

RESOLUTION NO. 2006-057

SPONSOR Mr. McCarthy

DATE March 6, 2006

A Resolution authorizing the County Executive to execute the Ohio Environmental Protection Agency's ("OEPA") "Director's Findings and Orders" concerning a complaint related to sanitary sewer overflows/bypasses which occurred in the City of Stow, in Council District 2, under which, in lieu of fines, the County shall expend funds in the amount of \$17,777.00 for a Supplemental Environmental Project for the purpose of streambank restoration in the area of the Munroe Falls Dam as part of the Munroe Falls Dam Project, to be completed by 12/31/06, and contribute \$5,000.00 to the OEPA's Clean Diesel School Bus Fund, and authorizing such expenditures, in a total amount of \$22,777.00, for the Executive's Departments of Law and Environmental Services, and declaring an emergency.

WHEREAS, due to a 100-year storm and infiltration and inflow problems, the County of Summit pumped sewage from the sanitary sewers to the storm sewers at the intersection of Kenneth Road and Samira Drive in the City of Stow, Council District 2, on 7/21/03, 7/27/03 and 1/4/04, in order to prevent sewage backups in residents' basements; and

WHEREAS, as result of the sanitary sewer overflows/bypasses, a complaint was filed against the County with the Ohio Environmental Protection Agency ("OEPA"); and

WHEREAS, the County Executive's Department of Law and the OEPA have negotiated "Director's Findings and Orders" to resolve the complaint, under which, in lieu of fines, the County shall expend funds in the amount of \$17,777.00 for a Supplemental Environmental Project for the purpose of streambank restoration in the area of the Munroe Falls Dam as part of the Munroe Falls Dam Project, to be completed by 12/31/06, and contribute \$5,000.00 to the OEPA's Clean Diesel School Bus Fund; and

WHEREAS, the Executive recommends that this Council authorize him to execute the aforementioned "Director's Findings and Orders" in order to avoid further action by the OEPA and the imposition of fines upon the County; and

WHEREAS, this Council has determined by reviewing all pertinent information that authorizing the County Executive to execute the "Director's Findings and Orders" and authorizing the aforementioned expenditures for environmental projects, in a total amount of \$22,777.00, is necessary and in the best interest of the County of Summit;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

The County Executive is hereby authorized to execute the Ohio Environmental Protection Agency's ("OEPA") "Director's Findings and Orders" concerning sanitary sewer overflows/bypasses which occurred in the City of Stow, in Council District 2, under which, in lieu of fines, the County shall expend funds in the amount of \$17,777.00 for a Supplemental Environmental Project for the purpose of streambank restoration in the area of the Munroe Falls Dam as part of the Munroe Falls Dam Project, to be completed by 12/31/06, and contribute \$5,000.00 to the OEPA's Clean Diesel School Bus Fund. The agreement shall be in the form attached to this Resolution as Exhibit A, with those changes that are not inconsistent with this Resolution and not substantially adverse to the County and approved by the Executive.

SECTION 2

The expenditure of \$17,777.00 for a Supplemental Environmental Project for the purpose of streambank restoration in the area of the Munroe Falls Dam as part of the Munroe Falls Dam Project, to be completed by 12/31/06, and \$5,000.00 as a contribution to the OEPA's Clean Diesel School Bus Fund, for a total expenditure of \$22,777.00 is hereby authorized.

SECTION 3

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit, and for the further reason of authorizing the Executive to execute the OEPA's "Director's Findings and Orders" concerning a complaint related to sanitary sewer overflows/bypasses which occurred in the City of Stow and the expenditure of \$22,777.00 toward environmental projects provided for in the findings and orders.

SECTION 4

Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 5

It is found and determined that all formal actions of this Council concerning and relating to the adoption 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.

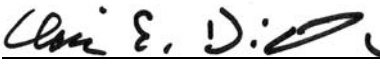
RESOLUTION NO. 2006-057
PAGE THREE

INTRODUCED February 13, 2006

ADOPTED March 6, 2006

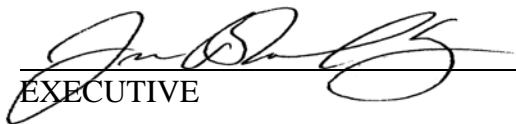


CLERK OF COUNCIL



PRESIDENT

APPROVED March 7, 2006



EXECUTIVE

March 7, 2006

ENACTED EFFECTIVE

VOICE VOTE: **YES:** Callahan, Congrove, Crossland, Dickinson, Gallagher, Heydorn,
Kostandaras, Prentice, Smith & Teodosio **ABSENT:** Crawford