

1 RESOLUTION NO. 2022-359

2
3 SPONSOR Executive Shapiro

4
5 DATE December 5, 2022 COMMITTEE Planning

6
7 **A Resolution authorizing the Executive to terminate the enterprise zone agreement between**
8 **the County of Summit, the City of Cuyahoga Falls, and Kyocera SGS Precision Tools, Inc. that**
9 **allowed tax incentives within the Cuyahoga Falls Enterprise Zone, located in Council District**
10 **3, and declaring an emergency.**

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12 WHEREAS, pursuant to Chapter 5709 of the Ohio Revised Code, this Council previously
13 adopted Resolution No. 95-598 and Resolution No. 96-132, which created and amended the
14 Cuyahoga Falls Enterprise Zone, located in Council District 3, to encourage job creation and
15 economic development within the County; and

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17 WHEREAS, the County induces economic growth by exempting certain taxes imposed on
18 industry where said industry creates or retains jobs within a certified enterprise zone; and

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20 WHEREAS, the Council of the City of Cuyahoga Falls (“Cuyahoga Falls”) authorized its
21 Mayor to enter into an enterprise zone agreement with the County and Kyocera SGS Precision
22 Tools, Inc. (the “Enterprise Zone Agreement”) to offer tax incentives for an eligible project within
23 the zone, subject to approval by the Executive; and

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25 WHEREAS, pursuant to Resolution No. 2020-035, passed March 2, 2020, the County
26 authorized the Executive to execute the Enterprise Zone Agreement for investments by Kyocera SGS
27 Precision Tools, Inc. within the City of Cuyahoga Falls Enterprise Zone, located in Council District
28 3; and

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30 WHEREAS, the Enterprise Zone Agreement was subsequently executed by the City, County
31 and Kyocera SGS Precision Tools, Inc. in 2020; and

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33 WHEREAS, the Fiscal Office determined the value of improvements located at 238 Marc
34 Drive, Cuyahoga Falls, Ohio 44223, after reappraisal of the property at that address, and such value
35 does not rise to the level to warrant a tax abatement pursuant to the Enterprise Zone Agreement; and

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37 WHEREAS, for the reason set forth above, Kyocera SGS Precision Tools, Inc. has not met
38 the investment terms outlined in the Enterprise Zone Agreement; and

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40 WHEREAS, the County’s Tax Incentive Review Council met in 2021, and based on all of the
41 above, voted to recommend the termination of the Enterprise Zone Agreement; and

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43 WHEREAS, pursuant to Resolution 2021-373, this Council accepted the recommendation of
44 the County’s Tax Incentive Review Council to terminate the Enterprise Zone Agreement, and
45 pursuant to Resolution 84-2021, the Council of the City accepted the recommendation of the
46 County’s Tax Incentive Review Council to terminate the Enterprise Zone Agreement; and

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48 WHEREAS, this Council finds and determines, after reviewing all pertinent information that
49 is necessary and in the best interest of the County to authorize the Executive to terminate the
50 Enterprise Zone Agreement;

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4 NOW, THEREFORE, BE IT BE IT RESOLVED, by the Council of the County of Summit,
5 State of Ohio, that:

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7 SECTION 1

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9 The Executive is hereby authorized to terminate the Enterprise Zone Agreement between the
10 County of Summit, City of Cuyahoga Falls, and Kyocera SGS Precision Tools, Inc., for investments
11 within the City of Cuyahoga Falls Enterprise Zone, located in Council District 3, that was previously
12 approved by this Council pursuant to Resolution No. 2020-035 and executed by the Executive.

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14 SECTION 2

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16 This Resolution is hereby declared an emergency in the interest of the health, safety and
17 welfare of the residents of the County of Summit, and for the further reason to immediately authorize
18 the Executive to terminate the Enterprise Zone Agreement in an expeditious manner.

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20 SECTION 3

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22 Provided this Resolution receives the affirmative vote of eight members, it shall take effect
23 immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be
24 in force at the earliest time provided by law.

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26 SECTION 4

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28 It is found and determined that all formal actions of this Council concerning and relating to
29 the adoption of this Resolution were adopted in an open meeting of this Council, and that all
30 deliberations of this Council and any of its committees that resulted in such formal action were in
31 meetings open to the public, in compliance with legal requirements, including Section 121.22 of the
32 Ohio Revised Code.

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35 INTRODUCED November 21, 2022

36 December 5, 2022

37 ADOPTED _____

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40 
41 CLERK OF COUNCIL

42 December 6, 2022

43 APPROVED _____

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46 
47 EXECUTIVE

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49 PRESIDENT OF COUNCIL

December 6, 2022

ENACTED EFFECTIVE

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite