

RESOLUTION 17 -2013

A RESOLUTION RATIFYING THE MAYOR'S DECISION TO APPEAL THE FINAL ACTION OF THE DIRECTOR OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY ISSUING A PERMIT TO INSTALL A SLUDGE STORAGE LAGOON, AND DECLARING AN EMERGENCY.

WHEREAS, On October 23, 2013, the Village of Commercial Point, Ohio became aware of a "Permit to Install" a sludge storage lagoon had been issued by the Ohio Environmental Protection Agency on or about September 27, 2013; and

WHEREAS, the Village had thirty (30) day to appeal the final action made by the Director of the Ohio Environmental Protection Agency; and

WHEREAS, the Mayor has appealed the final action on behalf of the Village; and

WHEREAS, this Council wishes to ratify the Mayor's decision to appeal the final action of the Ohio Environmental Protection Agency issuing a permit to install a sludge storage lagoon near the Village of Commercial Point, Ohio.

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Commercial Point, Ohio, two-thirds or more of the members elected thereto concurring, that:

SECTION 1: The Mayor's decision to appeal the final action of the Ohio Environmental Protection Agency issuing a permit to install a sludge storage lagoon near the Village of Commercial Point, Ohio is hereby ratified and approved.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and 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.

SECTION 4: This Resolution is hereby declared an emergency measure, due to the need to ratify and approve the Mayor's actions to appeal, which were due by October 27, 2013. The sludge storage lagoon would cause immediate harm to the health, welfare and economic well being of the citizens of the Village of Commercial Point, Ohio. The Resolution shall become immediately effective upon its proper passage by two thirds or more of the members elected to this Council.

Vote on Suspension of Readings:

Motion by: Ms. Gooden-Kinney 2nd: Mr. Thompson

Roll Call:

Yes Randy Shelton Yes Clarence Wissinger Yes Nicole Evans
Yes Vidal Cruz Yes Kimberly Gooden-Kinney Yes Jason Thompson

Vote on Passage of the Resolution:

Motion by: Mr. Shelton 2nd: Ms. Gooden-Kinney

Roll Call:

Yes Randy Shelton Yes Clarence Wissinger Yes Nicole Evans
Yes Vidal Cruz Yes Kimberly Gooden-Kinney Yes Jason Thompson

Adopted this 4th day of November, 2013

Joe Hammond, Mayor

Wendy Hastings, Fiscal Officer

Approved as to Form:

Michael Hess, Law Director