

Amherst City Council met in a Regular Session under full compliance of State Law with President Wasilk opening the meeting at 7:24 P.M. Roll call: Mr. Cowger, Mr. Wachholz, Mr. Nahorn, Mr. Heberling, Mr. Janik, Mr. Van Treuren, Mr. Dembinski. Also present were Mayor Costilow, Law Director Pecora, Assistant Law Director Ward, Auditor Pittak, Treasurer Ramsey, Safety/Service Director Jeffrey.

THIS MEETING WAS HELD REMOTELY DUE TO COVI-19. Opportunity was given to the public to e mail any questions they had.

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

Consent Agenda: Mr. Van Treuren motioned to accept the Consent Agenda as read. Seconded by Mr. Dembinski. Voice vote 7-0 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) An Ordinance authorizing and directing the Safety Service Director to suspend all utility late fees and shutoffs due to the nonpayment for residents of the City of Amherst, Ohio relating to electric, water and sewer utility services invoiced between March 2020 and July 2020; and declaring an emergency. (A-20-19)
(The emergency clause was added at the Committee Meeting)

Mr. Heberling thanked everyone for their consideration and hoped that everyone would consider the aspects that are at hand for our city residents.

Mr. Janik reiterated what the Mayor said (in committee) and revisit this in July to consider those folks who are still unemployed or have not found gainful employment to create a kind of application process where residents who are truly in need will reach out so that we can work with them in the best way possible.

Mr. Van Treuren felt this was setting a bad precedent. If we truly feel residents are in need then have them provide some sort of proof that this is due to the pandemic. Not requiring that now will make it so much worse to require it later. He feels it's a good idea to suspend all late fees for those legitimately in need due to the pandemic. In fact, we should do that. He feels it would take very little effort to verify that the people are paying late due to the pandemic. It is kind of laziness on our part to not clarify it. It will be harder to clarify later that residents are paying late due to the pandemic when we are waiving fees for everyone not paying at all, when most of those people have a long history of not paying their bills on time. He thinks this is a great idea to waive fees for people who are legitimately having an economic impact. We are setting a very bad precedent by not requiring any proof. Mayor Costilow said he did not feel Mr. Van Treuren made it sound as bad as it sounded about the laziness on our part. We really have put a lot of thought into this and we really are trying to social distance and keep residents from coming into the utility office. This seems like the right thing to do. There are a few people who will benefit from this. He feels we are helping more than letting a few ride the wave. We don't want to bring more people into City Hall or Utilities office than necessary. Through July is not going to be that much of a precedent.

Mr. Cowger is still concerned about surprising some of the people that a few months from now especially the landlords who will be surprised with six months of unpaid utility bills and finding out they are responsible for that. If they had renters there and shut offs were on time, they would not be accruing that much. He would like to see something in this that if the person paying the utility is not the property owner, and they are in arrears, that when the shut off period is at hand, the landlord is notified that the residents are in arrears and they potentially could be responsible for these bills. He does not think that this is unreasonable so that someone is not blind sighted in July. We can't shut off utilities now as this has been mandated by the state. So whether this passes or not, we still are not allowed to shut someone's utility off. He wants to make sure this is conceived and we are looking out for everyone. He will not be voting to suspend rules on this. He believes there are questions that still can be answered. We don't know what the state statute is regarding this.

Mr. Dembinski said there were probably some things we could have done to potentially weed out the people who are perpetually abusing the system or pushing the system. But he would rather give the benefit of the doubt to those people who are actually in need. For the short period of time, this is something the city can bear. He feels that this is something we can do to give some of the people the benefit of the doubt. With that, **he motioned to suspend all Council rules so that can be passed in its first reading. Seconded by Mr. Janik. Roll call vote 5-2 with Mr. Cowger and Mr. Van Treuren voting no.** Rules are not suspended. **Mr. Dembinski motioned to pass this item on to the second reading. Seconded by Mr. Wachholz.** Mr. Cowger asked the administration to have by the next meeting exactly what is required of the utility as far as the state mandates regarding COVID-19. Mayor Costilow said this is already mandated by the State and he does not know what further proof is needed. This legislation is not necessary. This is something we as Amherst can for people in need. He will try to get the information. But this is something we were doing anyway. Mr. Heberling had a good point to try to help the people that are in need. Very few people will benefit from this. That is just collateral damage and somewhere meaningless. The late fees are a small token at this point. We will recoup those energy costs in one way or another. They will continue this policy until this legislation is hashed out. Mr. Heberling said this was disappointing. We can move things to emergency that may not carry as much weight regarding specific issues especially finances for our residents. We are not talking about a lot of money in terms of each individual resident that it may be financially difficult for them to choose between food on the table or paying their utility bill. He feels this is the least we can do. We have suspended rules many times and he feels this is vitals and the least we can do. He has heard the words "lazy" "reward" and "rabbit hole" during this session. We are sitting on Council acting like residents are irresponsible. They are not. They may be in need and we need to be there for them because they are there for us. It is shameful and he feels this should have gone through as an emergency. Mr. Cowger did not think we are punishing anyone by not passing this tonight. He feels we need to fully investigate this. No one is getting their utilities shut off whether we act on this tonight or we take a complete look that this needs to have. No one's utilities will be shut off. We don't need to pass this tonight to protect any citizen in the city of Amherst. He is not comfortable jumping on this half-heartedly. We need to understand how this is going to affect everyone and make sure we are doing things to benefit the entire city. Mr. Heberling noted the word "half heartedly" and said he has spoken to the Mayor at great length about this. Sad to tell someone who is receiving \$1200 a month and they have a mortgage, and a car payment, and whatever, that they will be accruing late fees on top of being behind because of a utility that they are going to depend on. He feels that we should forgive at least at the very minimum the late fees for this certain time. He feels it's kind of cruel for us on City Council to say "by the way, you will have these late fees on top of the situation. Sorry we are not going to turn off your utilities, but you will accrue these late fees." He feels it is in our best interest to waive these. Mr. Pecora said the Utilities Commission simply requires that the winter shut off rule which is always in place, be extended to May 1, which is passed. He is looking for what their policy is now, after May 1. The PUCO requested that the regulated utility entity extend the winter shut off program. He is checking to see the governor's website on this but unfortunately, the answers are not very robust. It's kind of a weak website. Right now no one is being harmed and in spirit we are following Mr. Heberling's proposed ordinance. By the next meeting will have a more definitive answer of what the state mandates and then council can make their decision from there. Roll call vote 6-1 with Mr. Van Treuren voting no to pass to second reading.

ORDINANCES AND RESOLUTIONS SECOND READING: NONE

ORDINANCES AND RESOLUTIONS THIRD READING: NONE

Miscellaneous and acknowledgement of the public: Mr. Janik wondered if we can post something on the front door of City Hall noting that we are having meetings on line and that they can watch live. Mrs. Wasilk said it would be taken care of.

Mr. Wachholz said a number of residents have been raising questions and concerns about how other cities at this stage are allowing outdoor dining and closing off streets and if there is any possibility of our city doing that. Mayor Costilow said some businesses are preparing for outdoor dining and may have patios for street or sidewalk dining, but there is no plan for closing off streets. That has not been talked about.

Agenda requests and committee meeting schedules: There are no new Agenda Requests but the Clerk pointed out the next regularly scheduled council meeting will be TUESDAY, May 26 due to the Memorial Day weekend.

No committee meetings are scheduled for May 8, 2020.

Reports of the Administration:

Auditor Pittak: Reported the April reports have been sent out last week. If anyone has questions they should call their office. He noted that Gwen and Carol will be splitting their time in the office. There is still some discomfort due to the "distancing" issues. Gwen is working remotely from home two days a week.

Treasurer Ramsey: Their April reports have been distributed as well. He reminded everyone that tax day is July 15.

Law Director Pecora: No report

Safety/Service Director Jeffreys: No report

Mayor Costilow: Reported that most employees who are able are working from home. The employees who don't have the luxury of working from home have an adaptive work schedule and adjusted hours so that everyone is kept apart as much as possible. Our main employees are working on an "on call" type basis. They come in when they are needed. All services are up and running as normal. All city functions are working properly at this point. We have cut back on some of the large expenses. The Safety/Service Director is looking at every purchase order to see what expenses are truly needed at this point. Most of our large purchases were taken care of earlier in the year. This year there won't be much difference except the OPWC project that we talked about earlier. They have talked to most of the labor, and we will be trying to get back to normal by June 1. This is tentative, it could happen a little before or a little after. They have talked to the County Health officials and they don't see much of an issues so we hope to open the pool June 15. We don't know what to expect with the shortened season. There will be no family passes and the number of people at the pool will be limited. There will be less than capacity at the pool. Some employee's will have the job of limiting social distancing. We are assured that any chemicals in the pool would eliminate any virus if anyone has it once they began swimming. He asked everyone to stay well.

Mr. Dembinski motioned to accept the Reports of the Administration. Seconded by Mr. Cowger. Roll call vote 7-0 to accept the Reports of the Administration.

Mr. Cowger motioned to acknowledge the April Treasurer and Auditor reports. Seconded by Mr. Dembinski. Roll call vote 7-0 to acknowledge the reports.

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

The meeting adjourned at 7:58 p.m.

Olga Sivinski, Clerk of Council

Jennifer Wasilk, President of Council

