

ORDINANCE NO. 42-15

AN ORDINANCE TO RESCIND ORDINANCE NO. 5-15 AND TO RECONFIRM THE APPOINTMENT OF CHAGRIN VALLEY ENGINEERING AS THE CITY'S CONSULTING ENGINEER, ESTABLISHING THE COMPENSATION AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor, at the beginning of 2015, recommended that Chagrin Valley Engineering, Ltd., and Ryan E. Cummins, P.E., CPESC, be retained to provide professional engineering services to the City of Avon and to serve as the City's Consulting Engineer; and

WHEREAS, Council confirmed the appointment of Ryan E. Cummins and Chagrin Valley Engineering, Ltd., as the City's Consulting Engineers and established the compensation in Ordinance No. 5-15 which passed on January 5, 2015; and

WHEREAS, following the passage of Ordinance No. 5-15, it was discovered that the contract, as contained in Exhibit A herein, should have been appended to the legislation to serve as the binding agreement between the parties.

WHEREAS, to correct this error, the Administration recommends that Ordinance 5-15 be rescinded and that this ordinance, together with the attached agreement, be adopted and made retroactive to the beginning of the year; and

WHEREAS, Council has reviewed the contract as set forth in Exhibit A hereto and deems it to be substantially similar to the one adopted in Ord. No. 5-15 and finds that adoption of same to be in the best interests of the health, safety and welfare of the community in procuring competent and qualified engineering services.

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

Section 1 - That the Agreement between Chagrin Valley Engineering, Ltd., as set forth in Ord. No. 5-15, is hereby rescinded and that the "Contract for the Provision of Municipal Engineering Consulting Services to the City of Avon," attached hereto as Exhibit A and incorporated herein by this reference, be and the same is hereby adopted as the contract for engineering services between Chagrin Valley Engineering and the City of Avon. Said Agreement shall be retroactive to the beginning of fiscal 2015. The Consulting Engineer shall perform such services and be compensated for the services rendered as set forth therein.

Section 2 - Chagrin Valley Engineering, Ltd., shall receive as compensation for the services described in Section 2 of the Contract, 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-weekly installments to Ryan E. Cummins, P.E. and subject to payroll and Public Employee Retirement System withholding taxes.

Ordinance No. -15 (Con't.)

Section 3 - 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 4 - 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 rescind Ordinance 5-15 and adopt the contract with Chagrin Valley Engineering, Ltd as set forth herein to provide engineering services to the City; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

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