

**RECORD OF PROCEEDINGS**

Minutes of

PUBLIC HEARING

Meeting

JUNE 26

17

Held

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The Public Hearing regarding the Estimated Resources for the 2018 Budget was brought to order by Finance Chairman Wasilk at 6:50 P. M. Present were Mr. Goodell, Mr. Van Treuren, Mrs. Wasilk, Mr. Winiarski, Mr. Dembinski, Mr. Miller, Mayor Costilow, Safety/Service Director Jeffreys, Auditor Kukucka, Treasurer Ramsey, Building Inspector David Macartney and two members of the Public.

Mrs. Wasilk opened the meeting to everyone for questions or comments. There was no one speaking.

Mr. Miller motioned to close the Public Hearing, seconded by Mr. Winiarski. Voice vote 6-0 to close the Public Hearing at 6:54 P. M.

**REGULAR COUNCIL MEETING 6/26/17**

Amherst City Council met in a Regular Session under full compliance of State Law with President Dietrich opening the meeting at 7:00 P. M. Roll call: Mr. Goodell, Mr. Van Treuren, Mrs. Wasilk, Mr. Winiarski, Mr. Dembinski, Mr. Miller, Mr. Janik - absent. Also present were Mayor Costilow, Safety/Service Director Jeffreys, Auditor Kukucka, Treasurer Ramsey, Law Director Pecora, Building Inspector David Macartney and two members of the Public. Mrs. Wasilk motioned to excuse Mr. Janik as he had a letter on file. Seconded by Mr. Dembinski. Voice vote 6-0 to excuse Mr. Janik.

The Prayer was invoked by Chaplin Wasilk, followed by the pledge to the Flag led by Sergeant at Arms Dembinski.

Consent Agenda: The Clerk read the Consent Agenda. Mr. Dembinski motioned to accept the Consent Agenda as read. Seconded by Mr. Miller. Roll call vote 6-0 to accept the Consent Agenda.

Acknowledgement of the public pertaining to items on the agenda: There was no one speaking.

**ORDINANCES AND RESOLUTIONS FIRST READING:**

- (a) A Resolution adopting the budget of the City of Amherst for the fiscal year Beginning January 1, 2018;; submitted same to the County Auditor; and declaring an emergency. (A-17-33)

Mr. Goodell motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Dembinski. Roll call vote 6-0 to suspend rules. Mrs. Wasilk motioned to adopt. Seconded by Mr. Goodell. Roll call vote 6-0 to adopt. Becomes R-17-04.

**ORDINANCES AND RESOLUTIONS SECOND READING:**

- (a) An ordinance amending Amherst Codified Ordinance Chapter 903. (A-17-29)

Mr. Miller motioned to pass this on to its third reading. Seconded by Mr. Goodell. Roll call vote 6-0 to pass to third.

- (b) An ordinance amending Amherst Codified Ordinance part thirteen-Building Code, Title One-Standards, establishing new standards by adopting a new chapter 1301 and by amendments to Chapter 1303, 1305, 1307, 1309, 1311, 1313 and 1315. (A-17-30)

Mr. Miller motioned to pass this on to its third reading. Seconded by Mr. Goodell. Roll call vote 6-0 to pass to third.

- (c) An ordinance amending Amherst Codified Ordinance Chapter 919. (A-17-31)

Mayor Costilow asked for the Building Inspector to speak at this time to this subject. Mr. Macartney spoke to the item and explained the proposed changes regarding the street lighting. Mr. Winiarski motioned to amend this item as recommended by Building Inspector and presented by Law Director. Seconded by Mr. Goodell. Mayor Costilow asked if Mr. Macartney could speak to item (d) also at this time also.

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Mr. Macartney then spoke on item (d) and explained the proposed changes in this legislation and how it pertaining to the property ordinance. Mr. Dembinski questioned having these outlined here since they are referencing off to the other one? Mr. Macartney explained the reasoning for the way the legislation is structured. There was a discussion concerning these two items. Roll call vote 6-0 to amend item (c). Mr. Miller motioned to pass item (c) on to its third reading as amended. Seconded by Mr. Goodell. Roll call vote 6-0 to pass to third.

(back to item c) Roll call vote 6-0 to amend this item. Mr. Miller motioned to pass this on to its third reading as amended. Seconded by Mrs. Wasilk. Roll call vote 6-0 to pass to third.

(d) An ordinance amending Amherst Codified Ordinance Chapters 1331, 1336 and 1337.  
(A-17-32)

Mr. Miller motioned to amend this item as recommended by the Building Inspector and presented by the Law Director. Seconded by Mrs. Wasilk. Roll call vote 6-0 to amend. Mr. Winiarski motioned to pass this on to its third reading as amended. Seconded by Mr. Dembinski. Roll call vote 6-0 to pass to third.

#### ORDINANCES AND RESOLUTIONS THIRD READING: NONE

Miscellaneous and acknowledgement of the public: Mr. Joseph Molnar of 599 Jackson Street, Amherst, spoke on three issues: (1) He noted that there were utility trucks always parked in front of the Utilities Building at peak hours when a lot of customers are coming in and these utility vehicles are taking up customer parking spaces. He witnessed an older woman having to walk from the back of the building due to lack of parking spaces in the front. Several e mails were sent back and forth between the Superintendent and himself and finally resulted in the trucks parking in the back. He would like to thank anyone who made that happen to leave the parking in front for the customers. But since that time, he has noted that the utility trucks do park behind the building so that matter has been resolved. (2) He had a problem with a water line inside his home. He has two bathrooms but does not use the one. This unused bathroom had water leaking and a large bill was created, over \$300. Talked to one of the people in the water department they told him what to check and he did and found the problem. Due to this large bill he was told there is a payment plan that would be spread out evenly. He had no problem with that, it was his fault that the water was running. He came in and signed the contract with the water department which really wasn't explained in detail. It just says that you agree to pay the amount agreed upon plus the current bill and at the end if there is any balance due there would be penalties applied to your bill. That's what he basically understood for it to be. When he paid the final bill, he was told he still owed approximately \$40-\$50. He told them that was not brought to his attention every month. So there was a discussion back and forth about the contract being too vague. He had copies of the payments he made - he was asking a reimbursement for this fee. But now he is basically chalking this off to a loss. He is working two jobs, so this is a lot of money, but he was hoping for a refund. He is asking that the contract be re-written. He provided his own version of what he is requesting, he has it highlighted. He would hope for clarity in a new version of a contract. He presented the paperwork to Mayor Costilow. Mayor Costilow said they actually looked at this when he was Safety/Service Director and to make sure it was clear and they actually bolded and underlined the section that says in a large font "Penalties will be applied to the unpaid balance." They might try to clarify that a little more. They will look at it and consider it. Mr. Molnar said the way he understood it was that once he was done paying, there would be a zero balance on his account. (3) Mr. Molnar then spoke to the speeding issue in the city. He said since Jackson Street was opened, the street has become a speedway. He knows the Police Department cannot monitor every single street, but basically he is requesting more surveillance or neon signs that tracks your speed - as he daily sees cars speeding. He is speaking more to Jackson Street and Elyria Avenue. The only time he sees police is when there are a lot of residents there and when there is a drug problem. He would like to see more speeding tickets issued and would like to see more surveillance. Mayor Costilow said he would pass the information on to the Police Department. Mr. Dietrich said speeding is a problem all over town. When police sit on a street for a while it goes down, then it goes back up. It's just a common problem we have had for years. He sympathizes, and said his own street is the same way.

Mr. Van Treuren thanked Mr. Molnar for coming in and bringing these problems to light. He said we rarely have residents coming in to share their concerns and then explaining how their concerns were rectified. He said that Mr. Molnar is articulate and polite in the way he presented this to Council. He wished more people would come and take interest. Most of Mr. Molnar's concerns are administrative, and not legislative, but he still appreciates it. Mr. Molnar noted his mother is Anne Molnar, (who was very active in Lorain in city government) and she had wanted him to attend council meetings and he has always refused.

Mr. Dembinski also thanked him for being here and also providing a solution. He actually made the effort to show how things could be made better. (For the utility contract)

Mr. Miller said if anyone has issues, the Mayor's office has been open to help solve problem, and is working hard on solving problems. But if they feel their problems are not being resolved, they are free to come to Council meetings or contact the council people personally. He hopes that the Mayor is given the opportunity to resolved any police or utilities issues as that is administrative side and they are very proactive. If anyone feels that is not working, then they are welcome to come here and speak to us here or personally. He said as far as the police issues, if there is drug issues, like some he was aware of, he contacted the police, who can also be contacted via text and the dispatchers get back to you quickly. It is an excellent service and our police chief does a good job of training our officers to be very responsive. He wanted to get the number out there and to thank the Mayor for constantly trying to find solutions to problems.

- (a) Consideration of liquor License for name only from Heart of Amherst, LLC, to NIJU Investments LLC
- (b) Consideration of liquor License for change of corporate stock ownership for Amherst Pub, Inc. DBA Cedar Pub

There were some concerns brought up at the last meeting but they turned out not to be concerns. Mr. Ramsey agreed there are no issues.

Design Review Board – Mr. Dietrich read the letter from Mayor Costilow recommending that Mr. Winiarski be appointed to the Design Review Board. Mrs. Wasilk motioned to affirm the appointment of Mr. Winiarski as recommended by the Mayor, seconded by Dembinski. Voice vote 6-0 to affirm the appointment.

Mr. Miller would like in the future to have a discussion about who actually appoints and votes on how people are appointed to commissions and boards – who has responsibility for this. He felt it would not be a bad idea to have a quick education on appointments and assignments both by council and mayor so there is a better understanding on how members of council end up on Design Review Board or on other committees. Something to think about for the future.

Agenda requests and committee meeting schedules:

A-17-34 Finance Re-Appropriation of funds in various account

Finance – July 10, 2017 at 6:55 P.M. A-17-34

The remaining Council Committee Meetings for July 3 are cancelled

Note: There is a Public Hearing on July 10, 2017 at 6:30 p.m. as called by Mayor Costilow to discuss the JEDD proposal

Reports of the Administration:

Auditor Kukucka : No report

Treasurer Ramsey: No report

Law Director Pecora: Requested an Executive Session following the meeting regarding litigation.

Safety/Service Director Jeffreys: No report

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Mayor Costilow: Thanked Council for supporting his appointment to the DRB - it is a very important position and the group does a lot for our downtown. The sidewalk program - the ordinance they are changing will help with assessment of our sidewalks, and getting them fixed. They are very close to assessing all the sidewalks in the city. We are still on track to get letters out in mid to end of July letting residents know that they had their sidewalks looked and there are possible problems. There have been some permits pulled, so some residents are repairing their sidewalks. They have talked to some different contractors that actually do different things than just pouring concrete - some can grind high areas and pump low sidewalks up to higher levels. So they are looking at alternative solutions too. Mr. Dietrich mentioned that if anyone does not want their sandstone sidewalks, they should call the Amherst Historical Society and they will pick them up - as they have a forklift they use.

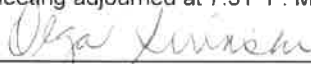
Mr. Dembinski motioned to accept Reports of the Administration. Seconded by Mr. Winiarski. Voice vote 6-0 to accept.

Mr. Dembinski motioned to convene into an Executive Session per the Law Director's request to discuss pending litigation. Seconded by Mr. Goodell. Roll call vote 6-0 to convene to Executive Session.

The meeting recessed at 7:38 p.m.

The Regular Council meeting reconvened at 7:51 p.m.

Mr. Miller motioned to adjourn, seconded by Mr. Goodell. Voice vote 6-0 to adjourn. The meeting adjourned at 7:51 P. M.

  
Olga Sivinski, Clerk of Council

John S. Dietrich, President of Council

PLEASE NOTE: The Minutes of the 6/12/17 Council Meeting refer to the meeting as a "Special Session." Please note that it was a REGULAR Council meeting.