

1 RESOLUTION NO. 2015-554

Late Filing

2  
3 SPONSOR Mr. Pry

4  
5 DATE December 14, 2015

COMMITTEE Public Works

6  
7 **An amended Resolution declaring the Mudbrook Bar ~~Screen~~ Slope Stabilization Project**  
8 **No. Q-331 to be an emergency pursuant to Section 177.07(a)(3) of the Codified Ordinances**  
9 **of the County of Summit, and authorizing the County Executive to enter into a contract for**  
10 **design and construction with DLZ Corporation, for an amount not to exceed \$700,000.00,**  
11 **and appropriating these funds, for the Executive's Department of Environmental Services,**  
12 **and declaring an emergency.**

13  
14 WHEREAS, a County sanitary sewer facility known as the Mudbrook Bar Screen and  
15 Mudbrook Trunk Sanitary Sewer Line is located immediately adjacent to Mud Brook in the City  
16 of Cuyahoga Falls; and

17  
18 WHEREAS, erosion from Mud Brook has destabilized the slope on which said facility is  
19 fault, creating imminent danger of exposing and breaking the Mudbrook Trunk Sanitary Sewer  
20 Line sanitary sewer lines connected to that facility; and

21  
22 WHEREAS, design of an abandonment and realignment of the Mudbrook Trunk Sanitary  
23 Sewer Line and repair of said slope must be completed as soon as possible to prevent the a  
24 County sanitary sewer line from breaking and spilling effluent into the environment; and

25  
26 WHEREAS, because of this imminent danger, the County Executive desires to  
27 immediately retain DLZ Corporation to immediately design and make any necessary repairs in  
28 order to stabilize the slope to preserve the County's facilities and prevent sanitary sewer effluent  
29 from spilling into the environment; and

30  
31 ~~WHEREAS, the Executive desires to contract with DLZ Corporation to design and repair~~  
32 ~~the slope at the Mudbrook Bar Screen to preserve the County's facilities and prevent sanitary~~  
33 ~~sewer effluent from spilling into the environment; and~~

34  
35 WHEREAS, Section 177.07(a)(3) of the Codified Ordinances of the County of Summit  
36 permits the County Executive to enter into agreements without following the competitive bidding  
37 process in times of emergency; and

38  
39 WHEREAS, the necessary design and repairs ~~to stabilize the slope at the Mubrook Bar~~  
40 ~~Screen~~ are hereby determined by this Council to be an emergency pursuant to Section  
41 177.07(a)(3); and

42  
43 WHEREAS, it will also be necessary for funds to be appropriated in the amount of  
44 \$700,000.00 in order to pay DLZ Corporation for services rendered in performing the design and  
45 stabilization repairs; and

46  
47 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
48 that Mudbrook Bar ~~Screen~~ Slope Stabilization Project No. Q-331 constitutes an emergency under  
49 Section 177.07(a)(3) of the Codified Ordinances of the County of Summit and further finds and  
50 determines that it is necessary and in the best interest of the County to authorize the County  
51 Executive to enter into an agreement with DLZ Corporation as he determines necessary to  
52 complete the design and ~~stabilization~~ repairs without having to comply with the competitive  
53 bidding process and to further appropriate the funds necessary to complete the design and  
54 repairs;

3  
4 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
5 of Ohio, that;

6  
7 SECTION 1

8  
9 The Council hereby finds and determines that the aforementioned Mudbrook ~~Bar-Screen~~  
10 Slope Stabilization Project No. Q-331 constitutes an emergency pursuant to Section  
11 177.07(a)(3).

12  
13 SECTION 2

14  
15 As a result of the emergency circumstances, this Council hereby authorizes the County  
16 Executive to enter into an agreement with DLZ Corporation, without complying with the  
17 competitive bidding procedures outlined in Chapter 177, in order to design and make the  
18 necessary ~~stabilization~~ repairs, in an amount not to exceed \$700,000.00.

19  
20 SECTION 3

21 Funds are hereby appropriated as follows:

ACCOUNT NO.	DESCRIPTION	AMOUNT
Mudbrook <del>Bar-Screen</del> Slope Stabilization Project No. Q-331		
53125-8510-19999	Transfers In	<u>\$700,000.00</u>
Total Revenue		<u>\$700,000.00</u>
53125-8510-27102	Professional Services (Engineering & Construction Management)	\$100,000.00
53125-8510-78521	Contract Project	<u>\$600,000.00</u>
Total Appropriation		<u>\$700,000.00</u>
Sewer Operating		
50001-8510-84999	Transfers Out	\$700,000.00

22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39 SECTION 4

40  
41 The County Fiscal Officer is hereby authorized and directed to effect the within  
42 appropriations and establish Fund 53125.

43  
44 SECTION 5

45  
46 This Resolution is hereby declared an emergency in the interest of the health, safety and  
47 welfare of the citizens of the County of Summit, and for the further reason to preserve the  
48 County's facilities and prevent sanitary sewer effluent from spilling into the environment.

1 RESOLUTION NO. 2015-554

2 PAGE THREE

3

4 SECTION 6

5

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

9

10 SECTION 7

11

12 It is found and determined that all formal actions of this Council concerning and relating  
13 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
14 deliberations of this Council and of any of its committees that resulted in such formal action,  
15 were in meetings open to the public, in compliance with all legal requirements, including Section  
16 121.22 of the Ohio Revised Code.

17

18

19 INTRODUCED December 7, 2015

20

21 ADOPTED December 14, 2015

22

23

24

25  \_\_\_\_\_

26

27

28 APPROVED December 15, 2015

29

30

31  \_\_\_\_\_

32

33 ENACTED EFFECTIVE December 15, 2015

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

Voice Vote: 8-0 YES: Comunale, Crawford, Donofrio, Kurt, Prentice,  
Rodgers, Schmidt, Shapiro  
ABSENT: Feeman, Kostandaras, Lee