

DATED: JUNE 2, 2008

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL  
CITY OF MASSILLON, OHIO  
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 10 – 2008

BY: ENVIROMENTAL COMMITTEE

A RESOLUTION authorizing the Safety-Service Director to apply for a supplementary loan from the Ohio Water Development Authority through the Ohio EPA; and declaring an emergency.

WHEREAS, the City of Massillon has previously obtained funding from the Ohio Water Development Authority through the Ohio EPA for the expansion and upgrading of the City's Wastewater Treatment Plant; and

WHEREAS, in order to resolve all claims and issues which have arisen with regard to the expansion and construction of the plant by Kokosing Construction Company, Inc., the general contractor, it is necessary and in the public interest to make such application; and

WHEREAS, in order to resolve all claims presented by Kokosing Construction Company, Inc. it is necessary to apply for a supplementary loan through the Ohio Water Development Authority,

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Council hereby authorizes the Safety-Service Director to apply in an amount not to exceed \$525,000.00, for a supplementary loan to the City's existing loan from the Ohio Water Development Authority made through Ohio EPA for expanding and upgrading the City's wastewater treatment plant, to settle all claims against the City by Kokosing Construction Company, Inc. arising out of Kokosing's contract to expand and upgrade the City's wastewater treatment plant.

Section 2:

That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the community and for the additional reason that immediate action is necessary in order to permit the loan application to be made immediately, as making the loan application is the first step in resolving any potential claims or litigation by Kokosing Construction Company, Inc. with regard to the expansion and upgrade of the Wastewater Treatment Plant; and provided this Resolution receives the affirmative vote that two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon this passage and approval by the Mayor; otherwise it shall take effect and be in force at earliest time allowed by law.

PASSED IN COUNCIL THIS 2<sup>ND</sup> DAY OF June, 2008.

ATTEST:

Mary Beth Bailey  
MARY BETH BAILEY, CLERK OF COUNCIL  
CLERK OF COUNCIL

Glenn E. Gamber  
GLENN E. GAMBER, PRESIDENT

APPROVED:

June 3, 2008

Francis H. Cicchinelli, Jr.  
FRANCIS H. CICCHINELLI, JR., MAYOR

I hereby certify that the foregoing ordinance is a true copy of the original, as passed by the Council of the City of Massillon, Ohio, and approved as noted thereon:

Mary Beth Bailey  
Clerk of Council

Date 6/2/08