

**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: November 21, 2016

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 LYNDHURST

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 December 1, 2016 and December 8, 2016.

Clerk of Council

First Reading: November 21, 2016

Second Reading: Suspended

Third Reading: Suspended