

ORDINANCE NO. 5-15

**AN ORDINANCE CONFIRMING THE APPOINTMENT OF
CHAGRIN VALLEY ENGINEERING AS THE CITY ENGINEER,
ESTABLISHING THE COMPENSATION OF THE CITY ENGINEER
AND DECLARING AN EMERGENCY.**

WHEREAS, the Mayor has recommended that Chagrin Valley Engineering, Ltd., and Ryan E. Cummins, P.E., CPESC, be retained to provide professional engineering services and to serve as the City Engineer; and

WHEREAS, Council desires to confirm the appointment of Ryan E. Cummins and Chagrin Valley Engineering, Ltd., as the City Engineer and to establish the compensation of the City Engineer.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN, STATE OF OHIO:

Section 1 - Chagrin Valley Engineering, Ltd., is hereby confirmed as the Municipal Engineer in the City of Avon, Ohio, effective January 5, 2015. The Engineer shall perform such services and be compensated for services rendered to the City as follows:

- (a) Preparation of necessary plans, profiles, specifications and estimates of cost for such public improvements as may be authorized by the Council to prepare;
- (b) Supervise and serve as representative of the City of Avon in the execution of those public works projects for which the Engineer is authorized by City Council to so act;
- (c) As authorized by City Council, supervise and direct all construction inspectors and such inspectors shall report to and receive their instructions from the Engineer, relative to the improvements covered in paragraphs (a) and (b) hereof;
- (d) Upon appropriate authorization, furnish to the Council plans, specifications and estimates of cost for such improvements for the guidance of this Council and for the information and guidance of contractors dealing with the City of Avon;
- (e) Prepare applications for grant programs which are available for public improvement projects;
- (f) Review plans of private, commercial and residential developments and advise the Mayor and Council on the plans;
- (g) Review lot plans for new residential homes and check final lot grades to verify consistency with the approved lot plan;

Ordinance No. 5-15 (Con't.)

- (h) Act as the City's representative to the County Sanitary Engineer on matters concerning the areas which the Sanitary Engineer is responsible for;
- (i) Make and deliver to this Council regular reports of the progress of improvements under the Engineer's charge, stating conditions of same, including any changes in construction costs and/or engineering costs, together with any other matters of interest desired by this Council. All plans and specifications shall be the property of the City of Avon;
- (j) Be in charge of engineering and other work to be furnished hereunder as the same may be authorized by City Council, with the right and obligation of calling upon any of the personnel and facilities of its firm as needed from time to time in the performances of said work; and
- (k) Maintain Professional Liability Insurance in the Amount of \$2,000,000 and provide the City with a Certificate naming the City as an additional insured during the period this Ordinance is in effect.

Section 2 - The Engineer shall have the following duties and responsibilities considered to be included in the compensation shown in Section 3:

- (a) Act as a technical consultant and advisor on engineering matters referred by the Mayor, Council, and administrative departments upon direction of the Department Heads;
- (b) Advise the Mayor and Council relating to residents' problems pertaining to engineering as they may relate to public sewers, public water supplies, drainage patterns and building grades;
- (c) Assist the Building Department on engineering matters and act as an aide in the administration of the National Flood Insurance Program;
- (d) Attend all meetings as requested by the Mayor or Council. The Engineer shall attend Council Committee meetings, the work sessions of Council, Regular meetings of Council and the Planning Commission. Attendance may, from time to time, be excused;
- (e) Prepare formative or preliminary sketches, layouts, estimates or reports concerning the advisability of proceeding with sanitary sewers, storm sewers, water mains, pavement improvements or repairs contemplated by the Mayor and/or Council; and
- (f) Perform such other duties as is normally required of municipal engineers not requiring the use of additional staff members.

Section 3 - Chagrin Valley Engineering, Ltd., shall receive as compensation for the services described in Section 2 hereof, the annual sum of Forty-Eight Thousand, Eight Hundred and Fifty Dollars (\$48,850.00), commencing with the first pay period of 2015, payable in bi-

Ordinance No. 5-15 (Con't.)

weekly installments to Ryan E. Cummins, P.E. and subject to payroll and Public Employee Retirement System withholding taxes.

Section 4 - For such services in connection with the services detailed in Section 1, Chagrin Valley Engineering, Ltd. shall also receive compensation based on the hours worked and on the hourly fee set forth in the following table:

Municipal Engineer	\$90.00
Engineer	\$80.00
Wetland Scientist	\$78.00
Water Quality Scientist	\$78.00
Designer	\$75.00
Contract Administrator	\$68.00
Inspector	\$48.50
Clerical	\$30.00
Three-Person Survey Crew	\$130.00
Two-Person Survey Crew	\$114.00
GIS Technician	\$78.00
Surveyor	\$80.00

The above rates include all transportation, materials, supplies, reproduction costs, overhead, etc., required to complete a specific project and shall be effective from and after January 5, 2015. When deemed necessary, the Engineer may contract with outside consultants for services such as sub-surface exploration, aerial surveys, or engineering services of other disciplines which are required to perform the plan and specification preparation. The Engineer shall inform the Mayor and City Council of the use of any outside consultants. Upon the request of the Mayor or City Council, the Engineer shall provide an estimate of probable engineering costs related to a proposed project.

Section 5 - The appointment of the Engineer and the provisions hereof may be canceled with 30 days' notice by either party.

Section 6 - That 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 7 - That 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 Avon, the immediate emergency being the necessity to enter into a contract with Chagrin Valley Engineering, Ltd for providing engineering service for the City; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

Ordinance No. 5-15 (Con't.)

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Ellen R. Young, Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director