

April 25

22

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, Ms. Smith, Mr. Heberling, Mr. Janik, Mr. Winiarski, and Mayor Costilow. Present via ZOOM were Assistant Law Director Ward, Treasurer Ramsey, Law Director Pecora, and Safety Service Director Jeffreys. Auditor Pittak and Mr. Dembinski were absent and had letters on file. Mr. Winiarski motioned to excuse Mr. Pittak and Mr. Dembinski as they had letters on file. Seconded by Ms. Smith. Voice vote 6-0 to excuse Mr. Pittak and Mr. Dembinski. Also present were members of the public and Mr. Aaron Appel of Bramhall Engineering.

The Prayer was invoked by Chaplin Janik, followed by the Pledge to the Flag led by acting Sergeant at Arms Cowger.

Consent Agenda: The Clerk read the Consent Agenda. (The committee Meeting dates were verbally corrected by the Clerk from April 11 to April 18) Mr. Cowger motioned to accept the Consent Agenda as read. Seconded by Mr. Heberling. Voice vote 6-0 to accept 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 an Increase In appropriations for collection fees to Keith D. Weiner & Associates Co., L.P.A. (A-22-23)

Mr. Cowger motioned to pass this on to its second reading. Seconded by Mr. Heberling. Roll call vote 6-0 to pass to second.

- (b) An Ordinance authorizing and directing the Mayor to enter into a Community Housing Impact and Preservation Partnership Agreement with the Lorain County Commissioners and certain cities; and declaring an emergency. (A-22-24)

Mr. Janik motioned to suspend all council rules so that this may be passed in its first reading. Seconded by Mr. Cowger. Mr. Winiarski said the need for this is identified in the Ordinance. He read the portion of the ordinance that refers to the need. He asked which advisory group we would be working with. There was a discussion regarding this topic and Mr. Pecora and Mayor Costilow said they don't know yet and explained. Roll call vote 6-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Wachholz. Roll call vote 6-0 to adopt. Becomes 0-22-17.

- (c) An Ordinance authorizing the Safety Service Director to enter into a contract to purchase a 2023 Freightliner M2 106 and related truck equipment for the Street Department through the Ohio State Cooperative Purchasing Program; and declaring an emergency. (A-22-25)

Mr. Cowger motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Wachholz. Roll call vote 6-0 to suspend rules. Mr. Cowger motioned to adopt. Seconded by Mr. Janik. Roll call vote 6-0 to adopt. Becomes 0-22-18.

- (d) A Resolution recognizing and commending John Sekletar for his efforts which resulted In the completion of Patriot's Park. (A-22-26);

Mr. Heberling motioned to pass this on to its second reading. Seconded by Mr. Cowger. Roll call vote 6-0 to pass to second.

- (e) An Ordinance authorizing and directing the Safety Service Director to enter Into a contract with Underground Utilities, Inc. relating to emergency repairs to certain sewer and water utility structures on Cleveland Avenue at a total cost not to exceed \$393,166.00; and declaring an emergency. (A-22-27)

Mr. Cowger 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. Janik motioned to adopt. Seconded by Mr. Cowger. Roll call vote 6-0 to adopt. Becomes 0-22-19.

- (f) An Ordinance authorizing and directing the Mayor to enter into a cooperative agreement with the City of Lorain for the Lorain/Amherst Western Gateway Project Preliminary Engineering Phase; and declaring an emergency. (A-22-28)

Mayor Costilow said that Lorain has already adopted their ordinance so he hoped council would suspend rules on this so we can continue with the planning and engineering on this project. Mr. Heberling motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Janik. Roll call vote 6-0 to suspend rules. Mr. Wachholz motioned to adopt. Seconded by Mr. Heberling. A discussion ensued with Mr. Dave Purcel of 820 Forde Avenue asking questions about the project. He said he has spoken with people and they would like to understand safety issues and what the next goals are. A safety issue is when moving of individuals around, because we have a park to the south, a rec center to the north, and a pathway put in for non-motorized traffic. Currently we have signage that tells residents when to walk and when not to walk. How will people move across the intersections? How will emergency vehicles be handled? When looking at the proposed roundabout, the crossing portions are significantly removed. With potential growth moving into the area there could be a lot of non-motorized traffic in that area. He asked if there might be some other conventional means for this area. He noted that he loves roundabouts, and he feels they are great to keep traffic moving. This is good when there is a lot of space and not too many pedestrians. Is the payback of putting all this infrastructure in what we expect of it vs. what this cost potentially could be or less changes made. Mr. Aaron Appel spoke and said as far as the pedestrian crossing for the interchange, those will be developed as part of the preliminary engineering. Roundabouts often deal with pedestrian traffic. They do provide for a safer means of transportation and for pedestrians particularly at the off and on ramps at St. Rt. 2. On our preliminary plans they show "refuge" islands where people stop while they are crossing. Typically, there is not a pedestrian push button that you would see at a signalized intersection. As far as emergency vehicles getting through the roundabouts, as Mr. Purcel pointed out, it is a continual flow of traffic. They are an efficient means of operating at an intersection. They looked at eight alternatives. They look at them as a level of service with each option that is presented as to how efficiently traffic can get through the intersections. The roundabouts were the most efficient means to get the vehicles through the intersection. The emergency vehicles will be expedited with the continual flow of traffic. With the eight alternatives, there were some that had issues with environmental issues, real estate issues where roads could not be constructed, and the two best alternatives from a level of safety, level of service and efficiency to get vehicles through intersections having the most capacity, with the turn lane options, as well as the roundabout options. In each option, there are cost variables for construction. The bridge will also be studied under preliminary engineering. He explained further. He had some exhibits that all were able to view on the screen and he explained each one. Mr. Purcel proposed a different way this intersection can be built and asked further questions that Mr. Appell answered and said they would be looking at all the alternatives. He explained all the preliminary work and plans this would entail and all the various studies that will be done per due diligence. All this has to be in compliance with ODOT. ODOT also controls limits of access so some road relocations cannot reasonably be considered. Mr. Cowger asked to be informed of any other two roundabouts that are as close as the two on the north side and how they work; and is there any way that on the north side there could be just a larger roundabout that's centered in between the two that would have six entrances going into it? Mr. Appell said he would get back to Mr. Cowger regarding this "peanut type" shape. Preliminary plans will look into this. Mr. Cowger further explained if his idea could be considered. He has never seen this type of proposed roundabout.

Mr. Janik said his concerns are about the semi-truck drivers that make deliveries in that area and if they can maneuver through the peanut style roundabout. He would like some information on that and to see if there is another roundabout like this and see the movement of these trucks. Also, if winter weather would impact the movement of these trucks in this type of design. Mr. Appell said they do simulations and see about being able to maneuver a full tractor trailer through these intersections.

Mr. Winiarski thanked Mr. Appell for being here this evening. He gave an example of driving on a roundabout on the example that is seen on the screen. He asked which exit he would be using to get to a certain point. Mr. Appell explained which one he would use and Mr. Winiarski was pleased with the answer. Mr. Winiarski asked if offloading of traffic is contemplated in the study if they choose not to use the roundabout. Mr. Appel said it does somewhat, so they know they can't allow backup of traffic on State Rt. 2. The intent of the project is to alleviate backups as much as possible. This is part of the study. Mr. Winiarski said if this works, then people will embrace the roundabouts. Mr. Heberling is looking forward to this and not having to wait for the traffic signals to change. As far as pedestrian traffic, we want to promote this, especially with all the new developments going on around there, so has there been any discussion about a possible pedestrian bridge? This way pedestrians won't even have to worry about the traffic. If a driver is focused on continually moving, they may not notice a pedestrian or two. This would eliminate any worry about injuries. Mr. Appel said they have put a lot of thought about that. They have not considered a separate bridge structure. They have had some conversations with the Lorain County Metro Parks because of the connection they have there between the Community Center on Hollstein and Beaver Park Reservation. He spoke about consideration they have discussed.

Mayor Costilow spoke about the roundabouts and wanted to tell his story about people not using these and going to different routes. When this was first brought up, he did not like the idea himself, so he did a lot of research. In Carmel, Indiana there's 140ish roundabouts in the city. Some are very similar to what is being proposed here. He and his wife took the first vacation in a long time and spent a few days in Carmel and stayed right there in the heart of the whole thing. They got there at rush hour on a Friday and drove as many roundabouts as they could. It rained the next day and they drove them in the rain. They got out and walked them. When they were at the bed and breakfast, the owner asked them if they were here for the hot air balloon festival which was going on. Mayor Costilow explained that they were there to check out the roundabouts. The owner said he did not like them at first either, felt they were a nightmare, now deliberately plans his trips to use them. He tries to avoid stoplights in going through town. The Mayor of Carmel and other residents they spoke to actually plan to use the roundabouts to get to the other side of town. Seeing those there, he really believes in them now.

Mr. Foud Tahan of 324 Pebble Creek said he used to live in a city with many roundabouts. He said they were a nightmare. People did not know who had the right of way. There were a lot of accidents. He pointed to the exhibit on the screen and said it looks nice, but from a practical point of view, it will create more problems. He said to take his word, it will never work. Roll call vote 6-0 to adopt. **Becomes 0-22-20.**

- (g) An Ordinance authorizing and directing the Auditor to establish certain new accounts to track all revenues and expenses relating to the Tax Increment Financing Incentive District known as the Cooper Foster Park Road/N. Lake Street Incentive District; and declaring an emergency. (A-22-29)

Mr. Heberling motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Wachholz. Roll call vote 6-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Cowger. Roll call vote 6-0 to adopt. Becomes 0-22-21.

- (h) An Ordinance authorizing an increase in appropriations and estimated resources, and creating advances for, the Cooper Foster Park Road/N. Lake Street Incentive District; and declaring an emergency. (A-22-30).

Mr. Cowger 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. Janik motioned to adopt. Seconded by Mr. Heberling. Roll call vote 6-0 to adopt. Becomes 0-22-22.

ORDINANCES AND RESOLUTIONS SECOND READING: NONE

ORDINANCES AND RESOLUTIONS THIRD READING: NONE

Miscellaneous and acknowledgement of the public:

Consideration of Economic Development (TREX) transfer form for LaPlaza Holding at 1190 Milan Avenue (Formerly IGA) for a D-5 Liquor License.

There were no objections to this request.

Mrs. Vallie K. Flesch of 325 Pebble Creek, which is at Beaver Creek Reserve Development, said she was here with some of her neighbors and she brought along some pictures which were viewed on the screen. These showed concrete damages left behind by the developer, CAMBRAD. They claim the damage is cosmetic, but it is not. Ms. Smith has walked the area with her and Mrs. Flesch would be happy to take anyone else on this tour. She explained the legends of colors on the map that was being viewed and explained what each one stood for and described the conditions. She asked if the city has any ideas of how the residents can proceed to get this fixed. Mr. Winiarski recalled that these are private roads, and they are. He spoke about any withholding funds that could be available. Mayor Costilow said that pertains to infrastructure and does not include streets and sidewalks. Mr. Winiarski said we could push potholes and that type of thing as it could be a safety issue, but the landlord has to make the repairs. Mrs. Flesch said the responsibility is with the developer as it was turned over in horrible condition. It would devastate the residents if they have to fix those themselves. There was a discussion of bond money that has been held back. Mrs. Flesch said they are saying this is all cosmetic, and the development is not complete so there should be some money that was held back. Mr. Heberling asked for the name of the developer who damaged the concrete. Mrs. Flesch said it was CAMBRAD with Ryan Homes Builders. She wondered if there was any way to prevent this happening in the future to other developments. She showed a few more pictures of the damages. Mayor Costilow said this is a bit different than a public street. Typically a Developer's and Sub developer's agreements as adopted by council made these private roads, private sidewalks, private stormwater systems. The protocol is the bonding that are made typically is not covered with this type of situation. There would be bonding for the water and electric, and wastewater. Those would be approved and made sure they are done properly and there is a 2-3-year performance bond. The city would be looking at those things, but not the streets. In a layman's terms, the streets, sidewalks and storm water is like a "back yard" issue. The homeowners' association after a certain time owns the streets. It appears that CAMBRAD did turn over some dollars for the homeowner's association to begin managing the expenses of taking care of those private improvements. So, these are homeowner association issues, not city issues. If this was a public street, we might be able to look at it and do more, but it's not. It is not his place to give legal advice as to what they can do. Mr. Pecora agreed with the Mayor that this is a private matter with these issues. We can't give private legal advice to individuals. He said from his experiences is that CAMBRAD are usually pretty responsive. He did not know what the residents have done about discussing this with Mr. Brady and Mr. Campana. He suggested that the residents speak to them and then hire a private legal firm. Mayor Costilow said he knows the residents have spoken to Mr. Brady and Mr. Campana but does not feel it has to do with the city. He wishes the city could be more involved with that, but we cannot take sides here. He knows the residents have reached out and have received a response, but it's not the response the residents were looking for. It's actually the homeowner and property owner's responsibility to look at. He would love to solve the problems, but he does not have the answers. Mr. Janik asked if the sidewalks would be regulated under our sidewalks program. Mayor Costilow said it might be regulated under the sidewalk program, but he has to look into that. But again, it would fall on the homeowner, not the developer to repair them. The city would send a letter to the homeowner's association or the private owner. But the streets, no. Mr. Janik said he hoped they could get something resolved with the homeowner's association. Ms. Smith said she has been out there and spent a lot of time there, but as a city council representative, she has to be able to point to an ordinance that we can come together and help with. This is a private property issue as far as she can find. HOA is private so she has been very careful not to give legal advice. This is akin to a private driveway. She feels Mr. Pecora feels the same way. She does not want to sit in silence knowing that she has come out and spent some time there and had e-mails back and forth. In some of the e-mails there has been some disagreement with the HOA, and the developer and the prior management company as to what the problem is, and what the potential fix could be. She and Mr. Janik had a back and forth discussion on the issues.

Agenda requests and committee meeting schedules:
Added after the last council meeting and considered at meetings:

A-22-29 Finance - Create a new fund to track revenue and expenses related to the TIF Project; with emergency

A-22-30 Finance - Increase appropriations, estimated resources and create advances related to the TIF project; with emergency

Assigned this evening:

A-22-31 Finance – Accept grant from Ohio Department of Commerce, Division of State Fire Marshal for the purchase of an Airbag

A-22-32 Streets and Sidewalks – Vacating of N. Dewey Road

A-22-33 Finance – Amending 0-23-31 to reflect the interest rate increase From 3% to 3.55%

Finance – May 2, 2022 at 7:00 p.m. A-22-31, A-22-33
Streets and Sidewalks – May 2, 2022 at 7:05 p.m. A-22-32, A-22-33

No other Committee Meetings scheduled for May 2, 2022

Reports of the Administration:

Treasurer Ramsey: No report
Law Director Pecora: No report
Safety/Service Director Pecora: No report
Mayor Costilow: Spoke to the approval by council for the Cleveland Avenue project. He said the residents will receive letters apprising them of this project. There will be some street closures for the residents’ safety. But it will be one block at a time. It will be inconvenient but we will make it as minimal as possible. The letters will have daytime and evening phone numbers for the people in charge that the residents will be able to use if there are any issues. Any concerns they can call either of those numbers for any answers that can be provided. Or they can also call City Hall and we can try to help them. A resident on the east side of town and a resident on the west side of town have approached him about railroad noise and he will be working with them to declare a “quiet” zone. It won’t get rid of the rumbling and train noises, but with the right protocols at the intersections of these railways that we can put in place with a little cost of money, these quiet zones. There are three intersections and two are in the township. He will be working with them. He has TMS Engineering looking at this to figure out the right design. Then we will get to the railroad to declare this a quiet zone. We have made some progress on this.

Mr. Cowger motioned to accept the Reports of the Administration. Seconded by Mr. Heberling. Voice vote 6-0 to accept the Reports of the Administration.

Mr. Heberling motioned to adjourn, seconded by Mr. Cowger. Voice vote 6-0 to adjourn. The meeting adjourned at 8:23 p.m.

Olga Sivinski, Clerk of Council

Jennifer Wasilk, President of Council

