

1 RESOLUTION NO. 2023-225

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3 SPONSOR Executive Shapiro

4  
5 DATE August 7, 2023 COMMITTEE: Public Works

6  
7 **A Resolution authorizing the Executive to execute a contribution agreement with the Ohio**  
8 **Environmental Protection Agency to provide funds, in an amount not to exceed \$250,000.00,**  
9 **to support the Cuyahoga Gorge Dam Removal, for the Executive, and declaring an**  
10 **emergency.**

11  
12 WHEREAS, the Gorge Dam was constructed on the Cuyahoga River in 1913, and  
13 produced hydroelectric power until 1958. The dam pool was subsequently used until 1992 as a  
14 source for cooling water for a local coal-fired power plant; and

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16 WHEREAS, the dam and its pool have not been used for power generation purposes for  
17 the past 23 years, the structure acts as an impairment to aquatic species along the middle and  
18 lower segments of the Cuyahoga River, and studies have shown it is a major source of water  
19 quality problems on this section of the river; and

20  
21 WHEREAS, in concert with ongoing restoration efforts, the removal of the dam and  
22 remediation of this site will facilitate fish movement, increase habitat quality, restore the river to  
23 resemble its natural conditions more closely, and prevent contamination from entering the food  
24 chain which increases the health of the ecosystem overtime and will make it safer for humans to  
25 eat fish caught in the Cuyahoga River and the Great Lakes; and

26  
27 WHEREAS, the Cuyahoga Gorge Dam Removal (the “Project”) will restore beneficial  
28 uses of the river to communities of Northeast Ohio, including providing a 2.5 mile white water  
29 course of international appeal which is expected to increase tourism and bring immense impact  
30 to the local economy; and

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32 WHEREAS, the Ohio Environmental Protection Agency (“Ohio EPA”) Director and the  
33 United States Environmental Protection Agency (“US EPA”) have signed a cooperative project  
34 agreement to create a plan for contaminated sediment management and habitat restoration for the  
35 Gorge Dam; and

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37 WHEREAS, the Project is being funded through the Great Lakes Legacy Act with  
38 additional project match funds provided by the Ohio Department of Natural Resources and local  
39 funds provided by the City of Akron; and

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41 WHEREAS, local partners include the City of Akron, City of Cuyahoga Falls, Summit  
42 Metro Parks, First Energy, Great Lakes Restoration, and the Ohio Lake Erie Commission; and

43  
44 WHEREAS, the Great Lakes Legacy Act Project Agreement Between the US EPA and the  
45 Ohio EPA for the Project requires the non-Federal parties to provide matching funds in the amount  
46 of thirty-five percent of the total project cost; and

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48 WHEREAS, the Executive and Council recognize the great importance of the Project,  
49 including the large environmental benefit and the positive social and economic impact it will have  
50 on our local community; and

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4 WHEREAS, the County wishes to contribute \$250,000.00 to the State of Ohio to serve as  
5 a portion of the matching funds required under the Agreement to assist in the removal of the Gorge  
6 Dam; and

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8 WHEREAS, Section 307.77 of the Ohio Revised Code permits a county to give aid to any  
9 unit of government, including state and federal, that is for a public improvement project, including  
10 projects that will alleviate pollution or for the betterment of sanitary conditions, and the general  
11 public benefit to the county is in an amount corresponding with or greater than the amount of aid  
12 which the county will contribute; and

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14 WHEREAS, the County finds and determines that the improvement will be for the general  
15 public benefit and determines the public benefit to the county is corresponding with or greater than  
16 the amount of aid which the county will contribute; and

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18 WHEREAS, upon receipt of the funds, the Ohio EPA will place the contribution in the  
19 fund established pursuant to Ohio Revised Code Section 3745.016 and, upon approval, will  
20 transfer the full amount of \$250,000.00 to the US EPA as a contribution towards the non-federal  
21 sponsor share as set forth in the Agreement by the date set forth in the Agreement; and

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

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26 SECTION 1

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28 This Council hereby authorizes the Executive to execute a contribution agreement with  
29 Ohio EPA to provide funds, in an amount not to exceed \$250,000.00, to support the removal of  
30 the Gorge Dam, a part of the Remedial Design of the Cuyahoga River Gorge Dam Great Lakes  
31 Legacy Act Contaminated Sediment Project.

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33 SECTION 2

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35 This Resolution is hereby declared an emergency in the interest of the health, safety and  
36 welfare of the residents of the County of Summit, and for the further reason that the County wishes  
37 to authorize the Executive to execute a contribution agreement with the Ohio Environmental  
38 Protection Agency.

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40 SECTION 3

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

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46 SECTION 4

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48 It is found and determined that all formal actions of this Council concerning and relating to  
49 the adoption of this Resolution were adopted in an open meeting of this Council, and that all

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4 deliberations of this Council and any of its committees that resulted in such formal action were in  
5 meetings open to the public, in compliance with legal requirements, including Section 121.22 of the  
6 Ohio Revised Code.

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11 INTRODUCED August 7, 2023

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14 ADOPTED August 21, 2023

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16 DocuSigned by:  
  
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18 F8D2DB132BE041B  
19 CLERK OF COUNCIL

DocuSigned by:  
  
\_\_\_\_\_  
C65A946EE4BA42A  
PRESIDENT OF COUNCIL

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24 APPROVED August 21, 2023

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26 DocuSigned by:  
  
27 \_\_\_\_\_  
28 CBD33E40D287473...  
29 EXECUTIVE

August 22, 2023  
ENACTED EFFECTIVE

Voice Vote – YES: 10 – 0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Schmidt, Sims,  
Walters, Wiedie Higham, Wilhite  
Absent: Rodgers