

**NEW LEGISLATION**

March 14, 2022

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-27	3/14/22	Fin	An ordinance authorizing the Chief of Police to enter into a contract or contracts for the sale or other disposal of in-car video cameras and accessories and declaring an emergency.
A-28	3/14/22	Fin	An ordinance authorizing the Director of Public Service to enter into a Compensation Agreement for the position of Electrical Engineer, and declaring an emergency.
A-29	3/14/22	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for rehabilitation of the Broad Boulevard Sanitary Sewer, from 5th Street to 7th Street, using cured in-place liner, and declaring an emergency.
A-30	3/14/22	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the annual resurfacing and/or repair of various streets as described in Exhibit A attached hereto, in the City of Cuyahoga Falls and authorizing the Director of Public Service to enter into a contract or contracts for pavement preservation on various streets within the City, and declaring an emergency.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-31	3/14/22	CD	An ordinance authorizing the Mayor to enter into a retroactive Community Reinvestment Area Agreement with Coming Attractions Development, LLC, and declaring an emergency.

**CALENDAR**  
March 14, 2022

The following legislation will be up for passage at the Council Meeting on March 14, 2022.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-24	2/28/22	Fin	An ordinance authorizing the Mayor to enter into a Revenue Sharing Agreement with the Cuyahoga Falls Library for tax revenue sharing on new property tax revenue generated by the South Front Street Tax Increment Financing Project, and declaring an emergency.
A-25	3/7/22	Fin	An ordinance authorizing the Mayor to enter into a parking deck lease agreement with CF Legacy 2020, LLC, for fifty reserved parking spaces in the Red Deck located at 2052 Front Street, Cuyahoga Falls, Ohio; authorizing the release of pedestrian access to the overhead walkway to the parking deck, and declaring an emergency.
A-26	3/7/22	PA	A resolution declaring the month of March as Developmental Disabilities Awareness Month in the City of Cuyahoga Falls, and declaring an emergency.

## PENDING LEGISLATION

March 14, 2022

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-18	2/14/22	PI	An ordinance authorizing the Director of Public Service to enter into a contract or contracts for the replacement of the flat roof on the Municipal Building, located at 2310 2nd Street in the City of Cuyahoga Falls, and declaring an emergency.
A-23*	2/28/22	PZ	An ordinance approving a Regulatory Text Amendment to Table 1131-1 Zoning Districts and Uses to add Secondary Schools as a limited use in R-4 Urban Density Residential and R-5 Mixed Density Residential Districts and to add a new Subsection 1133.02 (b) 3 titled "Secondary Schools" and declaring an emergency.
A-24	2/28/22	Fin	An ordinance authorizing the Mayor to enter into a Revenue Sharing Agreement with the Cuyahoga Falls Library for tax revenue sharing on new property tax revenue generated by the South Front Street Tax Increment Financing Project, and declaring an emergency.

\*A Public Hearing to discuss this ordinance is scheduled for Monday, April 4, 2022 at 6:30 p.m.

Please Recycle Waste Paper

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-25	3/7/22	Fin	An ordinance authorizing the Mayor to enter into a parking deck lease agreement with CF Legacy 2020, LLC, for fifty reserved parking spaces in the Red Deck located at 2052 Front Street, Cuyahoga Falls, Ohio; authorizing the release of pedestrian access to the overhead walkway to the parking deck, and declaring an emergency.
A-26	3/7/22	PA	A resolution declaring the month of March as Developmental Disabilities Awareness Month in the City of Cuyahoga Falls, and declaring an emergency.

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2022

6  
7 AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO A  
8 CONTRACT OR CONTRACTS FOR THE SALE OR OTHER DISPOSAL OF IN-  
9 CAR VIDEO CAMERAS AND ACCESSORIES AND DECLARING AN  
10 EMERGENCY.

11  
12 WHEREAS, the City of Cuyahoga Falls (City) possesses twenty-two (22) sets of Watchguard in-car video  
13 cameras and accessories that were purchased in 2016 and are no longer needed for any public use; and  
14

15 WHEREAS, new cameras and recording equipment have made the Watchguard equipment obsolete to the  
16 City and it is unfit for the use for which it was acquired; and  
17

18 WHEREAS, the Watchguard equipment has no value to the City; and  
19

20 WHEREAS, the Watchguard equipment may be of use to nearby communities for law enforcement  
21 purposes.  
22

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

26 Section 1. The Chief of Police is hereby authorized to enter into a contract or contracts for the sale or  
27 other disposal of the obsolete Watchguard in-car video cameras, microphones, hard drives and other  
28 equipment that is no longer needed for any purpose. City Council hereby finds that the items in question are  
29 of no value to the City of Cuyahoga Falls.  
30

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

35 Section 3. It is found and determined that all formal actions of this Council concerning and relating to  
36 the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this  
37 Council and of any committees that resulted in those formal actions were in meetings open to the public, in  
38 compliance with all legal requirements including Chapter 107 of the Codified Ordinances.  
39

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

46  
47 Passed: \_\_\_\_\_

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

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

48  
49  
50  
51  
52  
53  
54  
55 Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

56 3/14/22

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2022

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC  
8 SERVICE TO ENTER INTO A COMPENSATION AGREEMENT FOR  
9 THE POSITION OF ELECTRICAL ENGINEER, AND DECLARING AN  
10 EMERGENCY.

11  
12 WHEREAS, the City seeks to fill the position of electrical engineer with a qualified individual  
13 possessing the requisite skill, knowledge, training and experience.

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

17  
18 Section 1. The Director of Public Service is hereby authorized to enter into a Compensation  
19 Agreement for the position of electrical engineer.

20  
21 Section 2. Any ordinances and resolutions, or portions of ordinances and resolutions  
22 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
23 herewith and which have not previously been repealed are hereby ratified and confirmed.

24  
25 Section 3. It is found and determined that all formal actions of this Council concerning and  
26 relating to the passage of this ordinance were taken in an open meeting of this Council and that  
27 all deliberations of this Council and of any committees that resulted in those formal actions were  
28 in meetings open to the public, in compliance with all legal requirements including Chapter 107  
29 of the Codified Ordinances.

30  
31 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the  
32 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
33 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of  
34 the members elected or appointed to Council, it shall take effect and be in force immediately  
35 upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the  
36 earliest period allowed by law.

37  
38  
39 Passed: \_\_\_\_\_  
40 \_\_\_\_\_  
41 President of Council

42  
43 \_\_\_\_\_  
44 Clerk of Council

45 Approved: \_\_\_\_\_  
46 \_\_\_\_\_  
47 Mayor

48 3/14/22

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2022

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE  
8 TO ENTER INTO A CONTRACT OR CONTRACTS, ACCORDING TO LAW,  
9 FOR REHABILITATION OF THE BROAD BOULEVARD SANITARY  
10 SEWER, FROM 5<sup>TH</sup> STREET TO 7<sup>TH</sup> STREET, USING CURED IN-PLACE  
11 LINER AND DECLARING AN EMERGENCY.

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

15  
16 Section 1. The Director of Public Service is hereby authorized to enter into a contract or contracts,  
17 according to law, for rehabilitation of the Broad Boulevard sanitary sewer, from 5<sup>th</sup> Street to 7<sup>th</sup> Street,  
18 using cured in-place liner (CIPP).

19  
20 Section 2. The Director of Finance is hereby authorized and directed to make payment for same from  
21 the Sewer Fund, line item Capital Outlay.

22  
23 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions  
24 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions not  
25 inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

26  
27 Section 4. It is found and determined that all formal actions of this Council concerning and relating  
28 to the adoption of this ordinance were adopted in an open meeting of this Council, and that all  
29 deliberations of this Council and of any of its committees that resulted in such formal action, were in  
30 meetings open to the public, in compliance with all legal requirements, to the extent applicable,  
31 including Chapter 107 of the Codified Ordinances.

32  
33 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the  
34 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls  
35 and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the members  
36 elected or appointed to Council, it shall take effect and be in force immediately upon its passage and  
37 approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

38  
39  
40 Passed: \_\_\_\_\_  
41 \_\_\_\_\_  
42 President of Council

43  
44 \_\_\_\_\_  
45 Clerk of Council

46 Approved: \_\_\_\_\_  
47 \_\_\_\_\_  
48 Mayor

49 3/14/22



2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. - 2022

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE  
8 TO ENTER INTO A CONTRACT OR CONTRACTS, ACCORDING TO  
9 LAW, FOR THE ANNUAL RESURFACING AND/OR REPAIR OF  
10 VARIOUS STREETS AS DESCRIBED IN EXHIBIT 'A' ATTACHED  
11 HERETO, IN THE CITY OF CUYAHOGA FALLS AND AUTHORIZING  
12 THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT  
13 OR CONTRACTS FOR PAVEMENT PRESERVATION ON VARIOUS  
14 STREETS WITHIN THE CITY, AND DECLARING AN EMERGENCY.  
15

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

18  
19 Section 1. The Director of Public Service is hereby authorized to enter into a contract or  
20 contracts, according to law, for the resurfacing and/or repair of various streets as described in Exhibit  
21 'A' attached hereto, in the City of Cuyahoga Falls.  
22

23 Section 2. The Director of Public Service is hereby authorized to enter into a contract or contracts,  
24 according to law, for pavement preservation on various streets within the City.  
25

26 Section 3. The Director of Finance is hereby authorized and directed to make payment for same  
27 from the Capital Projects Fund, line item Capital Outlay.  
28

29 Section 4. Any other ordinances or resolutions or portions of ordinances and resolutions  
30 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions not  
31 inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.  
32

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

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

46  
47 Passed: \_\_\_\_\_

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

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

53  
54  
55 Approved: \_\_\_\_\_

\_\_\_\_\_ Mayor

56  
57 3/14/22

**Exhibit A**  
**2022 Street Resurfacing List**

<b><u>STREET NAME</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>
<b>3RD STREET</b>	HUDSON DR	BAILEY RD
<b>6TH STREET</b>	SILVER LAKE AVE	PORTAGE TRAIL
<b>13TH STREET</b>	BROAD BLVD	FALLS AVE
<b>13TH STREET</b>	FALLS AVE	END
<b>14TH STREET</b>	SACKETT AVE	BROAD BLVD
<b>16TH STREET</b>	VALLEY RD	NORTH HAVEN BLVD
<b>17TH STREET</b>	SCHILLER AVE	NORTH HAVEN BLVD
<b>26TH STREET</b>	GRANT AVE	CHESTNUT BLVD
<b>ARCHDALE AVENUE</b>	KEENAN AVE	NORWOOD ST
<b>ASHLAND AVENUE</b>	HUDSON DR	RUDOLPH AVE
<b>ATTERBURY STREET</b>	VAN DOREN DR	VAN DOREN DR
<b>BAILEY ROAD</b>	NORTHMORELAND BLVD	SUNCREST DR
<b>BAILEY ROAD</b>	SUNCREST DR	MUNROE FALLS AVE
<b>BERK STREET</b>	4TH ST	ROOSEVELT AVE
<b>CORA STREET</b>	ARCHDALE AVE	ASHLAND AVE
<b>CRAWFORD CIRCLE</b>	HAAS RD	END
<b>EATON AVENUE</b>	REXDALE DR	BANCROFT ST
<b>EDWARD AVENUE</b>	END	END
<b>FALLS AVENUE</b>	6TH ST	10TH ST
<b>FALLS AVENUE</b>	STATE RD	18TH ST
<b>FALLS AVENUE</b>	10TH ST	18TH ST
<b>GOLDWOOD DRIVE</b>	HUDSON DR	W. END
<b>HAGGARTY WAY</b>	HUNTER PKWY	NORTH END
<b>HARDING ROAD</b>	VALLEY RD	HIGHPOINT RD
<b>HAYES AVENUE</b>	BAILEY RD	OAKWOOD DR
<b>HOCH DRIVE</b>	RICHMOND RD	MAYFIELD RD
<b>ISSAQUAH STREET</b>	2113 ISSAQUAH ST	MUNROE FALLS AVE
<b>JULIAN STREET</b>	ELIZABETH CT	BARNES AVE
<b>LEHIGH AVENUE</b>	KILARNEY ST	NORWOOD ST
<b>LIBERTY STREET</b>	MUNROE FALLS AVE	END
<b>MARKHAM AVENUE</b>	BANCROFT ST	REXDALE DR
<b>MAYFIELD ROAD</b>	HOCH DR	HOCH DR
<b>MONROE AVENUE</b>	ARCHWOOD PL	OAKWOOD DR
<b>MYRTLE AVENUE</b>	ANDERSON RD	KELSEY DR
<b>PENDLETON STREET</b>	VAN DOREN DR	VAN DOREN DR
<b>RUDOLPH AVENUE</b>	ASHLAND AVE	HUDSON DR
<b>TAYLOR AVENUE</b>	REXDALE DR	DEAD END
<b>TAYLOR AVENUE</b>	MAIN ST	NEWBERRY DEAD-END
<b>WASHINGTON AVENUE</b>	OAKWOOD DR	6TH ST
<b>WINDHAM CIRCLE</b>	HUNTER PKWY	SQUIRES BEND

**Exhibit A**  
**405 Cold Mix Streets**

<b><u>STREET NAME</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>
<b>BELLAIRE LANE</b>	QUICK RD	END
<b>BRACE AVENUE</b>	10TH ST	9TH ST
<b>BRACE PLACE</b>	PRATT AVE	BRACE AVE
<b>CENTER AVENUE</b>	MUNROE FALLS AVE	HIGH ST
<b>IRA ROAD</b>	CORP LINE	AKRON-PENINSULA RD
<b>MAURICE STREET</b>	NORTHMORELAND BLVD	N END
<b>MAURICE STREET</b>	NORTHMORELAND BLVD	S END
<b>PRATT AVENUE</b>	10TH ST	BILLMAN PL
<b>STONE STREET</b>	PORTAGE TRAIL	MUNROE FALLS AVE

**ODOT Resurfacing**

<b><u>STREET NAME</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>
<b>W STEELS CORNERS ROAD</b>	AKRON-PENINSULA RD	NORTHAMPTON RD
<b>BROAD BOULEVARD</b>	STATE RD	2ND ST

**Mutual Paving with Akron**

<b><u>STREET NAME</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>
<b>W. PORTAGE TRAIL EXT.</b>	AKRON-PENINSULA RD	NORTHAMPTON RD
<b>AKRON-PENINSULA ROAD</b>	W PORTAGE TRL EXT	STEELS CORNERS RD
<b>RIVERVIEW ROAD</b>	PORTAGE PATH	BATH RD
<b>SMITH ROAD</b>	RIVERVIEW RD	SAND RUN RD

2  
3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. -2022

6  
7 AN ORDINANCE AUTHORIZING THE MAYOR TO  
8 ENTER INTO A RETROACTIVE COMMUNITY  
9 REINVESTMENT AREA AGREEMENT WITH  
10 COMING ATTRACTIONS DEVELOPMENT, LLC,  
11 AND DECLARING AN EMERGENCY.  
12

13 WHEREAS, pursuant to Ordinance No. 95-2004, passed June 28, 2004, this  
14 Council established and designated the boundaries of the Cuyahoga River Community  
15 Reinvestment Area (“CRA”) pursuant to Ohio Revised Code §3735.65 et seq. to encourage  
16 the development of real property within the CRA; and  
17

18 WHEREAS, the State of Ohio Director of Development (formerly known as the State  
19 of Ohio Development Service Agency) has made a determination that the findings  
20 contained in Ordinance No. 95-2004 are valid, and that the classification of structures  
21 and/or remodeling eligible exemption under the Ordinance is consistent with zoning  
22 restrictions applicable to the CRA; and  
23

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

28 WHEREAS, the City Council and Administration wish to provide a CRA to Coming  
29 Attractions Development, LLC for the redevelopment of the former Falls Theater located at  
30 2220 Front Street, Cuyahoga Falls, Ohio 44221 (Parcel #0219577) at an approximate cost  
31 of One Million Eight Hundred Fifty Thousand and No/100 Dollars (\$1,850,000.00); and  
32

33 WHEREAS, the City intends to provide a retroactive Community Reinvestment Area  
34 Tax Exemption to Coming Attractions Development, LLC for a period of ten (10) years at  
35 the rate of fifty (50%) percent.  
36

37 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
38 County of Summit, and State of Ohio:  
39

40 Section 1. That the Mayor is hereby authorized to enter into a retroactive Community  
41 Reinvestment Area (CRA) Agreement with Coming Attractions Development, LLC  
42 consistent with the terms in the proposed CRA Agreement and corresponding Application  
43 attached hereto as Exhibit A, to provide real property tax relief at the percentage and  
44 length of abatement as stipulated in said Agreement to benefit the City and being  
45 consistent with the objectives of this ordinance.  
46

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

51 legislation consistent with the terms of the attached Agreement and corresponding  
52 Application, together with any additions or modifications, as approved by the Director of  
53 Law and consistent with this ordinance.

54  
55 Section 3. That any ordinances or resolutions or portions of ordinances and resolutions  
56 inconsistent herewith be and the same are hereby repealed, but any ordinances and  
57 resolutions not inconsistent herewith and which have not previously been repealed are  
58 hereby ratified and confirmed.

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

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

73  
74  
75  
76  
77 Passed: \_\_\_\_\_

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

78  
79  
80  
81 \_\_\_\_\_  
Clerk of Council

82  
83 Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

84  
85 3/14/22  
86 \\cf-file01\ldpublic\Council\2022ords\03-14-22\Coming Attractions CRA.docx



**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:

Coming Attractions Development, LLC  
(Company Name)

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

Coming Attractions Development, LLC      Alan Burge  
Enterprise Name      Contact Person

43 E. Market Street      330 819-3639  
Address      Telephone Number

aburge@burge-architecture.com  
Contact Email

**Project site:**

2220 Front Street      \_\_\_\_\_  
Address      Parcel Number

Alan Burge      330 819-3639  
Contact Person      Telephone Number

aburge@burge-architecture.com  
Contact Email

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

Restaurant/Bar and arcade on the first floor and 4 apartments on the second floor.

- 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):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- d. Form of business of enterprise:

Corporation  Partnership  Proprietorship  Other LLC

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

Alan & Lauren Burge - CAD INC.  
The Workz  
Christopher Carpenter  
Timothy Frankish  
Kimberly Green  
Melissa Barnes

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

Full Time: 6 Part Time: 32  
(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:

---

---

---

---

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>6</u>	<u>12</u>
Part Time	<u>32</u>	<u>12</u>

*Construction*

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

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

N/A

---

---

---

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

N/A

---

---

---

---

---



5. Does the Property Owner Currently Owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes  No

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State?  Yes  No

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?

Yes  No

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers.

---

---

---

---

---

---

6. Project Description (Be as detailed as possible):

SEE ATTACHED

---

---

---

---

7. Project will begin on October 2019 and be completed by July 2022 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	8	
Part Time	40	

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

b. State the time frame of this projected hiring: Since Jan. 2020 months.

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

Tenant is always hiring

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	\$	225,000	\$	
Part-time	\$	300,000	\$	
TOTAL:	\$	525,000	\$	

(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: \$ —.

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>25,000<sup>00</sup></u>
B. Additions/New Construction	\$	<u>- 0 -</u>
C. Improvements to Existing Buildings	\$	<u>1,000,000<sup>00</sup></u>
D. Machinery & Equipment	\$	<u>725,000<sup>00</sup></u>
E. Furniture & Fixtures	\$	<u>50,000<sup>00</sup></u>
F. Inventory	\$	<u>50,000<sup>00</sup></u>
<b>Total New Project Investment</b>	\$	<b>1,850,000<sup>00</sup></b>

11.

a. Business requests the following tax exemption incentives: 50 %  
for 12 years covering the real property improvements as described above.

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

SEE ATTACHED.

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:**


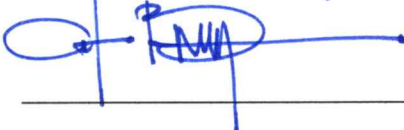

- If approved by City Council, there is a \$750 application fee payable to the Ohio Development Services Agency;
- All abatements are only on the improved value of the property;
- Property valuations are determined by the County of Summit Fiscal Office; and
- The investment amounts noted in item # 10 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.

 Name of Property Owner	 _____	 Title	2.9.22
---	--	--	--------

---

Signature

---

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.*

## **CRA Tax incentives application supplement**

### Item 6. Project description.

The project is a Historic Renovation of the former Falls Theater and four apartments on the second floor. This involved all new building systems, water, mechanical, electrical, and plumbing services to and in the building. Roof repairs and replacement were undertaken as well. The exterior masonry and decorative concrete was restored and historic wood and metal windows were removed restored and replaced. We also restored the main theater space and lay lights to their former appearance, including new and restored decorative plaster work and lighting. The basement was turned into both service areas and a "speakeasy" bar. The four apartments on the second floor will be restored with new plumbing, kitchens, HVAC, electrical service, restored flooring and finishes. These are scheduled for a summer 2022 completion.

### 11. B - Reasons for Tax Incentives.

In 2015, the City of Cuyahoga Falls issued an RFP for the Falls Theater Building, a City-Owned Building, which had stood vacant for two decades. The City had previously entered into a development agreement, which was not successful, and the City had to take legal action to take back the building. Our Company, Coming Attractions Development, responded to the RFP in December of 2015 with a plan to renovate and restore the Theater to its former glory. We were selected by the City for the project. While our first tenant backed out of the project, we were confident that we could find a new tenant that would work in the building. The building was not in occupiable condition when we purchased the building from the City. The project to stabilize and renovate the building for its new use, required extensive investment. Work included new roofing on the east section of the building, structural and masonry repairs, new lighting and electrical, new electrical service, new plumbing, restrooms and kitchen, and new heating and cooling systems. None of the existing systems were functional when the building was purchased. This overall renovation cost made the project financing very tight and bank financing was limited due to the start-up nature of the tenant and typical LTV ratios. After careful analysis, the proforma only worked with significant incentives, these are in the form of both Historic Tax Credits and the CRA Tax Abatement. This abatement was negotiated as part of our original Development agreement. The abatement also allowed us to "buy down" some of the rent structure for the main tenant, the Workz, thus making it fit within their cost/revenue model, and still allow us adequate debt coverage. Work yet to be completed includes renovation of four second floor apartments, repairs to the entry way terrazzo flooring by a specialty company, additional roofing, additional door repairs, and additional masonry repairs. Without the Tax Incentives, it will not be feasible to complete the project.

**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

**Coming Attractions Development, LLC**  
43 E. Market Street  
Akron, Ohio 44308  
(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 28, 2004 creating the Cuyahoga River Community Reinvestment Area, pursuant to Chapter 3735 of the Ohio Revised Code, which designates the Cuyahoga River Community Reinvestment Area as a Community Reinvestment Area and provides tax abatement within said area to property zoned commercial, industrial, residential, and office consistent with applicable zoning regulations are met;

**WHEREAS**, effective July 28, 2004, the Director of 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; and

**WHEREAS**, **Coming Attractions Development, LLC** renovated the abandoned Falls Theater located at 2220 Front Street, Cuyahoga Falls, Ohio 44221 (Parcel # 0219577) and leased it to the Workz on the Riverfront as a full family entertainment venue. **Coming Attractions Development, LLC** is also in the process of renovating the second floor and converting the empty space into four residential multi-family units (the "PROJECT"), within the boundaries of the Cuyahoga River Community Reinvestment Area, provided the appropriate development incentives are available to support the economic viability of said PROJECT;

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

**WHEREAS, Coming Attractions Development, LLC** has submitted a proposed agreement application (herein attached as Exhibit A) to the City of Cuyahoga Falls;

**WHEREAS, Coming Attractions Development, LLC** 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 **Coming Attractions Development, LLC** and has recommended the same to the Council of the City of Cuyahoga Falls on the basis that **Coming Attractions Development, LLC** 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 **Coming Attractions Development, LLC** is located in the Cuyahoga Falls City School District and the Board of Education of the Cuyahoga Falls City 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 has renovated the abandoned former Falls Theater located at 2220 Front Street, Cuyahoga Falls, Ohio 44221 (Parcel #0219577). The PROJECT involved renovating the interior and exterior of the building, including masonry, decorative, concrete, wood, window installation, roof replacement, restoration of historical lighting fixtures and plaster, renovation of main theater space, mezzanine and basement levels to serve as entertainment venues. The COMPANY also installed new water, mechanical, and electrical services to the building. The renovation and conversion of the four-multi-family residential units located on the second floor will be completed by August 31, 2022. The scope of the PROJECT is located within the Cuyahoga River CRA District in the City of Cuyahoga Falls, Ohio.

The PROJECT involves a total investment of approximately \$1,850,000.00 (One Million Eight Hundred Fifty Thousand and No/100 Dollars), plus or minus 10% at the PROJECT site. Included in this investment is approximately \$25,000.00 (Twenty-five Thousand and No/100 Dollars) for acquisition, \$1,000,000.00 (One Million and No/100 Dollars) for improvements to the existing facility, \$725,000.00 (Seven Hundred Twenty-five Thousand and No/100 Dollars) for machinery and equipment, \$50,000.00 (Fifty Thousand and No/100 Dollars) for furniture and fixtures, and \$50,000.00 (Fifty Thousand and No/100 Dollars) for inventory.



- B. The COMPANY, and or its tenant, shall put forth their best efforts to create the following new employment opportunities: eight (8) permanent full-time employees and forty (40) permanent part-time employees are anticipated to be hired for this PROJECT by May 31, 2022.
- C. The new annual payroll will result in approximately, plus or minus 10%, \$525,000.00 (Five Hundred Twenty-five Thousand and No/100 Dollars) in full-time and part-time permanent employees.
- D. The COMPANY is responsible for constructing a pedestrian bridge from the Green Parking Deck to the real property known as 2220 Front Street, Cuyahoga Falls, Ohio 44221 (Parcel # 0219577). The bridge will be completed by August 31, 2022.
- E. Construction on the PROJECT has already commenced and is expected to be completed by August 31, 2022.

**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 & Alumni Association and mailed via regular U.S. mail on an annual basis no later than March 31<sup>st</sup> of every year to 431 Stow Avenue, Cuyahoga Falls,

Ohio 44221. The scholarship shall be awarded to a student selected by the Foundation Board as part of its regular program of annual scholarships. The COMPANY will also continue to make annual donations to the school district as requested throughout the school year.

- F. The CITY shall submit executed copies of this agreement to the Ohio Department of Development within fifteen (15) days of its execution.
- G. 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.
- H. 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.
- I. 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.
- J. 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 Donald S. Walters, its Mayor and pursuant to Ordinance No. \_\_\_\_\_, has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2022 and **Coming Attractions Development, LLC**, by \_\_\_\_\_, \_\_\_\_\_ has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

WITNESSED BY:

City of Cuyahoga Falls, Ohio:

\_\_\_\_\_

\_\_\_\_\_  
Donald S. Walters, Mayor

\_\_\_\_\_

\_\_\_\_\_  
Diana Colavecchio, Director of Community  
Development

Coming Attractions Development, LLC

\_\_\_\_\_

By: \_\_\_\_\_  
Name Title

Approved as to form and correctness:

City of Cuyahoga Falls

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