

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2013-70

By Jim Maxwell Sponsored By Mayor Cyril M. Kleem

## AN ORDINANCE

### AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO ONE OR MORE CONTRACTS FOR THE CONSTRUCTION, IMPROVEMENT, REHABILITATION AND REPLACEMENT OF PART OF THE FAIR STREET AREA STORM AND SANITARY SEWER SYSTEM AND DECLARING AN EMERGENCY

WHEREAS, the area of Fair Street south of Hamilton Street and north of Sprague Road has experienced widespread flooding in major rain events; and

WHEREAS, following such a rain event on July 19, 2011, the City hired URS Corp. to test the public and private sewer systems in the Fair Street area and that testing identified the infiltration and inflow of storm water into the sanitary sewers from public and private property which contributed to the flooding issues; and

WHEREAS, the City Council and administration has recognized that the flooding problems have developed over a long time and will take a long time to fully resolve; and

WHEREAS, the City Council and administration has recognized that a comprehensive solution to the problem of flooding in this area must involve both public work on the public infrastructure and private property owner work on their individual properties that contribute to the problem; and

WHEREAS, the City, by this improvement project to repair some of the public system deficiencies identified by the URS Corp testing is engaging in work which is a part of a necessary ongoing program of sanitary and storm sewer improvements needed throughout the City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio;

**SECTION 1.** That the Director of Public Service be and hereby is authorized and directed to advertise for bids, and after approval by the Board of Control, to enter into one or more contracts with the lowest most responsive and responsible bidder(s) for the construction, improvement, repair and replacement of part of the Fair Street area storm and sanitary sewer system all in accordance with the plans and specifications on file in the office of the City Engineer.

**SECTION 2.** That the Director of Finance be and hereby is authorized and directed to pay out such contract sum and charge the same to, and the funds therefore are hereby appropriated from the Sewer Capital Improvement Fund designated for accounting purposes as Fund No. 420 for the purpose(s) set forth in Section 1 hereinabove.

**SECTION 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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City of Berea, Ohio

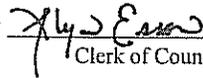
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SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that commencement and completion of this project at the earliest date is necessary in order to provide storm and sanitary sewer relief to the residents of this area of the City. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

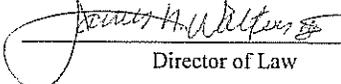
PASSED: October 7, 2013

  
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President of Council

ATTEST:   
\_\_\_\_\_  
Clerk of Council

APPROVED: October 15, 2013

  
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Mayor

Approved as to Form:  
  
\_\_\_\_\_  
Director of Law