

1 RESOLUTION NO. 2023-188

**First Reading Passage Requested**

2  
3 SPONSOR Executive Shapiro

**(M. Vinay)**

4  
5 DATE June 26, 2023

COMMITTEE Public Works

6  
7 **A Resolution authorizing the Executive to pay Michael Bienvenue the sum of \$13,718.68**  
8 **for cleanup and restoration costs resulting from a sanitary sewer backup at his residence**  
9 **located at 1054 Shepard Hills Blvd., Macedonia, Ohio, in Council District 1, and to prepare**  
10 **and execute a release of claims and any other necessary related documents, for the**  
11 **Executive's Department of Sanitary Sewer Services, and declaring an emergency.**

12  
13 WHEREAS, on November 22, 2022, Michael Bienvenue filed a sewer backup cleaning  
14 and sanitation claim (the "Claim") with the Executive's Department of Sanitary Sewer Services,  
15 requesting reimbursement for cleanup and restoration costs resulting from a sanitary sewer  
16 backup at his residence located at 1054 Shepard Hills Blvd., Macedonia, Ohio 44056, in Council  
17 District 1; and

18  
19 WHEREAS, in accordance with Chapter 119A of the Codified Ordinances of the County  
20 of Summit, the Department of Sanitary Sewer Services examined the evidence surrounding the  
21 Claim, assessed the damages sustained to Mr. Bienvenue's residence, and valued the total cost of  
22 repairs and clean up to be an amount not to exceed \$13,718.68; and

23  
24 WHEREAS, Mr. Bienvenue filed a claim with his homeowner's insurance carrier and the  
25 claim was denied, despite additional information being provided to the carrier regarding the  
26 claim; and

27  
28 WHEREAS, the Executive desires to pay Michael Bienvenue an amount not to exceed  
29 \$13,718.68 to settle the Claim and to prepare and execute a release of claims and any other  
30 necessary related documents; and

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32 WHEREAS, Chapter 119A of the Summit County Codified Ordinances requires this  
33 Council's authorization for the Executive to pay all sewer backup cleaning and sanitation claims  
34 that exceed ten thousand dollars (\$10,000.00); and

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36 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
37 that it is necessary and in the best interest of the County of Summit to authorize the Executive to  
38 pay the sum of \$13,718.68 to Michael Bienvenue for the Claim and to prepare and execute a  
39 release of claims and any other necessary related documents;

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

43  
44 SECTION 1

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46 The Executive is hereby authorized to pay to Michael Bienvenue the sum of \$13,718.68  
47 to reimburse him for the cleanup and restoration of his residence located at 1054 Shepard Hills  
48 Blvd., Macedonia, Ohio 44056, in Council District 1, as a result of the sanitary sewer backup  
49 that occurred on November 22, 2022. The Executive is further authorized to prepare and execute  
50 a release of claims and any other necessary documents related to this claim.

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2 PAGE TWO

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4 SECTION 2

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6 This Resolution is declared an emergency in the interest of the health, safety and welfare  
7 of the residents of the County of Summit, and for the further reason to immediately authorize the  
8 Executive to make payment for a sanitary sewer backup claim within a timely fashion.

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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 the Council concerning and relating  
19 to the adoption of the 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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26 INTRODUCED June 26, 2023

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28 ADOPTED June 26, 2023

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30 DocuSigned by:  
  
31 \_\_\_\_\_  
32 CLERK OF COUNCIL

DocuSigned by:  
  
33 \_\_\_\_\_  
34 PRESIDENT OF COUNCIL

33

34 APPROVED June 26, 2023

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36 DocuSigned by:  
  
37 \_\_\_\_\_  
38 EXECUTIVE

39

40 ENACTED EFFECTIVE June 27, 2023