

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 74 - 2015

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT
9 AND/OR CONTRACTS WITHOUT COMPETITIVE
10 BIDDING WITH KENMORE CONSTRUCTION CO., INC.
11 FOR EMERGENCY SERVICE TO REPAIR AND
12 STABILIZE THE SLOPE FAILURE AND STORM SEWER
13 AT YELLOW CREEK ROAD, AND DECLARING AN
14 EMERGENCY.

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16 WHEREAS, in August 2015, the City became aware that the slope on Yellow
17 Creek Road directly inside the Corporation line had failed; and

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19 WHEREAS, Ohio Revised Code §735.051 authorizes this Council to waive
20 formal competitive bidding and advertising for contracts where there is a real and
21 present emergency arising in connection with the operation and maintenance of a
22 municipally-owned utility; and

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24 WHEREAS, there existed a real and present emergency that Yellow Creek Road
25 was in danger of falling in and about 20 feet of the storm sewer in this location was
26 exposed with no dirt left for support; and

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28 WHEREAS, due to the dangerous slope failure, the normal competitive bidding
29 process for the slope repair contract could not be accomplished without
30 unreasonable delay risk to public safety,

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32 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
33 Falls, County of Summit and State of Ohio, that:

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35 Section 1. The Director of Public Service is hereby authorized to enter into a
36 contract and/or contracts, without competitive bidding with Kenmore Construction
37 Co., Inc. for emergency stabilization and repair to the slope and storm sewer on
38 Yellow Creek Road.

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40 Section 2. The Director of Finance is authorized to make payment for same from
41 the Capital Projects Fund, line item Capital Outlay.

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43 Section 3. Any other ordinances or resolutions or portions of ordinances and
44 resolutions inconsistent herewith are hereby repealed, but any ordinances and
45 resolutions not inconsistent herewith and which have not previously been repealed
46 are hereby ratified and confirmed.

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48 Section 4. It is found and determined that all formal actions of this Council
49 concerning and relating to the adoption of this ordinance were adopted in an open

50 meeting of this Council, and that all deliberations of this Council and of any of its
51 committees that resulted in such formal action, were in meetings open to the
52 public, in compliance with all legal requirements, to the extent applicable,
53 including Chapter 107 of the Codified Ordinances.

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55 Section 5. This ordinance is hereby declared to be an emergency measure
56 necessary for the preservation of the public peace, health, safety, convenience and
57 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason
58 that it is immediately necessary to permit timely and appropriate development of
59 this property, and provided it receives the affirmative vote of two thirds of the
60 members elected or appointed to Council, it shall take effect and be in force
61 immediately upon its passage and approval by the Mayor; otherwise it shall take
62 effect and be in force at the earliest period allowed by law.

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65 Passed: 10/12/2015 Mary Ellen Pyke
66 President of Council
67 Dave Gaurin
68 Clerk of Council
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70 Approved: 10-13-15 [Signature]
71 Mayor
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