

**RESOLUTION NO.:** 2008-R13  
**SPONSOR:** MAYOR NORTON  
**INTRODUCED:** FEBRUARY 26, 2008      **ASSIGNED TO:** FINANCE

**A RESOLUTION MAKING ADDITIONAL APPROPRIATIONS IN TOTAL OF ONE HUNDRED FORTY TWO THOUSAND DOLLARS (\$142,000) FOR THE GREENSBURG/ MASSILON ROAD INTERSECTION PROJECT AND AUTHORIZING AN INCREASE IN THE CONTRACT AMOUNT FOR THE COMPLETION OF THE PROJECT AND AUTHORIZING THE INTER-FUND TRANSFER OF THREE HUNDRED THOUSAND DOLLARS (\$300,000) TO PROVIDE SUFFICIENT FUNDING, AND DECLARING AN EMERGENCY.**

WHEREAS, the City previously approved a contract with Kenmore Construction for the Greensburg/Massillon Road Intersection and Sanitary Sewer Project(s) and the amount owed on that contract exceeds the current appropriation; and

WHEREAS, the City Engineer determined that additional work is necessary to properly complete the Project(s) which increased the cost of the Greensburg/Massillon Road Intersection and Sanitary Sewer Project(s); and

WHEREAS, the City Engineer has reviewed the change order(s) submitted by the contractor and related documents and finds them acceptable; however, the change order(s) exceed ten percent (10%) of the original contract price, and

WHEREAS, Ohio Revised Code, Section 5705.41 requires City Council to authorize all expenditures that exceed appropriations, and interfund transfers, at the time of expenditure, and

WHEREAS, Green Codified Ordinances §210.06(e) requires City Council to authorize the additional payment because the alterations to the contract exceed ten percent (10%) of the original contract price.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, STATE OF OHIO, THAT:**

**SECTION ONE:**

City Council approves additional appropriations totaling One Hundred Forty-two Thousand Dollars (\$142,000.00) for payment to the contract and the contracting engineer; including Forty-Two Thousand Dollars (\$42,000.00) appropriated to the Greensburg Sanitary Sewer Project account (100-1900-53631) from the unappropriated balance of the General Fund, and One Hundred Thousand Dollars (\$100,000.00) appropriated to the Greensburg/Massillon Rd Intersection Project account (201-2100-53666) from the unappropriated balance of the Street Construction, Maintenance and Repair Fund.

**SECTION TWO:**

City Council approves all change orders submitted by Kenmore Construction for the additional work necessary to properly complete the Project. This additional amount for payment represents over a Twelve Percent (12.2%) increase in the original contract.

**SECTION THREE:**

Green City Council authorizes the inter-fund transfer of Three Hundred Thousand Dollars (\$300,000.00) from the General Fund to the Street Construction and Maintenance Fund in order to provide sufficient funding.

**SECTION FOUR:**

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution was taken in an open meeting of this Council and any deliberations of this Council and any of its committees that resulted in those formal action was in meetings open to the public, in compliance with all legal requirements.

**SECTION FIVE:**

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: MARCH 25, 2008

Molly Stevens  
Molly Stevens, Clerk

Christine Croce  
Christine Croce, Council President

APPROVED: MARCH 25, 2008

Richard G. Norton  
Richard G. Norton, Mayor

ENACTED EFFECTIVE: MARCH 25, 2008

ON ROLL CALL: Colopy -YEA Croce -YEA France -YEA Manwaring -YEA  
Reed -YEA Ridgeway -YEA Smole -YEA Adopted 7-0

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Molly Stevens  
Molly Stevens, Clerk

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SP 2/20/08

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