

# RECORD OF RESOLUTION

Resolution No. 2024-R-06

Passed March 19, 2024  
YEAR

VILLAGE COUNCIL OF GREENWICH, OHIO  
RESOLUTION NO.: 2024-R-06

INTENT TO SELL PROPERTY BY INTERNET AUCTION  
CALENDAR YEAR 2024  
ORC 721.15(D)

A RESOLUTION EXPRESSING INTENT TO SELL MUNICIPALLY OWNED PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE, OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION DURING CALENDAR YEAR 2024 PURSUANT TO SECTION 721.15(D) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY

WHEREAS, Section 721.01 of the Ohio Revised Code permits the lease or sale of municipal property and reads:

*Section 721.01 | Lease or sale of municipal property.*

*Municipal corporations have special power to sell or lease real estate or to sell personal property belonging to the municipal corporation, when such real estate or personal property is not needed for any municipal purpose. Such power shall be exercised in the manner provided by this chapter.*

WHEREAS, Section 721.15(D) of the Ohio Revised Code requires that Council shall adopt, during each calendar year, a resolution expressing its intent to sell that property by internet auction which provides:

*Section 721.15 | Disposition of property unneeded, obsolete or unfit for municipal purposes.*

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*(D) Notwithstanding anything to the contrary in division (A) or (B) of this section and regardless of the property's value, the legislative authority of a municipal corporation may sell personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction. The legislative authority shall adopt, during each calendar year, a resolution expressing its intent to sell that property by internet auction. The resolution shall include a description of how the auctions will be conducted and shall specify the number of days for bidding on the property, which shall be no less than ten days, including Saturdays, Sundays, and legal holidays. The resolution shall indicate whether the municipal corporation will conduct the auction or the legislative authority will contract with a representative to conduct the auction and shall establish the general terms and conditions of sale. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.*

*After adoption of the resolution, the legislative authority shall publish, in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code, notice of its intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction. The notice shall include a summary of the information provided in the resolution and shall be published twice. The second notice shall be published not less than ten nor more than twenty days after the previous notice. A similar notice also shall be posted continually throughout the calendar year in a conspicuous place in the offices of the village clerk or city auditor, and the legislative authority. If the municipal corporation maintains a web site on the internet, the notice shall be posted continually throughout the calendar year at that web site.*

*When the property is to be sold by internet auction, the legislative authority or its representative may establish a minimum price that will be accepted for specific items and may establish any other terms and conditions for the particular sale, including requirements for pick-up or delivery, method of payment, and sales tax. This type of information shall be provided on the internet at the time of the auction and may be provided before that time upon request after the terms and conditions have been determined by the legislative authority or its representative.*

WHEREAS, Section 721.15(D) of the Ohio Revised Code specifically requires that the legislative authority shall adopt, during each calendar year, a resolution expressing its intent to sell that property by internet auction; and

WHEREAS, the Village Administrator recommends that Village Council express its intent to sell surplus municipal property by internet auction for this calendar year.

WHEREAS, the Village Administrator is requesting authority to contract with the following auction representative to conduct the auction:

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*Don R. Sweeting Auctioneer LLC and donsweetingauctioneer.com  
An Ohio Limited Liability Company formed ON 05/01/2006.*

*and*

*AuctionZip.com, a member of the NAA*

*An online auction marketplace for local auctions.*

*Live auctions are simulcast events that allow people to bid for items online at the same time as those on the auction floor.*

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF GREENWICH, STATE OF OHIO:  
(RC 731.18)

SECTION 1. INTENT TO SELL BY INTERNET AUCTION. That Village Council hereby expresses its intent to sell personal property, regardless of its value, including motor vehicles, acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction during calendar year 2024.

SECTION 2. AUTHORIZATION. That the Village declines to conduct the auction and hereby authorizes the Village Administrator to enter into a contract with the auction representative described herein.

SECTION 3. AUCTION REPRESENTATIVE AND CONTACT INFORMATION. Pursuant to Section 721.15(D) of the Ohio Revised Code, Village Council hereby designates the following as auction representative for the village:

*Village Administrator*

*and*

*Don R. Sweeting Auctioneer LLC  
855 Olive Road  
North Fairfield, OH 44855  
419-744-9418  
Email: donsweeting@frontier.com  
Website: donsweetingauctioneer.com*

*and*

*Auctionzip.com  
auctions@auctionzip.com  
AuctionZip, LLC  
One Beacon Street  
15th Floor  
Boston, MA 02108*

SECTION 4. DESCRIPTION OF HOW AUCTION CONDUCTED. Pursuant to Section 721.15(D), a description of how the auctions will be conducted is as follows:

*Internet auctions shall be conducted pursuant to the terms, conditions, rules and regulations in effect for:  
Don R. Sweeting Auctioneer LLC; and  
Auctionzip.com*

SECTION 5. NUMBER OF DAYS FOR BIDDING. Pursuant to Section 721.15(D), Village Council hereby specifies herby specifies the following number of days for bidding on the property, which shall be no less than ten days, including Saturdays, Sundays, and legal holidays:

No less than: TEN (10) Days

SECTION 6. GENERAL TERMS AND CONDITIONS OF SALE. Pursuant to Section 721.15(D) of the Ohio Revised Code, Village Council hereby establishes the following general terms and conditions of sale:



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*The Village Administrator shall obtain authorization for the auction of specific surplus municipal property Resolution.*

*Each Resolution shall provide all the following:*

*Specify each item to be sold; and  
Establish the minimum price; and  
Establish specific terms and conditions.*

*The Village Administrator shall ensure that all property shall be offered for sale "AS IS, WHERE IS AND WITHOUT WARRANTY"*

*The Village Administrator shall ensure that the village makes no warranty, guaranty, or representation of any kind either express or implied, as to the merchantability or fitness for any purpose of the property offered for sale.*

*The Village Administrator shall ensure that Village property shall not be transferred until such time as verified guaranteed payment has been received in full and verified by the Fiscal Officer*

*The Village, Village Council and the Village Administrator reserves the right to reject any bids and withdraw from any sale of items listed on the internet.*

*Auction Representative(s) shall remit proceeds of sale to the Village minus any fees.*

**SECTION 7. NOTICE OF INTENT TO AUCTION.** That the Fiscal Officer is hereby directed to post notice of its intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction pursuant to Section 721.15(D), paragraph 2 of the Ohio Revised Code.

The notice shall include a summary of the information provided in the resolution and shall be posted twice. The second notice shall be posted not less than ten nor more than twenty days after the previous notice. A similar notice also shall be posted continually throughout the calendar year in a conspicuous place in the offices of the village clerk or city auditor, and the legislative authority.

If the municipal corporation maintains a web site on the internet, the notice shall be posted continually throughout the calendar year at that web site.

**SECTION 8.** That pursuant to Section 721.15(D), paragraph 3 of the Ohio Revised Code, when property is to be sold by internet auction, Council may by motion, establish a minimum price that will be accepted for specific items and may establish other terms and conditions for the particular sale, including, but not limited to, requirements for pick-up or delivery, method of payment and sales tax. This type of information shall be provided on the internet at the time of auction and may be provided before that time upon request after the terms and conditions have been determined by Council.

**SECTION 9. DISPENSE WITH THREE READINGS.** That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days. [R.C. 705.15 and 731.17(A)(2)]

**SECTION 10. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT.** That by two-thirds vote of all the members elected to the legislative authority, this legislation is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s):

*The next internet/live auction is scheduled for April 2024*

**SECTION 11. PUBLIC MEETING.** That it is found and determined that all formal action of this public body concerning or relating to the passage of this legislation were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

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PASSED AND ADOPTED on this 19 day of March, 2024.

## ATTESTATION

(RC 731.20)

We hereby attest and affirm that the foregoing legislation received the necessary affirmative roll call votes required for passage by R.C. 731.17.

[Signature]  
MAYOR

[Signature]  
FISCAL OFFICER

## LEGISLATION READINGS

ORC 731.17(A)

- (1) Each ordinance and resolution shall be read by title only, provided the legislative authority may require any reading to be in full by a majority vote of its members.  
(2) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

First Reading: 3/19/24 Second Reading: Dispensed Third Reading: Dispensed

## ROLL CALL VOTE

ORC 731.17(A)(3)

The vote on the passage was taken by yeas and nays and entered upon the journal. Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority. Yeas, nays, abstentions, excused or absent votes were recorded as follows:

yes  
Mike King

yes  
Randy Wilson

yes  
Lynne Phillips

yes  
Jason Hunter

yes  
Regina Lueck

yes  
Dorene Beverly

PREPARED BY AND APPROVED AS TO FORM [See also RC 731.21(B)]:

[Signature]  
VILLAGE SOLICITOR, Steve Palmer

## CERTIFICATE OF PUBLICATION

ORC 731.21 and 731.22

Pursuant to ORC 731.21(A)(3), I hereby certify that a succinct summary of the above legislation was/will be published using the following method: **ON THE WEBSITE AND SOCIAL MEDIA ACCOUNT OF THE MUNICIPAL CORPORATION**  
The succinct summary was reviewed by the village solicitor as required by ORC 731.21(B). Publication was/will be made at least once a week for two consecutive weeks as required by ORC 731.22.

[Signature]  
FISCAL OFFICER