

**RESOLUTION NO.:** 2014-R31  
**SPONSOR:** MAYOR NORTON  
**INTRODUCED:** JUNE 24, 2014

**ASSIGNED TO:** FINANCE

**A RESOLUTION AUTHORIZING THE CITY OF GREEN TO ENTER INTO AN AGREEMENT WITH H.M. MILLER CONSTRUCTION, INC FOR EMERGENCY REPAIRS TO A STORM SEWER OUTFALL AT 142 LAKEFRONT, OBVIATING FORMAL BIDDING AND ADVERTISING FOR A CONTRACT, MAKING AN APPROPRIATION, AND DECLARING AN EMERGENCY.**

WHEREAS, the City has discovered a condition that requires immediate action to replace a twenty-four inch storm sewer outfall in an easement on the property at 142 Lakefront, at a cost of approximately Sixty Thousand Dollars (\$60,000.00); and

WHEREAS, it is necessary to make an emergency repair to this Property to eliminate an erosion hazard within the easement which could create a liability to the City; and

WHEREAS, Ohio Revised Code Section 723.52 requires the City to solicit competitive bids for the Project since the estimated cost exceeds Thirty Thousand Dollars (\$30,000.00); and

WHEREAS, the Engineering and Service Departments desire to enter into an Agreement with H.M. Miller Construction, Inc to perform the work; and

WHEREAS, Ohio Revised Code Section 735.051 permits the City to forego the formal advertising and bidding process for the award of a contract if a real and present emergency exists regarding the operation of the roadway; and

WHEREAS, Green City Council believes that real and present emergency exists requiring the City to take immediate action to make the repair contemplated by the Agreement; and

WHEREAS, it is also necessary to appropriate additional funds for this emergency Project.

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

**SECTION ONE:**

Green City Council authorizes the City of Green to enter into an Agreement with H.M. Miller Construction, Inc for emergency repairs at 142 Lakefront and finds that a real and present emergency exists requiring immediate action to be taken to make the repair to the roadway. City Council specifically authorizes the City to forego the formal bidding and advertising required for a Project involving streets of the City in the City of Green. City Council further authorizes payment of any outstanding invoices regarding the repairs by H.M. Miller Construction, Inc.

**SECTION TWO:**

City Council authorizes an additional appropriation of Sixty Thousand Dollars (\$60,000.00) from the Street Construction and Maintenance Fund to the Contracted Services Account (#201-2300-52412).

**SECTION THREE:**

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 FOUR:**

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: July 8, 2014  
Molly Kapeluck  
Molly Kapeluck, Clerk

Gerard Neugebauer  
Gerard Neugebauer, Council President

APPROVED: July 8, 2014  
Richard G. Norton  
Richard G. Norton, Mayor

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SVCE ZONE PARK ROAD ENG  
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: July 8, 2014

ON ROLL CALL: Ahlstrom -yea Humphrey -absent Knodel -yea Neugebauer -yea  
Reed -yea Summerville -yea Young -yea Adopted 6-0

Suburbanite publication on July 13 and July 20, 2014  
Molly Kapeluck  
Molly Kapeluck, Clerk