

JUNE 11

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. Nahorn, Mr. Miller, Mr. Janik, Mr. Van Treuren, Mr. Dembinski, Mr. Cowger, Mr. Winiarski, Also present were Treasurer Ramsey, Safety/Service Director Jeffreys, Mayor Costilow, Law Director Pecora, Auditor Pittak, Mr. Gabe Zeller from Zeller Restaurants and other public.

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

Consent Agenda: The Clerk read the Consent Agenda. Mr. Dembinski motioned to accept the Consent Agenda as read. Seconded by Mr. Cowger . Voice vote 7-0 to accept the Consent Agenda.

Acknowledgement of the public pertaining to items on the agenda: There was no one speaking. Mr. Zeller introduced himself in case anyone had questions for him.

ORDINANCES AND RESOLUTIONS FIRST READING:

- (a) An Ordinance adopting a new Chapter 1153 to part Eleven, Title 5 of the Amherst Codified Ordinances, entitled "Mobile Vending" pertaining to the regulation of mobile vending and mobile vending devices within the city. (A-18-28)

Mr. Winiarski asked for indulgence while he compared the present exhibit document with the original and asked about a few things that came up. To answer the first question, Mr. Pecora said this would not impact lemonade stands. Mr. Winiarski asked about possible typographical errors and other verbiage. Mr. Pecora and Mayor Costilow answered his questions and noted any corrections that need to be made. Once all questions were answered, Mr. Winiarski motioned to amend the following items in Exhibit A in 1153.04 (b) to delete the word vendor's "right" and insert "permission," 1153.04 (e) deleted the word "certification" and insert the word "statement," 1153.05 in the first paragraph delete the words "special" (event) and insert the word "community," 1153.05 (d) delete the word "and" from Design "and" Review, 1153.07 (k) insert a comma between the words street and highway, and 1153.12 original (c) section was omitted and to be inserted again. Seconded by Mr. Dembinski. Roll call vote 7-0 to amend as detailed in the discussion. Mr. Dembinski asked about 1153.10 dealing with vending zone and asked if intention is still that a vendor would have to follow all the provisions as stated here. It was agreed that all provisions would have to be followed. Mr. Cowger motioned to pass this on to its second reading as amended. Seconded by Mr. Dembinski. Roll call vote 7-0 to pass to second.

ORDINANCES AND RESOLUTIONS SECOND READING: NONE

ORDINANCES AND RESOLUTIONS THIRD READING:

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

Mr. Winiarski motioned to adopt. Seconded by Mr. Van Treuren. Roll call vote 7-0 to adopt. Becomes 0-18-23.

Miscellaneous and acknowledgement of the public:

- (a) Consideration of additional D-1, D-2, D-3, D-3A, D-5, D-6 liquor permits for a Economic Development Project (TRES)

This request entails transferring these liquor permits from Sandusky, to Amherst, as Amherst does not have the availability of these licenses. Mayor Costilow said he and the Clerk spoke to the Liquor Control Board regarding this request, as we do not normally receive such requests. This is a proposal from the person that is moving on the corner at 105 Park Avenue. We do not have any of these permits available, so by state law, it allows people to obtain one of these permits from an area that have them available and bring them to an area like ours if they can prove economical development for Amherst. On the form it details all the information of potential economic assets to our city. He found this very interesting – we always think we can't bring new liquor permits to town. He talked to the police chief, who thought about it, and the chief thinks the positive impacts on or community of new jobs outweighs the potential problems. This will be a nice restaurant and won't be the type of

place where we would typically have trouble when they have a liquor permit. His understanding is that that the Mayor can approve this if he thinks there is significant proof that this is a positive economic development. He still thinks there is some process that goes on after our approval. His intention is to sign this, but wanted to see what Council's position was on this. Mr. Dave Zeller, 142 Columbus Ave., Sandusky was available to answer questions. He explained the restaurant he has in Sandusky and detailed number of help he hires, and etc. He would follow the same type of business in downtown Amherst. Mr. Miller asked him about the foot traffic he will have. Mr. Zeller compared it to the same foot traffic as in Sandusky, where the restaurant is also in a downtown area, similar to Amherst. 85% would be local and rest would be more tourists. Mr. Miller asked about the point of sale transactions. Mr. Zeller said he figures about 450-500 tacos per day, at \$3 to \$6 a taco. Mr. Miller said the reason he was looking for foot traffic is that our downtown area is that we are sitting on a downtown area that is just congested at that time. He asked what time the business will be open? Mr. Zeller said 11-11 daily and 11-10 on Sundays. Mr. Miller said that would be good for the lunch hour, but in the evening, we will be packed. This will be high traffic with no parking areas. Mr. Zeller said Amherst downtown compares to Sandusky downtown as far as parking and people find a way to get to the restaurant. He spoke further. Mr. Miller said he is not attempting Mr. Zeller not to come in here, just giving him heads up. Even if he has 10 employees in there at a time, there is hardly places for them to park, much less customers. We are packed when it comes to parking. We have been fighting this, we do not have a solution, he named some spots that are available. Mr. Zeller has put money into the building, he wonders if Mr. Zeller considered the parking situation as it's difficult location to open up. Mr. Zeller said their first phase is actually upstairs, where the area is being turned into six different offices. Mr. Miller said he loves the idea of income tax coming into our area and increased property value. But there is a lack of parking and wished him luck with that. Mr. Van Treuren said when he first came on Council he was against more liquor licenses for the downtown area as he felt there were too many in a small area. But he has changed his mind; watching all these new establishments coming in, has made our downtown area exciting and bringing economical development into our area is a positive thing. He welcomed Mr. Zeller and did agree with Mr. Miller that parking is problematic. Mr. Winiarski welcomed Mr. Zeller to Amherst. He spoke to the parking and asked if Mr. Zeller has spoken to other business owners who may work with him as far as parking. Mr. Janik said it was great to see new businesses come into downtown. He asked for the description of liquor license D-6. It was agreed it was Sunday sales between the hours of 10:00 a. m. and midnight. Mr. Winiarski asked if a petition for Sunday sales will have to go to a vote by the ward. Mr. Pecora said he will have to look into that and later said it will have to be submitted to a vote. Mr. Dembinski said he has friends that to go out to Sandusky and visit Barra's and other places that are characteristic of that area and it's nice to see that they are expanding into Amherst and he is glad to see him come here. Mayor Costilow said in answer to Mr. Miller's statement that we don't have a plan for parking, he has been vocal about additional parking in the downtown area with the CIC, Main Street, and other groups he has spoken to. We do have plans for additional parking. It won't happen overnight, a lot of things have to fall into place. Redeveloping and repurposing old buildings are part of that plan. He and the Administration are going to work very hard to find additional parking. Later in the meeting, the question was asked if there were any objections to the permit and there were none stated.

Agenda requests and committee meeting schedules:

A-18-30 Finance Authorizing the lease to own the purchase of a 2018 Case 721G loader for the Street Dept in an amount not to exceed \$185,000

Finance June 18, 2018 at 7:00 p.m. A-18-30
 Building and Lands Monday, June 4, 2018 at 7:05 P.M. A-18-29
 (Amend 1145.14 (b) off street parking and loading)

The remainder of Committee Meetings for June 18, 2018 are cancelled

Reports of the Administration:

Auditor Pittak: The monthly reports were sent out last week. The CAFR report is being compiled and he will send it out once it's finished.

Treasurer Ramsey: May reports have been distributed.

Law Director: No report

Safety/Service Director Jeffreys: No report

Mayor Costilow: Noted that there a large amount of road construction going on right now. The park closure lasted less than expected so that's open now. Residents can see where that retention pond is being dug. The area is fenced in for safety. N. Main is going quite well, that pipe is 14' in the ground, quite a project, so there are many trucks running in and out of town. He cautioned that residents give these construction guys a little bit of room and have patience. They are doing their best to publicize the detours. Sometimes we don't have to time to give signage to short closures. As many improvements as we are doing this year, he hopes we can endure the inconvenience.

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

The clerk asked that it be noted if there were any objections to the granting of the liquor license discussed earlier. There were no objections and this is noted in the discussion on page 2.

Acknowledgement of the receipt of the monthly reports from the Auditor and Treasurer:

Mr. Dembinski motioned to acknowledge the monthly reports. Seconded by Mr. Cowger. Voice vote 7-0 to acknowledge reports.

Mr. Winiarski motioned to adjourn. Seconded by Mr. Cowger. Voice vote 7-0 to adjourn.

The meeting adjourned at 7:48 p.m.

Olga Sivinski, Clerk of Council

Jennifer Wasilk, President of Council

