

North Canton City Council
Water, Sewer, and Rubbish Committee

ORDINANCE 33 - 2020

An ordinance authorizing the Mayor of the City of North Canton, to enter into an agreement with the Stark County Commissioners for the use of Community Development Block Grant ("CDBG") funds on the Pittsburg/Milton/Carosel Waterline Replacement Project ("the Project"), and declaring the same to be an emergency.

WHEREAS, the City of North Canton has been offered grant funding through the Stark County CDBG Program in the amount of \$249,950.00 for the Project; and

WHEREAS, the County shall oversee the Project and undertake all work necessary on City's behalf.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That the Mayor, be, and is hereby authorized to enter into an agreement with the Stark County Commissioners for the use of Community Development Block Grant funds on the Pittsburg/Milton/Carosel Waterline Replacement Project as attached hereto and incorporated herein as "Exhibit A".

Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton; and; further necessary for the prompt and timely submission of the signed agreement in accordance with Stark County's deadline for receipt prior to Project bidding; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force upon its adoption by Council, together with the Mayor's approval. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 8th day of June 2020.

Attest: Benjamin R. Young
Benjamin R. Young, Clerk of Council

Stephan B. Wilder
Stephan B. Wilder, Mayor

Signed on: June 8, 2020

Agreement

Journal
File
North Canton
RPC/Lynn Carlone

Stark County Commissioners
North Canton

With _____

Dated _____

Subject

AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK
GRANT FUNDING – NORTH CANTON – PITTSBURG/
MILTON/CAROSSEL WATERLINE REPLACEMENT PROJECT

THIS AGREEMENT, entered into this day by and between the Board of Stark County Commissioners of Stark County, Ohio, hereinafter referred to as the "County" and duly authorized through an Ordinance of the Board of Stark County Commissioners adopted this day, and the City of North Canton, hereinafter referred to as the "City", and duly authorized through an Ordinance of the City enacted on

June 8th, 2020.

WITNESSETH: WHEREAS, the Board of Stark County Commissioners participates in the federal Community Development Block Grant (CDBG) program of the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City has made application to the County for activities or projects to be funded under the County's CDBG program; and

WHEREAS, the City certifies that will affirmatively further Fair Housing;
and

WHEREAS, by Resolution of April 22, 2020, the Board of Stark County Commissioners approved the FY 2020 Statement of Objectives and Use of Funds which included funding the North Canton – Pittsburg/Milton/Carosel Waterline Replacement project hereinafter referred to as "project", in the amount of \$249,950.00; and

WHEREAS, it is necessary that the County and the City enter into an Agreement for the implementation of the project with a funding amount of \$249,950.00.

NOW, THEREFORE, in consideration of the provisions hereinabove and hereinafter contained, it is mutually agreed as follows:

SECTION 1. PROJECT IMPLEMENTATION AND ADMINISTRATION

The City hereby authorizes the County to undertake on its behalf any and all work necessary for the implementation of said project. The Stark County Regional Planning Commission will administer the project on behalf of the Board of Stark County

Commissioners as delineated in the contract for Administration of the CDBG program.

This includes but is not limited to the following:

- A) Undertake the necessary work to complete an environmental review of the project described in Section 570.604 of the HUD regulations;
- B) Implement the necessary procedures for the Intergovernmental Review (IGR) review process as specified under Executive Order 12372, as described at Section 570.612;
- C) Prepare bidding specifications, advertise for bids, receive and open bids;
- D) Award and enter into a contract with the lowest and best bidder;
- E) Make payments directly to the contractor based upon invoices approved by the County or their authorized representative;
- F) Keep all financial, payroll, and administrative records;
- G) Follow all applicable local, state, and federal requirements and regulations in carrying out the project.

SECTION 2. SCOPE OF SERVICES

- A) The County hereby agrees to utilize funds made available under the CDBG program for the purpose of implementing the above mentioned activity as described in Exhibit A – Project Description which is attached hereto and made a part hereof the same as though rewritten herein in full.
- B) Changes to the Scope of Services may be requested by either the County or the City and shall be incorporated by fully executed amendments to this Agreement.

SECTION 3. ALLOCATION/METHOD OF PAYMENT

- A. Allocation of CDBG funds:
 - 1) The County shall allocate funding from its FY 2020 CDBG program (B-20-UC-39-0005) in the amount of \$249,950.00 (two hundred forty-nine thousand nine hundred and fifty dollars) for the payment of eligible project expenditures incurred by the County carrying out the project.
 - 2) The County may, at its discretion, either with or without the concurrence of the City, amend the project funding allocation for payment of costs in excess of the allocation of funds as specified in Section 3(a)1 above, if determined necessary for project implementation.
 - 3) The County may, at its sole discretion, reallocate any funding remaining upon completion of the project as described in Exhibit A. attached.

B) Method of Payment

The County may make all payments on behalf of the City to the contractors, engineers, etc., based on invoices approved by the County or its authorized representatives. At no time shall payment be made to the City for payment of project invoices.

SECTION 4. TERMINATION

- A. The County may terminate this Agreement at any time by giving at least thirty (30) days notice in writing to the City for the following reasons:
- 1) In the event the Secretary of HUD shall:
 - a) Withdraw funds allocated to the County under its application for program activities which substantially prevent performance of the Community Development program in the County;
 - b) Terminate the county's funding allocation pursuant to an act of Congress; or
 - c) Fail to approve a grant application by the County.
 - 2) In the event that the County is unable to undertake the project due to physical barriers (i.e. unable to obtain easements, etc.)

SECTION 5. CONFLICT OF INTEREST

No officer, employee, or agent of the County who exercises any functions or responsibilities in connection with the planning or carrying out of the program, nor any immediate family member, close business associate or organization which is about to employ any such person, shall have any personal financial interest, direct or indirect in this contract, and the County will take appropriate steps to assure compliance.

IN WITNESS WHEREOF, the parties have hereunto set their hands this day.

WITNESSED BY:

BOARD OF STARK COUNTY
COMMISSIONERS,
STARK COUNTY, OHIO

WITNESSED BY:

CITY OF NORTH CANTON

Benjamin D. Young
Clerk of Council

Stephan B. Wilder
Mayor

Title

Approved as to legal form and sufficiency

Approved as to form and content;

John Anthony, RPC Staff Attorney

Timothy Fox, Law Director

EXHIBIT "A"

PROJECT DESCRIPTION

City of North Canton – Pittsburg/Milton/Carosel Waterline Replacement Project

FY '20 Stark County Community Development Block Grant (CDBG) funding, \$249,950.00, will be utilized to help pay for the **construction cost only** of the replacement of the waterline along Pittsburg Avenue NW between Portage Street, NW and Carosel Circle NW, Milton Street NW from Pittsburg Avenue NW west to the dead end, and Carosel Circle NW from Pittsburg Avenue NW to the dead end, approximately 2,800 linear feet in the City of North Canton. The City of North Canton will pay for all engineering costs associated with this project and any construction costs exceeding the amount of CDBG funding allocated to this project.