

COUNCIL PRESIDENT-JOHN S. DIETRICH
COUNCIL AT LARGE-DAVID JANIK
COUNCIL AT LARGE-JOSEPH MILLER
COUNCIL AT LARGE- PHIL VAN TREUREN

COUNCIL WARD ONE-STEVE BUKOVAC
COUNCIL WARD TWO- DAVE GOODELL
COUNCIL WARD THREE-CHUCK WINIARSKI
COUNCIL WARD FOUR-JENNIFER WASILK



CITY OF AMHERST, OHIO

OFFICE OF THE
CLERK OF COUNCIL
(440) 988-2420
(440) 988-2570 fax

LINDA TURLEY
206 SOUTH MAIN STREET
AMHERST, OH 44001
council@amherstohio.org

A G E N D A

January 23, 2017
REGULAR MEETING
7:00 P. M.

0-17-01
R-17-02
A-17-06

1. Roll call: Mrs. Wasilk, Mr. Winiarski, Mr. Miller, Mr. Janik, Mr. Bukovac, Mr. Goodell, Mr. Van Treuren
2. Prayer: Chaplin Wasilk
3. Pledge to the Flag: Sergeant at Arms Bukovac
4. Consent Agenda: Minutes of the Regular Council Meeting held January 9, 2017
Minutes of the Finance Committee Meeting held January 17, 2017
Minutes of the Ordinance Committee Meeting held January 17, 2017
Minutes of the Streets Committee Meeting held January 17, 2017
5. Acknowledgement of the public pertaining to items on the agenda
6. **ORDINANCES AND RESOLUTIONS FIRST READING:**
 - (a) An ordinance to approve current replacement pages to the Amherst Codified Ordinances; and declaring an emergency. (A-17-02)
 - (b) An ordinance authorizing and directing the Safety/Service Director to solicit bids for the 2017 Street Rehabilitation Program and authorizing and directing the Safety/Service Director to award the contract for such work to the lowest responsive and responsible bidder; and authorizing the mayor to enter into a contract for professional services with Bramhall Engineering and Surveying Company relating to such program; and declaring an emergency (A-17-03)
 - (c) An ordinance authorizing and directing the Safety/Service Director to solicit bids for the Elyria Avenue repairs and improvements project and authorizing and directing the Safety/Service Director to award the contract for such work to the lowest responsive and responsible bidder; authorizing the Mayor to enter into a contract for professional services with Bramhall Engineering and Surveying Company relating to such improvements; and declaring an emergency.(A-17-04)
 - (d) An ordinance authorizing and directing the Safety/Service Director to solicit bids for the widening of Kresge Drive along the frontage of Century Plaza and authorizing and directing the Safety/Service Director to award the contract for such work to the lowest responsive and responsible bidder; authorizing the Mayor to enter into a contract for professional services with Bramhall Engineering and Surveying Company relating to such improvements; and declaring an emergency.(A-17-05)
7. **ORDINANCES AND RESOLUTIONS SECOND READING:NONE**

8. ORDINANCES AND RESOLUTIONS THIRD READING:

(a) A resolution of necessity for the construction and repair of sidewalks for the year 2017. (A-16-67)

9. Miscellaneous and acknowledgement of the public

10. Agenda requests and committee meeting schedules

11. Reports of the Administration

12. Adjournment

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE AMHERST CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Constitution requires that Ohio municipal ordinances comply with State law if they are an exercise of the Municipality's police powers;

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED, by the City of Amherst, County of Lorain, State of Ohio:

SECTION 1: That the editing, arrangement and numbering of those ordinances and resolutions enacted by Council from 12-31-15 to 12-31-16, as listed in the Comparative Section Table, are hereby approved and adopted as printed in the 2016 Replacement Pages to the Codified Ordinances so as to achieve uniformity of style and classification. A copy of such Replacement Pages is attached to this ordinance and incorporated as a part hereof.

SECTION 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.04	Bicycle; Motorized Bicycle; Moped. (Amended)
301.19	Motorcycle. (Amended)
331.21	Right of Way of Public Safety or Coroner's Vehicle. (Amended)
331.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Added)
335.021	Ohio Driver's License Required for In State Residents. (Added)
335.09	Display of License Plates. (Amended)
335.111	Registration Within Thirty Days of Residency. (Added)
335.12	Stopping After Accident Upon Streets. (Amended)
335.13	Stopping After Accident Upon Property Other Than Street. (Amended)
373.02	Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

General Offenses Code

501.06	Limitation of Criminal Prosecution. (Amended)
505.071	Cruelty to Companion Animals. (Amended)
513.02	Gift of Marihuana. (Amended)
513.03	Drug Abuse; Controlled Substance Possession or Use. (Amended)
513.04	Possessing Drug Abuse Instruments. (Amended)
513.05	Permitting Drug Abuse. (Amended)
513.07	Possessing or Using Harmful Ingredients. (Amended)
513.08	Illegally Dispensing Drug Samples. (Amended)
513.11	Possessing Nitrous Oxide in Motor Vehicle. (Amended)
513.12	Drug Paraphernalia. (Amended)
513.121	Marihuana Drug Paraphernalia. (Amended)
513.13	Counterfeit Controlled Substances. (Amended)
525.16	Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
529.01	Liquor Control Definitions. (Amended)
529.07	Open Container Prohibited. (Amended)
537.051	Menacing by Stalking. (Amended)
537.10	Telecommunications Harassment. (Amended)
537.17	Criminal Child Enticement. (Amended)
541.04	Criminal Mischief. (Amended)
541.09	Vehicular Vandalism. (Amended)

Fire Prevention Code

1519.04	Fireworks Possession, Sale or Discharge Prohibited. (Amended)
---------	---

SECTION 3: That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: That 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 that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 Ohio Revised Code.

SECTION 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the Municipality, so as to facilitate administration, daily operation and avoid practical and legal entanglements, including conflict with general State law, and shall go into effect immediately.

1st reading _____
2nd reading _____
3rd reading _____

PASSED _____

President of Council

ATTEST _____

APPROVED

Mayor

Approved as to form by :

Director of Law

Filed with the Mayor: _____

ORDINANCE NO. O-17-____

AN ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO SOLICIT BIDS FOR THE 2017 STREET REHABILITATION PROGRAM AND AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO AWARD THE CONTRACT FOR SUCH WORK TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER; AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITH BRAMHALL ENGINEERING AND SURVEYING COMPANY RELATING TO SUCH PROGRAM; AND DECLARING AN EMERGENCY.

WHEREAS, the Streets Committee of Amherst City Council, at its regular meeting on January 17, 2017 considered the matter of whether Council should authorize the Safety/Service Director to solicit bids and award a contract for the 2017 Road Reconstruction Program (the "Program") involving asphalt resurfacing and sanitary sewer replacement on Crownhill Avenue, asphalt resurfacing and sanitary sewer alignment improvements on Dodge Drive from Middle Ridge Road to North Pointe Subdivision, intermittent drive lane repairs on Main Street, intermittent panel, joint and expansion joint repairs in Apple Orchard Subdivision and on various concrete streets, asphalt resurfacing and sanitary sewer repairs on Westlake Drive from West Martin Street to the end, asphalt resurfacing and waterline replacement on Mayfield Court, intermittent asphalt repairs on various roadways throughout the City at locations to be determined, intermittent pavement repairs and sanitary sewer improvements on various roadways throughout the City at locations to be determined, all as set forth in the letter of Bramhall Engineering and Surveying Co. to the Mayor of the City of Amherst dated January 12, 2017 (the "Program"), and recommended that the matter be brought to the floor of Council on emergency; and

WHEREAS, the Street Committee also considered the matter of whether Council should authorize the Mayor of the City of Amherst to enter into a contract with Bramhall Engineering and Surveying Company ("Bramhall") for professional services related to the Program, including plan preparation and bidding administration, project administration, construction inspection, construction layout and as-built construction plans, and other services as outlined in Bramhall's letter dated January 12, 2017, and recommended that the matter be brought to the floor of Council on emergency.

NOW, THEREFORE, be it ordained by the Council of the City of Amherst, County of Lorain, and State of Ohio:

SECTION 1: That the Safety/Service Director is authorized and directed to solicit bids for the Program as generally described in this Ordinance and is authorized and directed to award a contract for such work to the lowest responsive and responsible bidder in a form satisfactory to the Law Director and in form and substance satisfactory to the Safety/Service Director at a cost not to exceed \$978,000.00, of which \$720,000.00 will be paid from Street Improvement, #206-6006-52501, Capital Outlay, and \$258,000.00 will be paid from Sewer Department, #610-5003-52501, Capital Outlay.

SECTION 2: That the Mayor of the City of Amherst is authorized to enter into a contract with Bramhall for professional engineering services for the Program at a total cost not to exceed \$142,880.00, \$99,360.00 will be paid from Street Improvement, #206-6006-52350, Engineering, and \$43,520.00 will be paid from Sewer Department, #610-5003-52350, Engineering

SECTION 3: That 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 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 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 Amherst, Ohio, the emergency being the need to commence the bidding process at the earliest opportunity in order to obtain the lowest possible bids and in order to commence construction at the earliest practicable date; and provided it receives the majority vote of two-thirds or more of those elected to City Council, it shall go into full force and effect from and immediately after its passage and its approval by the Mayor; otherwise it shall take effect at the earliest period allowed by law.

1st reading _____
2nd reading _____
3rd reading _____

John S. Dietrich, President of Council

PASSED _____

Approved

ATTEST _____

Mark Costilow, Mayor

Approved as to form by:

Anthony Pecora, Director of Law

Filed with the Mayor: _____

A-17-03

ORDINANCE NO. O-17-_____

AN ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO SOLICIT BIDS FOR THE ELYRIA AVENUE REPAIRS AND IMPROVEMENTS PROJECT AND AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO AWARD THE CONTRACT FOR SUCH WORK TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER; AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITH BRAMHALL ENGINEERING AND SURVEYING COMPANY RELATING TO SUCH IMPROVEMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, the Finance Committee of Amherst City Council, at its regular meeting on January 17, 2017 considered the matter of whether Council should authorize the Safety/Service Director to solicit bids and award a contract for the rehabilitation and resurfacing of Elyria Avenue from South Main Street to Middle Ridge Road, including improvements to the storm drainage in that area that will result in a reduction of inflow and infiltration to the sanitary sewer system, and reflective signage upgrades, as described in the letter of Bramhall Engineering & Surveying Co. to the Mayor dated December 21, 2016 (the "Project") at a total cost of \$486,000.00 including funds available from OPWC Round 31, 2017 with a net cost to the City not to exceed \$119,070.00, and recommended that the matter be brought to the floor of Council on emergency; and

WHEREAS, the Finance Committee considered the matter of whether Council should authorize the Mayor of the City of Amherst to enter into a contract with Bramhall Engineering and Surveying Company ("Bramhall") for professional services related to the Project at a cost to the City not to exceed \$64,000.00 of which \$48,320.00 will be paid or reimbursed to the City by the Ohio Public Works Commission, and recommended that the matter be brought to the floor of Council on emergency.

NOW, THEREFORE, be it ordained by the Council of the City of Amherst, County of Lorain, and State of Ohio:

SECTION 1: That the Safety/Service Director is authorized and directed to solicit bids for the Project as it is described in the letter of Bramhall to the Mayor of the City of Amherst, Ohio dated December 21, 2016.

SECTION 2: That the Safety/Service Director is authorized and directed to award a contract for such work to the lowest responsive and responsible bidder, at a cost not to exceed \$486,000.00, of which \$119,700.00 will be paid by the City from its funds as set forth in Section 4 below, with the balance from OPWC Round 31, 2017 grant funds, such contract to be in form satisfactory to the Law Director and in form and substance satisfactory to the Safety/Service Director.

SECTION 3: That the Mayor is authorized to enter into a contract with Bramhall for professional engineering services for the Project at a total cost not to exceed \$64,000.00, all of which will be paid by the City from its funds as set forth in Section 4 below, but with \$48,320.00 paid or reimbursed to the City by the Ohio Public Works Commission from OPWC Round 31, 2017 grant funds.

SECTION 4: That the Safety/Service Director and Mayor are authorized to make expenditures for the Project from the following funds:

\$119,070.00	Street Improvement	#206-6006-52501	Capital Outlay
\$ 15,680.00	Street Improvement	#206-6006-52350	Engineering

SECTION 5: That 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 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 6: 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 Amherst, Ohio, the emergency being the need to commence the bidding process at the earliest opportunity in order to obtain the lowest possible bids and in order to commence construction at the earliest practicable date; and provided it receives the majority vote of two-thirds or more of those elected to City Council, it shall go into full force and effect from and immediately after its passage and its approval by the Mayor; otherwise it shall take effect at the earliest period allowed by law.

1st reading _____
2nd reading _____
3rd reading _____

John S. Dietrich, President of Council

PASSED _____

Approved

ATTEST _____

Mark Costilow, Mayor

Approved as to form by _____

Anthony R. Pecora, Director of Law

Filed with the Mayor: _____

A-17-04

ORDINANCE NO. O-17-_____

AN ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO SOLICIT BIDS FOR THE WIDENING OF KRESGE DRIVE ALONG THE FRONTAGE OF CENTURY PLAZA AND AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO AWARD THE CONTRACT FOR SUCH WORK TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER; AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITH BRAMHALL ENGINEERING AND SURVEYING COMPANY RELATING TO SUCH IMPROVEMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, the Streets Committee of Amherst City Council, at its regular meeting on January 17, 2017, considered the matter of whether Council should authorize the Safety/Service Director to solicit bids and award a contract for the widening of Kresge Drive along the frontage of Century Plaza as described in the letter of Bramhall Engineering & Surveying Co. to the Mayor dated January 9, 2017 (the "Project") at a total cost not to exceed \$141,000.00, and recommended that the matter be brought to the floor of Council on emergency; and

WHEREAS, the Streets Committee considered the matter of whether Council should authorize the Mayor of the City of Amherst to enter into a contract with Bramhall Engineering and Surveying Company ("Bramhall") for professional services related to the Project as described in the letter of Bramhall dated January 9, 2017 at a cost to the City not to exceed \$22,300.00, and recommended taht the matter be brought to the floor of Council on emergency.

NOW, THEREFORE, be it ordained by the Council of the City of Amherst, County of Lorain, and State of Ohio:

SECTION 1: That the Safety/Service Director is authorized and directed to solicit bids for the Project as it is described in the letter of Bramhall to the Mayor of the City of Amherst, Ohio dated January 9, 2017.

SECTION 2: That the Safety/Service Director is authorized and directed to award a contract for such work to the lowest responsive and responsible bidder, at a cost not to exceed \$141,000.00, such contract to be in form satisfactory to the Law Director and in form and substance satisfactory to the Safety/Service Director.

SECTION 3: That the Mayor is authorized to enter into a contract with Bramhall for professional engineering services for the Project at a total cost not to exceed \$22,300.00.

SECTION 4: That the Safety/Service Director and Mayor are authorized to make expenditures for the Project from the following funds:

\$141,000.00	Street Improvement	#206-6006-52501	Capital Outlay
\$ 22,300.00	Street Improvement	#206-6006-52350	Engineering

SECTION 5: That 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 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 6: 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 Amherst, Ohio, the emergency being the immediate necessity of completing the Project at the earliest possible date for the safety and health of the citizens for the City of Amherst; and provided it receives the majority vote of two-thirds or more of those elected to City Council, it shall go into full force and

effect from and immediately after its passage and its approval by the Mayor; otherwise it shall take effect at the earliest period allowed by law.

1st reading: _____
2nd reading _____
3rd reading _____

John S. Dietrich, President of Council

PASSED _____

APPROVED

ATTEST _____

Mark Costilow, Mayor

Approved as to form by:

Anthony R. Pecora, Director of Law

Filed with the Mayor: _____

A-17-05