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3 CITY OF CUYAHOGA FALLS, OHIO
4 ORDINANCE NO. 85 - 2021
5

6 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
7 COMMUNITY DEVELOPMENT TO AMEND THE
8 COMMUNITY REINVESTMENT AREA TAX EXEMPTION
9 AGREEMENT WITH ARKAY PROPERTIES, LLC, DBA TRIAD.,
10 TO EXTEND THE LENGTH OF TAX EXEMPTION THROUGH
11 TAX YEAR 2025, AND DECLARING AN EMERGENCY.
12

13 WHEREAS, pursuant to Ordinance No. 95-2004, passed on 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
16 encourage the development of real property within the CRA; and
17

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

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

27 WHEREAS, pursuant to Ordinance No. 98-2014, passed December 8, 2014, this
28 Council approved a fifty percent, five-year Community Reinvestment Area tax exemption
29 on behalf of Arkay Properties, LLC., in connection with the redevelopment of the historic
30 Foundry Building located at 1701 Front Street, Cuyahoga Falls, Ohio 44221; and
31

32 WHEREAS, pursuant to Ohio Revised Code Section 3735.66 (D)(1), Arkay
33 Properties, LLC. has requested that the City of Cuyahoga Falls extend the period of the
34 aforementioned CRA agreement for an additional five-year period, expiring at the end of
35 tax year 2025 or on December 31, 2026; and
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37 WHEREAS, the Tax Incentive Review Council met on August 30, 2021 and voted
38 to continue the CRA agreement with Arkay Properties, LLC; and
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40 WHEREAS, at the request of the Cuyahoga Falls City School District, Arkay
41 Properties, LLC has agreed to create an annual scholarship in the amount of \$1,000.00,
42 made payable to the Cuyahoga Falls Scholarship and Alumni Foundation for the
43 extended period of abatement.
44

45 NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Cuyahoga Falls,
46 County of Summit, State of Ohio, that:
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48 Section 1. The Director of Community Development is authorized to amend the
49 Community Reinvestment Area tax exemption agreement in accordance with Ohio
50 Revised Code §3735.66(D)(1) with Arkay Properties, LLC to extend the period of

51 abatement through tax year 2025 or December 31, 2026 and the terms set forth in the
52 amended application, attached hereto as Exhibit A.

53

54 Section 2. The Mayor, Director of Finance, Director of Community Development,
55 Director of Law, any other necessary City official are authorized to prepare and execute
56 such other documents and do other things as are necessary or incidental to carrying
57 out the requirements of this legislation consistent with the terms of the attached
58 amended application.

59

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

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65 Section 4. It is found and determined that all formal actions of this Council
66 concerning and relating to the adoption of this ordinance were adopted in an open
67 meeting of this Council, and that all deliberations of this Council and of any of its
68 committees that resulted in such formal action, were in meetings open to the public, in
69 compliance with all legal requirements including Chapter 107 of the Codified
70 Ordinances.

71

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

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80 Passed: 10-11-2021

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88 Approved: 10-11-2021

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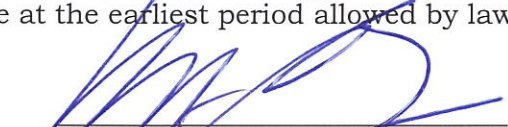
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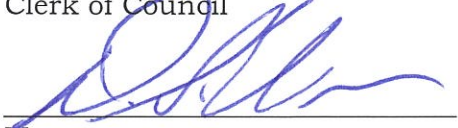
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President of Council


Clerk of Council


Mayor



Exhibit A

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:

Arkay Properties, 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).

Arkay Properties, LLC

Rick Krochka, President/Managing Partner

Enterprise Name

Contact Person

1701 Front Street, Cuyahoga Falls, Ohio 44221

330.237.3531

Address

Telephone Number

rick.krochka@triadadv.com

Contact Email

Project site:

1701 Front Street, Cuyahoga Falls, Ohio 44221

02-03081

Address

Parcel Number

Rick Krochka

330.760.6000

Contact Person

Telephone Number

rick.krochka@triadadv.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.

Service Industry: Advertising, marketing and communications for government, businesses, non-profits, and foundations.

- 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.

Richard J. Krochka, President/Managing Partner

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

Full Time: See attached original application Part Time: _____
(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 | | |
| Part Time | | |

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

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

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

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):

This is to amend the CRA agreement previously approved on December 10, 2014 extending the term of the 50% abatement an additional 5 years and ending on December 31, 2026 or at the completion of tax year 2025. For a full project description, please see the attached original application.

7. Project will begin on See original application and be completed by Project has been completed 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 | See original | application |
| Part Time | | |

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

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

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

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 | \$ | 7 | \$ | |
| Part-time | \$ | | \$ | |
| TOTAL: | \$ | 715,000 | \$ | |

(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: \$ _____.

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.

Richard J. Krochka

Name of Property Owner

President/Managing Partner

Title

Paula Kulla, Manager
Signature

September 3, 2021
Date