

1 RESOLUTION NO. 2019-409

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE November 18, 2019

COMMITTEE Public Works

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7 **A Resolution confirming an award by the Board of Control of a construction contract with**  
8 **United Earthworks, LLC, in an amount not to exceed \$381,792.00, for the construction of**  
9 **the Cleveland Massillon – Rothrock Rd. S.S.E. Project Q-537, located in the City of**  
10 **Fairlawn, in Council District 5, and authorizing the County Executive to apply for and**  
11 **execute a Cooperative Agreement with the Ohio Water Development Authority for a loan**  
12 **in an amount not to exceed \$419,971.20 to fund the Project, for the Executive's Department**  
13 **of Sanitary Sewer Services, and declaring an emergency.**

14  
15 WHEREAS, the Board of Control, at its meeting held October 9, 2019, awarded a  
16 construction contract with United Earthworks, LLC, for the Cleveland Massillon – Rothrock Rd.  
17 S.S.E. Project Q-537 (the “Project”), located in the City of Fairlawn, in Council District 5, in an  
18 amount not to exceed \$381,792.00, subject to confirmation by County Council; and

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20 WHEREAS, the County intends to apply for an Ohio Water Development Authority  
21 (“OWDA”) loan to finance the construction of the Project; and

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23 WHEREAS, the OWDA requires the legislative authority of the County to adopt  
24 legislation for the application of loans, the execution of agreements, and the designation of  
25 dedicated repayment sources; and

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27 WHEREAS, the amount of the OWDA loan must include a 10% contingency amount and  
28 fees as required by OWDA, for a total loan amount not to exceed \$419,971.20; and

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30 WHEREAS, this Council finds and determines, after reviewing all pertinent information  
31 that it is necessary and in the best interest of the County of Summit to authorize the County  
32 Executive to execute the construction contract with United Earthworks, LLC, to authorize the  
33 County Executive to apply for and execute a Cooperative Agreement with OWDA for the  
34 aforementioned loan;

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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 The award by the Board of Control of a construction contract with United Earthworks,  
42 LLC, for the Cleveland Massillon – Rothrock Rd. S.S.E. Project Q-537 (the “Project”), located  
43 in the City of Fairlawn, in Council District 5, in an amount not to exceed \$381,792.00 is hereby  
44 confirmed and the County Executive is hereby authorized to execute said construction contract.  
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1 RESOLUTION NO. 2019-409

2 PAGE TWO

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4  
5 SECTION 2

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7 The County Executive is hereby authorized to apply for and execute a Cooperative  
8 Agreement with the Ohio Water Development Authority for a 20-year loan, in an amount not to  
9 exceed \$419,971.20, to fund construction of the Cleveland Massillon – Rothrock Rd. S.S.E.  
10 Project Q-537 (the “Project”), located in the City of Fairlawn, in Council District 5, which is  
11 attached hereto as Exhibit A and incorporated fully herein, with such modifications and revisions  
12 as shall be in furtherance of the provisions of said Cooperative Agreement and not substantially  
13 adverse to the County, all of which shall be conclusively evidenced by the execution thereof by  
14 the County Executive.

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16 SECTION 3

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18 This Resolution is declared an emergency in the interest of the health, safety and welfare  
19 of the residents of the County of Summit, and for the further reason to immediately allow the  
20 Project to proceed in a timely manner.

21  
22 SECTION 4

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

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28 SECTION 5

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30 It is found and determined that all formal actions of the Council concerning and relating  
31 to the adoption of the Resolution were adopted in an open meeting of this Council, and that all  
32 deliberations of this Council and of any of its committees that resulted in such formal action,  
33 were in meetings open to the public, in compliance with all legal requirements, including Section  
34 121.22 of the Ohio Revised Code.

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37 INTRODUCED October 28, 2019

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39 ADOPTED November 18, 2019

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43 \_\_\_\_\_  
44 CLERK OF COUNCIL

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49 PRESIDENT OF COUNCIL

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51 APPROVED November 20, 2019

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54 \_\_\_\_\_  
55 EXECUTIVE

56 ENACTED EFFECTIVE November 20, 2019

57 Voice Vote: YES: 11-0 Dickinson, Donofrio, Feeman, Hamilton,  
58 Koehler, McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite