

1 RESOLUTION NO. 2019-210

2
3 SPONSOR Ms. Shapiro

4
5 DATE June 17, 2019 COMMITTEE Public Works

6
7 **A Resolution declaring a break in the Tallmadge siphon line under the CSX rail line**
8 **located in the City of Tallmadge, in Council Districts 3 and 6, to be an emergency, and**
9 **confirming an award by the Board of Control of a construction contract with HM Miller**
10 **Construction Co., Inc. for an emergency repair to the Tallmadge siphon line under the**
11 **CSX rail line, in an amount not to exceed \$403,196.01, for the Executive's Department of**
12 **Sanitary Sewer Services, and declaring an emergency.**

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14 WHEREAS, due to a break in the sanitary sewer siphon under the CSX rail line located
15 in the City of Tallmadge, in Council Districts 3 and 6, it was necessary for the County to utilize
16 HM Miller Construction Co., Inc. for an emergency repair of the siphon line; and

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18 WHEREAS, Section 177.07(a)(3) of the Codified Ordinances of the County of Summit
19 permits the County Executive to enter into agreements without following the competitive bidding
20 process in times of emergency; and

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22 WHEREAS, this Council hereby determines that the repair of the sanitary sewer siphon
23 under the CSX rail line by HM Miller Construction Co., Inc. to be an emergency repair pursuant
24 to Section 177.07(a)(3); and

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26 WHEREAS, the Board of Control, at its meeting held on May 29, 2019, awarded a
27 construction contract with HM Miller Construction Co., Inc. for an emergency repair to the
28 Tallmadge siphon line under the CSX rail line, in the amount of \$403,196.01, subject to
29 confirmation by County Council; and

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31 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
32 that the aforementioned repair constitutes an emergency repair under Section 177.07(a)(3) and
33 further finds and determines that the aforementioned construction contract with HM Miller
34 Construction Co., Inc. is necessary and in the best interest of the County of Summit;

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36 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
37 of Ohio, that;

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39 SECTION 1

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41 This Council finds and determines that the repair of the Tallmadge siphon line under the
42 CSX rail line located in the City of Tallmadge, in Council Districts 3 and 6, by HM Miller
43 Construction Co., Inc. to be an emergency repair pursuant to Section 177.07(a)(3) of the
44 Codified Ordinances of the County of Summit.

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46 SECTION 2

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48 The award by the Board of Control of a construction contract with HM Miller
49 Construction Co., Inc. for an emergency repair to the Tallmadge siphon line under the CSX rail
50 line located in the City of Tallmadge, in Council Districts 3 and 6, in an amount not to exceed
51 \$403,196.01, is hereby confirmed and the County Executive is authorized to execute such
52 construction contract and any other necessary documents.

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2 PAGE TWO

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4 SECTION 3

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6 This Resolution is hereby declared an emergency in the interest of the health, safety, and
7 welfare of the residents of the County of Summit, and for the further reason to immediately
8 declare the repair to the Tallmadge siphon line to be an emergency pursuant to Section
9 177.07(a)(3) and authorize a necessary construction contract for said repair.

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11 SECTION 4

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

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17 SECTION 5

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19 It is found and determined that all formal actions of this Council concerning and relating
20 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
21 deliberations of this Council and of any of its committees that resulted in such formal action,
22 were in meetings open to the public, in compliance with all legal requirements, including Section
23 121.22 of the Ohio Revised Code.

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26 INTRODUCED June 3, 2019

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28 ADOPTED June 17, 2019

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32 CLERK OF COUNCIL

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36 PRESIDENT OF COUNCIL

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38 APPROVED June 18, 2019

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40 
EXECUTIVE

ENACTED EFFECTIVE June 18, 2019

Voice Vote: 10-0 YES: Dickinson, Donofrio, Feeman, Koehler,
McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite
ABSENT: Hamilton