

COUNCIL PRESIDENT-JENNIFER WASILK
COUNCIL AT LARGE-DAVID JANIK
COUNCIL AT LARGE-MARTIN HEBERLING
COUNCIL AT LARGE- CHUCK WINIARSKI

COUNCIL WARD ONE-BRIAN DEMBINSKI
COUNCIL WARD TWO-ED COWGER
COUNCIL WARD THREE-JAKE WACHHOLZ
COUNCIL WARD FOUR-STEPHANIE SMITH

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THIS MEETING WAS HELD IN HYBRID FORM (Council members and visitors in Chambers and all others REMOTELY VIA ZOOM

Minutes of the Building and Lands Committee Meeting held July 11, 2022, at 6:30 P.M. Present in Council Chambers were Chair Janik, Mr. Winiarski, Mr. Heberling, Mr. Dembinski, Ms. Smith, Mr. Cowger, Mr. Wachholz, President of Council Wasilk, Assistant Law Director Ward, Mayor Costilow and several residents. Present via ZOOM were Auditor Pittak, Treasurer Ramsey, Safety/Service Director Jeffreys. Mr. Wachholz motioned to excuse Law Director Pecora as he had a letter on file. Seconded by Ms. Smith. Voice vote 7-0 to excuse.

A-22-38 Building and Lands - Update ACO 1121 to include "Zoning regulation notice and hearing

Mr. Dembinski spoke to this item, which he submitted and his reasons for requesting this update. Residents would be notified of the proposed changes. Presently we don't notify residents of PDD proposal changes. The second part is that rezoning would require 75% of affirmative vote of council for approval. He explained the things that this will not change. He has given this much thought over the years.

Mayor Costilow noted that he likes the notification requirement. He is not in favor of the super-majority to approve the changes, he would rather keep the simple majority. He felt some of these changes would discourage some developers. We do not have very many empty spaces right now so the developers have to get creative. He is ok with the first part but does not like the second part.

Mrs. Wasilk agreed with the Mayor on both his suggestion. She asked Mr. Ward to comment on Sections 713.07 to 713.11 and what this implies in terms of the actions that are taken that would require $\frac{3}{4}$ of the vote. Mr. Ward explained.

Mayor Costilow would like the first part of this to move forward, but not the second part.

Mr. Winiarski discussed when Council voted on a PDD under Mayor Taylor said where the Council should have control on how the development looks and it feels in the community. After all, Council is the voice of the people. He spoke further about Section 1128. He supports what Mr. Dembinski has brought before, both sections.

Mr. Dembinski felt if something is not fit for Amherst then it should stay vacant.

Mr. Cowger spoke about being the super majority vote and being the people's voice. He said if it's a right fit, they usually go through with a unanimous vote.

Ms. Smith asked if the $\frac{3}{4}$ vote was mirroring the Industrial Review Board? Mr. Dembinski said if we are more comfortable with 5 out of 7 votes, he would be ok with that. Ms. Smith felt this council works well together and the political climate can influence votes. Her concern is that it could happen in the future.

Mr. Heberling motioned to recess so that the Council Meeting can begin. Seconded by Mr. Winiarski. The meeting recessed at 7:00 P. M. by a vote of 7-0.

The meeting was brought back to order at 7:02 p.m. Mr. Heberling said he would like to examine Ms. Smith's comments a bit. As a representative of citizens of Amherst, he feels that a super majority would not be too much to expect of our residents. But he would like to examine this further.

Chair Janik asked if we were in the super majority and a council member was absent, would the numbers shift? Mr. Ward said if there is a quorum, it would be a majority of the members present. Mr. Dembinski disagreed and said it would require 75% of 7 members the way he understands the rules.

Chair Janik summarized this status and spoke of many years ago where a business wanted to go into downtown and the supermajority of council did not agree at that time but now that that business had launched, it made our downtown flourish and beautiful. That anchor drew in more businesses. He trusts that the Mayor has been meeting with businesses that have our best interest at heart. He believes that the supermajority is too many for the reasons Mr. Cowger and Ms. Smith. He feels that we should keep to the simple majority.

Mr. Dembinski agreed that the Mayor has the city's best interest at heart and agrees with Ms. Smith that this council gets along very well. He does not know what this will look like in the future and that is why he wanted to codify this. We will not be here forever and this would provide a level of protection for those residents that are next to that open land.

Mr. Dembinski motioned to table this item. Seconded by Mr. Heberling. Voice vote 7-0 to table.

Mr. Dembinski motioned to adjourn, seconded by Mr. Cowger. Voice vote 7-0 to adjourn.

The meeting adjourned at 7:07 P. M.

David Janik, Chairman
Building and Lands Committee