

ORDINANCE NO. 110-13

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING CO.
TO PERFORM STORMWATER INSPECTIONS
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon, pursuant to ACO §1050.10 and §1050.101, requires an annual stormwater inspection of certain BMPs to be conducted by landowners and organizations (HOAs) on or before August 1 of each year; and

WHEREAS, these inspections must be done by certified engineers and paid for by the landowner or organization; and

WHEREAS, in some cases, the landowner and/or organization responsible for conducting the inspection fails to perform and the City is required to do the work; and

WHEREAS, the City Engineer and the Administration, after conducting a thorough review of all the qualifications of the various design professionals, is prepared to move forward with Bramhall Engineering & Surveying Co. for the purpose of conducting these delinquent inspections; and

WHEREAS, Council, having reviewed the proposal for professional services submitted by Bramhall Engineering & Surveying Co., finds their proposal to be best suited to the inspection and maintenance of stormwater BMPs required in Chapter 1050 and acceptance of their proposal by the Administration to be in the best interests of the health, safety and welfare of the citizens of Avon.

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

Section 1 - That the City is hereby authorized to enter into a contact/accept the proposal of Bramhall Engineering & Surveying Co. (BESC) for professional engineering services to conduct annual stormwater inspections of various stormwater BMPs pursuant to ACO §1050.101, a copy of which is set forth in Exhibit A and incorporated herein by reference.

Section 2 - The Finance Director is hereby authorized to advance funds in the amount of Thirty-Nine Thousand, One Hundred, Ninety-Five Dollars and no cents (\$39,195.00) from the General Fund No. 101 to meet the obligations incurred under the terms of this contract and to cover other costs incurred for legal services associated with this project. This Ordinance shall authorize said funds to be appropriated and encumbered by the Finance Director and paid pursuant to his directives.

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

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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 proceed with the hiring of BESC to conduct annual inspection of stormwater BMPs; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, President of Council

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director