

MAY 14

2018

Amherst City Council met in a Regular Session under full compliance of State Law with President Wasilk opening the meeting at 7:00 P.M. Roll call: Mr. Cowger, Mr. Winiarski, Mr. Nahorn, Mr. Miller, Mr. Janik, Mr. Van Treuren, Mr. Dembinski. Also present were Treasurer Ramsey, Safety/Service Director Jeffreys, Mayor Costilow, Law Director Pecora, Auditor Pittak, and members of the Public.

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

Consent Agenda: The Clerk read the Consent Agenda. Mr. Cowger motioned to accept the Consent Agenda as read. Seconded by Mr. Van Treuren. Roll call vote 7-0 to accept the Consent Agenda.

Acknowledgement of the public pertaining to items on the agenda: Mrs. Nancy Reichert, 886 Birch Tree Lane said she spoke to Mrs. Spellman just before the meeting and Mrs. Spellman said she noticed at the end of the walkway between St. Joseph's Drive and Terra Lane two manhole covers. In conversation last week, it was said that as far as anyone knows, there is nothing under the walkway, either of electric or sewer nature. But is it possible that these manhole covers are suggesting that there is some kind of structure underneath that parcel of land.

#### **ORDINANCES AND RESOLUTIONS FIRST READING:**

- (a) An Ordinance approving the final Subdivision Plat for the Preserve at Quarry Lakes, Phase III. (A-18-20)

Mr. Winiarski motioned to pass this to its second reading. Seconded by Mr. Cowger. Roll call vote 7-0 to pass to second.

- (b) An Ordinance authorizing the Mayor to enter into an agreement with the Ohio Department of Transportation to perform slip repairs on State Route 2 at no cost to the city; and declaring an emergency. (A-18-25)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed its first reading. Seconded by Mr. Cowger. Roll call vote 7-0 to suspend rules. Mr. Dembinski motioned to adopt, seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-18-20.

- (c) A Resolution authorizing the Safety/Service Director to participate in the Ohio Department of Transportation winter contract (018-19) for road salt; and declaring an emergency. (A-18-26)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Van Treuren. Roll call vote 7-0 to suspend rules. Mr. Cowger motioned to adopt. Seconded by Mr. Winiarski. Roll call vote 7-0 to adopt. Becomes R-18-03.

- (d) An Ordinance authorizing the increase in appropriations for part-time wages for part time employee(s) of the Water Department; and declaring an emergency. (A-18-27)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Van Treuren. Mr. Miller asked if this would replace any full time employee. Mayor Costilow said this is an appropriation so it was new funds for a new part time position. Roll call vote 7-0 to suspend rules. Mr. Cowger motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 7-0 to adopt. Becomes 0-18-21.

#### **ORDINANCES AND RESOLUTIONS SECOND READING:**

- (a) An Ordinance authorizing the City of Amherst Community Improvement Corporation to act as agent for the City of Amherst to enter into an agreement to sell a parcel of real estate owned by the City on Terra Lane subject to the further approval of Amherst City Council. (A-18-21)

Mayor Costilow commented on Mrs. Reichert's question. At this point it's too early to really matter if there are utilities there or not. But the City will do its due diligence in exploring that. We will probably camera those manholes, there are work orders out there for this. We don't have records on paper, but it does not mean it does not exist. If there are, it still does not change the city's desire to expropriate that property. We can write the easements and

right of ways that there are utilities there. This is a long process so City has time to explore this. Mr. Cowger motioned to pass this on to its third reading. Seconded by Mr. Winiarski. Mr. Winiarski questioned the word "sell" and if this ties the CIC's hands in regards as to how they can handle any possible transaction. Mr. Pecora felt if they wanted to provide CIC with more guidance, a different word or phrase should be used. Mayor Costilow said in the original request, the word "expropriate" was used. Mr. Winiarski liked the word "expropriate" better. Mr. Winiarski withdrew his second and Mr. Cowger withdrew his motion. Mr. Winiarski motioned to amend the ordinance to change the word "sell" to "expropriate." Seconded by Mr. Cowger. Mr. Dembinski asked if it possible that the city would keep this property? Mayor Costilow said this is not Administration's wishes at all. There might be some creative ideas for use of that property that come to the CIC. But the City still wishes to expropriate it, does not want to retain this property. Mr. Pecora agreed that the City does not want to maintain or have control of that property anymore. Mr. Miller said he senses the City's interest in getting rid of this property. He understand turning it over to someone else. His goal is to make sure our residents continue to see a city that has access for people to get from one neighborhood to another in a safe manner. Creative ideas can be brought to the CIC and CIC will give the ideas to other groups and not keep it. The people who are on the CIC are mostly over there (he pointed to the Administration table). CIC will expropriate it or find some other kind of compromise. He gave an example if one of the neighbors would purchase that property if the City would install a sidewalk on recommendation of the CIC? He was concerned about going to a CIC meeting and not being allowed to speak. Mr. Pecora said other options can be added to the legislation. Mayor Costilow said it could be one of the options in the request for proposals from the CIC. Discussion continued. Mr. Miller said he will continue to vote against this unless it takes into consideration the residents' wishes to continue to have a safe walkway between these two areas. Mrs. Wasilk said there are 11 members on the CIC, and it is not correct that the majority of the Administration are on CIC. Only 3 of the 11 members of the CIC are in the Administration. There was a discussion as to how the members are appointed/elected to CIC. Mr. Cowger said once this goes to the CIC, then returned to Council and if Council rejects it, another agenda request can go in. Council has the option of adjusting those recommendations as to what Council believes it should be before the ordinance is passed. Ultimately, Council has the final say in this entire program. He urges that this goes to CIC and get some information from them after we put it in their hands and let them do their job. Then when it returns to Council, adjustments or changes can be made. Ultimately, Council will have the final say on this as CIC only makes the recommendations. Mr. Janik said the CIC will allow the residents to come and discuss their plans for the piece of property in question. He sees how residents in the majority have come to this body and expressed their sentiments and feelings about a certain issue, and this body has rejected the overwhelmingly majority of how those residents have felt before on certain issues. With CIC, it gives those residents collective power to come in with their plans in mind to work with the CIC to bring a plan back here. He feels the residents have a better opportunity to work with the CIC in terms of exercising their opinion and getting what they want as a collective group. Mr. Ramsey said as a member of the CIC, he would think with the word expropriate they would try to give Council suggestions or recommendations of how to dispose or divest the City of ownership. He feels using that word would apply to any recommendation that they would bring back to Council and would not include the City maintaining ownership of it. Roll call vote 6-1 with Mr. Miller voting no to change the word. Mr. Cowger motioned to send this item to the third reading as amended. Seconded by Mr. Winiarski. Mr. Miller questioned some of the statements made about CIC's function. Mr. Pecora is not sure that we have amended any proposals that CIC has provided and said Council has ultimate authority to approve their recommendations. He thinks Council can send recommendations back to CIC if Council wants to further explore options. He had looked up the Charter of the CIC and explained the appointments and questions were answered by him. Mr. Nahorn he sees this as a safety issue and by dumping out onto a parking lot, in an area where there is no proper curb cut. He does not see this as a safe walkway. We could have a better outcome by sending this to the CIC, CIC reviewing it, and hopefully they recommend a safer way to go forward. Roll call vote 6-1 with Mr. Miller voting no to send to third.

**ORDINANCES AND RESOLUTIONS THIRD READING: None**

Miscellaneous and acknowledgement of the public: Mr. Stan Perine of 851 Princeton spoke of the Sharondale and Princeton allotments. He spoke of several rentals where the yards are not kept up. He explained. There are also brush, tree branches and uncut tree logs in laying in front of several yards. At one particular house there have been cars with missing wheels for some time, sometime close to a year. Spoke of a house that needs a new roof and painting and other things. He spoke of one neighbor that said she did not have a garbage can and said she did not need one. He and his son have an LLC and he has recently repaired a house that is full of mold, including on the curtains. Hazmat has been there. It has been empty for a long time. Mold is very dangerous. He asked that their neighborhood be put on street repair list. He spoke to a bridge that needs to be cleaned up. He spoke to his electric bill that went from \$2.50 to \$5.00 a month. He felt he repaired the issue that caused the higher bill but still got billed for another \$5.00 the following month. He explain the KW he is paying. He also complained about the congestion on 58 and gave an example of almost getting sideswiped at an intersection.

Mrs. Kristie Flickinger of 206 Lincoln Street spoke about replacement of their sidewalk, but there is a very large tree that is impacting their sidewalk. It is on the curb side of their lawn and not their responsibility and they are ready to install the sidewalk but are not sure about the tree. Mr. Winiarski advised her that the tree is her responsibility. She asked about trees that were marked and Mayor Costilow said that could be for the interceptor sewer project and some of the trees are marked to be removed. The sidewalk could be relocated, or when the City comes in to do the sidewalks, probably an arborist will come in and take a look at the trees and see if the trees can take some root removal. No decision has been made by the city.

Mr. Miller said rerouting a sidewalk around a tree would be a lot less expensive and the tree would be saved. Mr. Miller asked what Mrs. Flickinger's option could be. Mayor Costilow said they will work with the residents. It was advised that Mrs. Flickinger get a new estimate from the contractor before the City begins to assess. Mr. Miller offered the help of Council to Mr. Perine. He spoke to the power cost and that Council voted on that. He was not happy with the shifting that would be paid by the commercial to residents. He spoke further to this and of the shifting of the burden to the residents. Mayor Costilow said Mr. Miller's analysis was a bit unfair. Mr. Perine has two meters on his house. That rate had not been adjusted on the initial meter cost since 1984. His bill was only raised \$2.50 since 1984. He spoke further. The City has improvements we have to make, that is money we use to keep our infrastructure up. It has nothing to do with commercial adjustment. That is Mr. Perine's second meter charge. No matter how many kilowatts you use, you still pay that initial \$5.00. Mr. Perine spoke and said the rate does not bother him, he wished there has been something in the newspaper letting the residents know that this will happen. The people in the electric department could not explain this to him. So he called Mrs. Wasilk who explained it to him. Mr. Nahorn thanked him for coming and said Mr. Perine can contact him and they can go over some of these things. Mrs. Wasilk said Mr. Perine has been very diligent over the years especially about identifying external property maintenance concerns and there have been a lot of actions taken by the Building Department and other departments. However, we are limited in the subject of the grass, it has to be a certain number of inches, and we have to go through due process in notifying people so it takes longer. She has been very appreciative of his due diligence in helping maintain his neighborhood.

Consideration of Liquor License for a new license at Days Inn. Mr. Miller thought there were no new licenses available in the city. Mr. Pecora would check into this. There were no objections. (Answer under Reports of Administration)

Agenda requests and committee meeting schedules:

These were assigned after the 4/23/18 Council Meeting:

A-18-25 Streets Authorize an agreement with ODOT to perform slip repairs to St. Rt. 2 at no cost to the City

A-18-26 Finance Participate in the ODOT Winter Contract (2018-19) for road salt

A-18-27 Finance Increase appropriations in part-time wages - \$6,000 – account 600-5002-52113

NEW: Submitted after 5/14/18 Council Meeting:

A-18-28 – Ordinance – Add Section to ACO pertaining to vendor carts and trucks

Ordinance May 21, 2018 at 7:00 P. M. A-18-28

The remaining Committee Meetings for 5/21/18 are cancelled.

Reports of the Administration:

Auditor Pittak: The April reports have been distributed.

Treasurer Ramsey: The April reports have been distributed.

Law Director Pecora: Regarding the Liquor Permit: Per ORC Section 4303.181, if it's a hotel it's a D5 and there are no restrictions.

Safety/Service Director Jeffreys: No report.

Mayor Costilow: Noted the Building Department is the best place to start regarding building codes. He said typically it takes a while to take care of those things, dealing with courts, etc. Our utility department has replaced about 3,000 electric meters so we are moving along very well there. A company is out and starting to replace water meters inside homes. The City did send out a post card reminding residents of this and allowing access to the meters. This is a complete change over for all meters. There is an opt out, we have drafted an official opt out letter and there will be some charges involved. Some people may not want radio frequencies. We may have one agenda item coming up. Mr. Miller asked if a resident has two meters are both being replaced? Mayor Costilow explained.

Mr. Miller motioned to accept the Reports of the Administration. Seconded by Mr. Dembinski. Voice vote 7-0 to accept the Reports of the Administration.

Acknowledgement of receipt of monthly reports from Treasurer and Auditor: Mr. Cowger motioned to accept the monthly reports from the Treasurer and Auditor from the month of April. Seconded by Mr. Winiarski. Roll call vote 7-0 to acknowledge receipts.

Mr. Dembinski motioned to adjourn. Seconded by Mr. Cowger. Voice vote 7-0 to adjourn. The meeting adjourned at 8:11 p.m.

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Olga Sivinski, Clerk of Council

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Jennifer Wasilk , President of Council

