

Amherst City Council met in a Regular Meeting under full compliance of State Law with President Wasilk opening the meeting at 7:20 P. M. Roll call: Mr. Van Treuren, Mr. Dembinski, Mr. Cowger- absent, Mr. Wachholz, Mr. Nahorn, Mr. Heberling, Mr. Janik. Also present were Council President Wasilk, and Assistant Law Director Ward. Joining remotely were Mayor Costilow, Auditor Pittak, Law Director Pecora, Treasurer Ramsey, Safety/Service Director Jeffreys. Mr. Dembinski motioned to excuse Mr. Cowger as he had a letter on file and to excuse Mayor Costilow, Mr. Jeffreys, Mr. Pittak, Mr. Ramsey and Mr. Pecora from being present at the meeting but joining remotely. Seconded by Mr. Van Treuren. Vote 6-0 to excuse. Due to the Corona Virus pandemic, the meeting this evening was limited as to who could attend. (Due to technical difficulties in setting up the remote access, the meeting began later than the scheduled 7:00 p.m.)

The Prayer was invoked by Chaplain Nahorn, 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. Nahorn. 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 authorizing the Safety Service Director to participate in the Ohio Department of Transportation winter contract (2020-2021) for road salt; and declaring an emergency. (A-20-17)

Mr. Dembinski motioned to suspend all Council Rules so that this may be passed in its first reading. Seconded by Mr. Heberling. Roll call vote 6-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Nahorn. Roll call vote 6-0 to adopt. Becomes R-20-02.

ORDINANCES AND RESOLUTIONS SECOND READING: NONE

ORDINANCES AND RESOLUTIONS THIRD READING

- (a) An Ordinance amending Chapter 1141 of the Codified Ordinances of the City of Amherst, Ohio. (A-20-12)

Mr. Dembinski motioned to adopt. Seconded by Mr. Nahorn. Roll call vote 6-0 to adopt. Becomes 0-20-13.

- (b) An Ordinance to make appropriations for current expenses and other expenditures of the City of Amherst, State of Ohio, during the fiscal year ending December 31, 2020, repealing all Ordinances in Conflict herewith, and declaring an emergency. (A-20-14)

Mr. Wachholz motioned to adopt. Seconded by Mr. Janik. Mr. Dembinski said there is an item in this budget that he has questioned when it came up during the interim budget consideration and during this permanent budget consideration and to date he has not received a satisfactory answer from the Law Department. Specifically, just because Council has approved monies under this salary account, does not mean that council has approved the creation of new employees. It specifically says in the ORC that Council sets the number of employees in a department. He does not believe that by passing the budget is Council saying that we approve that type of an increase. He categorically does not believe that. Because of that, it is his inclination to vote "no" on this. However, just because of everything that is going on, he cannot in good conscience vote to not pay our city employees. If we do not pass the budget, with the emergency as currently proposed, the city government of Amherst would shut down for most of April. He wants to make it very clear, specifically to the Law Department, that ignoring his questions and hoping that the time comes to where we come up against the time line will result in a "no" vote. However, he does not believe it is in the best interest of the city and its employees and citizens to vote no on this and reluctantly he will vote yes. But this does not set a precedent for himself. Mayor Costilow stated his appreciation of Council passing the budget. We could not operate without these funds. A lot has changed since discussion of the budget began. He noted that he and Safety/Service

Director Jeffrey would be very careful with expenditures for the upcoming year and will cut back on expenses they can hold off on. They will carefully watch the budget. He also appreciates council passing this so that city employees can go on with their business of taking care of the city.

Mr. Pecora spoke to the appropriation of funds for training new personnel. He said that Council and only council has the authority to create positions and the number of positions in all departments. There could be "training" positions set up. He did not believe that Mr. Ramsey's department was causing issues. He spoke to two portions of the ORC, 733.01 statues where the executive power of cities shall be vested in a mayor, president of council, auditor, treasurer, director of law, director of public service, director of public safety, and such other officers and departments as are provided by Title VII [7] of the Revised Code. Such executive officers shall have exclusive right to appoint all officers, clerks, and employees in their respective departments or offices and remove or suspend any of such officers, clerks, or employees, subject to the civil service laws. He also spoke to 731.08 which clearly defines that Council establishes number of people. He suggested that Council by ordinance establish an ordinance for training positions in each department.

Mr. Ramsey said he was not trying to pass anything under anybody's nose or do anything that Council was not informed about. He has spoken for quite some time about this transition that they would be going through. Karen has been here for over 20 years. We only have one full time employee in the Income Tax Department and one in the Treasurer Department. He spoke to the increase of funds in his department. His department has historically come in at the end of the year under budget. So they are not trying to do anything that's underhanded or sneaky.

Mr. Pecora said when this question was asked at the last meeting, and he has been trying to contact the city of Parma, but due to the situation right now, they did not have time to get back to him. He has not found any case law to do with this situation. He again suggested that Council set the ordinance he suggested. He apologized for not being clear on his answer.

Mr. Dembinski said – referencing the same e mail he spoke to before – Mr. Pecora mentioned by passing the budget we are creating that position. He feels that sets a dangerous precedent. He read "it is my general thought that when Council establishes the budget, for positions like this, it is tacitly establishing the position." He does not believe that is it not accurate. He believes it's inaccurate and he believes that when he and perhaps other council members would prefer that when we are increasing the number of employees, that should be an explicit action that comes before council. He does not want this to happen in the future where Council has to go through every minute detail in the budget so make sure that we are not creating new positions and Council does not realize that. It just happened that in this case the salary portion of the Treasurer's office jumped up a much larger percentage than was expected and that's why this is being brought up. He agrees that Mr. Ramsey said he attempted to reach out to the Law Director. But if he wants council to create this position he is happy to do that. He would still submit to his office so that information is correct.

Mr. Pecora spoke to this and said adopting the budget does not create this position. He noted that he is available via e mail or his cell phone or someone could stop at his home when situations like this need answers. Mr. Dembinski said he has been questioning this since the interim budget was discussed. Roll call vote 6-0 to adopt. Becomes 0-20-14.

Agenda requests and committee meeting schedules: There were no new Agenda Requests submitted.

No Council or Committee Meetings are scheduled until further notice.

Reports of the Administration:

Mayor Costilow asked if anyone had reports.

Treasurer Ramsey reported that since the Federal Income Tax filing date has been pushed back to July 15, the State of Ohio may be looking to do the same. He said if anyone has any issues because of the coronavirus, and everything being shut down, they should call their office and they will be happy to work with residents. Since the building at 480 Park is closed, a drop off box was installed on the side of the front of the building for residents to drop off filings and other documents.

Mayor Costilow reported that he has been working with state legislators and other government entities to be sure our City is aligned with any new deadlines. He noted that these are "unprecedented times." Our city has been working with minimal staff in order to keep the other employees healthy. Essential services to the residents will still be in effect. The city has also suspended shut-offs and late fees for utilities. He said they are working really hard to keep all the city services up and running.

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

Mr. Dembinski motioned to adjourn. Seconded by Mr. Wachholz. Voice vote 6-0 to adjourn. The meeting adjourned at 7:52 p.m.

Olga Sivinski, Clerk of Council

Jennifer Wasilk, President of Council