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COUNCIL AT LARGE-DAVID JANIK
COUNCIL AT LARGE-JOSEPH MILLER
COUNCIL AT LARGE- PHIL VAN TREUREN

COUNCIL WARD ONE-BRIAN DEMBINSKI
COUNCIL WARD TWO- DAVE GOODELL
COUNCIL WARD THREE-CHUCK WINIARSKI
COUNCIL WARD FOUR-JENNIFER WASILK



CITY OF AMHERST, OHIO

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A G E N D A

April 24, 2017
REGULAR MEETING
7:00 P. M.

0-17-17
R-17-03
A-17-21

1. Roll call: Mrs. Wasilk, Mr. Winiarski, Mr. Dembinski, Mr. Miller, Mr. Janik, Mr. Goodell, Mr. Van Treuren
2. Prayer: Chaplin Wasilk
3. Pledge to the Flag: Sergeant at Arms Dembinski
4. Consent Agenda: Minutes of the Regular Council Meeting held April 10, 2017
Minutes of the Ordinance Committee held April 17, 2017
Minutes of the Building and Lands Committee held April 17, 2017
Minutes of the Streets Committee held April 17, 2017
5. Acknowledgement of the public pertaining to items on the agenda
6. **ORDINANCES AND RESOLUTIONS FIRST READING:**
 - (a) A resolution of necessity for the construction and repair of sidewalks for the year 2017. (A-17-18)
 - (b) A resolution authorizing the Safety Service Director to participate in the Ohio Department of Transportation Winter Contract (018-18) for road salt; and declaring an emergency. (A-17-19)
 - (c) An ordinance approving and rezoning The Reserve at Beaver Creek as a Planned Development District. (A-17-20)
7. **ORDINANCES AND RESOLUTIONS SECOND READING:NONE**
8. **ORDINANCES AND RESOLUTIONS THIRD READING: NONE**
9. Miscellaneous and acknowledgement of the public
10. Agenda requests and committee meeting schedules
11. Reports of the Administration
12. Adjournment

RESOLUTION NO. R-17-_____

A RESOLUTION OF NECESSITY FOR THE CONTRUCTION AND REPAIR OF SIDEWALKS FOR THE YEAR 2017.

WHEREAS, the Council for the City of Amherst, Ohio, in compliance with section 903.04(a) of the Amherst Codified Ordinances adopted Resolution R-17-02 declaring the necessity for the reconstruction and repair of sidewalks within the City for the year 2012; and

WHEREAS, section 903.04(b) provides that the Safety/Service Director shall determine where repairs are needed and furnish the Clerk of Council with data for service of notice; and

WHEREAS, section 729.02 of Ohio Revised Code provides that the legislative authority of the municipal corporation shall cause plans and specifications for sidewalk repair, showing the location and dimensions of such sidewalks and the specifications for the construction and repair thereof which plans and specifications shall be filed with the clerk of the legislative authority; and

WHEREAS, section 729.02 of the Ohio Revised Code provides further that the legislative authority may then declare the necessity for the construction and repair of sidewalks which declaration has certain required content; and

WHEREAS, the Streets Committee of the Amherst City Council at its regular meeting on April 17, 2017 considered the matter of the approval of the Safety/Service Director's plan and the further declaration of necessity pursuant to section 729.02 of the Ohio Revised Code and determined to take the matter to the floor of Council.

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

SECTION 1: That Council further declares the necessity for the construction or repair of sidewalk as proposed in the plan therefor submitted by the Safety/Service Director.

SECTION 2: That Council approves the plan submitted by the Safety/Service Director and more specifically approves:

- A. The plans and specifications of the proposed repairs;
- B. The description of the lots and lands abutting upon the sidewalks to be repaired;
- C. The requirement that such sidewalks shall be repaired by the owners of the lots and or lands abutting the sidewalk(s) in accordance with the specifications on file in the office of the Clerk of Council;

- D. The time within which the repairs shall be made by the owners as determined by the Safety/Service Director which shall not be less than thirty days from the date of service of notice of the passage of this Resolution;
- E. The statement in the notice that in the event the sidewalks are not repaired by the owners in accordance with the plans and specifications and within the time prescribed that the City will repair and assess the costs against the lots and lands abutting.

SECTION 3: That the Amherst City Council shall further direct its Clerk of Council to provide notice upon the owners of the lots or lands abutting upon the sidewalks to be constructed or repaired pursuant to its obligations promulgated by Ohio Revised Code Sections 729.03.

SECTION 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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: _____

RESOLUTION NO. R-17-_____

AN RESOLUTION AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION WINTER CONTRACT (018-18) FOR ROAD SALT; AND DECLARING AN EMERGENCY.

WHEREAS, the Ordinance Committee of Amherst City Council, at its regular meeting held on April 17, 2017 considered the matter of recommending the Safety/Service Director of the City to participate in the Ohio Department of Transportation's ("ODOT") annual winter road salt bid (018-18) in accordance with Ohio Revised Code section 5513.01(B) and determined to bring it to the floor of Council on emergency.

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

SECTION 1: That the Safety/Service Director is hereby authorized on behalf of the City to sign and enter into the attached "Resolution Authorizing Participation in the ODOT Winter Contract (018-18) for Road Salt" for the purchase of 2,500 tons of road salt.

SECTION 2: That the purchase price be paid out of Street Maintenance Accounts Nos. 201-6001-52411 and 202-6002-52411 Snow Removal.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution 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 necessity of submitting orders to the Ohio Department of Transportation on or before May 10, 2017; 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 Costillo, Mayor

Approved as to form by:

Anthony R. Pecora, Director of Law

Filed with the Mayor: _____

ORDINANCE NO. O-17-_____

AN ORDINANCE APPROVING AND REZONING THE RESERVE AT BEAVER CREEK AS A PLANNED DEVELOPMENT DISTRICT.

WHEREAS, the Planning Commission for the City of Amherst, Ohio, at a meeting held on March 29, 2017 approved the Final Development Plan for the Reserve at Beaver Creek (the "Development") pursuant to Chapter 1128 of the Codified Ordinances of the City of Amherst; and

WHEREAS, the effect of such approval is to recommend a zoning amendment for the property subject to the Final Development Plan; and

WHEREAS, the Buildings and Lands Committee of the Amherst City Council, at its regular meeting on April 17, 2017 recommended that the matter of the zoning amendment for the property subject to the Final Development Plan be brought before Council.

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

SECTION 1: That the property described in Exhibit "A" attached hereto be rezoned to Planned Development District, subject to the Final Development Plan as approved by the Planning Commission as hereinafter described, and that the Zoning Map for the City of Amherst be amended to show such rezoning.

SECTION 2: That the Final Development Plan as approved by the Planning Commission and to which this property is subject, has the following features:

- A. The layout of residential lots, public roadways, and open space shall be as depicted in Exhibit "B" attached hereto (Entitled "Final Development Plan" for the Reserve at Beaver Creek as presented to the Planning Commission on March 28, 2017);
- B. That all residences constructed within the Development shall conform to the elevations and layouts called "The Nicklaus", "The Hogan", "The Stewart" and the "The Palmer" as depicted in Exhibits "C-1 through C-12" attached hereto; and
- C. That the exterior materials and color palettes used on the exteriors for each residence constructed within the Development shall be as depicted in Exhibit D, entitled "Neutral Tone" of which there are three, "Warm Tone" of which there are three, and "Cool Tone" of which there are two.

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 shall take effect at the earliest period allowed by law.

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

John S. Dietrich, President of Council

PASSED _____

APPROVED