

ORDINANCE NO. 2017-03
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE ADOPTING CHAPTER 1337 OF THE
CODIFIED ORDINANCES OF THE CITY LYNDHURST
TITLED “COMPREHENSIVE STORMWATER
MANAGEMENT” TO CONTINUE STORMWATER
MANAGEMENT PROCEDURES IN THE CITY,
REPEALING CURRENT CHAPTER 1337 IN ITS
ENTIRETY, AND DECLARING AN EMERGENCY.**

WHEREAS, flooding is a significant threat to property and public health and safety, and storm water management lessens flood damage by reducing and holding runoff and releasing it slowly; and,

WHEREAS, streambank erosion is a significant threat to property and public health, and safety, and storm water management slows runoff and reduces its erosive force; and,

WHEREAS, insufficient control of storm water can result in significant damage to receiving water resources, impairing the capacity of these areas to sustain aquatic systems and their associated aquatic life use designations; and,

WHEREAS, land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds, and increase storm water runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; and,

WHEREAS, storm water runoff contributes to increased quantities of pollutants to water resources; and,

WHEREAS, storm water runoff, stream channel erosion, and nonpoint source pollution can be controlled and minimized through the regulation of runoff from land development projects; and,

WHEREAS, the United States Environmental Protection Agency has approved a Total Maximum Daily Load for phosphorus, habitat, and total suspended solids in the Euclid Creek and Chagrin River Watersheds; and

WHEREAS, there are watershed-wide efforts to reduce flooding, erosion, and water quality problems in the Euclid Creek and Chagrin River Watersheds, and to protect and enhance the water resources in these watersheds; and,

WHEREAS, the City of Lyndhurst finds that the lands and waters within its borders are finite natural resources, and that their quality is of primary importance in promoting and maintaining public health and safety within its borders; and,

WHEREAS, the City of Lyndhurst desires to establish standards, principles, and procedures for the regulation of soil disturbing activities that may increase flooding and erosion and may cause adverse impacts to water resources, resulting from storm water runoff; and,

WHEREAS, the City of Lyndhurst is a member of the Euclid Creek Watershed Program, and recognizes its obligation as a part of the Euclid Creek Watershed Program to manage storm water within its borders; and

WHEREAS, the use of green infrastructure and runoff reduction practices improves water quality in our streams and Lake Erie and reduces the magnitude and frequency of flooding and combined sewer overflow events through the infiltration, evapotranspiration, treatment and reuse of stormwater runoff; and

WHEREAS, the use of green infrastructure produces community benefits including reduced crime, increased property values, increased retail sales and lower infrastructure costs; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Lyndhurst to develop a Storm Water Management Program that, among other components, requires the City of Lyndhurst to implement standards, principles, and procedures to regulate the quality of storm water runoff during and after soil disturbing activities; and,

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws. Now, therefore,

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

SECTION 1. Chapter 1337 entitled “Comprehensive Stormwater Management” be and the same is hereby adopted in its entirety as set forth in the attached Exhibit A, which is incorporated herein by this reference.

SECTION 2. Current Chapter 1337 is hereby rescinded, effective on the effective date of this Ordinance.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage 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 4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Lyndhurst, the immediate emergency being the necessity to continue stormwater management procedures without interruption. Therefore, this Ordinance shall be in full force and effect immediately upon its passage by 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

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: _____

**ORDINANCE NO. 2017-04
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER
NO. 2 WITH CHAGRIN VALLEY PAVING, INC. FOR
THE 2016 ASPHALT PROGRAM, AUTHORIZING THE
CLOSEOUT OF SAID CONTRACT, AND DECLARING
AN EMERGENCY**

WHEREAS, the City has previously entered into a Contract with Chagrin Valley Paving, Inc. for the 2016 Asphalt Program; and

WHEREAS, Chagrin Valley Paving, Inc. has successfully completed the Contract; and

WHEREAS, it is necessary to enter into a Change Order as set forth herein due to needed additions to the Program or unforeseen circumstances associated with the Program. Now, therefore,

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

SECTION 1. The Mayor be and he is hereby authorized to enter into a Change Order Contract with Chagrin Valley Paving, Inc. for the credit amount of Eighty-Five Thousand Eight Hundred Seventy-Six and 39/100 Dollars (\$85,876.39), in addition to the Contract heretofore authorized by the Board of Control of this Council, to reconcile final contract quantities, all as more fully set forth in Change Order No. 2, dated January 10, 2017, which is fully incorporated herein. The City Engineer has approved the aforesaid Change Order.

SECTION 2. The Director of Finance be and is hereby authorized and directed to credit the amount provided for in Section 1 of this Ordinance upon passage hereof and execution of the Change Order authorized herein and completion of the work.

SECTION 3. This Council determines that the work included in the Contract with Chagrin Valley Paving, Inc. has been completed, and the Contract may be closed out, and the retainage released, pursuant to the application and certificate for final payment, the final Contract price, including additions and deletions, being Eight Hundred Fifty-Seven Thousand Four Hundred Forty Dollars and 61/100 (\$857,440.61). This final payment amount has been approved by the City Engineer.

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 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 for the reason that it is necessary to approve the aforesaid changes so as to not unnecessarily delay the completion of the aforesaid Project. 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

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