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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. 56 - 2014

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
9 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR
10 CONTRACTS WITHOUT COMPETITIVE BIDDING WITH
11 ARBOR CONSTRUCTION COMPANY FOR THE
12 CONSTRUCTION OF SIDEWALKS, LANDSCAPING
13 AND OTHER PUBLIC IMPROVEMENTS ON STATE
14 ROAD, PORTAGE TRAIL, AND LILLIS DRIVE IN AN
15 AMOUNT NOT TO EXCEED \$315,000.00, AND
16 DECLARING AN EMERGENCY.
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19 WHEREAS, Article I, Section 2 of the City Charter, adopted pursuant to Art.
20 XVIII, Sections 3 and 7 of the Ohio Constitution, authorizes this Council to make
21 exception to the competitive bidding procedures set forth in the Revised Code,
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23 WHEREAS, Ordinance No. 63-2012, authorized the Director of Public Service to
24 enter into contracts, after publicly advertising for bids, for certain public
25 improvements in State Road between Graham Road and Schiller Avenue, Portage
26 Trail between Norma Street and 25th Street, and Lillis Drive, including construction
27 of roadways, curbs and sidewalks, sanitary and storm sewers and sewer laterals,
28 water mains and service connections, traffic control devices, street lighting,
29 landscaping and all necessary appurtenances associated with such improvements;
30 and
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32 WHEREAS, the sidewalks and landscaping portion of the project was
33 subsequently removed from the bid contract due to the delays in the private
34 development; and
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36 WHEREAS, the public sidewalks and landscaping improvements should
37 coincide with the timing of the private sidewalks and landscaping improvements to
38 maintain a continuity of color and design; and
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40 WHEREAS, Arbor Construction Company is in the best position to ensure the
41 coordination of all public and private sidewalk and landscaping improvements for a
42 cohesive and attractive appearance; and
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44 WHEREAS, to rebid this portion of the project will most likely result in a higher
45 cost to the City.
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47 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
48 Falls, County of Summit and State of Ohio, that:
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50 Section 1.The Director of Public Service is hereby authorized to enter into a
51 contract or contracts without competitive bidding with Arbor Construction
52 Company, in an amount not to exceed \$315,000.00, for the construction of
53 sidewalk and landscaping improvements along Portage Trail from State Road to
54 Lillis Drive, along with all necessary and incidental appurtenances associated with
55 such improvements.
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57 Section 2.The Director of Finance is hereby authorized and directed to make
58 payment for same from Capital Projects Fund, line item Capital Outlay.
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60 Section 3.Any other ordinances and resolutions or portions of ordinances and
61 resolutions inconsistent herewith are hereby repealed, but any ordinances and
62 resolutions or portions of ordinances and resolutions not inconsistent herewith
63 and which have not previously been repealed are hereby ratified and confirmed.
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65 Section 4.It is found and determined that all formal actions of this Council
66 concerning and relating to the passage of this ordinance were taken in an open
67 meeting of this Council and that all deliberations of this Council and of any
68 committees that resulted in those formal actions were in meetings open to the
69 public, in compliance with all legal requirements including Chapter 107 of the
70 Codified Ordinances.
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72 Section 5.This ordinance is hereby declared to be an emergency measure
73 necessary for the preservation of the public peace, health, safety, convenience and
74 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason
75 that it is immediately necessary to permit timely and appropriate development of
76 the property and provided it receives the affirmative vote of two-thirds of the
77 members elected or appointed to Council, it shall take effect and be in force
78 immediately upon its passage and approval by the Mayor; otherwise it shall take
79 effect and be in force at the earliest period allowed by law.
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82 Passed: 6/23/2014

Mary Ellen Pyke
President of Council

David Davis
Clerk of Council

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89 Approved 6-24-2014

[Signature]
Mayor

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92 6/9/14

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