

AN ORDINANCE AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES DURING THE YEAR 1996

BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That the Mayor and Finance Director be, and hereby are, authorized and directed to enter into an Agreement with Elewski & Associates, Inc. for professional engineering services during the year 1996, a copy of which Agreement is attached hereto as Exhibit "A" and incorporated herein fully as if by reference.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 or subcommittees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in force on January 1, 1996.

Passed: March 5, 1996

[Signature]
President of Council

[Signature]
Mayor

Dated: 3/11/96

ATTEST:
[Signature]
Clerk of Council

ELEWSKI & ASSOCIATES, INC.
CIVIL, MUNICIPAL ENGINEERING CONSULTANTS

7311 VALLEY VIEW DRIVE INDEPENDENCE, OHIO 44131

(216) 447-0175 FAX (216) 447-3077

January 19, 1996

VILLAGE OF RICHFIELD
REQUESTED RATES FOR 1996

Principal Engineer	57.00
Asst. Engineer	47.00
Designer	38.00
Draftsman	28.00
3 Man Crew	84.00
2 Man Crew	64.00
Chief Inspector	35.00
Inspector	28.00
Clerical	17.00

Monthly Retainer Fees: \$325.00 for all scheduled Council
and Planning Meetings

EXHIBIT "A"
CONTRACT AND AGREEMENT
BETWEEN THE VILLAGE OF RICHFIELD, OHIO
AND ELEWSKI & ASSOCIATES, INC., ENGINEER

THIS AGREEMENT, made this 12th day of April,
in the year Nineteen Hundred Ninety-Six, by and between the
Village of Richfield, an Ohio Municipal Corporation, hereinafter
called the VILLAGE, and Elewski & Associates, Inc., Engineer,
of 7311 Valley View Drive, Independence, Ohio 44131,
hereinafter called the ENGINEER:

WITNESSETH, that

WHEREAS, the VILLAGE wishes to employ a qualified Engineer,
registered in the State of Ohio to perform the engineering and
surveying services necessary to meet the challenges and needs
of this growing community through the coming years for and on
behalf of the VILLAGE as hereinafter set forth; and

WHEREAS, said ENGINEER is duly admitted to practice in the
State of Ohio as required by law, holding Engineer's
Certificate No. 28268, and desires to perform such
services for the compensation hereinafter described.

SECTION 1

The ENGINEER shall provide the following services:

- (a) Prepare necessary plans, profiles, specifications and estimates of cost of every kind for such public improvements as he may be authorized by Council to prepare.
- (b) Supervise and serve as the representative of the municipality in the execution of such public work undertaken by this Council, pursuant to plans and specifications approved by this Council, as they may have prepared material for, pursuant to paragraphs (a) and (b) hereof.

(c) Supervise and direct all inspectors appointed by the Village and such inspectors shall report to and receive their instructions for the ENGINEER relative to the improvements covered in paragraphs (a) and (b) hereof.

(d) Furnish to the Council, plans, specifications and estimates of cost and such improvements for the information and guidance of contractors dealing with the municipality.

(e) Upon request, shall make and deliver to this Council monthly reports of the progress of improvements under his charge, stating conditions of same, together with any other matters of interest, desired by this Council. All plans shall be the property of the municipality, and when so directed by the Council, be filed in the Clerk's office upon completion of any improvement.

(f) Be available to any department of the municipality and to any official acting in his official capacity.

(g) Check and approve all plans for proposed works within the jurisdiction of the VILLAGE, prepared by other consultants.

(h) To be available for consultations and conferences with the Mayor, and other Directors and members of the Village administration.

SECTION II

Provide necessary Consulting Engineering Services including field and office, to facilitate Section I.

SECTION III

Provide necessary assessment services when required by the Village Council.

PERFORMANCES BY VILLAGE

This proposal is based upon the assumption that the VILLAGE without expense to the ENGINEER, will:

- (a) Furnish all legal services which may be required.
- (b) Make available from its files, data relating to all engineering problems.
- (c) Furnish testing and laboratory inspecting services.

FEES AND PAYMENTS

(a) As Amended:

For attendance at regular Planning and Zoning Commission meetings which is required, and attendance at regular or special meetings of Council only when requested by Council or P & Z; the Engineer shall be paid at the rate of Eighty Dollars (\$80.00) per meeting, to be paid at the end of each month.

- ~~(a) For attendance at regular or special meetings of Council, and regular meetings of the Planning Commission, the Engineer shall be paid at the rate of three hundred twenty-five dollars (\$325.00) per month, to be paid at the end of each month.~~
- (b) For the several services as particularized herein and for Supplemental Services as described hereafter to the extent that all services are ordered and furnished, the VILLAGE agrees to pay and we agree to accept as full compensation for such services, fees in the amounts and at times as follows:

SECTION IV

The following stipulations and definitions shall apply to this ordinance:

(a) The schedule of fees provided for herein shall cover engineering services including preliminary estimates and preliminary reports; general supervision of construction, including staking of improvements; preparation of monthly and final estimates for contractors' payments. The schedule of fees does not include inspection of construction; shop, mill, field, or laboratory inspection of materials or cost of test borings and other sub-surface explorations, which services shall be furnished by the Village of Richfield, or at the Village's option may be provided by the Engineer at the hourly rate hereinafter provided, nor does the schedule include property, boundary or right-of-way or topographical surveys or calculations of special assessments which, if required, shall be furnished by the Engineer at the hourly rate hereinafter provided.

(b) "General Supervision" is defined as supervision of the construction by periodical visits by the Engineer or his representative from the office of the Engineer.

(c) "Inspector" is defined as a person who inspects the construction in detail under the general supervision of the Engineer or a representative of the Engineer, and who shall receive compensation for his services from the Village.

GENERAL TYPES OF ENGINEERING PROJECTS

SCHEDULE OF FEES

Bridges (repetitive design).....	III
Bridges (complex).....	II
Dams (less than 10' high).....	III
Dams (10' and higher).....	II
Foundations	I
Foundations, complicated	I
Drainage ditches	I
Drains, storm, in village streets.....	II
Drains, storm, in rural areas	III
Mechanical and electrical work	III
Mechanical and electrical work (complex).....	II
Parking lots, off-street	III
Pipelines and transmission lines (not in village streets).....	III
Plants, water treatment (new)	II
Plants, water treatment (additions and renovations)	I
Plants, waste water treatment Waste water and industrial waste (additions and renovations)	I
Waste water and industrial waste (new plants)	II
Pumping stations	II
Pumping stations (additions and renovations).....	I
Sewers, sanitary, in rural areas	III
Sewers, sanitary, in village streets	I
Sewers, relief and interceptors in village streets	II
Sewers, relief and interceptors not in village streets	II
Sewer separation projects	II
Bewer and water tunnels (free air)	III
Sidewalks	III
Site grading	III
Site utilities	II
Streets, arterial and highways	I

Streets and minor roads in undeveloped areas	III
Streets, improvement or urban	I
Street and minor road renovations (urban and undeveloped areas)	III
Streets, intersections	I
Water distribution lines in village streets	II
Water distribution lines (rural) 12" and under	II
Water distribution lines (rural) 12" and over	III

(a) For each type of engineering project listed above, the Municipal Engineer will be paid according to the Roman numeral designation applicable to the particular project listed under the schedule of fees column set forth below:

FORMULAS FOR FEES FOR
GENERAL ENGINEERING PROJECTS

COST OF
CONSTRUCTION

Less than
\$50,000

\$50,000 to
\$499,999

\$500,000 to
\$999,999

\$1,000,000 to
\$4,999,999

\$5,000,000 to
\$100,000,000

SCHEDULE I

At the applicable hourly
rates as set forth herein

SCHEDULE II

At the applicable hourly
rates as set forth herein

SCHEDULE III

At the applicable hourly rates as set
forth herein

SCHEDULE FOR PER DIEM FEES

Engineer - principal	\$57.00
Assistant engineer	\$47.00
Designer	\$38.00
Draftsman	\$29.00
Clerical	\$17.00
Three-man field crew	\$84.00
Two-man field crew	\$64.00
Chief Inspector	\$35.00
Inspector	\$28.00
Mileage	\$.29

Payment shall be made under this subsection at the completion of each service and upon billing by the Engineer, setting forth the month, day and hours spent by him or his employees.

IN WITNESS WHEREOF, the Parties hereto have set their hands the day and year first above written. The signature of the VILLAGE OF RICHFIELD, OHIO, being affixed by its Mayor pursuant to Resolution No. 5-1996, passed by the Council of said VILLAGE, the 5th day of March, 1996, and in accordance with the provisions of said Resolution.

VILLAGE OF RICHFIELD, OHIO:

Eleana Lukovic
DIRECTOR OF FINANCE

Donald R. Larsen
MAYOR DONALD LARSEN

ENGINEER:

Donald R. Elewski
Donald R. Elewski, Pres.
ELEWSKI & ASSOCIATES, INC.
7311 VALLEY VIEW DRIVE
INDEPENDENCE, OH 44131

In the presence of:

Joyce Riemer
J. Van Marpen

Approved as to Legal Form:

[Signature]
Solicitor for the Village of
Richfield

Third Readings**Ordinance No. 5-1996** - Offered by Mayor Larsen

An Ordinance authorizing the Mayor and Finance Director to enter into an agreement with Elewski & Associates, Inc. for professional engineering services during the Year 1996 was read by its title by the Law Director.

Councilman Davis read a portion of a letter he received from Assistant Chief Legal Counsel O'Neal Saunders of the State of Ohio Office of the Auditor (dated February 29, 1996) which addressed Ordinance No. 4 (tabled February 6, 1996). Mr. Davis stated his belief that it also relates to this Ordinance. Mr. Davis suggested consideration of Ordinance No. 5-1996 be withheld until a formal opinion can be obtained from the Attorney General on this issue..

Council President Hooper suggested there be an amendment to the Ordinance so that the Engineering representative's attendance at Village meetings be paid on the basis of \$80 per meeting rather the present policy of \$325 per month.

MOTION: By Hooper, seconded by Midgley that the attachment to Ordinance No. 5-1996 (Exhibit "A") be amended so the Engineering Representative attending meetings will be paid on an \$80-per-meeting basis rather than a \$325-per-month basis with attendance required only at the Planning and Zoning Commission's Regular Meetings or at the request of either Council or the Planning and Zoning Commission; there is no requirement for attending Regular or Special Meetings of Council unless requested.
ROLL CALL: Beshara, yea; Davis, abstain; Healey, yea; Hooper, yea; Malone, yea; Midgley, yea; and Waszak, yea. Motion adopted.

MOTION: By Waszak, seconded by Midgley that Resolution No. 5 as amended be adopted. **ROLL CALL:** Davis, nay; Healey, nay; Hooper, yea; Malone, yea; Midgley, yea; Waszak, yea; and Beshara, nay. Motion adopted.

Mrs. Beshara stated her belief that Ordinance Nos. 5- and 7-1996 are in violation of Sections 8.01 and 14.01 of the Charter. Ms. Healey stated she believes this legislation to be in violation of the Charter.

Ordinance No. 6-1996 - Offered by Mr. Waszak

An Ordinance amending Section 193.02 of the Administrative Code reducing the rate of tax for the Hotel and Motel Tax from four percent to three percent was read by its title by the Law Director.

Mrs. Beshara stated that in checking with surrounding communities' hotel/motel tax rate she was informed by ~~community~~ ^{motel and hotel personnel} officials that they do not believe their tax rates deter people from staying at their overnight facilities. Ms. Healey asked the Law Director if a refund would be necessary because of the reference in Section 2 of Ordinance No. 6-1996 to Ordinance No. 67-1995. The Law Director recommended deleting Section 2 of the Ordinance.

