

RESOLUTION NO.: 2008-R27
SPONSOR: MAYOR NORTON
INTRODUCED: MAY 13, 2008 **ASSIGNED TO:** FINANCE

A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO A CONTRACT FOR EMERGENCY REPAIRS TO SOUTH MAIN STREET WITHOUT FORMAL BIDDING OR ADVERTISING, MAKING AN APPROPRIATION OF SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) AND AUTHORIZING THE INTER-FUND TRANSFER OF SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY.

WHEREAS, in May, 2007, the City of Green awarded a contract to Karvo Paving for the South Main Street Resurfacing and Storm Sewer Improvements Project ("Project"). Traveler's Insurance provided a Surety Bond to Karvo to insure their proper performance of the contract; and

WHEREAS, Karvo commenced to perform the contract and the City issued a Certificate of Substantial Completion in late October or early November of 2007; and

WHEREAS, almost immediately, the road surface failed resulting in numerous deep potholes throughout the Project area rendering the road dangerous and/or unsafe; and

WHEREAS, the City needs to make necessary repairs to the road to insure that it does not incur liability as a result of its condition; and

WHEREAS, the City has demanded that Karvo Paving resurface the road in compliance with the terms of their contract; and

WHEREAS, Karvo has refused to repave the road despite its failure only days and months after the completion of their work and, instead, Karvo has demanded payment to resurface the road; and

WHEREAS, Revised Code 735.051 allows the City of Green to enter into a contract to make the necessary repairs to the road without formal bidding and advertising processes if a real and present emergency exists regarding the operation and maintenance of its roads which are included within the Department of Public Service; and

WHEREAS, a real and present emergency exists regarding the condition of South Main Street which has been worsened by Karvo Paving's refusal to honor the terms of its contract with the City of Green; and

WHEREAS, it is necessary to appropriate funds to pay for the repairs; and

WHEREAS, Ohio Revised Code §5705.41 requires City Council to authorize all inter-fund transfers.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO THAT:

SECTION ONE:

City Council authorizes the City Engineer to solicit bids and undertake the repaving of South Main Street without using the formal bidding and advertising process and further requests the Law Director to pursue Karvo Paving and/or its Surety, Traveler's Insurance, for the costs incurred by the City to correct the improper, deficient work of Karvo Paving.

SECTION TWO:

City Council authorizes an appropriation of Six Hundred Thousand Dollars (\$600,000.00) Dollars to the Road Resurface Program Account (203-2900-52413) from the unappropriated balance of the Permissive License Tax Fund to be used towards the cost of correcting the improper, deficient work of Karvo Paving. City Council authorizes and directs the Finance Director to make payment to the contractor chosen by the City Engineer through the established purchase order procedures.

SECTION THREE:

Green City Council authorizes the inter-fund transfer of Six Hundred Thousand Dollars (\$600,000.00) Dollars from the General Fund to the Permissive License Tax Fund in order to provide sufficient funding.

SECTION FOUR:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FIVE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: June 10, 2008

Resolution 2008-R27

Molly Stevens
Molly Stevens, Clerk

Christine Croce
Christine Croce, Council
President

APPROVED: June 10, 2008

[Signature]
Richard G. Norton, Mayor

COPIED _____
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: June 10, 2008

ON ROLL CALL: Colopy ^{absent} Croce - yea France - yea Manwaring - yea
Reed - yea Ridgeway - yea Smole - yea

Suburbanite publication on June 15 and June 22, 2008

Molly Stevens
Molly Stevens, Clerk