

CITY OF KIRTLAND

RESOLUTION NUMBER 20-R-72

A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE THE CITY ENGINEER'S PROPOSAL FOR SERVICES RELATED TO PHASE I AND PHASE II OF THE OLD TOWN SANITARY SEWER IMPROVEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kirtland has previously been cited by the Ohio EPA for illicit discharges from residential septic systems in the storm sewer system from houses located in the City's Old Town area; and

WHEREAS, the Ohio EPA and the City have entered into a Consent Agreement whereby the Director of the Ohio EPA has issued orders, called Director's Final Findings and Orders ("DFFO"); and

WHEREAS, the DFFO's set forth a schedule for the submission of plans, the commencement of construction, the completion of construction, and the period in which the affected homes must eliminate discharge by tying in to the new sewer system; and

WHEREAS, in order to comply with the DFFO's, the City must start the design process and has enlisted the services of its City Engineer for the designing, planning, and oversight of this sewer project; and

WHEREAS, the C.W. Courtney Company, the City Engineer, has submitted a Proposal to Provide Professional Services for the Old Town Sanitary Sewer Improvements Phases 1 & 2, said proposal for services is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Mayor has recommended approval of said Proposal such that this project can commence; and

WHEREAS, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

WHEREAS, due to the current state of emergency in Ohio stemming from the COVID-19 pandemic, at some point City Hall, the Kirtland Public Library, and the Kirtland Community Center have been closed in order to protect both the community and the staff from potential infection; and

WHEREAS, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

SECTION I: The Mayor is hereby authorized to sign the Proposal to Provide Professional Services for the Old Town Sanitary Sewer Improvements Phases 1 & 2, attached hereto as Exhibit A.

SECTION II: The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and instead requires the following:

1. If City Hall, the Kirtland Public Library, and/or the Kirtland Community Center are open on the effective date of this enacted legislation, then the Clerk of Council is hereby directed to post the enacted legislation for fifteen (15) consecutive days after its effective date in each facility; and
2. Should any of the facilities listed above be closed on the effective date of the enacted legislation, then the Clerk of Council is not required to post the enacted legislation in that facility; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland’s website for fifteen (15) consecutive days after the effective date of this legislation.

SECTION III:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this authorization is necessary for the processing of the WPCLF loan application and to proceed with the Old Town Sanitary Sewer project; wherefore, this Resolution shall be in full force upon its passage by the affirmative vote of five members of Council and approval by the Mayor; otherwise, this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, _____.

ATTEST:

Approved by the Mayor this _____ day
of _____, _____.

Clerk of Council
Approve Engineer's Proposal for Sewer Project

Mayor Kevin F. Potter