

PRELIMINARY LEGISLATION

RC 5521.01

ORDINANCE NO.	<u>2020-14</u>
PID NO.	<u>111157</u>
CTY-RTE-SEC	<u>D12-GR-FY2020 SAFETY</u>

The following is an ordinance enacted by the City of Lyndhurst, Cuyahoga County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Upgrade guardrail end treatments on Richmond Road (SR-175) and on Cedar Road (CR-23) in the City of Lyndhurst. This work is part of a larger ODOT project to upgrade guardrail end treatments on National Highway System routes within Cuyahoga and Lake counties.

NOW THEREFORE, be it ordained by the Council of the City of Lyndhurst, Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The entire cost and expense of the construction will be provided by the Department. No financial participation will be required by the LPA.

The LPA agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The Mayor of said City is hereby empowered on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above described project.

Passed: February 17, _____, 2020
DATE

Attested: _____
CLERK MAYOR

Attested: _____
Title: PRESIDENT OF COUNCIL

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**CERTIFICATE OF COPY
STATE OF OHIO**

The City of Lyndhurst, Cuyahoga County, Ohio

I, Mary Kovalchik, as Clerk of the City of Lyndhurst, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City of Lyndhurst on the 17th day of February, 2020, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this 18th day of February, 2020.

CLERK
CITY OF LYNDHURST, OHIO

(SEAL)
(If Applicable)

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Lyndhurst, Ohio

Attest: _____, Date 2/18/2020
MAYOR

For the State of Ohio

Attest: _____, Date _____
DIRECTOR, OHIO DEPARTMENT OF TRANSPORTATION

ORDINANCE NO. 2020-15
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 4
WITH M. CAMPBELL CONTRACTING, LLC. FOR THE
CHEROKEE DR. AND SHAWNEE DR, WATER MAIN
REPLACEMENT, AND DECLARING AN EMERGENCY**

WHEREAS, the City has previously entered into a Contract with M. Campbell Contracting, LLC. for the Cherokee Dr. & Shawnee Dr. Water Main Replacement: and

WHEREAS, it is necessary to enter into a Change Order as set forth herein due to needed additions to the Contract or unforeseen circumstances associated with the Contract. 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 M. Campbell Contracting, LLC., to include increase inspection cost to match the cost of the final inspection for the additional amount of Two Thousand Four hundred Forty Dollars and Twenty Six Cents (\$2,440.26,) in addition to the Contract heretofore authorized by the Board of Control of this Council, as more fully set forth in Change Order No. 4, dated Feb., 11, 2020, 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 pay 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. 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 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

**ORDINANCE NO. 2020-16
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1
WITH UNITED SURVEY, INC. FOR THE LYNDHURST
2019 SEWER REHABILITATION PROGRAM, AND
DECLARING AN EMERGENCY**

WHEREAS, the City has previously entered into a Contract with United Survey Inc., for the Lyndhurst 2019 Sewer Rehabilitation Program: and

WHEREAS, it is necessary to enter into a Change Order as set forth herein due to needed additions to the Contract or unforeseen circumstances associated with the Contract. 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 United Survey Inc., to include Excavation of a portion of a lateral to HN 1427 Haverston and installation of Lateral Transition Liners needed at 7 addresses and other necessary & related repairs for the additional amount of twenty three thousand one hundred thirty six dollars and four cents. (\$23,136.04), in addition to the Contract heretofore authorized by the Board of Control and this Council, as more fully set forth in Change Order No. 1, dated Feb, 11, 2020, 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 pay 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. 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 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

**RESOLUTION NO. 2020-17
INTRODUCED BY: MAYOR WARD
AND ALL MEMBERS OF COUNCIL**

**A RESOLUTION OFFERING ENDORSEMENT OF THE SOUTH EUCLID-
LYNDHURST BOARD OF EDUCATION'S REQUEST FOR A 6.9 MIL LEVY ON THE
MARCH 17, 2020 BALLOT**

WHEREAS, the South Euclid-Lyndhurst Board of Education has, through cost-cutting and cost-avoidance measures, stretched the resources provided by the taxpayers without increase for over seven (7) years; and

WHEREAS, those cost effective measures include, but are not limited to, performing many tasks using employees instead of contracted labor, negotiating fair and equitable labor contracts with District employees and right-sizing administrative personnel; decisions that have saved the taxpayers hundreds of thousands of dollars allowing the District to outperform its annual financial forecasts; and

WHEREAS, additional savings have been realized through increasing the energy efficiency of District buildings which has also earned every building the Energy Star Award from the Federal EPA in recognition of the reduction in the District's energy footprint by over 35%; and

WHEREAS, members of the SEL Board of Education regularly report to the Lyndhurst City Council as to student achievement, District initiatives and financial milestones as well as participate in City-sponsored events where residents can be engaged and informed; and

WHEREAS, The City of Lyndhurst invited the public to an informational forum on February 6th, 2020 in order to gauge resident sentiment regarding the SEL Schools and the levy request along with assuring questions or concerns could be addressed. The forum was well attended with residents in attendance largely understanding the school's need for additional funding; and

WHEREAS, the proceeds of this levy will address the inflationary rise in costs to general operations as well as a dedicated one mil for permanent improvements; and

WHEREAS, The Mayor and Council recognize that a strong community needs strong schools providing a well-rounded compliment of courses and activities. Now, therefore,

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

SECTION 1. This Council, on behalf of itself and the Mayor offers its endorsement of the South Euclid Lyndhurst City School's Levy as it will appear before the voters on Tuesday, March 17, 2020.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meeting 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 of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution 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 because well-supported schools are an asset to the community and because the schools desire this indication of support as soon as possible. Therefor this Resolution 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