



CITY OF AMHERST, OHIO

OFFICE OF THE
CLERK OF COUNCIL
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AMHERST, OH 44001
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Agenda Assignments and Committee Meeting Schedules: FOR 9/4/18 (TUESDAY)

Agenda requests and committee meeting schedules:

A-18-34 Finance Accept grant from Ohio Bureau of Worker's Compensation for the purchase of hoods and gloves for Fire Department

A-18-35 Finance Reappropriate fund in the Fire Department

A-18-36 Finance Authorizing submission of application to OPWC For state Issue 1 (Round 33) for funds for the year 2019 for repairs and improvement to N. Main Street and Cooper Foster Park Road

A-18-37 Finance Resolution to place ½% income tax renewal levy for a period of 10 years on the 2019 primary ballot

A-18-38 Finance An Ordinance replacing the present ½% income tax passed 11/09 with ½% income tax renewal levy upon passage and approval by a majority of the voters of the city of Amherst

Building and Lands September 4, 2018 at 7:00 p.m. A-18-31 (tabled – Property Maintenance Code)

Finance September 4 following Building and Lands A-18-34, A-18-35, A-18-36, A-18-37, A-18-38

**Olga Sivinski
Clerk of Council**

City of Amherst
Request for Legislative Action Report

Tabled Item

Agenda Number A - A-18-31
Committee Bldg. Land

Per Mayor's Request

Date: June 25, 2018

Submitted by: David Macartney, Building Inspector

Subject: Property Maintenance Code

Amount: \$

Account #:

Information: Revision of TITLE THREE - Administration and Local Provisions, Chapter 1342 of the City of Amherst codified ordinances, "Exterior Residential Property Maintenance Code," to implement the International Property Maintenance Code (IPMC), current edition, as published by the International Code Council (ICC) and adopted by the Ohio Board of Building Standards and the full repeal of TITLE THREE - Administration and Local Provisions, Chapter 1344 of the City of Amherst codified ordinances, "Exterior Property Maintenance Code,"

RECEIVED: 6/25/18

CLERK: as
Olga Sivinski

RECEIVED: 6/25/18

PRESIDENT: Jennifer Wasilk
Jennifer Wasilk, Council President

Referred to the following committee:

- Finance/Grants _____
- Building & Lands ✓
- Streets _____
- Community Development _____
- Executive & Insurance _____
- Ordinance _____
- Utilities _____
- Recycling _____
- Technology _____
- Police & Fire _____
- Annexation _____
- Committee of the Whole _____
- Special Committee _____

Final Action Taken by Committee:

Signature of Chairperson

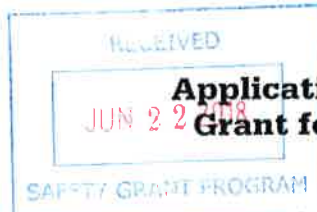
Employer Action Steps

Steps	Action steps	Date completed
1	<p>Purchase and Implement the approved intervention <u>only</u> after receiving grant funds. You must make the Intervention purchase and implement the intervention equipment within 90 days after the date on the grant check or EFT. Your participation in the FEEEG program commences on the date of the grant check or EFT.</p>	
2	<p>Within 120 days after the date of the grant check or EFT, you must provide BWC with the following:</p> <ul style="list-style-type: none"> ◊ A copy of the original approved budget; ◊ Itemized invoice(s) pertaining to all approved equipment purchased showing either "Stamped" Paid in Full or "Typed-Written" Paid in Full within 90 days of receiving BWC grant check or electronic fund transfer (EFT). ◊ Copies of the front and back of all canceled check(s) or online bank statements issued that demonstrate that you paid all invoices associated with the intervention in full, and all BWC and employer contributions were fully used in the manner intended. <p>Forward the aforementioned documentation to BWC Safety Intervention Grants Program, 13430 Yarmouth Drive, Pickerington, Ohio 43147-8310 c/o Safety Intervention Grants program coordinator.</p> <p><i>IRS 1099 requirement – All grant recipients will be issued a 1099 for their BWC paid grant funds. This does not preclude employers from providing BWC proof of spending verification for the use of the grant funds within 120 days after the date of the grant check as described above.</i></p> <p><i>Note: The issuance of a 1099 does not preclude BWC from seeking administrative, civil and/or criminal sanctions if you do not reimburse the bureau all unused grant money and/or funds deemed misappropriated.</i></p>	
3	<p>Submit one-year case study. You must provide a case study one year from the intervention date. Submit this within 30 days of the one-year reporting period. BWC will require employers who fail to adhere to the reporting requirements to reimburse the full amount of the grant.</p>	
4	<p>Program completed upon submission of one year case study.</p>	

(Note: Employers who fail to adhere to the regulations, terms and/or conditions of the FEEEG program may be required to reimburse us, up to the full amount of the grant, and may face civil and/or criminal sanctions.)



Bureau of Workers' Compensation



Application for Safety Intervention Grant for Firefighters Exposure to Environmental Elements

Step 1b - Employers with payroll greater than or equal to \$500,000 are to complete the table under Step 1b. This requires a 5-to-1 match.

Table with 4 columns: Item, Quantity, Cost, Total. Handwritten entries include 'Majestic Ultra C-6 Black Particulate Hoods 21" long' and 'Pro Tech washable - NFPA Barrier Gloves'. Includes an 'APPROVED JUL 13 2018 SAFETY GRANT PROGRAM' stamp.

Employers must list all discounts and/or trade-in amounts and subtract them from the project total prior to determining the grant match. Total project (A) \$ 12512

To determine the grant amount you are requesting for equipment, please complete the formula below. Total amount of project (from Step 1b) A \$ 12512. Total amount supplied by BWC, (either \$15,000 or less, or remaining funds available) B \$ 10426.67. Total amount supplied by the employer for equipment A-B \$ 2085.33.

Step 2: Complete the questions below and sign.

Do you have ownership, partnership or any other affiliation with the vendor of the equipment you are purchasing? If yes, please explain No

Are you planning to finance your portion of the grant project? Yes [] No [] If yes, you must provide us with a copy of the loan agreement with your receipt documentation once you receive the grants funds and make your purchase.

Authority - The person signing below for the employer state that he or she is either the owner, chief executive officer, chief financial officer, plant manager or other person having fiduciary responsibilities with the employer; and the employer agrees that the signer or his, or her successor, will have the authority to oversee the carrying out the employer's responsibilities for two years after BWC issues the grant check.

By my signature, I agree to comply fully with the terms and conditions of the program and to use all monies solely for the purposes intended. I further understand I may be subject to civil, criminal and/or administrative penalties as the result of any false, fictitious and/or, misleading or fraudulent statements made and/or if funds are not used, or are misused, misapplied, or misappropriated in any way and/or are used for purchases and/or services not associated with the approved budget and/or itemized proposal submitted.

Name of duly authorized representative (please print) Brandon Dimacchia. Signature of duly authorized representative [Signature] Date 06 20 18. Title Asst Chief. Employer name City of Amherst BWC Policy 34705002

CITY OF AMHERST
REQUEST FOR LEGISLATIVE ACTION

AGENDA REQUEST A-18-35

COMMITTEE Finance

DATE: July 30, 2018

SUBMITTED BY: Derek Pittak, Auditor

SUBJECT: Reappropriate funds in Fire Department accounts as follows:

<u>ACCOUNT #</u>	<u>NAME</u>	<u>AMOUNT</u>
From: 100-1002-52125	Workers' Compensation	\$2,085.33
To: 100-1002-52710	Transfers – Out	\$2,085.33

INFORMATION ON SUBJECT: Reappropriate funds and transfer funds for city's share of equipment expense related to Ohio Bureau of Workers' Compensation Grant.

RECEIVED ON 8-2-18 CLERK Os

RECEIVED ON 8/22/18 PRESIDENT Jennifer Wasell

REFERRED TO THE FOLLOWING COMMITTEE:

FINANCE/GRANTS ✓

BUILDING AND LANDS _____

STREETS _____

COMMUNITY DEVELOPMENT _____

EXECUTIVE AND INSURANCE _____

ORDINANCE _____

UTILITIES _____

RECYCLING _____

CABLE TELEVISION _____

POLICE AND FIRE _____

ANNEXATION _____

COMMITTEE OF THE WHOLE _____

SPECIAL COMMITTEE _____

Final Action Taken by Committee:

SIGNATURE OF CHAIRPERSON

City of Amherst
Request for Legislative Action Report

Agenda Number A A-18-36
Committee Finance

Date: September 4, 2018

Submitted by: Mark Costilow, Mayor

Subject: An Ordinance authorizing and directing the Safety Service Director to submit an application to the Ohio Public Works Commission for State Issue I (Round 33) funds for the year 2019 for repairs and improvements to N. Main St and Cooper Foster Park Rd; declaring an emergency.

Amount: \$

Account #:

Information:

RECEIVED: 8/25/18

CLERK: Olga Sivinski

RECEIVED: 8/30/18

PRESIDENT: Jennifer Wasilk
Jennifer Wasilk, Council President

Referred to the following committee:

- Finance/Grants _____
- Building & Lands _____
- Streets _____
- Community Development _____
- Executive & Insurance _____
- Ordinance _____
- Utilities _____
- Recycling _____
- Technology _____
- Police & Fire _____
- Annexation _____
- Committee of the Whole _____
- Special Committee _____

Final Action Taken by Committee:

Signature of Chairperson

City of Amherst
Request for Legislative Action Report

Agenda Number A - A-18-37
Committee Finance

Date: September 4, 2018

Submitted by: Mark Costilow, Mayor

Subject: A Resolution to place a one half percent (1/2%) income tax renewal levy for a period of ten (10 years) on 2019 primary ballot.

Amount: \$

Account #:

Information: Attached

RECEIVED: 8/25/18

CLERK: Ø

Olga Sivinski

RECEIVED: 8/30/18

PRESIDENT: Jennifer Wasilk
Jennifer Wasilk, Council President

Referred to the following committee:

Finance/Grants _____

Building & Lands _____

Streets _____

Community Development _____

Executive & Insurance _____

Ordinance _____

Utilities _____

Recycling _____

Technology _____

Police & Fire _____

Annexation _____

Committee of the Whole _____

Special Committee _____

Final Action Taken by Committee:

Signature of Chairperson

RESOLUTION NO. R-09-02

A RESOLUTION TO PLACE ON THE BALLOT FOR THE GENERAL ELECTION TO BE HELD NOVEMBER 3, 2009, THE QUESTION OF REPLACING THE ONE-HALF PERCENT (½%) INCOME TAX LEVY PASSED NOVEMBER 2, 1999 WITH A ONE-HALF PERCENT (½%) INCOME TAX LEVY.

WHEREAS, Section 718.01 of the Ohio Revised Code requires that municipal income tax rates in excess of one percent (1%) must be approved by the electors of the municipality at a general, primary or special election;

WHEREAS, the electors of the City of Amherst, on November 2, 1999, approved and passed by a majority vote an additional one-half percent (½%) income tax above one percent (1%) for a period of ten (10) years to provide funds for the purpose of street resurfacing, the installation of improvements and appurtenances necessary thereto, and the purchase of equipment necessary therefor (the "Current Levy");

WHEREAS, the term of the Current Levy expires on December 31, 2010;

WHEREAS, City Council has determined that the City's necessary expenses, operating costs, decrease in general fund revenues and budget shortfall requires that a portion of the revenues generated by the additional one-half percent (½%) income tax be reallocated to the general fund;

WHEREAS, the City of Amherst has determined, by the adoption of Ordinance No. O-09-24, passed on June 22, 2009, to be effective immediately upon its approval and passage by a majority vote of the electors of the City voting on the question at the General Election to be held on November 3, 2009, to replace the Current Levy with a one-half percent (½%) income tax levy for a period of ten (10) years commencing January 1, 2010 and expiring December 31, 2019, the proceeds of which will be divided equally with one-quarter of one-percent (¼%) being used to provide funds for the purpose of street resurfacing, the installation and maintenance of improvements and appurtenances necessary thereto, and the purchase of equipment necessary therefor, and the remaining one-quarter of one-percent (¼%) to be allocated to the general fund; and

WHEREAS, the City of Amherst, Ohio Council resolves to submit the levy for replacement of the additional one-half percent (½%) for a period of ten (10) years on income taxable by the City to a vote of the electors of the City at a general election to be held on November 3, 2009, pursuant to Section 718.01 of the Ohio Revised Code, which section requires that a copy of this resolution be certified to the Board of Elections of Lorain County, Ohio, at least seventy-five (75) days prior to such election, all of which foregoing reasons constitute the necessity of the replacement;

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

SECTION 1: That at the general election held within the City of Amherst, Ohio, on November 3, 2009, the Board of Elections of Lorain County, Ohio, is directed and ordered to conduct an election within the City of Amherst, Ohio, on the question set forth in Section 2 of this Resolution. The election shall be conducted by the Board of Elections during the regular hours of voting on such date as prescribed by the laws of Ohio. The purpose of such general election shall be to submit to the electors of the City of Amherst for their approval or rejection, the question of whether to replace the present one-half percent (½%) municipal income tax levy with a one-half percent (½%) municipal income tax levy pursuant to Ordinance No. O-09-24 passed by the Council of the City of Amherst on June 22, 2009. The proceeds of said replacement one-half percent (½%) municipal income tax levy shall be divided equally with one-quarter of one percent (¼%) being used to provide funds for the purpose of street resurfacing, the installation and maintenance of improvements and appurtenances necessary thereto, and the purchase of equipment necessary therefor and the remaining one-quarter of one-percent (¼%) shall be allocated to the City of Amherst's General Fund. That said levy be in effect for a period of ten (10) years commencing January 1, 2010, and ending December 31, 2019.

SECTION 2: That the ballot shall, pursuant to Section 718.01, Ohio Revised Code, be in the following form:

CITY OF AMHERST, OHIO
 TO REPLACE THE PRESENT ONE-HALF PERCENT (½%)
 MUNICIPAL INCOME TAX LEVY WITH A ONE-HALF PERCENT (½%) MUNICIPAL
 INCOME TAX LEVY DIVIDING THE REVENUES COLLECTED EQUALLY WITH ONE-
 QUARTER OF ONE PERCENT (¼%) BEING USED
 FOR STREET RESURFACING AND REPAIR AND ONE-QUARTER OF ONE-PERCENT
 (¼%) BEING ALLOCATED TO THE GENERAL FUND
 FOR A PERIOD OF TEN (10) YEARS COMMENCING JANUARY 1, 2010 AND ENDING
 DECEMBER 31, 2019

A MAJORITY VOTE REQUIRED FOR PASSAGE

Shall Ordinance No. O-09-24, adopted by the Council of Amherst, Ohio on June 22, 2009, replacing the present one-half percent (½%) income tax ending December 31, 2010, which is solely used for street resurfacing, the installation and maintenance of improvements and appurtenances necessary thereto, and the purchase of equipment necessary therefor, be replaced with a one-half percent (½%) income tax, the revenue of which will be divided equally with one-quarter of one-percent (¼%) being used to provide funds for the purpose of street resurfacing, the installation and maintenance of improvements and appurtenances necessary thereto, and the purchase of equipment necessary therefor, and the remaining one-quarter of one-percent (¼%) being allocated to the general fund, to be imposed on income on and after January 1, 2010, and continuing until December 31, 2019?

:	:	FOR THE INCOME TAX REPLACEMENT	:	:
:	:		:	:
:	:		:	:
:	:	AGAINST THE INCOME TAX REPLACEMENT:	:	:
:	:		:	:

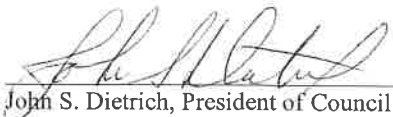
SECTION 3: That the Board of Elections of Lorain County, the Mayor, the Clerk of Council and Director of Law of the City of Amherst are hereby directed and authorized to take all actions necessary to submit the above question to the electors of the City of Amherst, Ohio, at the general election to be held on November 3, 2009.

SECTION 4: That the Clerk of Council is hereby authorized and directed to forthwith certify a true copy of this Resolution and of Ordinance No. O-09-24 to the Board of Elections of Lorain County, Ohio, and cause this resolution to be published as required by law.

SECTION 5: 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 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 6/22/09
2nd reading _____
3rd reading _____



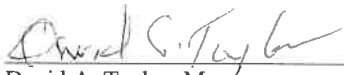
John S. Dietrich, President of Council

PASSED June 22, 2009

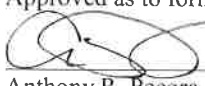
6-27-09

APPROVED

ATTEST Olga Sivinski



David A. Taylor, Mayor

Approved as to form by:


Anthony R. Pecora, Director of Law

Filed with the Mayor: 6/23/09

A-09-22b

City of Amherst
Request for Legislative Action Report

Agenda Number A - A-18-38
Committee Finance

Date: September 4, 2018

Submitted by: Mark Costilow, Mayor

Subject: An Ordinance replacing the present one-half percent (1/2%) income tax levy passed November 2009 with a one half percent (1/2%) income tax renewal levy upon passage and approval by a majority of the voters of the city for a period of ten years.

Amount: \$

Account #:

Information: Attached

RECEIVED: 8/25/18

CLERK: Olga Sivinski

Olga Sivinski

RECEIVED: 8/30/18

PRESIDENT: Jennifer Wasilk

Jennifer Wasilk, Council President

Referred to the following committee:

Finance/Grants _____

Building & Lands _____

Streets _____

Community Development _____

Executive & Insurance _____

Ordinance _____

Utilities _____

Recycling _____

Technology _____

Police & Fire _____

Annexation _____

Committee of the Whole _____

Special Committee _____

Final Action Taken by Committee:

Signature of Chairperson

ORDINANCE NO. O-09-24

AN ORDINANCE REPLACING THE PRESENT ADDITIONAL ONE-HALF PERCENT (½%) INCOME TAX LEVY PASSED NOVEMBER 2, 1999 WITH A ONE-HALF PERCENT (½%) LEVY UPON PASSAGE AND APPROVAL BY A MAJORITY OF THE VOTERS OF THE CITY FOR A PERIOD OF TEN YEARS.

WHEREAS, the current one-half of one percent income tax levy passed November 2, 1999 and terminating on December 31, 2010 (the "Current Levy") requires the proceeds of such levy to be used for the purpose of street resurfacing, the installation and maintenance of improvements and appurtenances necessary thereto, and the purchase of equipment necessary therefor;

WHEREAS, the Finance Committee of the Council of the City of Amherst, Ohio has determined it would be prudent to reallocate a portion of the tax revenues generated by the Current Levy to the general fund;

WHEREAS, in order to accomplish such reallocation, the Finance Committee has determined that it is necessary to replace the Current Levy with a one-half of one percent (½%) income tax levy commencing January 1, 2010, for a period of ten (10) years terminating on December 31, 2019, the use of which will be divided equally with one-quarter of one-percent (¼%) being for the purpose of street resurfacing, the installation and maintenance of improvements and appurtenances necessary thereto, and the purchase of equipment necessary therefor, and the remaining one-quarter of one-percent (¼%) to be allocated to the general fund; and

WHEREAS, Section 718.01 of the Ohio Revised Code requires that municipal income tax rates in excess of one percent (1%) must be approved by the electors of the municipality at a general, primary, or special election;

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

SECTION 1: That Section 191.03(a) of Amherst's Codified Ordinances (O-67-50, passed September 25, 1967, and subsequently amended) be amended by deleting therefrom the present provision which reads as follows:

An annual income tax for the purposes specified in Section 191.01 shall be imposed at the rate of one percent (1%) on and after January 1, 1991, and continuing indefinitely; in addition an annual income tax for the purpose of street resurfacing, the installation and maintenance of improvements and appurtenances thereto, and the purchase of equipment necessary therefor shall be imposed at the rate of one-half of one percent (½ %) on and after January 1, 2001, and continuing until December 31, 2010. The income for investment of the additional one-half percent (½ %) income tax shall be paid into the City's General Fund. Such tax rates shall be levied per annum upon the following:

and replacing it with the following:

An annual income tax for the purposes specified in Section 191.01 shall be imposed at the rate of one percent (1%) on and after January 1, 1991, and continuing indefinitely; in addition an annual income tax of one-half percent (½%) shall be imposed on and after January 1, 2010, and continuing until December 31, 2019, the proceeds of which shall be equally divided with one-quarter of one-percent (¼%) to be used for the purpose of street resurfacing, the installation and maintenance of improvements and appurtenances thereto, and the purchase of equipment necessary therefor, and the remaining one-quarter of one-percent (¼%) to be allocated to the City's General Fund. The income from investment of the additional one-half percent (½%) income tax shall be paid into the City's General Fund. Such tax rates shall be levied per annum upon the following:

SECTION 2: That Section 191.15 of Amherst's Codified Ordinances, which reads as follows, is repealed:

191.15 ALLOCATION OF FUNDS.

(a) The funds collected under the provisions of this chapter shall be applied as follows:

- (1) Such part thereof as shall be necessary to defray all costs of collecting the taxes levied by this chapter and the cost of administering and enforcing the provisions thereof.
- (2) A sum equal to fifty percent of the gross amount of taxes collected per year, or such part thereof as may be appropriated by Council to the General Fund for general operating expenses.
- (3) The balance of the funds collected each year under the provisions of this chapter shall be paid into special funds which are hereby established for the following purposes:
 - A. Purchase and maintenance of new and additional equipment for the Departments of Public Service and Public Safety.
 - B. Extension, enlargement or improvement of Municipal services and facilities.
 - C. Street improvement and repair.
 - D. Construction, remodeling or enlargement of public buildings.
- (4) All taxes collected by the City under the provision of Section 191.16 on income for which a resident is subject to and has paid or acknowledged liability for a municipal income tax in another municipality shall be appropriated to a separate fund established for the purposes of street resurfacing, the installation and maintenance of improvements and appurtenances necessary thereto and the purchase of equipment necessary therefor.

(b) Council shall determine by resolution the amount of percentage of such tax receipts to be allocated annually to such special funds created by this section. Council, if and when necessary, may appropriate moneys from any or all of such special funds for public disaster or civil emergency, but in no event shall such appropriations exceed the actual need for such funds. Any unexpended balances from the funds so appropriated shall be returned to the special funds, respectively, from which appropriated.

(c) The Auditor has certified on the Amended Certificate of Estimated Resources for the City for the fiscal year beginning January 1, 1993, the sum of one million, one hundred twenty-seven thousand, six hundred eight dollars and thirteen cents (\$1,127,608.13) to be allocated as follows:

Street Department	\$235,000.00
Income Tax Department	59,770.00
General Fund	<u>832,838.13</u>
Total	\$1,127,608.13

The allocations provided herein shall be from income Tax Revenues in Fund 205 and shall not include any moneys collected pursuant to ordinances providing for one-half of one percent (½%) income tax for street repairs or one-half of one percent (½%) forgiveness clause provided for street repairs.

SECTION 3: That there is hereby enacted new Section 191.15 of the Codified Ordinances of the City of Amherst, to read as follows:

191.15 ALLOCATION OF FUNDS.

(a) Except for funds specifically allocated to other uses pursuant to 191.03 (a) the funds collected under the provisions of this chapter shall be applied as follows:

- (1) Such part thereof as shall be necessary to defray all costs of collecting the taxes levied by this chapter and the cost of administering and enforcing the provisions thereof.
- (2) The balance of the funds collected each year under the provisions of this chapter shall be paid into the General Fund for general operating expenses.

(b) Council shall determine by resolution the amount of percentage of such tax receipts to be allocated annually to special funds. Council, if and when necessary, may appropriate moneys from any or all special funds for public disaster or civil emergency, but in no event shall such appropriations exceed the actual need for such funds. Any unexpended balances from the funds so appropriated shall be returned to the special funds, respectively, from which appropriated.

SECTION 4: That this Ordinance shall be submitted to the voters at the general election to be held November 3, 2009, pursuant to a resolution passed by this Council concurrently herewith.

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 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 6/22/09
 2nd reading _____
 3rd reading _____


 John S. Dietrich, President of Council

PASSED June 22, 2009

6-23-09
 APPROVED

ATTEST 


 David A. Taylor, Mayor

Approved as to form by:



Anthony R. Pecora, Director of Law

Filed with the Mayor: 6/23/09

A-09-22a