

1 RESOLUTION NO. 2013-128

2
3 SPONSOR Mr. Pry

4
5 DATE April 15, 2013 COMMITTEE Public Works

6
7 **An amended Resolution authorizing the County Executive to enter into a sewer services**
8 **agreement with GOJO Industries, Inc., for its facility at 3783 State Road, Cuyahoga Falls,**
9 **Ohio 44223, in Council District 3, for the Executive's Department of Environmental**
10 **Services, and declaring an emergency.**

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12 WHEREAS, GOJO Industries, Inc. ("GOJO"), is the owner and operator of an industrial
13 facility located at 3783 State Road, Cuyahoga Falls, Ohio 44223 ("GOJO Facility"), in Council
14 District 3; and

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16 WHEREAS, GOJO is an industrial customer of the County Executive's Department of
17 Environmental Services ("DOES") for the sanitary and industrial wastewater discharged from
18 the GOJO Facility; and

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20 WHEREAS, the industrial wastewater discharged from the GOJO Facility is not metered
21 because the high use of water in GOJO's industrial process, among other factors, would make
22 typical metering inaccurate; and

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24 WHEREAS, pursuant to Chapter 923 of the Codified Ordinances of the County of
25 Summit, the Director of DOES has the authority to determine alternate methods to calculate
26 sanitary and industrial wastewater flows that more accurately reflect the volume of discharge by
27 a customer and to establish the terms and conditions of charging said customer for the same; and

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29 WHEREAS, the Director of DOES previously established such an alternative method of
30 calculation for the GOJO Facility, although the same has never been memorialized to a written
31 agreement between the County and GOJO; and

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33 WHEREAS, the County Executive and GOJO propose memorializing said alternative
34 method of calculation in a written agreement in order to ensure predictability, stability and
35 certainty in the charges assessed by DOES to GOJO; and

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37 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
38 that it is necessary and in the best interest of the County to authorize the Executive to execute a
39 sewer services agreement, in the form set forth in the attached Exhibit A, with GOJO to establish
40 the aforementioned alternative method of calculation;

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42 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
43 that:

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45 SECTION 1

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47 The County Executive is hereby authorized to execute a sewer services agreement in the
48 form attached hereto as Substitute Exhibit A, with GOJO to establish the alternative method of
49 calculating sanitary and industrial wastewater flows from the GOJO Facility and the terms and
50 conditions of charging GOJO for the same.

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2 PAGE TWO

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4 SECTION 2

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6 This Resolution is hereby declared an emergency in the interest of the health, safety, and
7 welfare of the citizens of the County of Summit and for the further reason of immediately
8 authorizing said agreement so that GOJO has predictability, stability and certainty in its charges.
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10 SECTION 3

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12 Provided this Resolution receives the affirmative vote of eight members, it shall take
13 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
14 effect and be in force at the earliest time provided by law.
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16 SECTION 4

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18 It is found and determined that all formal actions of this Council concerning and relating
19 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
20 deliberations of this Council and of any of its committees that resulted in such formal action,
21 were in meetings open to the public, in compliance with all legal requirements, including Section
22 121.22 of the Ohio Revised Code.
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25 INTRODUCED March 18, 2013

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27 ADOPTED April 15, 2013

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32 _____
33 CLERK OF COUNCIL

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39 PRESIDENT OF COUNCIL

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33 APPROVED April 16, 2013

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39 EXECUTIVE

ENACTED EFFECTIVE April 16, 2013

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro