

1 RESOLUTION NO. 2016-047

**First Reading Passage Requested**

**(J. Dodson)**

2 SPONSOR Mr. Pry

3  
4  
5 DATE February 8, 2016

COMMITTEE Planning

6  
7 **A Resolution declaring the lowering of the Tritts Mill Dam in Springfield Township to be**  
8 **an emergency pursuant to Section 177.07(a)(3) of the Codified Ordinances of the County of**  
9 **Summit, and authorizing the County Executive to execute a construction contract to lower**  
10 **the Dam with Kenmore Construction Co., Inc., in an amount not to exceed \$126,725.00,**  
11 **and appropriating necessary funds, for the Executive's Department of Administrative**  
12 **Services, and declaring an emergency.**

13  
14 WHEREAS, due to structural problems with the Tritts Mill Dam in Springfield  
15 Township, in Council District 8, identified by the Ohio Department of Natural Resources, the  
16 Dam needs to immediately be lowered to preserve the integrity of the remaining structure; and

17  
18 WHEREAS, because the work to lower the Dam and preserve the integrity of the  
19 structure of the Dam needs to be performed immediately, the County Executive desires to enter  
20 into a construction contract with Kenmore Construction Co., Inc. for work necessary to lower the  
21 Dam, in an amount not to exceed \$126,725.00; and

22  
23 WHEREAS, Section 177.07(a)(3) of the Codified Ordinances of the County of Summit  
24 permits the County Executive to enter into and execute agreements without following the  
25 competitive bidding process in times of emergency; and

26  
27 WHEREAS, the lowering of the Tritts Mill Dam is hereby determined by this Council to  
28 be an emergency pursuant to Section 177.07(a)(3); and

29  
30 WHEREAS, it will also be necessary to appropriate funds, in the amount of \$150,000.00,  
31 for the aforementioned construction; and

32  
33 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
34 that the lowering of the Tritts Mill Dam constitutes an emergency under Section 177.07(a)(3) of  
35 the Codified Ordinances of the County of Summit and further finds and determines that it is  
36 necessary and in the best interest of the County to authorize the County Executive to execute a  
37 construction contract with Kenmore Construction Co., Inc. in an amount not to exceed  
38 \$126,725.00, to complete the lowering of the Dam without having to comply with the  
39 competitive bidding process and to further appropriate the funds, in the amount of \$150,000.00,  
40 necessary to complete the project;

41  
42 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
43 of Ohio, that;

44  
45 SECTION 1

46  
47 The Council hereby finds and determines that the lowering of the Tritts Mill Dam in  
48 Springfield Township, in Council District 8 constitutes an emergency pursuant to Section  
49 177.07(a)(3).  
50

1 RESOLUTION NO. 2016-047

2 PAGE TWO

3  
4 SECTION 2

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6 As a result of the emergency circumstances, this Council hereby authorizes the County  
7 Executive to execute a construction contract with Kenmore Construction Co., Inc. without  
8 complying with the competitive bidding procedures outlined in Chapter 177, in order to lower of  
9 the Tritts Mill Dam, in an amount not to exceed \$126,725.00.

10  
11 SECTION 3

12  
13 Funds are hereby appropriated as follows:

| <u>ACCOUNT NO.</u>                | <u>DESCRIPTION</u>                | <u>AMOUNT</u>       |
|-----------------------------------|-----------------------------------|---------------------|
| General Fund                      |                                   |                     |
| 10003-8499-84999                  | Transfer Out                      | \$513,835.29        |
| General Capital Improvements Fund |                                   |                     |
| 40010-8116-19999                  | Transfer In                       | \$513,835.29        |
| 40010-830301-78501                | Tritts Mill Damn – Capital Outlay | <u>\$150,000.00</u> |
| Total Expenditure Appropriations  |                                   | \$663,835.29        |

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25  
26 SECTION 4

27  
28 The County Fiscal Officer is hereby authorized and directed to effect the within  
29 appropriations.

30  
31 SECTION 5

32  
33 This Resolution is hereby declared an emergency in the interest of the health, safety and  
34 welfare of the citizens of the County of Summit, and for the further reason to lower the Tritts  
35 Mill Dam in Springfield Township, in Council District 8, before it causes any damage to person  
36 or property downstream from the Dam.

37  
38 SECTION 6

39  
40 Provided this Resolution receives the affirmative vote of eight members, it shall take  
41 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
42 effect and be in force at the earliest time provided by law.

43  
44 SECTION 7

45  
46 It is found and determined that all formal actions of this Council concerning and relating  
47 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
48 deliberations of this Council and of any of its committees that resulted in such formal action,  
49 were in meetings open to the public, in compliance with all legal requirements, including Section  
50 121.22 of the Ohio Revised Code.

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INTRODUCED February 8, 2016

ADOPTED February 8, 2016



CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED February 9, 2016



EXECUTIVE

ENACTED EFFECTIVE February 9, 2016

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