RESOLUTION NO. 2011-01
INTRODUCED BY: Mayor Rinker and Council as a Whole

AN EMERGENCY RESOLUTION
PROVIDING FOR THE EMPLOYMENT OF AN ENGINEER
FOR MAYFIELD VILLAGE, OHIO

BE IT RESOLVED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

SECTION 1. The Mayor's reappointment of Thomas Cappello as Engineer for Mayfield Village, Ohio, is hereby confirmed subject to the terms, conditions and compensation hereinafter established. All other ordinances or resolutions inconsistent herewith are hereby and herein repealed.

SECTION 2. Thomas Cappello is hereby employed and appointed as Engineer for Mayfield Village, Ohio, effective January 1, 2011, until December 31, 2011, or until his successor is appointed by the Mayor and confirmed by not less than four (4) members of Council, such employment to be terminable by either the Village or said Engineer upon thirty (30) days written notice to the other.

SECTION 3. Said Thomas Cappello shall be compensated as follows, and the Mayor and the Director of Finance are hereby authorized to enter into an Agreement in writing with said Thomas Cappello whereby he will be paid on the following basis:

(a) If the proceedings for any improvement are completed according to the usual schedule, as provided by law, so that the bids are received and a contract is awarded, he shall be paid a sum equal to 75 percent of the amount listed in Section 3(b); as the work progresses, he shall receive additional compensation equal to the balance of the fee listed in Section 3(b); said sum to be paid at the time the contractor's estimates upon which his payment is based, are presented for payment. Before the final estimate for the work is issued, any adjustment shall then be made so that the total fee paid him shall be equal to the percentages listed in Section 3(b).

(b) That for such services in connection with construction of public improvements, where the estimated engineering and surveying fees are less than $25,000.00, he shall receive compensation on a percentage for the actual cost of construction of all improvements made by Council or under their control.

General Engineering Projects - Schedule 1

Airports
Bridges and Grade Separation Structures
Foundations
Dams and Hydraulic Structures
Highway and City Streets
Street Reconstruction
Incinerators
Intercepting, Relief, Storm or Sanitary Sewers
Outside Electrical Installations
Power Plants
Pumping Stations
Railway and Bus Terminals
Electrical Transmission and Distribution Facilities
Tunnels and Caissons
Ground or Underground Water Storage Facilities
Waterfront and Terminal Improvements
Water, Sewage and Industrial Treatment Plants
Water Intakes and Sewage Outlets

Minimum Fees - Schedule 1

Cost of Construction

$100,000 or below	12% of actual cost
$100,000 to $500,000 Base Fee of	12% of $100,000 Plus 7.5% of amount over $100,000
$500,000 to $1,000,000	Base Fee of 8.4% of the first $500,000 plus 6% of the amount over $500,000
Over $1,000,000	Base Fee of 7.2% of the first $1,000,000 plus 5.8% of amount over $1,000,000

General Engineering Projects - Schedule 2

Street Resurfacing
Minor Roads and Streets in Undeveloped Areas
Irrigation and Drainage Ditches
Landing Fields
Levees and Flood Walls
Off-Street Parking Lots
Retaining Walls
Sidewalks
Street Lighting Systems
Water Distribution Systems and Elevated Storage Tanks
Water, Coal, Oil and Gas Transmission Pipelines

Minimum Fees - Schedule 2 Cost of Construction

$100,000	9%
$100,000 to $500,000	Base fee of 9% of $100,000 Plus 6% of amount over $100,000
$500,000 to $1,000,000	Base Fee of 6.6% of $500,000 plus 5% of the amount over $500,0000
Over $1,000,000	Base Fee of 6% of $1,000,0000 Plus 4.9% of amount over $1,000,000

(c) If, after the plans, profiles, specifications and estimates of costs for work authorized and approved by the Council have been prepared by the Engineer, the proceedings for such work is abandoned or is postponed for a period of more than six (6) months, or the actual construction of such work is not commenced within nine (9) months after the date of delivery of said plans, profiles, specifications and estimates of costs, then he shall be paid forthwith a sum equal to 75 percent of the fee stated in Section 3(b), based on the total estimated cost of said improvements, as full compensation for all work done up to that date upon the subject project. In the event the proceedings for such work so abandoned, or postponed, is revived and actively pursued by the Village, he shall perform the balance of the services to be rendered under this Agreement and not previously performed, and he shall credit against the total compensation due any payments made under Section 3(c).

(d) The fee provided in Section 3(b) hereof shall cover engineering services including preliminary estimates and reports, complete detailed plans and specifications, preparation of monthly and final estimates for contractor payments. The above schedule of fees does not include property, topographic, boundary or right-of-way surveys, lines and grade stakes, resident engineer, inspection of materials, cost of test borings, or other subsurface explorations, or

calculation of special assessments. These latter services may be provided by the Engineer on an hourly basis in accordance with the schedule of rates hereinafter set forth in Section 3(e). Specialized services shall be done by Sub-consultants and their fees shall be approved by the Village prior to doing the work.

(e) For all engineering services in connection with any and all public improvements constructed by the Village in cooperation with any Federal or State agencies, or work not let by contract, or for special surveys, reports, etc., or for the preparation of special assessments and for any and all services not specified above nor incident to nor connected with the construction of public improvements, subject to the terms of Section 3(f), compensation shall be made on the basis of time spent by him or his employees and associates at the rates set forth in the following schedule of hourly rates.

Engineer	$ 93.00
Intern Engineer	$ 71.00
Draftsman	$ 47.00
Inspectors	$ 38.00
Two-Man Field Crew consisting of Party Chief and Instrument Man	$ 100.00
Three-Man Field Crew consisting of Party Chief, Instrument Man & Rod Man	$ 131.50
Party Chief	$ 49.00
Instrument Man	$ 38.00
Rod Man	$ 27.00
Auto CADD	$ 43.00
Registered Surveyor	$ 72.50
Materials, Supplies and Services by Others	Cost

Payment shall be made under this Section at the completion of each service and upon billing by the Engineer. The Engineer shall provide such documentation as the Village deems necessary to substantiate such bills.

(f) In addition to the other services mentioned herein above, the Engineer shall be required to attend the regular monthly meetings of Council and the Planning and Zoning Commission, the one monthly Council Caucus meeting, the Planning and Zoning Commission Workshop session and other such meetings, whether in or out of the Village, as the Mayor shall determine and shall give advice to Council, the Mayor and other administrative officials of the Village on problems pertaining to engineering, including minor consultation with such authorized representatives of the Village, providing such consultations require no preparation of detailed plans. For these services, the Engineer shall be compensated at the rate of Eleven Thousand Three Hundred Eighty Five and 00/100 Dollars ($11,385.00) per calendar year during the term of this contract. The Village Engineer shall not separately bill for non-reimbursable monthly meetings requested by the Mayor, the Council or President of Council.

(g) Projects within the Village having engineering design and surveying fees in excess of $25,000.00, based on estimated construction contract costs, must be awarded using the qualifications-based selection procedures mandated by the Ohio Revised Code.

SECTION 4. The Village Engineer shall not, without consent of Council, accept any employment from any person, firm, or corporation engaged in the business of establishing allotments or erecting buildings within Mayfield Village.

SECTION 5. This Resolution shall be effective January 1, 2011.

SECTION 6. The Council finds and determines that all formal actions of the Council relating to the adoption of this Resolution 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 7. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Mayfield Village for the reason that the employment of an Engineer is necessary for the orderly development of the community. It shall, therefore, take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

William Buckholtz, Council President

First Reading: January 18, 2011

Second Reading: Suspended, 2011

Third Reading: Suspended, 2011

PASSED: January 18, 2011

1/27/11

BRUCE G. RINKER, Mayor

APPROVED AS TO FORM:

JOSEPH W. DIEMERT, JR., Director of Law

ATTEST:

MARY E. BETSA, Clerk of Council