

1 RESOLUTION NO. 2023-152

2

3 SPONSOR Executive Shapiro

4

5 DATE May 15, 2023

COMMITTEE Public Works

6

7 **A Resolution authorizing the Executive to advertise for bids for the construction of Project**
8 **Q-453 Fishcreek Waste Water Treatment Plant #25 for an estimated total cost not to**
9 **exceed \$4,000,000.00 and to authorize the Executive to apply for and execute a Water**
10 **Pollution Control Loan Fund Agreement for a loan in an amount not to exceed**
11 **\$4,000,000.00 to fund the project, located in the City of Stow, in Council District 3, and**
12 **repealing Resolution No. 2020-067, for the Executive's Department of Sanitary Sewer**
13 **Services, and declaring an emergency.**

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15 WHEREAS, this Council previously approved Resolution No. 2020-067, giving the
16 Executive authority to advertise for bids for the construction of improvements to the Fishcreek
17 Waste Water Treatment Plant #25 in the amount of \$3,500,000.00; and

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19 WHEREAS, in anticipation of conducting the Q-453 project, this Council approved
20 Resolution No. 2019-367, authorizing the Executive to apply for a Water Pollution Control Loan
21 Fund (“WCPLF”) loan in the amount of \$3,500,000.00; and

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23 WHEREAS, as a result of negotiations with the United States Environmental Protection
24 Agency, additional improvements are necessary as part of the Q-453 project, and the County has
25 entered into a consent agreement with the United States Environmental Protection Agency to
26 establish the scope of the necessary work, which will cost a total of \$4,000,000.00 rather than
27 \$3,500,000.00; and

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29 WHEREAS, the Executive wishes to advertise for bids for an estimated total cost not to
30 exceed \$4,000,000.00 for construction to improve and rehabilitate the plant facility, including the
31 replacement of piping and pumps for the digesters, oxidation ditch, mechanical equipment and
32 sludge pump station equipment, for Project Q-453 Fishcreek Waste Water Treatment Plant #25
33 (“Q-453 Project”), located in the City of Stow, in Council District 3; and

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35 WHEREAS, Section 177.05 of the Codified Ordinance of the County of Summit requires
36 this Council’s authorization for the Executive to advertise for bids for construction contracts in
37 excess of \$50,000.00; and

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39 WHEREAS, a copy of the plans and specifications for the Q-453 Project are on file with
40 the Clerk of Council; and

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42 WHEREAS, the County intends to apply for a WPCLF loan, with the Ohio
43 Environmental Protection Agency and the Ohio Water Development Authority, to fund the Q-
44 453 Project, for a 20 year loan term, in an amount not to exceed \$4,000,000.00, which will be in
45 place of the loan previously authorized by Resolution No. 2019-367; and

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47 WHEREAS, WPCLF requires the legislative authority of the County to adopt legislation
48 for the application of loans, the execution of agreements and the designation of repayment
49 sources; and

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4 WHEREAS, it is necessary to repeal Resolution No. 2020-067, which previously
5 authorized the Executive to advertise for bids for the Q-453 Project at an estimated total cost not
6 to exceed \$3,500,000.00, due to additional work that is necessary to comply with the United
7 States Environmental Protection Agency Consent Decree; and

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9 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
10 that it is necessary and in the best interest of the County to authorize the Executive to advertise
11 for bids for the construction of the Q-453 Project for an estimated total cost not to exceed
12 \$4,000,000.00, to apply for and execute the Water Pollution Control Loan Fund Agreement for
13 the Q-453 Project in an amount not to exceed \$4,000,000.00 and designate repayment from the
14 Sanitary Sewer Enterprise Fund, and, as a result of the foregoing, to repeal Resolution No. 2020-
15 067;

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17 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
18 of Ohio, that:

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20 SECTION 1

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22 Resolution No. 2020-067 is hereby repealed in its entirety.

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24 SECTION 2

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26 The Executive is hereby authorized to advertise for bids for the construction of Project Q-
27 453 Fishcreek Waste Water Treatment Plant #25 ("Q-453 Project"), located in the City of Stow,
28 in Council District 3, for an estimated total cost not to exceed \$4,000,000.00.

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30 SECTION 3

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32 The Executive is hereby authorized to apply for and execute a Water Pollution Control
33 Loan Fund Agreement with the Ohio Environmental Protection Agency and the Ohio Water
34 Development Authority for a loan, with a term of 20 years, in an amount not to exceed
35 \$4,000,000.00, to fund Project Q-453, a copy of which is attached hereto as Exhibit A and
36 incorporated herein as if fully restated, with such modifications and revisions as shall be in
37 furtherance of the provisions of the loan agreement and not substantially adverse to the County,
38 and any other necessary documents related to the loan. This Council further designates the
39 Sanitary Sewer Enterprise Fund as the dedicated source of repayment for the Water Pollution
40 Control Loan Fund loan.

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42 SECTION 4

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44 This Resolution is declared an emergency in the interest of the health, safety and welfare
45 of the residents of the County of Summit and for the further reason to immediately advertise for
46 bids for the construction of Project Q-453 and execute a necessary agreement and loan document
47 so that the project may proceed in a timely manner.

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4 SECTION 5

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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.

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10 SECTION 6

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12 It is found and determined that all formal actions of the Council concerning and relating
13 to the adoption of the 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.

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18 INTRODUCED May 15, 2023

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20 ADOPTED June 5, 2023

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22 DocuSigned by:
23 *hauwenmaish*
24 F8D2DB132BE041B...
25 CLERK OF COUNCIL

DocuSigned by:
Veronica R Sim
C05A916FE4BA42A...
PRESIDENT OF COUNCIL

26 APPROVED June 5, 2023

27 DocuSigned by:
28 *Gene Shapiro*
29 CBD33E40D287473...
30 EXECUTIVE

31 ENACTED EFFECTIVE June 6, 2023

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