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This meeting was in Hybrid Form (Council members and visitors in Chambers and all others via ZOOM)

Amherst City Council was brought to order in a Regular Session with President Wasilk opening the meeting at 7:00 p.m. Also present in Council Chambers were Mr. Cowger, Mr. Wachholz, Mr. Nahorn, Mr. Heberling, Mr. Janik, Mr. Van Treuren, and Mr. Dembinski, and Mayor Costilow. Present via Zoom were Assistant Law Director Ward, Safety/Service Director Jeffreys, Law Director Pecora, Treasurer Ramsey, Auditor Pittak and Mr. Britt Lily. Also present in Council Chambers were council elect Mr. Winiarski, and residents from N. Dewey Road.

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. Heberling motioned to accept the Consent Agenda as read. Seconded by Mr. Cowger. Voice vote 7-0 to accept the Consent Agenda.

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. Heberling motioned to accept the Consent Agenda as read. Seconded by Mr. Van Treuren. 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 declaring the ward boundaries of the City of Amherst, Ohio and declaring an emergency. (A-21-50)

Mr. Janik motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Wachholz. Roll call vote 7-0 to suspend rules Mr. Heberling motioned to adopt. Seconded by Mr. Cowger. Mr. Dembinski pulled up the proposed ward map on the screen so all could see the proposed changes. He pointed out the area that was moved from the second ward to the third ward. One area was moved from the second ward to the fourth ward. He pointed out the numbers and that they are very close to each other. He explained the population figures per the 2020 census and is allowing for future extra growth in two wards. The first ward figures are a bit higher, allowing for the 56 home development at Eagle Ridge which is on Cooper Foster behind Target. That is in the building stages, but we know there will be at least 56 people or higher living there. Also, there is a increased number of homes in the fourth ward and under the assumption that the Lily Development will be approved, that will be another additional 100 homes. Once you add the anticipated homes, the numbers are very, very close. There is a minimum of changes for the rest. Roll call vote 7-0 to adopt. Becomes 0-21-46.

ORDINANCES AND RESOLUTIONS SECOND READING: NONE

ORDINANCES AND RESOLUTIONS THIRD READING:

- (b) An Ordinance approving the final development plan and Owner's/Developer's Agreement for Lily's Gated Community and rezoning and approving Lily's Gated Community as a Planned Development District. (A-21-48)

Mayor Costilow spoke and said at the last meeting there were some questions about how much tax dollars this will generate. He looked at two assumptions – of the homes are valued at \$150,000 and worst-case scenario, if they are valued at \$100,000. He also spoke to the valuation of the community center when it's built which will be valued one million dollars in itself. So with the land and community center he put at valuation of five million dollars. So he spoke to the county auditors about the twenty million dollar evaluation and they would collect \$372,000 annually on the real estate tax and very round numbers, approximately 75% of that goes to the schools. So the schools would receive \$284,208 of that. That's pretty much

without any impact on the schools. With the older residents living there, there would not be any children going to school. The city would receive upwards to 4 1/2 % and that would be divided between several entities. That's \$16,358 at that valuation. So to put that in perspective, that could possibly mean a new police cruiser every three years. He spoke to valuation if the homes were \$100,000. They also did a study within our own Income Tax Department to find communities that we would consider 55 and over, such as English Lakes and the new Beaver Creek. We picked a few streets where we thought the demographics would be similar to 55 and over and came out with a \$186 average so with 100 homes, that's \$18,600 we would assume in income tax and our city would collect. This does add up over time. He has heard the argument that people over 55 don't pay taxes. He is in that category and does not see himself retiring. He sees several people in the room 55 and older who are still paying income tax. \$186 is a lot less than the average person who is working, but again, that's an average. Mr. Cowger said that there would also be income from this to go towards our streets.

Mr. Cowger read the extensive types of buildings that may be built on C-2 property without having to come before council or zoning board. He referenced the Amherst Codified Sections under which these fall. He said there were questions about possible rental of the community center that will be built on this property, but if a hotel were built, you could have numerous banquet halls that could be rented out daily. He feels that the proposed senior living community is in the best interest of the resident and the city. This will retain the trees and green space that is there. He explained the percentages of green space that would be available vs. the land needed for streets and etc. Over 17% of that property will remain green space. With the current zoning, if Mr. Lily wanted to take down everything except a 10 foot buffer, he could do that and no one could stop him. He feels this is the safest use for this area. With some of the problems with motels, he would hate to see a motel or hotel there, kind of tucked away in the back. He will continue to support this.

Mrs. Kathrine Gilles 6050 N. Dewey asked that this development be denied, or at the least paused. The residents would like to know how the existing conditions on the road will be handled. They asked for a traffic study for his area and received two pages which was the conclusion. On Christmas Eve they had another rear end accident at the end of the street. There is no room on either side of that road to put a turning lane in. Where is the engineering report for that? There is 30' sheer cliffs on both sides of the road. They are disappointed by the fact that some of you don't care about how this will affect the existing residents. The residents expect that they should be looking out for the residents' best interest. As constituents, they feel that just because something can be built, does not mean it should be. She asked that council votes "no" and sends this back to the Planning Commission for review.

Mr. George Roling 6120 N. Dewey Road, said in regard to Mr. Cowger reading off all the facilities that can be built there, due to the bad ingress and egress and the dead end road, he just can't see a motel or any other business going up there.

Megan DuBois of 6140 N. Dewey asked about any plans for making the road safe? Mrs. Wasilk noted that this question was answered in committee and the other meetings. Mrs. DuBois wants to hear them again as it sounds like the only plan is make a turn lane from N. Ridge Road. She does not feel that \$70,000 is enough add a turn lane when you have to fix those ravines and that bridge on N. Ridge that comes just before there. The cost does not seem realistic. So the question is, do they think this road will be safe the way it is now? Should a hotel be built there, same question, how will the city keep that tiny road safe? If they expand the road, it will come up pretty close to their porch and two other peoples' porches. So if they continue with this, and then find out down the road that the road is not safe, so now they need to expand the road, is also her question. She has lived in a trailer home before and they wanted to get out because they were living on top of each other, and the allotment fees. She explained. She spoke to the high allotment fees at Amherst Village. So these people at this development will be living on a tiny piece of land that they don't own. She does not feel it's a good idea to put people in financial difficulties and expect them to be contributing citizens. She realizes these homes will be nicer than a trailer park, which makes her ask why trailer parks were not wanted in the city? When their family was purchasing their home and it is near a trailer park, she called the police department to see if they had many problems and was advised that they did not. Then when their car was broken into, it made her wonder what kind of safe neighborhood they were in.

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Mrs. Cynthia McGuire speaking for her mother Delores Gilles who lives at 6124 N. Dewey Road, thanked everyone and hoped that everyone had a nice Christmas and happy holiday. She said listening to what the Mayor said, she asked about how the valuation of the home has changed. They have dropped from the \$200,000 range to now the \$100,000 range. This is not consistent information. The community center with the valuation of five million dollars, will only happen in the last phase. There is no guarantee that this will happen. She wanted to know how much the road repair will cost. The other properties the Mayor was speaking to were owned properties and are not rented by the residents. They have requested reports that they just received, or they are incomplete. They have not even heard about the engineer's report. Interest rates will be going up, and Mr. Lily had said that he could not guarantee how these developments would go if interest rates go up. If the interest rates go up, these homes will become unaffordable. She is asking all council to consider not approving a trailer park there.

Mr. Janik thanked the residents from N. Dewey Road for letting us know how they feel and expressing their opinions. He can see they are a great community. He thanked them for their phone calls, letters and communications. It helped in his making his decision. He also added that in his decision, when the Mayor mentioned to the amount that will go to the schools, being in education and education is one of his biggest priorities, it's very important to our future and to our growth to Amherst schools, to realize that we will get a very good amount of money from this deal. No matter what the valuation, it opens the door to our community of members who are 55 and over, that have a place to go, that can make a decision on their own, being of that age and mature, whether this would be a good property investment for them or not. With that, he feels there are many resident who are in homes that are bigger who may want to downsize and go into this community. He feels that all of the N. Dewey residents will be very good neighbors. As far as the Mayor and road repairs, after working with him for eight years, he can assure them that this Mayor and Safety/Service Director, when he puts his name on a project, he follows through and does a good job. He referenced the project on N. Main where the city redid the embankment on the cliff area. There were residents that came to the meetings, and were worried about the encroachment upon their property. One resident had shared a concern that they did not want someone driving through their front window and the mayor assured them that was not going to happen. That area looks beautiful. Many of the residents are very pleased as how that project turned out. So the Mayor made his promise good. None of them here want to see anything go in that does not look good. We will hold Mr. Lily to the agreement as provided and as he's promised. We'll make sure that road looks its best and has the feature of a turning lane. This is great for education and for our future of Amherst, this is helping us develop Amherst. It was a hard decision, but he feels this is helping develop Amherst and is what's best for Amherst. So he is voting for this. Mr. Cowger motioned to adopt. Seconded by Mr. Janik. Roll call vote 4-3 with Mr. Wachholz, Mr. Heberling and Mr. Dembinski voting no. This item passes and becomes 0-21-47.

Miscellaneous and acknowledgement of the public: Mr. Nahorn said listening, gathering information, and opinions from all sides, researching matters at hand and ultimately acting in the best interest of our city, are key factors that make up a successful council person. As he steps away from city council, he is taking a moment to thank Amherst residents who have supported his candidacy in the past. He also thanked fellow city council member with whom he had the opportunity to serve. It has been a pleasure to to serve our community alongside all of them. He thanked Mrs. Wasilk for her guidance, leadership and willingness to be a good listener. He thanked Council Clerk Sivinski for her excellent organizational skills. He thanked the entire administration for their efforts in continuing to move Amherst forward. He thanked Mayor Costilow for his leadership and insightfulness and business acumen that continue to move Amherst in a positive direction. We cannot always agree on all points, but he knows he could always expect a truthful and complete answer when discussing a matter. This is incredibly important in a city leader. He thanked everyone and said he now looks forward to working with everyone from the other side of the desk.

Mrs. Wasilk thanked all the Dewey Road residents who have appeared and provided comments in all the meetings. Even tho this did not proceed as they requested, their input actually made some very positive changes as far as the planning and the studying of this development and she thanks them very much.

Agenda requests and committee meeting schedules: There were no Agenda Requests presented so all Committee Meetings for January 3, 2022 are cancelled. The Clerk reminded all there would be a Special Council meeting on January 3 and swearing in ceremony.

Reports of the Administration;

Auditor Pittak: Wished everyone a belated Merry Christmas and a Happy New Year. He thanked everyone for a good year and is looking forward to 2022.

Treasurer Ramsey: No report.

Law Director Pecora: Thanked the outgoing council members for their service and no other report.

Safety/Service Director Jeffreys: Wished everyone happy holidays. Thanked the outgoing council Mr. Nahorn and Mr. Van Treuren for their service.

Mayor Costilow: Spoke to the residents and said he knows it is not the outcome they wanted but reminded them that the door to his office is always open and he is always ready for a phone call. He will watch this project and listen to their concerns. Asked that they work together to make this the best project possible. He thanked Mr. Nahorn and Mr. Van Treuren for their input and discussion and being a part of Council. The city is better now because of them. He will miss them. He invited them to come up and be part of their process here. His door is always open. Job well done! Thanked them and wished them good luck in their future.

Mr. Cowger motioned to accept the Reports of the Administration. Seconded by Mr. Nahorn. Voice vote 7-0 to accept the Administration reports.

Mrs. Wasilk wished everyone a Happy New Year. She wished the best of luck to Mr. Nahorn and Mr. Van Treuren and wished them luck in their future endeavors. She is looking forward to the return of the rest of council in the new year. She acknowledged Mr. Winiarski joining us this evening and looking forward to working with Ms. Smith next year. She has enjoyed working with everyone here.

Mr. Van Treuren motioned to adjourn, seconded by Mr. Nahorn. Voice votes 7-0 to adjourn. The meeting adjourned at 7:48 p. m.

Olga Sivinski, Clerk of Council

Jennifer Wasilk, President of Council