

**ORDINANCE NO. 2016-91
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING TRANSFERS AND ADVANCES
AND DECLARING AN EMERGENCY.**

WHEREAS, it is necessary from time to time to make transfers and advances from various funds to various funds in order to provide for essential governmental operations; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. The following transfers are hereby authorized and approved in the amounts not to exceed:

<u>TRANSFER FROM FUND</u>	<u>TO FUND</u>	<u>AMOUNT</u>
General Fund	Police Pension Fund	\$332,412.00
General Fund	Fire Pension Fund	\$378,257.00
General Fund	Community Center	\$222,000.00
General Fund	Permanent Improv Fund	\$ 80,000.00

SECTION 2. The following advances are hereby authorized and approved in the amounts not to exceed:

<u>ADVANCE FROM FUND</u>	<u>TO FUND</u>	<u>AMOUNT</u>
General Fund \$567,938.00	LV Perm Improv Tax Inc Fund	

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst for the reason that it affects the day to day financial operations of the municipality and is necessary to maintain accurate and proper records. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

Proposed

**ORDINANCE NO. 2016-92
INTRODUCED BY: ADMINISTRATION**

AN ORDINANCE CREATING THE POSITION OF CITY ENGINEER FOR THE PERIOD BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2018; FIXING THE DUTIES AND COMPENSATION FOR SAID POSITION; PROVIDING FOR THE MAYOR TO CONTRACT FOR OTHER MUNICIPAL ENGINEERING SERVICES FOR THE CITY; AND DECLARING AN EMERGENCY

WHEREAS, by the adoption of Ordinance No. 2015-9 the City created the position of City Engineer, made appointment thereto and provided for the duties and compensation for said position; and

WHEREAS, the City is currently under contract with Chagrin Valley Engineering, Ltd., to act as municipal engineers for the City, and the City is desirous of continuing that contract to the extent provided for herein. Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. The position of City Engineer is hereby established for the period beginning January 1, 2017, and ending December 31, 2018,

SECTION 2. Salaried compensation for said position is hereby established at an annual sum of Eighteen Thousand Nine Hundred Dollars (\$18,900.00), which shall be payable in bi-weekly installments and subject to all normal payroll and public employee retirement system deductions.

SECTION 3. The position of City Engineer established in Section 1 shall be filled by appointment of the Mayor as provided for in the City Charter.

SECTION 4. In addition to the aforesaid appointment, the Mayor is hereby authorized and directed to enter into a contract with Chagrin Valley Engineering, Ltd., in accordance with the Proposal dated November 7, 2016, a copy of which is attached hereto and made a part hereof as Attachment "A", to act for and on behalf of the City on all municipal engineering matters, other than those matters set forth in Section 1 hereof.

SECTION 5. The contractual services to be provided to the City by Chagrin Valley Engineering, Ltd., and the compensation for same shall be as follows:

- A. SERVICES TO BE RENDERED FOR PUBLIC IMPROVEMENTS:**
1. Preparation of all necessary plans, profiles, specifications and estimates of cost of every kind for all public improvements.
 2. Serving as the authorized representative of the City and reviewing the execution of all public work undertaken by the City pursuant to plans and specifications approved by the Council.
 3. Supervising and directing all inspectors of public work.
 4. Furnishing to the Council and other City Officials, plans, specifications and estimates of costs of all improvements for the guidance of the Council and City Officials and for the information and guidance of other persons dealing with the City.

That for such basic services in connection with the construction of public improvements as described above, Chagrin Valley Engineering, Ltd., shall receive compensation on a percentage of the actual cost of construction of all improvements made by Council and under his control. The percentage paid shall be as follows:

COST OF CONSTRUCTION

\$0 - \$ 150,000
\$ 150,000 - \$ 250,000
\$ 250,000 - \$ 500,000
\$ 500,000 - \$1,000,000
\$1,000,000 - \$5,000,000

FEE

Hourly
\$ 15,000 plus 7% of the amount over \$150,000
\$ 22,000 plus 7% of the amount over \$250,000
\$ 39,500 plus 6.5% of the amount over \$500,000
\$ 72,000 plus 5.5% of the amount over \$1,000,000

B. HOURLY RATE SCHEDULE: For additional services for which the Engineer shall have been authorized to prepare material or work not let by Contract, or for special surveys, reports, or the preparation of special assessments, compensation shall be made on the basis of time spent by the Engineer or his employees and associates at the rates set forth in the following schedule of hourly rates, plus reimbursable expenses.

Municipal Engineer	\$88.00 per hour
Assistant Engineer	\$78.00 per hour
Surveyor	\$73.00 per hour
Designer	\$64.00 per hour
Contract Administrator	\$62.00 per hour
Inspector	\$44.00 per hour
Clerical	\$35.00 per hour
Field Crew (2 man)	\$112.00 per hour
Field Crew (3 man)	\$130.00 per hour
Storm Water Coordinator	\$67.00 per hour
Storm Water Technician	\$60.00 per hour
Wetland Scientist	\$76.00 per hour
Wetland Technician	\$61.00 per hour
Prints, Materials, Supplies and Services by others shall be at actual cost.	

SECTION 6. The Municipal Engineers provided for in Section 1 and Section 4 agree that for the duration of their appointment by this Municipality neither they nor any member of Chagrin Valley Engineering, Ltd., or employee thereof, will accept any private engineering or surveying work that requires their review and/or approval unless approved by the Mayor and Council; however, work for Federal, State, County or Regional Governments is not prohibited.

SECTION 7. Chagrin Valley Engineering, Ltd., agrees to save harmless and indemnify the City from any and all claims, demands, causes of action, costs, legal expenses, or any other costs or expenses, of or from contractors or any person or entity arising from improper information or guidance from Chagrin Valley Engineering, Ltd., which results in a poor, substandard or wrong result or results, when said contractor, person or entity have faithfully observed the plans and specifications prepared by Chagrin Valley Engineering, Ltd., unless the responsibility therefore shall be clearly that of the City or another third party. The foregoing sentence does not limit the usual common law remedies available to the City for breach of contract or other violation of contract for engineering services.

SECTION 8. The contract provided herein with Chagrin Valley Engineering, Ltd., may be terminated by either party on sixty (60) days advance written notice to the other, provided that such termination shall not affect the duty of the City Engineer or Chagrin Valley Engineering, Ltd., to render service, nor the obligation of the Municipality to pay for such service rendered, before the effective date of termination.

SECTION 9. This Ordinance shall be executed as a Contract in lieu of the preparation of special contract documents since this Ordinance contains the understanding and agreement between Chagrin Valley Engineering, Ltd., and the City, and the Mayor is authorized to execute said Contract.

SECTION 10. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 11. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the City for the reason that the appointment of the Municipal Engineer must be effective immediately in order to provide for the efficient operation of the various departments of the City. Therefore this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

Sections Four through Nine hereof, inclusive, be and are hereby executed by the parties as the contract between them for the period of January 1, 2017 to December 31, 2018. The undersigned, Chagrin Valley Engineering, Ltd., hereby accepts the above mentioned agreement as contractual Municipal Engineers for the City of Lyndhurst as set forth in said sections upon the terms and conditions as hereinbefore set forth, and agrees to perform the duties of said office as hereinabove provided.

THE CITY OF LYN DHURST

CHAGRIN VALLEY ENGINEERING, Ltd.

By: _____
MAYOR PATRICK A. WARD

By: _____
Title

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

ORDINANCE NO. 2016-93
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE HEIGHTS-HILLCREST TECHNICAL RESCUE TEAM FOR SPECIAL RESCUE SERVICES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Lyndhurst has been a member and has in the past contracted with the Hillcrest Technical Rescue Team to receive special rescue services from that entity; and

WHEREAS, the Hillcrest Technical Rescue Team is merging with the Heights Technical Rescue Team to form the Heights-Hillcrest Technical Rescue Team, which will be composed of the City of Beachwood, the City of Cleveland Heights, the City of Euclid, the Village of Gates Mills, the City of Highland Heights, the City of Lyndhurst, Mayfield Village, the City of Mayfield Heights, the City of Pepper Pike, the City of Richmond Heights, the City of Shaker Heights, the City of South Euclid, the City of University Heights, and the City of Willoughby Hills, and which will provide the City of Lyndhurst with equal or better services at no net increase in costs (when the costs of training and employing team members are netted against the cost of being a member of the merged team); and

WHEREAS, this Council finds and determines that it is appropriate for the City of Lyndhurst to enter into a contact with the newly formed Heights-Hillcrest Technical Rescue Team for the provision of special rescue services. Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

SECTION 1. The Mayor is authorized to enter into an Agreement with the Heights-Hillcrest Technical Rescue Team for the provision of special rescue services, a copy of the Agreement being attached hereto and made a part hereof as Exhibit "A".

SECTION 2. The annual cost of said Agreement to the City shall be \$5,000 in 2017; \$5,200 in 2018; \$5,400 in 2019; \$5,600 in 2020; \$5,800 in 2021; and \$6,000 in 2022, and said costs shall not be exceeded without further action by this Council.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City of Lyndhurst and its residents because the team will be forming within the next thirty (30) days. This Ordinance shall therefore take effect immediately upon passage by the affirmative vote of not less than five members of this Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

Proposed

ORDINANCE NO. 2016 -94
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE NORTHEAST OHIO REGIONAL SEWER DISTRICT TO PROVIDE TECHNICAL ASSISTANCE REGARDING PUBLIC INFORMATION AND PUBLIC EDUCATION

WHEREAS, the City is required to annually provide for Public Involvement and Public Education (PIPE) pursuant to its Ohio EPA Municipal Separate Storm Sewer Systems (MS4) Discharge Permit; and

WHEREAS, the Cuyahoga Soil and Water Conservation District and the Northeast Ohio Regional Sewer District can provide such a public information program; and

WHEREAS, the cost of such a public information program for 2017 and 2018 is estimated to be Five Thousand Five Hundred Dollars (\$5,500.00) each year. Now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. The Mayor is hereby authorized and directed to enter into a Memorandum of Understanding with the Cuyahoga Soil and Water Conservation District and the Northeast Ohio Regional Sewer District to provided technical assistance regarding public information and public education for the calendar years 2017 and 2018, a copy of said Memorandum of Understanding being attached hereto, marked Exhibit "A", and incorporated herein as if fully rewritten.

SECTION 2. The cost of said public information program shall not exceed Five Thousand Five Hundred Dollars (\$5,500.00) annually without further action by this Council.

SECTION 3. It is recognized that some or all of said cost may be reimbursed to the City by the Sewer District pursuant to the Stormwater Management Program.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall be in full force and effect at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

Proposed

**RESOLUTION NO. 2016-95
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE MAYOR TO
IMPLEMENT HEALTH CARE COVERAGE FOR THE
EMPLOYEES OF THE CITY AND DECLARING AN
EMERGENCY**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNDBURST,
COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:**

SECTION 1. The Mayor is hereby authorized and directed to enter into necessary agreements to implement health care coverage for the eligible employees of the City with Aetna at the following monthly rates, effective January 1, 2017:

Monthly Rates by Category	Aetna HN Option \$1000	Aetna H.S.A. HN Option
Employee Only	\$ 394.52	\$ 360.66
Employee and Spouse	\$ 1,380.81	\$ 1,262.31
Employee and Children	\$ 986.28	\$ 901.65
Family	\$ 1,538.62	\$ 1,406.57

SECTION 2. The rates specified above for health care are for a twelve-month period beginning January 1, 2017. Should it become necessary to extend this coverage beyond the aforesaid twelve-month period, Council shall approve any extension and any increase in the stated rates, if applicable.

SECTION 3. Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City for the reason that it is necessary to implement the aforesaid insurance coverage for the employees of the City so that the same are effective as of January 1, 2017. Therefore this Resolution shall take effect immediately upon the affirmative vote of not less than five members elected to Council and signature by the Mayor or otherwise at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

Proposed