

MAY 10

2021

THIS MEETING WAS HELD IN HYBRID FORM: (Council members and guests in chambers and others via ZOOM)

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. Janik, Mr. Van Treuren, Mr. Dembinski, Mr. Cowger, Mr. Wachholz, Mr. Heberling, Mr. Nahorn, who were all present in person. Mayor Costilow was present in person. Present via ZOOM were Assistant Law Director Ward, Law Director Pecora, Auditor Pittak, Treasurer Ramsey and Safety/Service Director Jeffreys. Also present were Mr. Carl Rosso.

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. Van Treuren motioned to approve the Consent Agenda as read. Seconded by Mr. Dembinski. Roll call vote 7-0 to approve the Consent Agenda as read.

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 enter into an amended Mutual Aid Agreement for Law Enforcement with certain Lorain County subdivisions; and declaring an emergency. (A-21-19)

Mr. Nahorn motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Heberling. Roll call vote 7-0 to suspend rules. Mr. Cowger motioned to adopt. Seconded by Mr. Janik. Roll call vote 7-0 to adopt. Becomes 0-21-19.

- (b) An Ordinance authorizing and directing the Mayor to enter into contracts for the City's sale of a portion of Parcel No. 05-00-041-110-031 to Clovervale Farms, LLC and purchase of Lorain County Community College's contingent interest in such split parcel; and declaring an emergency. (A-21-20)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Nahorn. Mr. Cowger said he had some residents call him with questions on this. Some were in favor, some were against this sale. He wondered if this could go another reading so these residents had an opportunity to come in and discuss this if they chose to. Mayor Costilow said the benefit is that Clovervale would like to hire more employees and they need more parking and a safe place to walk around. He's sure they could wait, as they are still doing some due diligence. The more employees we get to the city, that's more tax dollars for us. This has been going on for quite a while and he has not had anyone come into his office with any questions. Again, the sooner this happens, the sooner the employees can get through that part of the parking lot safely. Safety for the employees is his first concern, bringing more jobs into town is his second. Mr. Wachholz asked if there was anything specific that these residents that called him were concerned about that could be answered tonight? Mr. Cowger said some felt we were giving parkland away; that there is not a lot of park land in the City of Amherst; and they were not sure it was a good idea to let parkland go; and what message this would be sending to others who would possibly donating land for parks in the future if we turn around and give away land to commercial businesses. This would send a wrong message. These are the concerns from the people who are against this. Mayor Costilow said this was good timing on these questions, as there will be an Agenda Request in front of everyone that Nordson is giving away the old Amherst Freight Depot to the city, which is about the same amount of acreage as this park parcel. So you have one business taking some parkland that is totally unused, and another donating land that has a building that can really be utilized by the community. Our Park Board and park managers are thoroughly excited about this possibility. They will have some naming rights, some other restrictions so that this does stay a park. We do not have any parkland in that part of town. And the park behind the old K-Mart will still be used as a park. Those dollars can be used to enhance the soccer fields. This a great thing for the City all around. Mr. Dembinski pointed out that the agreement between the City and LCCC

had a June 1 date so we could push this one more meeting. Mr. Carl Rosso of 595 Milan Avenue said that as a member of the public, he sees no need to pass this on emergency. Whether this is good for the city or not, emergency is not warranted. He urged Council not to pass this under the emergency. The things he heard the Mayor said about the other parcel, these two are not linked, so he would just look at this parcel. Mrs. Wasilk pointed out to answer his one question is that the parcel does address workers' safety. There are several hundred workers and this will make their walk from the parking space to the work space safer. So that is a public safety issue and that is part of what we are addressing on this. Mayor Costilow said this has been in front of Council for a long time, it was then passed to CIC for public input. The CIC reviewed this and there was opportunity for public to speak to this. There has been nothing but positive discussion during this whole process. There was a lot of opportunity for the public to state their views. This is about jobs and workers' safety. Mr. Nahorn said he would echo Mr. Costilow's comments that this has been before public for quite some time. It was before Council, then CIC and back before Council now. It has been in the newspapers as well. Being a member of the CIC, this is something that has been discussed through that group; it's been studied and discussed for a good amount of time. His family's property here in town has a conservation easement on it. So he understands easements, and park lands, and protecting these properties. He feels this has been studied very closely all around and he feels we are making the right decision between workers' safety and maintaining our parks. Mayor Costilow said this also did go before the Board of LCCC. Their entire board felt this was good for the community, good for the county, good for everyone. Deed restrictions were given to the college and they looked at this and saw the benefit for all. This will go a long way for a lot of good reasons. Mr. Rosso spoke and said these may all be true items, but he sees no need for the emergency. He asked Mr. Nahorn if he had a financial interest in this sale of the property? Mr. Nahorn said he did not. Mr. Rosso said that Mr. Nahorn said he owned an easement on the property? Mr. Nahorn said he was referring to his family's property on Cooper Foster Park Road that is their home along Beaver Creek and they have a land conservation easement on that property to avoid any further development. Mr. Rosso stands corrected on this, but still urged Council not to suspend rules on this. Roll call vote 6-1 with Mr. Cowger voting no to suspend rules. Mr. Van Treuren motioned to adopt. Seconded by Mr. Heberling. Roll call vote 6-1 with Mr. Cowger voting no to adopt. Becomes 0-21-20.

ORDINANCES AND RESOLUTIONS SECOND READING: NONE

ORDINANCES AND RESOLUTIONS THIRD READING: NONE

Miscellaneous and acknowledgement of the public:

- (a) Consideration of a liquor permit for Central Village, LTD, Co. 474 Church Street
D-1 – Beer only for on premise consumption or in original sealed containers for carry out only until 1:00 a.m. and **D-2** Wine and mixed beverages for on premise consumption or in original sealed contains for carryout only until 1:00 a.m.

There were no objections to this liquor permit.

Mr. Carol Rosso 595 Milan Avenue said he has two individuals that he works with that brought up concerns regarding the end of the Hollstein property development – the end of the access road. He works with these individuals and although it's not his direct problem, sometimes as management his responsibility sometimes bleeds over the walls of the facility. He is asking his questions on their behalf and they will remain anonymous. They have complained to him a few times about the lack of salt management and plowing in that development. He looked at the county records and it's a private drive. But these individuals who bought these homes for their elderly mothers stated that they did not know at that time that this was a private drive. Maybe they did, maybe they didn't. But they feel since they are paying taxes, they should be getting this maintenance. They have not received that maintenance to their level of satisfaction. He knows, reading the map, it's not the city's responsibility but their complaint is they are paying taxes. He wanted to bring that up, he does not know what department heads that up. He does not want to see that in other developments, especially those in the TIF area as we kind of shave tax dollars off our services. He asked who could follow up on this? Mayor Costilow indicated he would address this during the Reports of the Administration.

The second item Mr. Rosso brought up was regarding the progress to replace broken sidewalks in the city. His question is specifically regarding Milan Avenue, the street he lives on. While he does not specifically have problems with his sidewalks, the entire lane of

sidewalks from the overpass heading east out of town and then turning north to N. Lake Street to the overpass – the County Auditor’s website map shows the entire area is owned by the city and not by the individual homeowners. He explained further. He asked for someone from the city to look at this. A couple of his neighbors have communicated to him that they are confused by whose property it is. When he took a look at it, he told them that it looks like city of Amherst property and there are easements for the homeowners to utilize the property for egress. He asked if someone could answer that question. Mayor said he would address it under Reports of the Administration.

Agenda requests and committee meeting schedules:

A-21-21 Bld..and Lands - Authorization to accept the donation of the old Amherst Freight Depot from Nordson Corp.

A-21-22 Bld and Lands – Pursuant to ACO, consideration for Habit for Humanity ReStore Drive-Thru Canopy

A-21-23 Bld. & Lands – Authorization to accept the CIC recommendation to accept the exchange of real estate parcels between the City of Amherst and Franklin Greekin, LLC.

Building and Lands – May 17, 2021 at 7:00 p.m. A-21-21 , A-21-22, A-21-23

The remainder of Council Committee Meetings for May 17, 2021 are cancelled.

Reports of the Administration:

Auditor Pittak: The April report has been sent out, please call his office with questions.

Treasurer Ramsey: The April report has been distributed. Reminded all that the tax deadline is May 17.

Law Director Pecora: No report.

Safety/Service Director Jeffreys: No report.

Mayor Costilow: Thanked Council for their support of both issues on the Agenda. He told Mr. Cowger the residents are still welcome to stop in his office and he can further answer any questions. If they come and talk to us, they will understand what we have done. He appreciates the “no” vote and understands that Mr. Cowger had people with questions.

Regarding the question about Beaver Creek and the private drive, and the Hollstein private drive and the deed restrictions that talks about those responsibilities of a homeowner association – when a developer comes to the city and asks for those kind of private roads, there is a significant savings to the developer as far as what kind of roads he can build. They can save money by not building them by city specs. These savings are passed on to a homeowner. He has talked to the developers a lot and they tell him those things are disclosed and people are aware of them. He has talked to the people and homeowners and he has been told the situation will get better. It is still a fairly new development and new homeowners association. He hates that there are these problems, but there may be some squeaks in the wheels that need oiled out. It is an additional cost to the homeowner, but he feels it’s an upfront savings when those things are developed. As far as some of the other vacant properties, some of these lots that were developed this way were unique lots and would not typically been developed without these PDD’s. They are kind of at the end of town, the end of a road. They are not really pass through areas. So those developments really fit into that. His vision of those bigger properties that are not developed, those kind of communities might now fit. It will be up to Council to make that decision. He spoke of potential uses for a planned development district. He is fairly confident when they sold those lots, it was explained to the residents about these issues.

As far as the sidewalks, he will look into this. He feels the Building Department is doing a professional job. He is confident that nothing is being done outside our ordinances, but he will check into this and report back on two weeks. Now that it has been brought to his attention, he will speak with the Building Department.

Mr. Cowger motioned to accept the reports of the administration. Seconded by Mr. Dembinski. . Voice vote 7-0 to accept the reports of the administration.

Mr. Dembinski motioned to acknowledge the receipt of the April 2021 Auditor and Treasurer reports. Seconded by Mr. Wachholz. Voice vote 7-0 to acknowledge the receipt of the reports.

Mr. Dembinski motioned to adjourn. Seconded by Mr. Van Treuren. Voice vote 7-0 to adjourn. The meeting adjourned at 7:32 p.m.

Olga Sivinski, Clerk of Council

Jennifer Wasilk, President of Council