

THIS MEETING WAS HELD REMOTELY VIA ZOOM:

THE PUBLIC HEARING SCHEDULED FOR THIS EVENING AT 6:45 WAS CANCELLED.

Amherst City Council met in a Regular Session under full compliance of State Law with President Wasilk opening the meeting at 7:02 P. M. Roll call: Mr. Nahorn, Mr. Heberling, Mr. Janik, Mr. Van Treuren, Mr. Dembinski, Mr. Cowger, Mr. Wachholz. Also present were Council President Wasilk, Assistant Law Director Ward, Mayor Costilow, Auditor Pittak, Law Director Pecora, Treasurer Ramsey, Safety/Service Director Jeffreys.

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. Van Treuren. Roll call 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 rezoning from R-1 to C-2, for redevelopment as Hot Dog Heaven, six (6) Parcels of land identified as Lorain County Auditor Permanent Parcel Numbers 05-00-023-106-043, 05-00-023-106-044, 05-00-023-106-045, 05-00-023-106-046, 05-00-023-106-047, AND 05-00-023-106-030. (A-20-50)

Mayor Costilow spoke to this item. He said that as we all know, rezoning a piece of land is a complicated, long and much needed process. One part of the process is letting the residents that border that piece of land that is proposed to be rezoned to notify them. The City has done what the law says we have to do. The City sent out registered mail. However, in tracking the mail today, with the mail system for some reason the way it is. No one has received those letters. He feels it's very important to notify those residents, and to do everything in a timely fashion according to law. The law does not speak to doing this in any particular order, just that there has to be a public hearing before this item is adopted by Council. His suggestion would be to let the Council Clerk send out the letters again, and re-advertise again. Then Maybe conjointly run the meetings into next year so that we can have the Public Hearing before the third reading. He suggested this be tabled today.

Mr. Pecora agreed. He said he is looking at the statute and the statute states that the failure of delivery of such notice does not invalidate. However, in speaking with the Mayor this morning, he understand that none of the letters were delivered. It would be prudent to all the neighbors surrounding the parcel are actually aware of the rezoning and that they have an opportunity to come to Council. It would be cleaner. Procedurally, we are on the right path. It would be good to ensure that at least a majority of those letters were actually sent out and received. With COVID, things are being so delayed. He would hate to see this move forward without a little more effort from our end. He agreed with tabling this and start fresh in the new year. Mr. Dembinski motioned to table this item to the January 11, 2021 Agenda. Seconded by Mr. Nahorn. Mr. Cowger asked if the notification letters to the surrounding residents could be delivered by perhaps the Police Department or dropped off in some way so they don't have to mailed certified? Mr. Pecora said he feels these can be sent by regular first class mail. It's prudent to send this out by certified mail but it is not necessary. Sending first class mail, would leave us in good shape. Hand delivery would work as well, but first class mail should do the job as it is an actual notice. What he is hearing from the court's perspective is that if he is filing a private complaint about something, whatever it may be, and I send it certified mail, it is not getting to the homeowner as the post office is being cautious and not actually interacting with the homeowners. So that is a delay. So if the city is sending out something that requires a signature, it's not going to get there. He recommends we follow the Ohio Revised Code, Section 713.12 and send these first class mail. We would probably get quicker service that way. Mayor Costilow said the law does say first class mail, but he will make sure and follow up and make sure those residents are notified either by someone dropping them off – either a utility worker or himself. He will make sure they are notified. Roll call vote 7-0 to table to the 1/11/21 meeting.

**ORDINANCES AND RESOLUTIONS SECOND READING:**

- (a) An Ordinance amending Chapter 143 of the Codified Ordinances of the City of Amherst, Ohio regarding the Division of Police. (A-20-51)

Mr. Janik motioned to pass this on to its third reading. Seconded by Mr. Dembinski. Roll call vote 7-0 to pass to third.

**ORDINANCES AND RESOLUTIONS THIRD READING:**

- (a) An Ordinance establishing the salaries and benefits for the Amherst Fire Department effective January 1, 2021 and repealing all ordinances in conflict herewith; and declaring an emergency. (A-20-49)

Mr. Dembinski motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-20-35

Miscellaneous and acknowledgement of the public: There was no one speaking.

Agenda requests and committee meeting schedules:

A-21-01 Executive -- Amending O-18-47 to correct section 3.

Executive January 1, 2021 at 6:50 p. m. A-21-01 Will be held prior to Council Meeting

Reports of the Administration:

Auditor Pittak: No report but wished everyone a Happy New Year.

Treasurer Ramsey: No report.

Law Director Pecora: No report.

Safety/Service Director Jeffreys: No report

Mayor Costilow: Reported that the City will end the year in a good financial position. The City did a good job with all the departments holding back on things that they could with not knowing what the future was going to bring with tax collections and all. A few projects got put aside. But we will go into next year very strong with having a good carry over. The projects we put off should be completed next year along with the other projects we have planned. Also, he hoped that they agreed that our city crews on Christmas day left their families and logged about 19 hours that day keeping our roads cleared of the heavy snow the electric was kept on. He is so very proud of those people that come out on those days so that our citizens can be kept safe and comfortable. So he hopes that everyone agrees with him. He wished all the residents, the city workers and everyone a very happy and healthy new year. He hopes for a good new year and thanked everyone again for their cooperation and for all the things we accomplished this year. He is proud of all of them.

Mr. Van Treuren 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 adjourn. Seconded by Mr. Nahorn. Roll call vote 7-0 to adjourn. The meeting adjourned at 7:19 p.m.

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Olga Sivinski, Clerk of Council

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Jennifer Wasilk, President of Council

