LEGISLATION

April 26, 2021

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-14	4/12/21	PZ	An ordinance authorizing and approving the Final Subdivision Plat and Improvement Plans for the Ledges of Pine Ridge on parcel 37-00221 also known as 5008 State Rd., and declaring an emergency.
B-15*	4/12/21	PZ	An ordinance approving a regulatory text amendment to Table 1131-1 Zoning Districts and Uses to allow Vehicle Wash/Detailing as a conditional use in MU-3 Sub-Urban Center and MU-5 Urban Center Districts, and declaring an emergency.
B-16	4/12/21	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the Mud Brook Greenway Trail Phase I, and declaring an emergency.
B-17	4/12/21	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the removal of rust and loose paint and to repaint the steel framework at Substations 3 and 7, and declaring an emergency.

\*Public hearing scheduled for May 17, 2021

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<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
B-18	4/12/21	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
B-19	4/12/21	PA	A resolution supporting the Mayor's submission of an application to the Federal House Appropriations Committee for Federal Fiscal Year 2022 Community Projects to repair the Downtown Cuyahoga Falls Riverfront Boardwalk and complete the Gorge Terrace Street Transformation Project, and declaring an emergency.
B-20	4/12/21	CD	An ordinance authorizing the Mayor to enter into a Grant Agreement with the Ohio Development Services Agency for the Abandoned Gas Station Cleanup Grant Program in an amount not to exceed \$250,000.00 for the real property known as 1704 S. Front Street (parcel 02-04691), Cuyahoga Falls, Ohio 44221, and to make the necessary appropriations for the same, and declaring an emergency.

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2021

8  
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION  
10 RECOMMENDATION FOR THE DEMOLITION OF AN EXISTING  
11 BOAT REPAIR BUILDING AND CONSTRUCTION OF A 14,500  
12 SQ. FT. ADDITION TO AN EXISTING BOAT STORAGE  
13 BUILDING TO ACCOMMODATE THE REPAIR OPERATIONS  
14 OF BUCKEYE SPORTS CENTER AT 4610 STATE RD., AND  
15 DECLARING AN EMERGENCY.

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

19  
20 WHEREAS, on April 20, 2021, the Planning Commission recommended approval of the major  
21 site plan for Buckeye Sports Center to demolish an existing boat repair facility and add on 14,500  
22 sq. ft. of building to a separate, existing storage facility on the rear of the site at 4610 State Rd.,  
23 and

24  
25 WHEREAS, such approval is given subject to all Planning Commission findings and  
26 provisions contained in Project File MSP-21-00016, and

27  
28 WHEREAS, such approval is necessary to determine that the site plan is satisfactory, serves  
29 the public interest, and is acceptable for recording.

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

33  
34 Section 1. That City Council approves the site plan for the demolition of an existing boat  
35 repair building and construction of a 14,500 sq. ft. addition to a separate existing boat storage  
36 building at 4610 State Rd. The approved site plan is depicted in the attachment to this ordinance  
37 and as fully described in Project File MSP-21-00016.

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

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

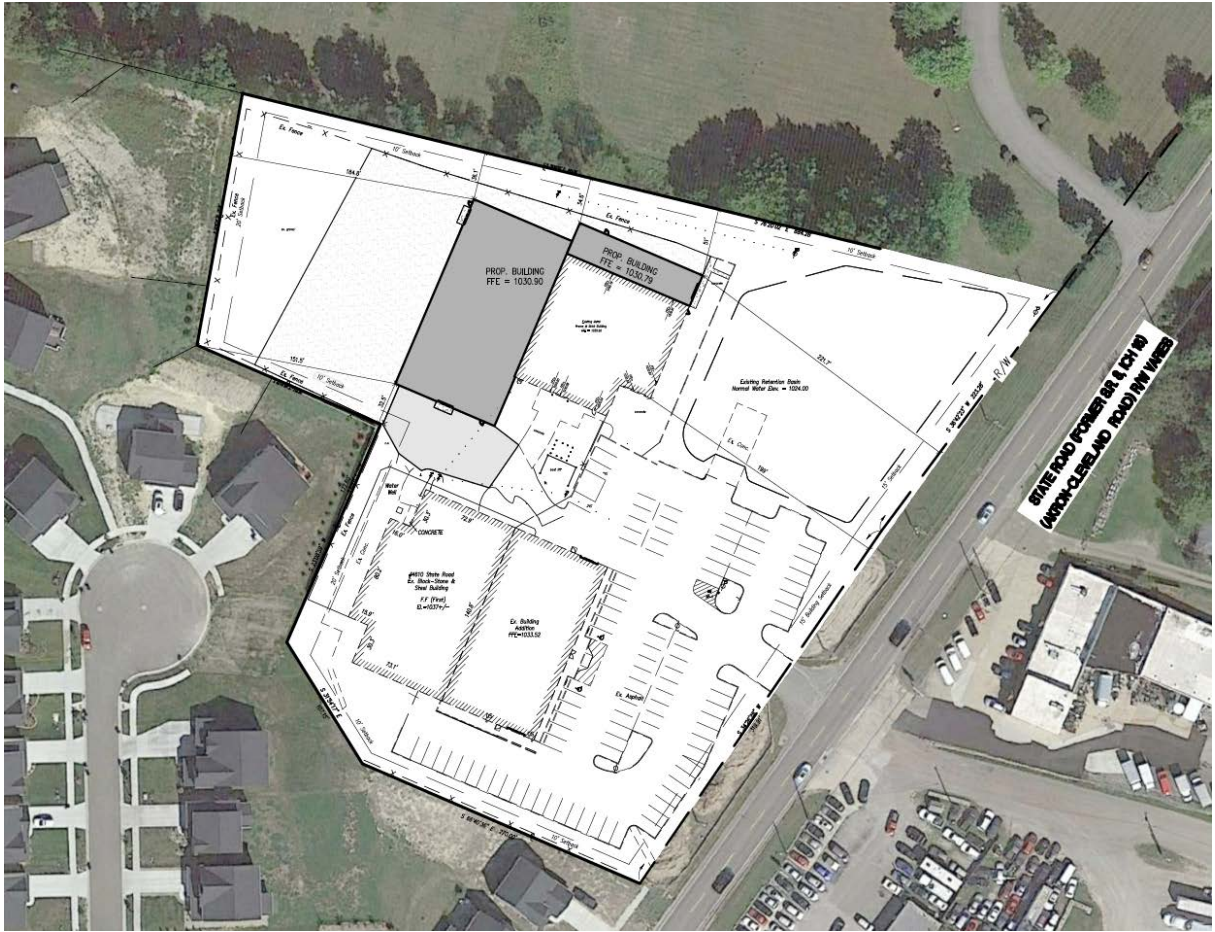
49  
50 Section 4. That this ordinance is hereby declared to be an emergency measure necessary for  
51 the preservation of the public peace, health, safety, convenience and welfare of the City of  
52 Cuyahoga Falls and the inhabitants thereof, for the reason that it is immediately necessary to  
53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

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59 Passed: \_\_\_\_\_  
60 \_\_\_\_\_  
61 President of Council

62 \_\_\_\_\_  
63 Clerk of Council

64  
65 Approved: \_\_\_\_\_  
66 \_\_\_\_\_  
67 Mayor





SOUTH AND WEST ELEVATIONS



EXISTING BUILDING



VIEW FROM STATE ROAD

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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2021

8  
9 AN ORDINANCE AUTHORIZING AND APPROVING THE PRELIMINARY  
10 SUBDIVISION PLAT FOR PRINCETON PLACE ON PARCEL NUMBERS  
11 3500517 & 3500402 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 Preliminary Subdivision Plans in the City of Cuyahoga Falls, Ohio, and

18  
19 WHEREAS, on April 20, 2021, the Planning Commission approved the Princeton Place Preliminary  
20 Subdivision Plat consisting of the multi-family residential component of the mixed-use development,  
21 general utility and access easements, utilities, stormwater facilities and open space on parcel numbers  
22 3500517 and 3500402 on the west side of Wyoga Lake Rd., within the City of Cuyahoga Falls, Ohio, as  
23 detailed in File PMP-21-00009.

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

27  
28 Section 1. That the City Council approves the Princeton Place Preliminary Subdivision Plat  
29 consisting of the multi-family residential component of the mixed-use development, general utility and  
30 access easements, utilities, stormwater facilities and open space on Parcel numbers 3500517 and  
31 3500402 on the west side of Wyoga Lake Rd., within the City of Cuyahoga Falls, Ohio, in accordance  
32 with all Cuyahoga Falls General Development Code regulations and as stipulated in the Codified  
33 Ordinances of the City of Cuyahoga Falls as approved by the Planning Commission as per all plans and  
34 stipulations contained in Project File PMP-21-00009.

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

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

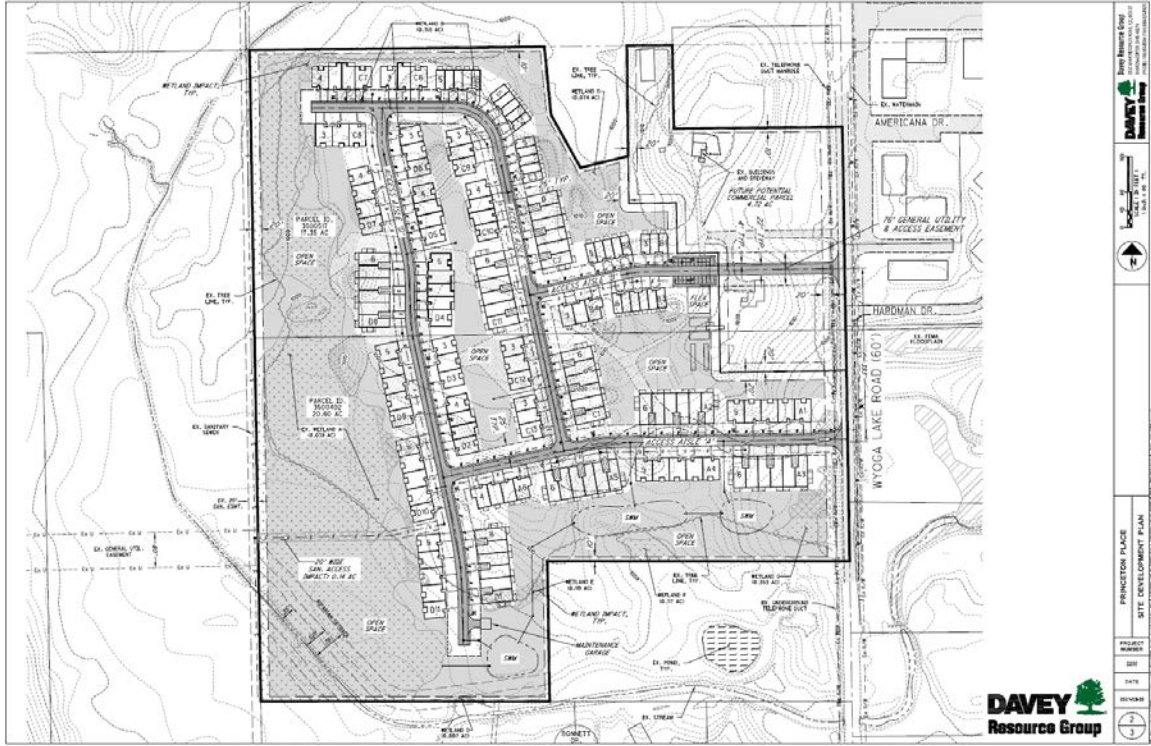
45  
46 Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the  
47 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls  
48 and the inhabitants thereof, for the reason that it is immediately necessary to permit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

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

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59 Clerk of Council

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61  
62 Approved: \_\_\_\_\_  
63 \_\_\_\_\_  
64 Mayor

64 4/26/21



  
 Davey Resource Group  
 10000 W. 10th Ave., Suite 100  
 Denver, CO 80202  
 Phone: 303.755.1100  
 Fax: 303.755.1101  
 www.daveyresourcegroup.com

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PROJECT: PLACE  
 DATE: 08/11/2011  
 SHEET: 01 OF 01  
 SCALE: AS SHOWN

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PROJECT NUMBER:  
 DATE:  
 REVISION:

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**DAVEY**  
 Resource Group

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2021

7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
10 WITHOUT COMPETITIVE BIDDING, FOR THE STABILIZATION OF  
11 AKRON-PENINSULA ROAD IN THE CITY OF CUYAHOGA FALLS,  
12 AND DECLARING AN EMERGENCY.

13  
14 WHEREAS, Akron-Peninsula Road is in emergency need of repair and stabilization, eliminating  
15 the need for competitive bidding; and

16  
17 WHEREAS, the Water Department has identified a contractor, River Reach Construction, which  
18 provides proprietary landslide stabilization services.

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

22  
23 Section 1. That the Director of Public Service is hereby authorized to enter into a contract or  
24 contracts, without competitive bidding, for the stabilization of Akron-Peninsula Road, in the City of  
25 Cuyahoga Falls.

26  
27 Section 2. That the Director of Finance is hereby authorized and directed to make payment  
28 for same from the Storm Drainage Utility Fund, line item Capital Outlay.

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

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

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

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

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President of Council

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

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56  
57 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

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59  
60 4/26/21

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2021

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR OR HIS  
8 DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE  
9 OHIO RAIL DEVELOPMENT COMMISSION AND CSX  
10 TRANSPORTATION FOR GRADE CROSSING WARNING  
11 DEVICE IMPROVEMENTS AND IMPLEMENTATION OF A  
12 4-QUADRANT LIGHT AND GATE SYSTEM QUIET ZONE AT  
13 THE BAILEY ROAD/CSX RAILROAD CROSSING, AND  
14 DECLARING AN EMERGENCY.

15  
16  
17 WHEREAS, the Ohio Rail Development Commission and CSX Transportation (CSX)  
18 have identified the need for grade crossing warning device upgrades at the Bailey  
19 Road/CSX railroad crossing, and;

20  
21 WHEREAS, the City has requested the implementation of a 4-quadrant light and gate  
22 system quiet zone be implemented at this grade crossing, and;

23  
24 WHEREAS, the City has agreed to fund 36% of the preliminary engineering and  
25 construction costs of these upgrades, which represents the difference between the  
26 warning device upgrades and the quiet zone implementation.

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. The Mayor or his designee be and is hereby authorized to enter into an  
32 agreement with the Ohio Rail Development Commission and CSX Transportation (CSX)  
33 for the grade crossing warning device improvements and implementation of a 4-quadrant  
34 light and gate system quiet zone at the Bailey Road/CSX railroad crossing.

35  
36 Section 2. The Director of Finance is hereby authorized and directed to make payment  
37 for same from the Capital Projects Fund, line item Capital Outlay.

38  
39 Section 3. Any other ordinances and resolutions or portions of ordinances and  
40 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
41 resolutions or portions of ordinances and resolutions not inconsistent herewith and  
42 which have not previously been repealed are hereby ratified and confirmed.

43  
44 Section 4. It is found and determined that all formal actions of this Council  
45 concerning and relating to the adoption of this ordinance were adopted in an open  
46 meeting of this Council, and that all deliberations of this Council and of any of its  
47 committees that resulted in such formal action, were in meetings open to the public, in  
48 compliance with all legal requirements, to the extent applicable, including Chapter 107  
49 of the Codified Ordinances.

50 Section 5. This ordinance is hereby declared to be an emergency measure necessary  
51 for the preservation of the public peace, health, safety, convenience and welfare of the  
52 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
53 affirmative vote of two thirds of the members elected or appointed to Council, it shall take  
54 effect and be in force immediately upon its passage and approval by the Mayor; otherwise  
55 it shall take effect and be in force at the earliest period allowed by law.  
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Passed: \_\_\_\_\_  
President of Council

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Clerk of Council

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

69 4/26/21  
70 \\cf-file01\ldpublic\Council\2021ords\04-26-21\CSX Quiet Zone.docx

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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2021

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A MODIFICATION OF CONTRACT  
9 NO. 8100 WITH QUALITY CONTROL INSPECTION, INC., AND  
10 DECLARING AN EMERGENCY.

11  
12 WHEREAS, pursuant to the authority of Board of Control on or about September 21, 2020,  
13 the Director of Public Service entered into Contract No. 8100, with Quality Control Inspection,  
14 Inc., to provide materials testing and contract administration services for the West Steels  
15 Corners Road Resurfacing (the "Project"); and

16  
17 WHEREAS, for the Project to proceed, the City desires to continue materials testing and  
18 contract administration services which will benefit the Project.

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

22  
23 Section 1. The Director of Public Service is hereby authorized to enter into a modification  
24 of Contract No. 8100, with Quality Control Inspection, Inc., in an amount not to exceed  
25 \$18,732.00. The total contract price after modification as authorized herein shall not exceed  
26 \$64,213.00.

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

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

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

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

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

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

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53 \_\_\_\_\_  
54 Clerk of Council

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

\_\_\_\_\_  
Mayor

57  
58 4/26/21

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2021

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 PUBLIC SERVICE TO ENTER INTO A MODIFICATION  
9 OF CONTRACT NO. 8076 WITH LAKE ERIE  
10 CONSTRUCTION COMPANY AND DECLARING AN  
11 EMERGENCY.  
12

13 WHEREAS, pursuant to the authority of Board of Control on or about August  
14 10, 2020, the Director of Public Service entered into Contract No. 8076, with Lake  
15 Erie Construction Company to provide emergency overhead sign repairs on State  
16 Route 8, (the "Project"); and  
17

18 WHEREAS, Ohio Revised Code §735.051 authorizes this Council to waive  
19 formal competitive bidding and advertising for contracts where there is a real and  
20 present emergency arising in connection with the operation and maintenance of  
21 a municipally-owned facility; and  
22

23 WHEREAS, the Ohio Department of Transportation has agreed to reimburse  
24 the City at a rate of fifty percent (50%) of the eligible items of expense.  
25

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

29 Section 1. The Director of Public Service is hereby authorized to enter into a  
30 modification of Contract No. 8076, with Lake Erie Construction Company in an  
31 amount not to exceed \$20,400.00. The total contract price after modification as  
32 authorized herein shall not exceed \$70,400.00.  
33

34 Section 2. The Director of Finance is hereby authorized and directed to make  
35 payment for same from the Capital Projects Fund, line item Capital Outlay.  
36

37 Section 3. Any other ordinances and resolutions or portions of ordinances and  
38 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
39 resolutions or portions of ordinances and resolutions not inconsistent herewith  
40 and which have not previously been repealed are hereby ratified and confirmed.  
41

42 Section 4. It is found and determined that all formal actions of this Council  
43 concerning and relating to the adoption of this ordinance were adopted in an  
44 open meeting of this Council, and that all deliberations of this Council and of any  
45 of its committees that resulted in such formal action, were in meetings open to  
46 the public, in compliance with all legal requirements, to the extent applicable,  
47 including Chapter 107 of the Codified Ordinances.  
48

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



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

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59 Passed: \_\_\_\_\_  
60 \_\_\_\_\_  
61 President of Council

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62

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

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67 \_\_\_\_\_  
68 Mayor Clerk of Council

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69 4/26/21

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3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2021

7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,  
10 ACCORDING TO LAW, FOR THE DEMOLITION OF STRUCTURES  
11 LOCATED ON 3427 WYOGA LAKE ROAD WITHIN THE CITY, AND  
12 REMOVAL OF DEMOLITION DEBRIS, AND CERTIFYING THE  
13 COST THEREOF TO THE COUNTY FISCAL OFFICER FOR  
14 COLLECTION IN THE MANNER PROVIDED BY LAW, AND  
15 DECLARING AN EMERGENCY.  
16

17  
18 WHEREAS, the Building Official has declared the building identified in Section 1 below to be  
19 a dangerous building within the meaning of Chapter 1343 of the Summit County Codified  
20 Ordinances; and  
21

22 WHEREAS, the Building Official has provided notice to all owners and interested parties  
23 concerned with the building identified in Section 1 below, instructing such owners and interested  
24 parties as to the repairs required to make the building safe, ordering the owners to repair or  
25 demolish the buildings accordingly, and informing the owners and interested parties of their  
26 right of appeal under Section 1343.07 of said Chapter; and  
27

28 WHEREAS, no appeals of the Building Official's orders have been received; and  
29

30 WHEREAS, no remediation of the conditions found by the Building Official have been  
31 attempted or accomplished by any of the owners or interested parties.  
32

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

36 Section 1. Council hereby finds and determines that the following described structure is  
37 insecure, unsafe, and structurally defective within the meaning of Ohio Revised Code Section  
38 715.26, and dangerous buildings within the meaning of Chapter 1343 of the Summit County  
39 Codified Ordinances:  
40

- 41 1) 3427 Wyoga Lake Road (garage only)

42  
43 Section 2. The Director of Public Service is authorized to enter into a contract or contracts,  
44 according to law, for the demolition of the dangerous buildings listed in Section 1 above, and  
45 removal of debris therefrom.  
46

47 Section 3. The Director of Finance is authorized to make payment for same from the Capital  
48 Projects Fund, Line Item Capital Outlay.  
49

50 Section 4. In accordance with the Ohio Revised Code Section 715.261 the Director of Finance  
51 is hereby directed to certify the costs of demolition and debris removal to the Clerk of Council  
52 who shall then certify the same to the Summit County Fiscal Officer for placement thereof on the  
53 tax duplicate together with interest and penalties provided by law.

54 Section 5. Any other ordinances and resolutions or portions of ordinances and resolutions  
55 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of  
56 ordinances and resolutions not inconsistent herewith and which have not previously been  
57 repealed are hereby ratified and confirmed.  
58

59 Section 6. It is found and determined that all formal actions of this Council concerning and  
60 relating to the adoption of this ordinance were adopted in an open meeting of this Council and  
61 that all deliberations of this Council and of any of its committees that resulted in such formal  
62 action were in meetings open to the public, in compliance with all legal requirements including,  
63 to the extent applicable, including Chapter 107 of the Codified Ordinances.  
64

65 Section 7. This ordinance is hereby declared to be an emergency measure necessary for the  
66 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
67 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of  
68 the members elected or appointed to Council, it shall take effect and be in force immediately  
69 upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the  
70 earliest period allowed by law.  
71

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

76  
77 \_\_\_\_\_  
78 Clerk of Council

79  
80  
81 Approved: \_\_\_\_\_  
82 \_\_\_\_\_  
83 Mayor

84 4/26/21

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3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. - 2021

7  
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
9 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR  
10 CONTRACTS, ACCORDING TO LAW, FOR THE REPAIR  
11 AND RESURFACING OF CHESTNUT BOULEVARD FROM  
12 STATE ROAD TO 2<sup>ND</sup> STREET, AND DECLARING AN  
13 EMERGENCY.

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

17  
18 Section 1. The Director of Public Service is hereby authorized to enter into a contract  
19 or contracts, according to law, for the repair and resurfacing of Chestnut Boulevard from  
20 State Road to 2<sup>nd</sup> Street in the City of Cuyahoga Falls.

21  
22 Section 2. Any other ordinances or resolutions or portions of ordinances and  
23 resolutions inconsistent herewith be and the same are hereby repealed, but any  
24 ordinances and resolutions not inconsistent herewith and which have not previously been  
25 repealed are hereby ratified and confirmed.

26  
27 Section 3. It is found and determined that all formal actions of this Council  
28 concerning and relating to the adoption of this ordinance were adopted in an open  
29 meeting of this Council, and that all deliberations of this Council and of any of its  
30 committees that resulted in such formal action, were in meetings open to the public, in  
31 compliance with all legal requirements, to the extent applicable, including Chapter 107  
32 of the Codified Ordinances.

33  
34 Section 4. This ordinance is hereby declared to be an emergency measure necessary  
35 for the preservation of the public peace, health, safety, convenience and welfare of the  
36 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
37 affirmative vote of two thirds of the members elected or appointed to Council, it shall take  
38 effect and be in force immediately upon its passage and approval by the Mayor; otherwise  
39 it shall take effect and be in force at the earliest period allowed by law.

40  
41  
42  
43 Passed: \_\_\_\_\_

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

44  
45  
46  
47 \_\_\_\_\_  
48 Clerk of Council

49  
50  
51 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

52  
53 4/26/21

2  
3  
4 CITY OF CUYAHOGA FALLS, OHIO

5  
6 ORDINANCE NO. -2021

7  
8 AN ORDINANCE AUTHORIZING THE MAYOR TO  
9 ENTER INTO A COMMUNITY REINVESTMENT  
10 AREA AGREEMENT WITH HARBOR CASTINGS,  
11 INC., AND DECLARING AN EMERGENCY.  
12  
13

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

18 WHEREAS, the City of Cuyahoga Falls has designated a certain area within the City that  
19 has been certified by the State of Ohio Development Services Agency (FKA Ohio Department  
20 of Development) as a Community Reinvestment Area enabling it to exempt certain real  
21 property taxes imposed commercial, or industrial provided said industry creates or retains  
22 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 Harbor  
25 Castings, Inc. for the construction of a youth basketball training facility, to be leased to  
26 David Lane Basketball, LLC, located at 2470 Bailey Road, Cuyahoga Falls, Ohio 44221  
27 (Parcel #0212833), at an approximate cost of one million four hundred thousand dollars  
28 (\$1,400,000.00); and  
29

30 WHEREAS, the City intends to provide a Community Reinvestment Area Tax Exemption  
31 to Harbor Castings, Inc. for a period of ten (10) years at the rate of fifty (50%) percent.  
32

33 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
34 County of Summit, and State of Ohio:  
35

36 Section 1. The Mayor is authorized to enter into a Community Reinvestment Area (CRA)  
37 Agreement with Harbor Castings, Inc. consistent with the terms in the proposed CRA  
38 Agreement and corresponding Application attached hereto as Exhibit A, to provide real  
39 property tax relief at the percentage and length of abatement as stipulated in said Agreement  
40 and corresponding Application to benefit the City and being consistent with the objectives  
41 of this ordinance.  
42

43 Section 2. The Mayor, Director of Finance, Director of Community Development, Director  
44 of Law and any other city officials, individually and/or collectively as may be appropriate, is  
45 authorized to prepare and execute such other documents and do other things as are  
46 necessary for and incidental to carrying out the requirements of this legislation consistent  
47 with the terms of the attached Agreement and corresponding Application.  
48

49 Section 3. That any ordinances or resolutions or portions of ordinances and resolutions  
50 inconsistent herewith be and the same are hereby repealed, but any ordinances and  
51 resolutions not inconsistent herewith and which have not previously been repealed are  
52 hereby ratified and confirmed.

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

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

66  
67  
68 Passed: \_\_\_\_\_  
69 \_\_\_\_\_  
70 President of Council

71  
72 \_\_\_\_\_  
73 Clerk of Council

74 Approved: \_\_\_\_\_  
75 \_\_\_\_\_  
76 Mayor

76 4/26/21  
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**City of Cuyahoga Falls**  
**APPLICATION FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES**

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

Harbor Castings  
(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).

Harbor Castings  
Enterprise Name

Chuck Lane  
Contact Person

2508 Bailey Road  
Address

(330) 499-7178  
Telephone Number

lanecheck@msn.com  
Contact Email

**Project site:**

2470 Bailey Road  
Address

021<sup>2</sup>2833  
Parcel Number

Chuck Lane  
Contact Person

(330) 606-7727  
Telephone Number

lanecheck@msn.com  
Contact Email

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.

**Applicant acknowledges an understanding of the following:**

- If approved by City Council, there is a \$750 application fee payable to the Ohio Development Services Agency;
- All abatements are only on the improved value of the property;
- Property valuations are determined by the County of Summit Fiscal Office; and
- The investment amounts noted in item # 10 may not be fully reflected in the final appraised value of the property as determined by the County of Summit Fiscal Office.

**Receipt of an abatement also requires the following:**

- Annual reporting each year of the abatement, including, but not limited to the project investment, payroll and job creation levels identified in this application; copy of W-3 Transmittals; and other items as determined by the State of Ohio Development Services Agency;
- Commitment by applicant and/or any commercial tenant to provide a scholarship in the amount of \$1,000.00 per year and three (3) internships to the Cuyahoga Falls School District for the entire period of the abatement, being [10] years;
- Commitment by applicant and/or any commercial tenant to provide public art in and/or around the new development pursuant to the newly adopted Master Public Arts Plan for Cuyahoga Falls;
- Commitment by applicant AND any commercial tenant to join the Downtown Cuyahoga Falls Partnership; and
- Payment to the City of Cuyahoga Falls of an annual fee in the amount of 1% of the incentives offered, but no less than \$500 and no greater than \$2,500.

**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.

Chuck Lane

Name of Property Owner

President

Title



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.

The site will host kids basketball camps leagues, and training sessions. The site will also host mens leagues. The site will host strength and conditioning training. The site will also provide a therapy room to help keep the clients in the best physical shape.

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

[REDACTED]

- 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.

David Lane Basketball LLC

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:

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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	<u>0</u>	<u>0</u>
Part Time	<u>0</u>	<u>0</u>

(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

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

N/A

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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):

Performance Center. We want to create an atmosphere that allows kids and the working adult to train like a professional athlete. We will run mens and kids basketball leagues as well as camps and personalized development. We will also provide a recovery room for the client to take the proper care of their body.

7. Project will begin on MAY 15<sup>th</sup> 2021 and be completed by NOVEMBER 30<sup>th</sup> 2021 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	0
Part Time	4	0

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

b. State the time frame of this projected hiring: 6 months.

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

We look to hire one full time employee by September,  
1 full time in November, and four part time  
employees in December.

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	\$	87,000	\$	
Part-time	\$	40,000	\$	
TOTAL:	\$	127,000	\$	

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

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 0.

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

A. Acquisition of Land/Buildings	\$	<u>50,000</u>
B. Additions/New Construction	\$	<u>1.2 million</u>
C. Improvements to Existing Buildings	\$	<u>0</u>
D. Machinery & Equipment	\$	<u>100,000</u>
E. Furniture & Fixtures	\$	<u>50,000</u>
F. Inventory	\$	<u>0</u>
<b>Total New Project Investment</b>	\$	<u>1.4 million</u>

11.

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

b. Business' reasons for requesting tax incentives (Be quantitatively specific as possible):

The facility will be very beneficial to the community, especially the youth. It is a small first time business so any help would be tremendously helpful.

Charles L. Lane II

Signature

9/7/21

Date

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

**COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENT**

**THIS AGREEMENT** made on \_\_\_\_\_, between:

**The City of Cuyahoga Falls**  
an Ohio Municipal Corporation  
2310 Second Street  
Cuyahoga Falls, OH 44221  
(the "CITY")

and

**Harbor Castings, Inc.**  
2508 Bailey Road  
Cuyahoga Falls, Ohio 44221  
(the "COMPANY")

**WITNESSETH:**

**WHEREAS**, the CITY of Cuyahoga Falls has encouraged the development of real property in the Cuyahoga River District located in the area designated as a Community Reinvestment Area;

**WHEREAS**, the Council of the City of Cuyahoga Falls, Ohio by Ordinance No. 95-2004 and adopted on June 30, 2004 creating the Cuyahoga River Community Reinvestment Area, pursuant to Chapter 3735 of the Ohio Revised Code, which designates the Cuyahoga River District as a Community Reinvestment Area and provides tax abatement within said area to property zoned commercial, industrial, and residential consistent with applicable zoning regulations are met;

**WHEREAS**, effective June 30, 2004, the Director of Development of the State of Ohio (currently known as the Development Services Agency) determined that the area designated in Ordinance No. 95-2004 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as a Community Reinvestment Area under said Chapter 3735;

**WHEREAS**, **Harbor Castings, Inc.** is desirous of constructing a youth basketball training facility at 2470 Bailey Road, Cuyahoga Falls, Ohio 44221 (Parcel #0212833) to be leased to David Lane Basketball, LLC (the "PROJECT"), within the boundaries of the Cuyahoga River District Community Reinvestment Area, provided the appropriate development incentives are available to support the economic viability of said PROJECT. The PROJECT will be utilized to train youth athletes, host basketball camps, leagues and training sessions, as well as hosting adult male basketball leagues and strength and conditioning training sessions. The PROJECT will also contain a therapy room to be utilized by clients of David Lane Basketball, LLC;

**WHEREAS**, the City of Cuyahoga Falls, having the appropriate authority for the stated type of PROJECT is desirous of providing **Harbor Castings, Inc.** with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code;

**WHEREAS, Harbor Castings, Inc.** has submitted a proposed agreement application (herein attached as Exhibit A) to the City of Cuyahoga Falls;

**WHEREAS, Harbor Castings, Inc.** has remitted the required state PROJECT fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded to said department with a copy of the final agreement;

**WHEREAS,** the Director of Development of the City of Cuyahoga Falls has investigated the application of **Harbor Castings, Inc.** and has recommended the same to the Council of the City of Cuyahoga Falls on the basis that **Harbor Castings, Inc.** is qualified by financial responsibility and business experience to preserve and create employment opportunities in said Community Reinvestment Area and improve the economic climate of the City of Cuyahoga Falls, Ohio;

**WHEREAS,** the PROJECT site as proposed by **Harbor Castings, Inc.** is located in the Cuyahoga Falls Local School District and the Board of Education of the Cuyahoga Falls Local School District has been notified in accordance with Section 3735.67 and been given a copy of the application;

**WHEREAS,** pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to the matters hereinafter contained; and

**NOW, THEREFORE,** in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

**I. THE PROJECT**

A. The COMPANY shall construct a youth basketball training facility located at 2470 Bailey Road, Cuyahoga Falls, Summit County, Ohio 44221 (Parcel #0212833) to be leased to David Lane Basketball, LLC. The facility will be used to train youth athletes, host youth basketball camps and leagues, as well as adult male leagues. It will also contain a therapy room for clients and host strength and conditioning training. The scope of the PROJECT includes construction on one (1) parcel. The parcel #0212833 is located within the Cuyahoga River CRA District in the City of Cuyahoga Falls, Ohio.

The PROJECT will involve a total investment of approximately \$1,400,000.00 (One Million Four Hundred Thousand Dollars), plus or minus 10% at the PROJECT site. Included in this investment is approximately \$50,000.00 (Fifty Thousand Dollars) for land acquisition, \$1,200,000.00 (One Million Two Hundred Thousand Dollars) for new construction and approximately \$150,000.00 (One Hundred Fifty Thousand Dollars) for machinery, equipment, furniture, and fixtures.

B. The COMPANY will lease the basketball training facility to David Lane Basketball, LLC who shall put forth their best efforts to create the following new employment opportunities: two (2) permanent full-time employees and four (4) permanent part-time employees are anticipated to be hired for this PROJECT by December 31, 2021.

C. The new annual payroll will result in approximately, plus or minus 10%, \$127,000.00 (One Hundred Twenty-seven Thousand Dollars) in full-time and part-time permanent employees.



- D. No tax abatement shall be granted unless this agreement is fully executed before any construction begins.
- E. Construction on the PROJECT is expected to begin May 20, 2021 and to be completed by December 31, 2021 provided the requested tax abatement is granted.

**II. REAL PROPERTY TAX ABATEMENT**

- A. The CITY hereby grants the COMPANY a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be in the following amounts for each portion of the PROJECT represented in an exemption application:

Tax Years 1-10	50%
----------------	-----

- B. The identified PROJECT improvement will receive a ten (10) year, 50% exemption period. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation.
- C. The COMPANY must annually file the appropriate tax forms with the Cuyahoga Falls Housing Officer to effect and maintain the exemptions granted by this agreement.
- D. The COMPANY shall pay an annual fee equal to the greater of one percent (1%) of the dollar value of incentives offered under the agreement or Five Hundred Dollars (\$500.00): provided, however, that if the value of the incentives exceeds Two Hundred Fifty Thousand Dollars (\$250,000.00), the fee shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00). The fee shall be made payable to the CITY once per year for each year the agreement is effective commencing on the first anniversary date of this agreement and payable in the form of a check. The fee is to be made payable to the City of Cuyahoga Falls, Ohio. This fee shall be deposited into a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 3735.672 of the Ohio Revised Code and by the Tax Incentive Review Council (TIRC) created under section 5709.85 of the Ohio Revised Code exclusively for the purposes of performing the duties prescribed under that section.
- E. The COMPANY shall create a scholarship of \$1,000.00 annually during the term of the abatement (10 years). The annual scholarship shall be made payable to the Cuyahoga Falls Scholarship Foundation and awarded to a student selected by the Foundation Board as part of its regular program of annual scholarships. The qualifications/criteria shall be defined by COMPANY in consultation with the Foundation Board and/or School Superintendent. Furthermore, the COMPANY’S tenant will provide clinics and training sessions for the youth, middle school, and high school basketball teams of the Cuyahoga Falls City School District several times per year at no charge. David will also have the opportunity to explore running tournaments at the new facility (high school) once it is built.
- F. The COMPANY shall provide public art in and/or around the new development pursuant to the City’s newly adopted Master Arts Plan.

- G. The CITY shall submit executed copies of this agreement to the Ohio Development Services within fifteen (15) days of its execution.
- H. The CITY shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement, including, without limitation, joining in the execution of all documentation and providing necessary certificates required in connection with such exemptions.
- I. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Development Services Agency revokes certification of the zone, or the CITY revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless the COMPANY materially fails to fulfill their obligations under this agreement and the CITY terminates or modifies the exemptions from taxation granted under this agreement.
- J. If the COMPANY materially fails to fulfill their obligations under this agreement, or if the CITY determines that the certification as to delinquent taxes required by this agreement is fraudulent, the CITY may terminate or modify the exemptions from taxation granted under this agreement. The CITY may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.
- K. Exemptions from taxation granted under this agreement shall be revoked if it is determined that the COMPANY, any successor to that person, or any related member (as defined by section 3735.671(E) of the Ohio Revised Code) has violated the prohibition against entering into this agreement under section 3735.671(E) of the Ohio Revised Code, prior to the time prescribed by those sections.

### **III. ADDITIONAL COMPANY OBLIGATIONS**

- A. The COMPANY shall pay such real property taxes that are not exempted under this agreement and are charged against such property to the extent of any portion of the PROJECT it owns, and shall timely file all federal, state, and local tax reports and returns as required by law. If COMPANY (or any subsequent purchaser of any portion of the PROJECT) fails to pay such taxes or file such returns and reports, all incentives granted under this agreement for the benefit of any particular parcel are rescinded as to that particular parcel or parcels only, beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
- B. The COMPANY shall submit all appropriate plans and apply for all necessary permits through the CITY and the County of Summit, Department of Building Standards.
- C. The COMPANY shall provide the Cuyahoga Falls Housing Council and the Cuyahoga Falls Housing Officer with all information requested by them to evaluate the COMPANY compliance with this agreement and with the ordinance, including without limitation, returns filed pursuant to section 5711.02 of the Revised Code, if so requested by the Housing Council or the Housing Officer.

#### **IV. THE COMPANY'S REPRESENTATIONS**

- A. The COMPANY hereby certifies that at the time this agreement is executed, the COMPANY and/or COMPANY owner does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and owes no delinquent taxes for which the COMPANY and/or owner are liable under Chapters 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Revised Code, or, if such delinquent taxes are owed, the COMPANY is currently paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under the 11 U.S.C.A. 101 et seq., or such a petition has been filed against the COMPANY. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the revised code or other legislation governing payment of those taxes.
- B. The COMPANY and/or owner affirmatively covenant that they do not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the state; and (3) 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.
- C. The CITY has developed a policy to ensure recipients of Community Reinvestment Area tax benefits to practice non-discriminating hiring in its operations. By executing this agreement, the COMPANY and COMPANY owner is committing to following non-discriminating hiring practices in its operations at the site of the PROJECT acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
- D. The COMPANY affirmatively covenant that they have made no false statements to the State or local political subdivisions in the process of obtaining approval of the Community Reinvestment Area incentives. If any representative of the COMPANY has knowingly made such a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, the COMPANY shall be required to immediately return all benefits received under this agreement pursuant to ORC Section 9.66(C)(2) and shall then be ineligible for any future economic development assistance from the State, a state agency, or a political subdivision of the state pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a first-degree misdemeanor under ORC Section 2921.13(E)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

#### **V. TERM**

The COMPANY and the CITY acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Cuyahoga Falls, Ohio as a condition for the agreement to take effect. This agreement takes effect upon such approval and shall extend for the term of the tax exemption, unless earlier terminated as provided herein.

## **VI. MISCELLANEOUS PROVISIONS**

- A. This agreement shall be binding upon the heirs, successors, and assigns of the parties, but the COMPANY shall not assign its interests under this agreement without the express written consent of the CITY, except as otherwise provided in this agreement. The CITY hereby approves the assignment of this agreement to (i) any affiliated entity of the COMPANY, which is wholly owned by the COMPANY, for the purpose of acquiring and developing the PROJECT and to (ii) any purchaser of units to the extent necessary for the purchaser of the unit to effect and maintain the tax exemption as provided in Section II(C).

Each party represents and acknowledges that it has taken all necessary actions to bind itself to this agreement.

Any notice given pursuant to this agreement shall be deemed received when delivered personally to the receiving party, or sent by certified mail, return receipt requested, to the addresses set forth above, or to any other address as the receiving party may direct in writing.

- B. If any provision contained in this agreement shall be found invalid, illegal, or unenforceable by a court of competent jurisdiction, such finding shall not affect any other provision of this agreement, and it shall be construed as if it had never contained such provision.
- C. This agreement constitutes the sole and only agreement of the parties and supersedes any prior understandings, written or oral, between the parties and their agents regarding the above subject matters.
- D. No amendment or modification of this agreement shall be binding unless the same is in writing, dated after the date of this agreement, and duly executed by the parties.
- E. The rights and remedies provided by this agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.
- F. No waiver by any party of any default or breach of any term, condition, or covenant of this agreement shall be deemed to be a waiver of any other breach of the same or any other term, condition, or covenant contained herein.
- G. Time is of the essence of this agreement.
- H. The section and paragraph headings contained in this agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this agreement.
- I. This agreement may be executed in multiple counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same instrument.
- J. This agreement shall be construed under and in accordance with the laws of the State of Ohio. The parties hereby consent to venue in Summit County, so that the Summit County

Common Pleas Court shall have exclusive and original jurisdiction to adjudicate any dispute, whether for interim or provisional relief.

**IN WITNESS WHEREOF**, the City of Cuyahoga Falls, Ohio, by Don Walters, its Mayor and pursuant to Ordinance No. \_\_\_\_\_, has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2021 and **Harbor Castings, Inc.** by \_\_\_\_\_, \_\_\_\_\_ has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_ Title \_\_\_\_\_ 2021.

WITNESSED BY:

City of Cuyahoga Falls, Ohio:

\_\_\_\_\_

Donald S. Walters, Mayor

\_\_\_\_\_

Diana Colavecchio, Director of Community Development

Harbor Castings, Inc.

\_\_\_\_\_

Name

Title

Approved as to form and correctness:

City of Cuyahoga Falls

\_\_\_\_\_  
Janet Ciotola, Law Director

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2020

6  
7 AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO  
8 EXECUTE A COMMUNITY DEVELOPMENT BLOCK GRANT  
9 AGREEMENT WITH R2K CONTRACTING, INC., IN AN AMOUNT  
10 NOT TO EXCEED \$67,921.00 AND DECLARING AN EMERGENCY

11  
12 WHEREAS, the City receives Community Development Block Grant (CDBG)  
13 funds from the Department of Housing and Urban Development; and

14  
15 WHEREAS, CDBG funds can be used to assist with Americans with Disabilities  
16 Act (ADA) compliant renovations and modifications of public facilities; and

17  
18 WHEREAS, renovations and modifications of the first floor restrooms at the Quirk  
19 Cultural Center, located at 1201 Grant Avenue, Cuyahoga Falls, Ohio 44223, are  
20 necessary to meet ADA compliance standards; and

21  
22 WHEREAS, the City of Cuyahoga Falls wishes to enter into a CDBG Agreement  
23 with R2K Contracting, Inc., in an amount not to exceed \$67,921.00 for ADA-compliant  
24 renovations and modifications to the first-floor restrooms at Quirk Cultural Center,  
25 located at 1201 Grant Avenue, Cuyahoga Falls, Ohio 44223.

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

29  
30 Section 1. The Mayor is authorized to enter into a Community Development Block  
31 Grant (CDBG) agreement with R2K Contracting, Inc., in an amount not to exceed  
32 \$67,921.00 for Americans with Disabilities Act compliant renovations and modifications  
33 to the first-floor restrooms at Quirk Cultural Center, located at 1201 Grant Avenue,  
34 Cuyahoga Falls, Ohio 44223.

35  
36 Section 2. The Director of Finance is authorized to increase appropriations in  
37 CDBG, fund line item Capital Outlay by \$67,921 and decrease appropriations in CDBG  
38 Fund, line item Other Operations by \$67,921 and make payment for the same from  
39 CDBG Fund, line item Capital Outlay.

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

47  
48 Section 4. This ordinance is hereby declared to be an emergency measure necessary  
49 for the preservation of the public peace, health, safety, convenience and welfare of the  
50 City of Cuyahoga Falls and the inhabitants thereof, and provided that it receives the

51 affirmative vote of two-thirds of the members elected or appointed to Council, it shall  
52 take effect and be in force immediately upon its passage and approval by the Mayor;  
53 otherwise it shall take effect and be in force at the earliest period allowed by law.

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

58  
59 \_\_\_\_\_  
60 Clerk of Council

61  
62  
63 Approved: \_\_\_\_\_  
64 \_\_\_\_\_  
65 Mayor

66 4/26/21  
66 \\cf-file01\ldpublic\Council\2021ords\04-26-21\Quirk CDBG ADA Funding.docx