

## ORDINANCE NO. 05-100 AC CMS

### AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH SMITH'S PAVING AND EXCAVATING OF NORWALK, OHIO, FOR THE CONSTRUCTION AND REPAIR OF SIDEWALKS AND DECLARING AN EMERGENCY

BE IT ORDAINED, by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the contract between the City of Oberlin and Smith's Paving & Excavating of Norwalk, Ohio, for the construction and repair of sidewalks in the City, as approved by Ordinance No. 05-46 AC CMS, is hereby amended to authorize additional payment for additional work in the amount of \$6,973.73.

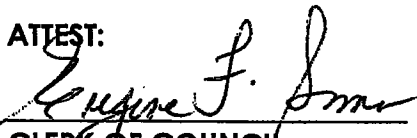
SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operations of a municipal department, to wit:

"to authorize payment to a municipal contractor for work completed in a timely manner" and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading – December 19, 2005 (E)  
2<sup>nd</sup> Reading –  
3<sup>rd</sup> Reading –

ATTEST:

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

POSTED 12/20/2005:

EFFECTIVE DATE: 12/20.2005

## Interoffice

### MEMORANDUM

To: Robert DiSpirito, City Manager

Cc: Jeff Baumann, Public Works Director; Salvatore Talarico, Finance Director; Keith Johnson, City Engineer

From: Marshall Whitehead, Code Administrator

Re: 2005 Sidewalk Repair Contract Overage

Date: December 9, 2005

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The sidewalk repair contract (ord. 05-46) with Smith Paving authorized \$65,510.00. The value of work completed was \$72,483.00 resulting in an overage of \$6,973.73.

#### EXPLANATION:

For bid purposes, I provided the City Engineer an estimate of the total square footage of sidewalk to be repaired. The estimated length was determined by stepping – off (measuring) and tallying the lineal footage of each defective section fronting each individual property which numbered over a hundred (100) locations. Likewise, the width of the sections were also determined by stepping – off (measuring). The total square footage, of course, was determined by multiplying all of the approximate lengths by the approximate widths. Small errors in these estimates could only be measured after repairs were complete had a much larger cumulative effect when multiplied over so many sections and properties. Another factor that contributed to the overage was the fact that several property owners, including Oberlin College, said that they would make their own repairs but changed their mind at the last minute. For continuity and not wanting to leave a patch – work of defective sidewalk intermingled with the good, I had the contractor complete those repairs also.

All of the foregoing contributed to the contractor not being stopped soon enough. As directed, the contractor completed all of the repair work orders, by address, that he was given. The contractor, once they started, moved along very quickly making it next to impossible for me to measure and keep a running tally of the total square footage while the repairs were progressing. They were in and out of the City in about 3 weeks. I think that they did a fine job.

# City of *Oberlin*

85 South Main Street, Oberlin, Ohio 44074  
(440) 775-1531

December 23, 2005

To: City Council & Appointees

From: Robert DiSpirito, City Manager *R6D*

Re: Sidewalk repair billing

At last Monday's Council meeting, during the discussion regarding the small adjustment to the contract with Smith Concrete for sidewalk repair work in 2005, there was a question from Council about what percentage of the contract overage might be attributable to the work that Oberlin College needed done. I passed this request for information on to Marshall Whitehead, our Code Administrator. His report is attached here.

Marshall responds that no particular private party is responsible for the "overage," since once the repair work is done, *all parties* who chose to go with the City contractor (rather than making repairs themselves or hiring a contractor) are billed at one time by the City. The result was, for the reasons that Marshall explained in his previous memo to Council accompanying the legislation, a small overage based on a total accumulation of very small variations in measurement estimations that he made, versus the actual work done in the field as was needed. Thus, no single private property owner was responsible for the added cost. Oberlin College's share of the total \$72,483 of all work was just \$3,276 (a little over 4% of the total billed sidewalk work).

If you have any further questions, please let me know.

Cc: Marshall Whitehead, Code Administrator  
Jeff Baumann, Director of Public Works  
Keith Johnson, City Engineer

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*"Ohio's Best College Town"*

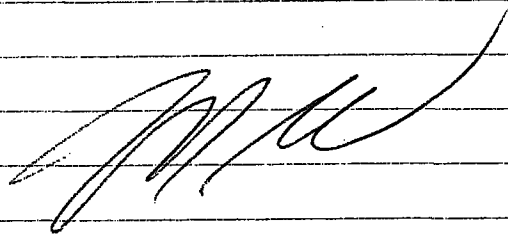
—OHIO Magazine

ROB-PER YOUR REQUEST  
12-23-05

TOTAL COST OF  
SIDEWALK REPAIR  
FOR OBERLIN COLLEGE

① - \$149.40  
② - 890.67  
③ - 460.65  
④ - 607.12  
⑤ - 1168.80

\$3276.64 TOTAL



**City of Oberlin**  
**Sidewalk Program**

First Church In Oberlin  
 N. Main Street  
 Oberlin, OH 44074

N. Main Street

		<u>Lenght</u>	<u>Width</u>	<u>Total sq/ft</u>	<u>Cost per sq/ft</u>	<u>Cost per section</u>
Sidewalk	Section 1	6.00	6.00	36.00	4.15	149.40
	Section 2			0.00	4.15	0.00
	Section 3			0.00	4.15	0.00
	Section 4			0.00	4.15	0.00
Drive-walk	Section 1			0.00	4.95	0.00
	Section 2			0.00	4.95	0.00
	Section 3			0.00	4.95	0.00
<b>Due From Homeowner</b>						<b><u>\$149.40</u></b>
Heave tree walks	Section 1	12.00	6.00	72.00	4.15	298.80
	Section 2			0.00	4.15	0.00
	Section 3			0.00	4.15	0.00
Heave tree drive	Section 1			0.00	4.95	0.00
	Section 2			0.00	4.95	0.00
	Section 3			0.00	4.95	0.00
<b>City Share</b>						<b><u>\$298.80</u></b>
City owned walks	Section 1			0.00	4.15	0.00
	Section 2			0.00	4.15	0.00
	Section 3			0.00	4.15	0.00
City owned drives	Section 1			0.00	4.95	0.00
	Section 2			0.00	4.95	0.00
	Section 3			0.00	4.95	0.00
<b>City Cost</b>						<b><u>\$0.00</u></b>
<b>Grand Total for address above</b>						<b><u><u>\$448.20</u></u></b>

**Oberlin College Properties**  
173 W. Lorain Street  
Oberlin, OH 44074

Lenght	Width	Total sq/ft	Cost per sq/ft	Cost per section
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Sidewalk	Section 1	85.80	4.15	356.07
	Section 2	0.00	4.15	0.00
	Section 3	0.00	4.15	0.00
	Section 4	0.00	4.15	0.00

Drive-walk	Section 1	18.00	6.00	108.00	4.95	534.60
	Section 2			0.00	4.95	0.00
	Section 3			0.00	4.95	0.00

### Due From Homeowner

**\$890.67**

Heave tree walks	Section 1	12.00	6.00	72.00	4.15	298.80
	Section 2			0.00	4.15	0.00
	Section 3			0.00	4.15	0.00

Heave tree drive	Section 1	0.00	4.95	0.00
	Section 2	0.00	4.95	0.00
	Section 3	0.00	4.95	0.00

### City Share

**\$298.80**

City owned walks	Section 1	0.00	4.15	0.00
	Section 2	0.00	4.15	0.00
	Section 3	0.00	4.15	0.00

City owned drives	Section 1	0.00	4.95	0.00
	Section 2	0.00	4.95	0.00
	Section 3	0.00	4.95	0.00

### City Cost

**\$0.00**

**Grand Total for address above**

**\$1,189.47**

**City of Oberlin**  
**Sidewalk Program**

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Oberlin College Properties  
 173 W. Lorain Street  
 Oberlin, OH 44074

187 N. Professor Street

		<u>Lenght</u>	<u>Width</u>	<u>Total sq/ft</u>	<u>Cost per sq/ft</u>	<u>Cost per section</u>
Sidewalk	Section 1	18.50	6.00	111.00	4.15	460.65
	Section 2			0.00	4.15	0.00
	Section 3			0.00	4.15	0.00
	Section 4			0.00	4.15	0.00
Drive-walk	Section 1			0.00	4.95	0.00
	Section 2			0.00	4.95	0.00
	Section 3			0.00	4.95	0.00
<b>Due From Homeowner</b>						<u><b>\$460.65</b></u>
Heave tree walks	Section 1	26.00	6.00	156.00	4.15	647.40
	Section 2			0.00	4.15	0.00
	Section 3			0.00	4.15	0.00
Heave tree drive	Section 1			0.00	4.95	0.00
	Section 2			0.00	4.95	0.00
	Section 3			0.00	4.95	0.00
<b>City Share</b>						<u><b>\$647.40</b></u>
City owned walks	Section 1			0.00	4.15	0.00
	Section 2			0.00	4.15	0.00
	Section 3			0.00	4.15	0.00
City owned drives	Section 1			0.00	4.95	0.00
	Section 2			0.00	4.95	0.00
	Section 3			0.00	4.95	0.00
<b>City Cost</b>						<u><b>\$0.00</b></u>
<b>Grand Total for address above</b>						<u><u><b>\$1,108.05</b></u></u>

195 N. Professor Street

		Lenght	Width	Total sq/ft	Cost per sq/ft	Cost per section
Sidewalk	Section 1	6.20	5.50	34.10	4.15	141.52
	Section 2	2.00	6.00	12.00	4.15	49.80
	Section 3			0.00	4.15	0.00
	Section 4			0.00	4.15	0.00
Drive-walk	Section 1	14.00	6.00	84.00	4.95	415.80
	Section 2			0.00	4.95	0.00
	Section 3			0.00	4.95	0.00
<b>Due From Homeowner</b>						<b>\$607.12</b>
Heave tree walks	Section 1	16.00	6.00	96.00	4.15	398.40
	Section 2			0.00	4.15	0.00
	Section 3			0.00	4.15	0.00
Heave tree drive	Section 1			0.00	4.95	0.00
	Section 2			0.00	4.95	0.00
	Section 3			0.00	4.95	0.00
<b>City Share</b>						<b>\$398.40</b>
City owned walks	Section 1			0.00	4.15	0.00
	Section 2			0.00	4.15	0.00
	Section 3			0.00	4.15	0.00
City owned drives	Section 1			0.00	4.95	0.00
	Section 2			0.00	4.95	0.00
	Section 3			0.00	4.95	0.00
<b>City Cost</b>						<b>\$0.00</b>
<b>Grand Total for address above</b>						<b>\$1,005.52</b>



**201 N. Professor Street**