

**VILLAGE OF CHAGRIN FALLS
UTILITIES COMMITTEE
January 9, 2012**

Members present: Patton, Evans, Newell
Also present: Himes, Subel, Holdren, Byron, Edwards, Lannon

The meeting was called to order at 7:30 p.m. by Chairman Steven Patton.

BID REVIEW - LOWER POND DAM & STREAM RESTORATION PHASE 1C

Mr. Himes explained that we received an EPA grant for stream restoration about 2,000 feet upstream from the Ivex dam and that project includes lowering that dam from its current height of seventeen feet down to less than ten feet. Phase 1A&B involved drilling a series of twenty-two holes in the face of the dam to allow the upstream silts to de-water. This phase that we recently bid is 1C, which will involve cutting a trapezoidal notch in the dam face to cut it down five feet and allow the river to start to return to a natural course.

Mr. Himes said Phase 2 will be the final lowering of the dam, cutting the notch wider and down to that ten foot level and then the stream restoration work upstream, which will involve contouring flood plains into the silt and potentially installing some check dams in the river to control how fast the river drops down through the grade.

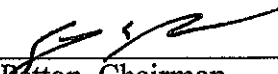
Mr. Himes said the grant was approximately \$467,000 and then there is a local match. We have an agreement with Spillway that they have to pick up all of the local match. There is no out of pocket expense for the village.

The Committee reviewed and discussed the bid tabulation outlining each bid. The bids ranged from a low bid of \$61,200 to a high bid of \$78,020 as compared to the opinion of probable construction cost of \$80,000.

Mr. Lannon said the low bidder for this improvement is Nerone & Sons, Inc. of Warrensville Heights whose bid has been reviewed and found to be in conformance with all contract requirements. It is CT Consultant's opinion that they are experienced and qualified to perform the work within the contract.

Moved by Mr. Patton, seconded by Mrs. Evans that we recommend to Council that we adopt the ordinance authorizing the Mayor to enter into an agreement with Nerone & Sons, Inc., for \$61,200, for the lowering of the dam and the stream restoration as we have discussed. The motion carried unanimously.

The meeting adjourned at 7:50 p.m.



Steven Patton, Chairman
lgb

Lower Pond Dam & Stream Restoration - Phase 1C

Village of Chagrin Falls

Bid Opening - January 4, 2012

Bid Tabulation

Ref. No.	Description	Quan.	Unit	Nerone & Sons, Inc.				Mark Haynes Construction				Burton Scot Contractors				Marks Construction, Inc.			
				Unit Price Labor	Unit Price Material	Total Unit Price	Item Total	Unit Price Labor	Unit Price Material	Total Unit Price	Item Total	Unit Price Labor	Unit Price Material	Total Unit Price	Item Total	Unit Price Labor	Unit Price Material	Total Unit Price	Item Total
1	Deistering and Diversion of Water	1	L.S.	10,000.00	1,500.00	11,500.00	11,500.00	23,000.00	23,000.00	9,800.00	14,400.00	24,000.00	24,000.00	13,500.00	1,500.00	15,000.00	15,000.00		
2	Sediment Removal	6	C.Y.	400.00	0.00	400.00	2,400.00	2,400.00	215.00	0.00	215.00	1,280.00	1,280.00	500.00	0.00	500.00	480.00		
3	Contingency, Sediment Removal	20	C.Y.	115.00	0.00	115.00	2,300.00	2,300.00	95.00	0.00	95.00	1,900.00	1,900.00	50.00	0.00	50.00	1,600.00		
4	Surveying	1	L.S.	9,000.00	500.00	9,500.00	9,500.00	2,400.00	2,400.00	2,000.00	900.00	2,900.00	2,900.00	5,020.00	0.00	5,020.00	5,020.00		
5	Silt Fence or Straw Bales	50	FT.	9.00	1.00	10.00	500.00	500.00	4.00	1.00	5.00	250.00	250.00	5.00	2.00	7.00	200.00		
6	Spillway Modification	1	L.S.	25,000.00	5,000.00	30,000.00	30,000.00	40,000.00	40,000.00	29,850.00	9,850.00	39,400.00	39,400.00	50,720.00	0.00	50,720.00	50,720.00		
7	Contingency Items: Contingency/Discretionary Allowance	1	L.S.	—	—	6,000.00	5,000.00	5,000.00	—	—	5,000.00	5,000.00	5,000.00	—	—	5,000.00	5,000.00		
Total Bid Amount							\$1,200.00	73,840.00				75,800.00				78,020.00			

**VILLAGE OF CHAGRIN FALLS
UTILITIES COMMITTEE
March 26, 2012**

Members present: Patton, Evans, Newell
Also present: Mayor Brick, Himes, Bloom, Subel, Lannon, Edwards

The meeting was called to order at 7:00 p.m. by Chairman Steven Patton.

SOUTH FRANKLIN STREET WATER MAIN AND RESURFACING

Mr. Himes explained that South Franklin Street will primarily be the road program for this year. He said we have a \$180,000 Ohio Public Works Grant for the water main replacement. They will also be resurfacing the road from Washington Street to South Street.

Mr. Lannon said the funding was helped through with the OPWC based on the number of water main breaks in the past ten years or so. There has been a little more than one break per year.

Moved by Mr. Patton, seconded by Mrs. Evans that the committee recommend to Council that we pass tonight's legislation, which authorizes the village engineer to prepare plans, specification, and bids for this project. Carried. Ayes: Patton, Evans, Newell. Nays: None.

NORTH STREET SIDEWALKS, ROADWAY, AND UNDERGROUND UTILITY IMPROVEMENTS

Mr. Himes said this is a complete reconstruction: underground utilities, the storm sewers, the sanitary sewers, the water line, as well as replacing the pavement, base, and potential sidewalks. We also received an Ohio Public Works Commission Grant for the water main of \$225,000. The plan is to build this in 2014 but primarily for sidewalk planning and to answer those questions, like is my tree going to be affected or which side of the street to locate the sidewalks. They need to get the survey done and preliminary work on the design.

Mr. Himes said we have done very well on outside funding for North Street starting with the earmark that we got through La Tourette's office for \$380,000. We also have 1.2 million dollars through NOACA on their transportation improvement plan.

Moved by Mrs. Evans, seconded by Mr. Newell that we recommend to Council the North Street water main funding as well as the engineer's study that has to go along with it. Carried. Ayes: Patton, Evans, Newell. Nays: None.

SANITARY SEWER OVERFLOW STUDY

Mr. Himes explained that in November of last year our permit to operate the waste water treatment plant was renewed. One of the goals of the EPA currently is elimination of sanitary sewer overflows, which are situations where during storm events storm water gets into the sanitary sewer and overwhelms the system and then flows out into the environment. Last year we did the project at North Main Street largely to eliminate an overflow there that occurred when the power went out. We now have a standby generator there that takes over when the power goes out. We also have a permitted bypass for overflow at our equalization basin so when that tank fills to capacity it then bypasses through a weir to the river. The EPA wants us to eliminate that or the language in the permit is that we will conduct a comprehensive analysis of all feasible alternatives to eliminate the Solon Road equalization tank bypass. We are working currently with the engineer's office to develop a scope of that study. We will come back at a future date with legislation to authorize that.

Mr. Himes said over the past 15-20 years we have largely spent inheritance tax receipts on sanitary sewers and water line projects. We are generally in pretty good shape as far as sewer replacements and sewer lining. We have eliminated most of the designed overflows and we have tracked down some of the worst infiltration inflows.

The meeting adjourned at 7:18 p.m.



Steven Patton, Chairman

lgb

AN ORDINANCE
AUTHORIZING THE VILLAGE ENGINEER TO PREPARE
PLANS, SPECIFICATIONS AND BIDS FOR THE SOUTH
FRANKLIN STREET WATER MAIN AND RESURFACING
PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the Village has been approved for a \$180,000 grant for the South Franklin Street Water Main and Resurfacing project; and

WHEREAS, this Council wishes to authorize the Village Engineer to prepare plans, specifications and bids for the South Franklin Street Water Main and Resurfacing project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That the Village Engineer be and is hereby authorized and directed to prepare plans, specifications and bids for the South Franklin Street Water Main and Resurfacing project.

SECTION 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective so that the Village may comply with grant deadlines and other project deadlines; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: _____, 2012

Council President

Submitted to the Mayor for
his approval on this
____ day of _____, 2012

Approved by the Mayor
_____, 2012

Mayor

I hereby certify that Ordinance No. 2012-____ was duly enacted on the ____ day of _____, 2012, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

Clerk of Council

**AN ORDINANCE
AUTHORIZING THE VILLAGE ENGINEER TO PREPARE
PLANS, SPECIFICATIONS, AND BIDS FOR THE NORTH
STREET PEDESTRIAN, ROADWAY AND UNDERGROUND
UTILITY IMPROVEMENTS PROJECT, AND DECLARING
AN EMERGENCY.**

WHEREAS, the Village has been approved for a \$225,000 OPWC grant for water main replacement; and

WHEREAS, the North Street Pedestrian, Roadway and Underground Utility Improvements project has been approved for a 2009 federal appropriation earmark in the amount of \$380,000; and

WHEREAS, \$1,200,000 has been approved for the North Street Pedestrian, Roadway and Underground Utility Improvements project through the NOACA Transportation Improvement Plan; and

WHEREAS, this Council wishes to authorize the Village Engineer to prepare plans, specifications and bids for the North Street Pedestrian, Roadway and Underground Utility Improvements project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That the Village Engineer be and is hereby authorized and directed to prepare plans, specifications, and bids for the North Street Pedestrian, Roadway and Underground Utility Improvements project.

SECTION 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective so that the Village may comply with grant deadlines and other project deadlines; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

ORDINANCE NO.: 2012-13
INTRODUCED BY: MRS. EVANS

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PASSED: _____, 2012

Council President

Submitted to the Mayor for
his approval on this
_____ day of _____, 2012

Approved by the Mayor

_____, 2012

Mayor

I hereby certify that Ordinance No. 2012-___ was duly enacted on the ___ day of _____, 2012, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

Clerk of Council

DRAFT

VILLAGE OF CHAGRIN FALLS UTILITIES COMMITTEE & STREETS AND SIDEWALKS COMMITTEE JOINT MEETING July 23, 2012

Members present: Patton, Evans, Newell, Lutz, Subel
Also present: Mayor Brick, Himes, Chess, Holdren, Lannon

The meeting was called to order at 7:15 p.m. by Chairman of the Utilities Committee Steven Patton.

BID REVIEW - SOUTH FRANKLIN STREET WATER MAIN REPLACEMENT

Bids were opened on July 18, 2012. The project consists of replacing the water line and resurfacing of the road from Washington Street to South Street. The engineer has projected that the waterline will cost will approximately \$635,000. The village has received a \$180,000 grant and the remaining cost will come from the village's water capital improvement funds. The low base bid came from Burton Scot Contractors LLC at \$648,750. That bid would implement the use of ductile iron pipe as opposed to PVC pipe. Although lower alternate bids were received for the use of PVC pipe, it was determined that the ductile iron pipe will be better due to the soil conditions. Ductile iron pipe has a life of about 100 years.

Moved by Mrs. Evans, seconded by Mr. Newell that we accept the bid from Burton Scot for the South Franklin Street water main replacement. Carried. Ayes: Patton, Evans, Lutz, Newell, Subel. Nays: None.

OLON ROAD WATERLINE REPLACEMENT AND RESURFACING

Cuyahoga County has agreed to resurface Solon Road from Miles Road to the Solon City limits as a part of their overall pavement repair. Chagrin Falls is interested in replacing the waterline on Solon Road between Miles Road and Greenbrier Drive. The village received a \$635,000 zero interest loan for the replacement of that section of the waterline. The waterline needs to be installed before the county resurfaces the road, which will be early Summer 2013. The loan will be paid back out of the water capital improvement fund over approximately a 20-year period.

Moved by Mr. Patton, seconded by Mrs. Evans that we recommend to Council the adoption of Ordinance No. 2012-29 authorizing the village engineer to prepare plans, specifications, and bids for the Solon Road waterline replacement project. Carried. Ayes: Patton, Evans, Lutz, Newell, Subel. Nays: None.

Moved by Mrs. Lutz, seconded by Mr. Subel that we recommend to Council the adoption of Ordinance No. 2012-30 authorizing the Mayor to execute an agreement with Cuyahoga County for

DRAFT

the resurfacing of Solon Road. Carried. Ayes: Patton, Evans, Lutz, Newell, Subel. Nays: None.

NORTH STREET WATERLINE AND RECONSTRUCTION

The Village has an Ohio Public Works Commission Grant of \$225,000. The Ohio Public Works Commission rejected the village's original schedule, which was a plan for 2014. OPWC gave the village the option of resubmitting a schedule or forfeiting the money and reapply. Despite the dual interruption that putting the water main in now and resurfacing the road later, the village is better off taking the grant monies now rather than trying to reapply. Construction cost is about \$550,000 plus engineering costs. The village's cost will be funded out of the water capital improvement fund. The village can also apply for a reconstruction grant.

SANITARY SEWER OVERFLOW STUDY

The Ohio Environmental Protection Agency requires, as a condition of the village's license to operate its WWTP, that the village shall conduct a comprehensive analysis of all feasible alternatives necessary to eliminate the equalization basin overflow at the treatment plant and any overflows in the collection system, which requires an investigation of infiltration and inflow of storm water in the village's sanitary sewer lines. The Ohio EPA is also asking for a fixed date schedule for implementation of the improvements. The village has two years from the issuance of the permit to complete this study. The cost of the study is \$100,000 and Geauga County will be paying 22% of it.

Moved by Mr. Patton, seconded by Mrs. Evans that we recommend to Council that we adopt this ordinance authorizing the study to take place. Carried. Ayes: Patton, Evans, Newell, Lutz, Subel. Nays: None.

TAXICAB FRANCHISE (HORSE & CARRIAGE SERVICE)

The owner of the horse and carriage service is Diana Covert, Ladybug Ranch LLC. The village's ordinance requires that any taxi service has to have a franchise through Village Council. There was discussion regarding Ordinance No. 2012-28. No action was taken.

The meeting adjourned at 7:52 p.m.

DRAFT

Steven Patton, Chairman
lgb

**AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH BURTON SCOT CONTRACTORS LLC
FOR THE SOUTH FRANKLIN STREET WATER MAIN
REPLACEMENT PROJECT, AND DECLARING AN
EMERGENCY.**

WHEREAS, the Village solicited bids pursuant to law for the South Franklin Street Water Main Replacement Project; and

WHEREAS, bids were received on July 18, 2012; and

WHEREAS, the Village Engineer reviewed and evaluated the bids received; and

WHEREAS, due to expected soil conditions, the Village Engineer has recommended that the Village not accept alternate bids relating to the use of PVC pipe in lieu of ductile iron for portions of the project; and

WHEREAS, this Council accepts the Village Engineer's recommendation relating to alternate bids; and

WHEREAS, based upon the recommendation of the Village Engineer, the Village hereby determines Burton Scot Contractors LLC to be the lowest and best bidder.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That the Mayor be and is hereby authorized and directed to enter into an agreement with Burton Scot Contractors LLC, 11330 Kinsman Road, Newbury, Ohio, 44065, for the South Franklin Street Water Main Replacement Project in an amount not to exceed Six Hundred Forty-Eight Thousand Seven Hundred Fifty Dollars and Zero Cents (\$648,750.00) in accordance with the specifications on file with the Village Engineer.

SECTION 2. That sufficient funds are hereby appropriated to pay for the agreement authorized herein.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 5. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective so that the necessary water main replacement project on South Franklin may begin as soon as possible; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: _____, 2012

Council President

Submitted to the Mayor for
his approval on this
_____ day of _____, 2012

Approved by the Mayor

_____, 2012

Mayor

I hereby certify that Ordinance No. 2012-____ was duly enacted on the ____ day of _____, 2012, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

Clerk of Council

**AN ORDINANCE
AUTHORIZING THE VILLAGE ENGINEER TO PREPARE
PLANS, SPECIFICATIONS, AND BIDS FOR THE SOLON
ROAD WATERLINE REPLACEMENT PROJECT, AND
DECLARING AN EMERGENCY.**

WHEREAS, the Village has been approved for a \$635,000 zero interest loan through OPWC for the Solon Road Waterline Replacement Project; and

WHEREAS, this Council wishes to authorize the Village Engineer to prepare plans, specifications, and advertise for bids for the Solon Road Waterline Replacement Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That the Village Engineer be and is hereby authorized and directed to prepare plans, specifications, and advertise for bids for the Solon Road Waterline Replacement Project.

SECTION 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective so that the Village may comply with loan and project deadlines and provide for the timely replacement of waterlines; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: _____, 2012

Council President

Submitted to the Mayor for
his approval on this
_____ day of _____, 2012

Approved by the Mayor
_____, 2012

Mayor

ORDINANCE NO.: 2012- 29
INTRODUCED BY: MR. PATTON

2

I hereby certify that Ordinance No. 2012-____ was duly enacted on the ____ day of _____, 2012, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

Clerk of Council

AN ORDINANCE
AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT WITH CUYAHOGA COUNTY, OHIO, FOR
THE RESURFACING OF SOLON ROAD (CR-31) FROM
MAPLE STREET TO THE CORPORATE LIMITS OF THE
VILLAGE OF CHAGRIN FALLS, AUTHORIZING THE
VILLAGE ENGINEER TO PREPARE THE CONSTRUCTION
PLANS AND SPECIFICATIONS REQUIRED FOR SUCH
IMPROVEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the Village Council recognizes the need to resurface Solon Road (CR-31) from Maple Street to the municipal limits of the Village (the "improvement") and desires to cause said improvement to occur; and

WHEREAS, the estimated cost for the improvement is \$1,500,000.00; and

WHEREAS, the County has agreed to pay for the estimated cost of the improvement; and

WHEREAS, the Village is required to arrange for the preparation of construction plans and specifications, including necessary engineering reports for the improvement within the corporate limits of the Village; and

WHEREAS, the Village desires to cooperate with Cuyahoga County in completing the improvement; and

WHEREAS, such cooperation includes the Village making application to the County for approval to use County Motor Vehicle License Tax Funds for the improvement; and

WHEREAS, this Council desires to authorize the Mayor to execute an agreement with Cuyahoga County for the improvement; and

WHEREAS, this Council also desires to authorize the Village Engineer to prepare the construction plans and specifications required for such improvement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That the Mayor be and is hereby authorized and directed to enter into an agreement with Cuyahoga County, Ohio, for the resurfacing of Solon Road (CR-31) from Maple Street to the municipal corporation limits of the Village. A copy of the agreement is appended hereto and incorporated herein by reference, provided that such agreement may be amended as determined necessary by the Director of Law to protect the interests of the Village of Chagrin Falls. The Mayor may execute such further documentation and perform such additional actions as may be necessary to accomplish the purposes of the agreement, including making application to Cuyahoga County for approval to use the County Motor Vehicle License Tax Funds for the improvement.

SECTION 2. That the Village shall not be responsible for any other costs and obligations associated with the improvement other than those set forth in the agreement authorized by Section 1 hereof, unless such costs and obligations are authorized by this Council.

SECTION 3. That the Village Engineer be and is hereby authorized and directed to prepare the construction plans and specifications required for the resurfacing of Solon Road (CR-31) from Maple Street to the municipal corporation limits of the Village.

SECTION 4. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 5. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 6. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective so that the Village may execute the agreement authorized herein in a timely manner and provide for the expeditious resurfacing of Solon Road and highway safety; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: _____, 2012

Council President

Submitted to the Mayor for
his approval on this
____ day of _____, 2012

Approved by the Mayor

_____, 2012

Mayor

I hereby certify that Ordinance No. 2012-____ was duly enacted on the ____ day of _____, 2012, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

Clerk of Council

AN ORDINANCE
GRANTING A TAXICAB FRANCHISE TO LADYBUG RANCH
LLC AND DIANA COVERT FOR A HORSE CARRIAGE SERVICE.

WHEREAS, Section 741.01 of the Codified Ordinances (“Codified Ordinances”) prohibits the operation of a taxicab business upon the public streets of the Village unless a franchise has been granted by Village Council; and

WHEREAS, Ladybug Ranch LLC and Diana Covert have applied a franchise to furnish horse-drawn carriage service on the public streets of the Village; and

WHEREAS, the Chief of Police or the Chief’s designated representative, in accordance with Chapter 741 of the Codified Ordinances, has investigated the application and examined the carriages to be used in the business; and

WHEREAS, the Chief of Police has reported his findings to this Council and recommends that a franchise be granted to the applicants, subject to the terms and conditions set forth in this ordinance; and

WHEREAS, Section 741.04 of the Codified Ordinances authorizes Council to issue a franchise if it is satisfied as to the character of the applicants and the drivers and authorizes Council to include such other terms and conditions as it deems necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That Ladybug Ranch LLC and Diana Covert (the “Franchisee”), with a principal place of business located at 5619 Wilson Mills Road, Highland Heights, Ohio, is hereby granted a non-exclusive taxicab franchise to use the present and future public streets of the Village in the operation of a public horse-drawn carriage service. Such use is limited to one (1) horse-drawn carriage and subject to routes and schedules that are approved by the Police Chief, which approval shall be granted only if there are no adverse health and safety concerns presented by the service routes or schedules proposed.

SECTION 2. That the franchise granted herein shall be and remain subject to compliance with all federal, state and local laws and ordinances, as they now exist or are hereafter amended, including Chapter 741 of the Codified Ordinances.

SECTION 3. That the franchise granted herein is subject to the Franchisee signing a written statement, set forth below, acknowledging that the Village assumes no liability or responsibility in granting a franchise to the Franchisee and the Franchisee agrees to indemnify, hold harmless and defend the Village, its officers, officials, agents, and employees, from and against any and all claims or suits, expense or liability, for any and all property damage or loss and/or personal injury, including death, to any and all persons, of whatsoever kind or character, arising out of or in connection with any acts or omissions by the Franchisee, its officers, agents, employees, drivers, licensees, invitees

and passengers, in the exercise of the franchise granted herein, and the Franchisee shall assume all liability and responsibility for same.

SECTION 4. That the franchise granted herein is subject to Franchisee maintaining a current general liability certificate of insurance, subject to the approval of the Mayor and the Law Director, endorsing the Village as an additional insured in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) general aggregate, a current list of carriage drivers, and such other reasonable information as the Chief of Police shall deem necessary to protect the public health, safety, and welfare of the Village and its inhabitants, including information relating to the health and condition of the horses used in the carriage service and information relating to the type, condition, and number of carriages used in the service. Franchisee shall grant the Chief of Police or the Chief's designee access to inspect the horses and carriages used in the service.

SECTION 5. That the Franchisee shall not sell, convey or transfer this franchise to any other person, firm, corporation, or entity without the prior approval of this Council.

SECTION 6. That the Franchisee may terminate this franchise, at any time, by written notice to the Village.

SECTION 7. That the Village reserves the right to suspend or terminate this franchise and all rights of Franchisee if (i) Franchisee violates any provision of this Ordinance, including the requirement that Franchisee comply with all federal, state, and local laws and ordinances; (ii) Franchisee's agents and employees are convicted of any crime of moral turpitude, any DUI offense, or any offense relating to controlled substances; or (iii) whenever the continued operation by the Franchisee would constitute a danger to public health, safety, or welfare.

SECTION 8. That Franchisee shall file a written acceptance of this franchise and the terms and conditions contained in this Ordinance with the Clerk of Council within fourteen (14) calendar days of the effective date of this Ordinance. The acceptance shall state that the Franchisee agrees to be bound by and carry out the terms and conditions of this Ordinance. The franchise shall go in effect when the acceptance has been filed, and upon such filing, this Ordinance shall constitute a contract between the Village and the Franchisee.

SECTION 9. That if any part of this Ordinance shall be held invalid for any reason, such holding shall not invalidate or impair the remainder of this Ordinance. Franchisee is an independent operator and is not an agent, contractor, or employee of the Village. Franchisee has no authority, express or implied, to act on behalf of or bind the Village in any capacity. The Village's waiver of any term or breach hereof shall not be considered to be a waiver of any other term or breach, nor of a subsequent breach of the one waived.

SECTION 10. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal

ORDINANCE NO.: 2012- 28
INTRODUCED BY: MRS. EVANS

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requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 11. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 12. That this Ordinance shall become effective upon its adoption by Council and signature by the Mayor or as otherwise may be provided for in the law.

PASSED: _____, 2012

Council President

Submitted to the Mayor for
his approval on this
_____ day of _____, 2012

Approved by the Mayor

_____, 2012

Mayor

I hereby certify that Ordinance No. 2012-____ was duly enacted on the ____ day of _____, 2012, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

Clerk of Council

ACCEPTED BY:

LadyBug Ranch LLC and Diana Covert, individually, who agree to be bound by and carry out the terms and conditions of this Ordinance, including but not limited to the defense, indemnity and insurance provisions set forth in Sections 3 and 4 hereof.

Diana Covert
Individually and on behalf of Ladybug Ranch, LLC

Date: _____

**VILLAGE OF CHAGRIN FALLS
UTILITIES COMMITTEE
September 10, 2012**

Members present: Patton, Evans, Newell
Also present: Mayor Brick, Himes, Holdren, Chess, Lutz, Subel, Byron, Lannon

The meeting was called to order at 7:45 p.m. by Chairman Steven Patton.

BID REVIEW - DAM MODIFICATIONS

Last year holes were cut in the dam and this year Phase 1 was actually cutting the dam down. The second and final phase will be cutting the dam down another two feet and across the full width of the spillway. Then there will be upstream remediation of the river, 2,000 feet upstream, cutting in the flood plain and replanting the riparian zone.

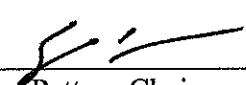
The village has an EPA grant for 60% of the cost. The local share is 40% and that is being paid by Spillway. Spillway has deposited \$100,859.62 towards the local match of the base bid. There are some alternates and if they are indicated and required by the permitting agencies Spillway would be required to pay for those in full. \$268,942.99 remains on the grant so that will pay for a portion and then the local match will pay for the rest.

Bids were opened on August 30, 2012, and five bids were received. Those bids addressed both the base bid as well as the alternates. The village's engineer reviewed and evaluated the bids received and based upon the recommendation of the engineer, the village determined Mark Haynes Construction, Inc., to be the lowest and best bidder.

Moved by Mr. Patton, seconded by Mrs. Evans that we recommend to Council tonight to pass the ordinance which is on the agenda which authorizes the Mayor to enter into the agreement with Mark Haynes Construction for the Phase 2 project as discussed in an amount not to exceed \$458,437.00. The motion carried unanimously.

Bob Darden, from Spillway, read a latter to the committee updating them on the progress of their project.

The meeting adjourned at 8:05 p.m.



Steven Patton, Chairman
lgb