

December 12

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 pro tem Janik opening the meeting at 7:01 p.m. Also present in Council Chambers were Mr. Wachholz, Ms. Smith, Mr. Heberling, Mr. Janik, Mr. Winiarski, Mr. Dembinski, Treasurer Ramsey, and Mayor Costilow. Present via ZOOM were Council President Wasilk, Law Director Pecora, Safety/Service Director Jeffreys and Assistant Law Director Ward. Mr. Dembinski motioned to excuse Mr. Pittak from the meeting, and President Wasilk from being in Council Chambers. They both had letters on file. Seconded by Mr. Wachholz. Voice vote 6-0 to excuse. Also present in Council Chambers were Lt. Dan Makruski and Lt. Michael Rosebeck from the Police Department and Ms. Eileen Stanek of Meeder Investment Management.

The Prayer was invoked by: Chaplin Janik, 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 approve the Consent Agenda as read. Seconded by Mr. Dembinski. Voice vote 6-0 to accept the Consent Agenda as read.

Acknowledgement of the Public pertaining to items on the Agenda: Lt. Dan Makruski of 911 N. Lake Street (work address) spoke to item 6 (a) and to his experiences and involvements in various aspects of his career in the city, his various positions, and his service in the military. He noted that his passion for the last eight years has been active shooter, preparedness and response training. He spoke further on this. Several dangerous incidents in the past, such as the Robb Elementary shooting in Euvalde, and his military training have driven him to consider perhaps a calling to help that these incidents never happen again. He has considered retiring from the Amherst police department to pursue a full time job training other police officers or others to be better in that kind of situation. He applied for a job and was notified that the job is looking promising. Based on the interview date, he realized his retirement was coming and he looked at the benefits one receives when retiring. He looked at the ordinance pertaining to benefits when retiring. He began to question the portion of the ordinance regarding the amount of sick time one can be paid for at the end of the career and saw the figures. He then discussed the various positions and the amount of sick time. He asked that the amount of hours could be raised for his position. He asked Chief Cawthon to speak to the Mayor about this and the Mayor felt the ordinance would stand as presented. He and Lieutenant Rosebeck, Safety/Service Director Jeffreys and Mayor Costilow had a meeting and discussed this and what changes would have to be made. A suggested change would benefit him, but hurt Lt. Rosebeck. At the Finance Committee meeting last week, he recognized that Mr. Winiarski did a lot of homework on this subject. He provided a letter regarding the sick leave and discussed it. On File. Ms. Smith asked how many hours they both had. Lt. Makruski said over 2,000 and Lt. Rosebeck said he had around 800. Ms. Smith questioned how sick time actually works. Lt. Makruski could not totally answer that question without all the numbers in front of him. Ms. Smith continued with other questions with Lt. Makruski providing answers to those that he could answer.

Mr. Winiarski asked what was actually being requested as far as the numbers. Lt. Makruski asked that the figure of 560 be changed to 1,000. Mr. Winiarski asked who does their negotiations. Lt. Makruski said it was not the union, although he has paid into the union dues, but once the agreement was complete, they were told what was in the Ordinance. He discussed what he would have liked to see in the agreement. Mr. Winiarski asked about the sick time and how that works. Lt. Makruski explained and how positions were covered when someone is sick. Lt. Rosebeck echoed what Lt. Makruski said and feels it's absurd that the sick time has not moved. Ms. Smith asked how much sick time Lt. Makruski can accrue each year. He said it was 120 hours per year. He explained that he saved the city money by not having to be replaced whenever he is sick. Ms. Smith thanked them for coming to the meeting and explaining all these things and providing information to the Council.

Mr. Heberling said as a huge supporter and proponent of unions, and being a member of a negotiating team in the past, he takes a lot of this to heart. He said many of these questions needed to be asked. He asked Law Director Pecora what ramifications may Council face if we changed the negotiated agreement? Mr. Pecora said this was a non-bargaining agreement and was arrived by the administration and the actual officers. Council can adopt or reject the proposed ordinance or make any changes they wish. Yes, a Pandora's Box can be opened if Council makes changes and other personnel may want the same benefits.

Mr. Janik thanked Lt. Makruski for coming and for the presentation. He also thanked Lt. Makruski for his service to our country. He agreed with Ms. Smith, that we should not be thinking about the person in the position, but the position overall and what's best for the city moving forward. He feels the Mayor has put together a fine plan; and with respect to the salaries for the next three years being over \$100,000 a year, that sets him apart from the other positions. He also gets 30 days of vacation time, which is also a great benefit which people in private sectors don't get. He feels this is a great compensation package. He would recommend we retain what the Mayor has proposed.

ORDINANCES AND RESOLUTIONS FIRST READING:

- (a) An Ordinance to establish the salaries, terms and other conditions of employment for the Chief and Lieutenants of the Police Department of the City of Amherst, repealing all Ordinances In conflict herewith, and declaring an emergency. (A-22-69)

Mayor Costilow said he appreciates the great resume given by Lt. Makruski along with that of Lt. Rosebeck. He feels this position has enjoyed quite a few "carrots" over the last 25 years. He compared this contract with all the other supervisory contracts in the city and explained that sick time is a retention policy, to keep employees here as long a possible. He does not want to look at it as a "severance package" for lack of better words. He spoke to the 560 hours and how long other employees to reach this. He spoke further. The mention of Pandora's Box – other employees could be coming in and asking Council for their 1,000 hours. He asked Council not to make any amendments to this ordinance and pass it as it stands. Ms. Smith asked about the 560 hours being the same as back in the 90's. Is this due to other negotiated benefits? Mayor Costilow said you could say that benefit was before it's time and everyone else has wanted it and now they are just catching up. He explained the collateral damage that could happen. They also bumped up the longevity on this ordinance. Mr. Janik pointed out that our county employees can only cash out 250 sick hours at the end of their employment.

Mr. Winiarski said he spoke his piece last week and his opinion has not changed. He is aware that we are heading in the right direction, but there's many things that need to be fixed. There are three things that we addressed, but we have someone that actually came in and he felt we owe him a vote. The two Lieutenants has spoken and he would like to put it to a vote. He motioned to amend the ordinance in section 7.8 to reflect 1,000 hours after 25 years. The motion fails for lack of second. Mr. Dembinski spoke to some of the comments made and some quick figuring that he did. He motioned to amend the ordinance to amend section 7.8 to reflect 700 hours after 25 years. Seconded by Ms. Smith. Roll call vote 5-1 with Mr. Janik voting no. Mayor Costilow said again, going back to negotiations, giving the extra week of vacation, this is the collateral damage he is talking about by making these kinds of decisions. He urged that this remain as the original vacation time. He feels this is a bad decision. Council is not meant to be a negotiating table for employee contracts.. This ordinance can go three readings and it will be retroactive. A discussion ensued with the Clerk suggesting to consider sending this back to committee.

Mr. Wachholz motioned to send this back to committee for further review. Seconded by Mr. Heberling. Roll call vote 5-1 with Mr. Winiarski voting no.

- (b) An Ordinance to establish the wage rate and benefits, terms and other conditions of employment for the full-time Civilian Administrator of the Police Department of the City of Amherst, repealing all Ordinances In conflict herewith, and declaring an emergency. (A-22-70)

Ms. Smith motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Dembinski. Roll call vote 6-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Heberling. Roll call vote 6-0 to adopt. Becomes 0-22-54

- (c) An Ordinance to establish the wage rates and benefits, terms and other conditions of employment for certain full-time non-bargaining Unit Employees of The City of Amherst, repealing All Ordinances In conflict herewith, and declaring an emergency. (A-22-71)

Ms. Smith motioned to amend the designation of Budget Clerk to HR & Payroll Manager. Seconded by Mr. Wachholz. Roll call vote 6-0 to amend. Ms. Smith 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. Wachholz motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 6-0 to adopt. Becomes 0-22-55.

- (d) An Ordinance to establish the salary, terms and other conditions of employment for the Fire Chief of the City of Amherst, repealing all Ordinances in conflict herewith, and declaring an emergency. (A-22-72)

Mr. Heberling motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Ms. Smith. Roll call vote 6-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Heberling. Roll call vote 6-0 to adopt. Becomes 0-22-56.

- (e) An Ordinance to establish the salary, terms and other conditions of employment for the Information Technology Manager of the City of Amherst, repealing all Ordinances in conflict herewith and declaring an emergency. (A-22-73)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Ms. Smith. Roll call vote 6-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Wachholz. Roll call vote 6-0 to adopt. Becomes 0-22-57.

- (f) An Ordinance to establish the wage rates and benefits, terms and other conditions of employment of the Superintendents of Utilities and the Water Pollution Control Center and Supervisors of the Electric, Sewer, Street, Water and Water Pollution Control Center, repealing all Ordinances in conflict herewith and declaring an emergency. (A-22-74)

Mr. Heberling motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Dembinski. Roll call vote 6-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Wachholz. Roll call vote 6-0 to adopt. Becomes 0-22-58.

- (g) An Ordinance establishing the wage rate, benefits and other conditions of employment for the permanent Part-Time Tax Assistant I of the City of Amherst, repealing all Ordinances in conflict herewith, and declaring an emergency. (A-22-75)

Mr. Dembinski 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. Dembinski motioned to adopt. Seconded by Mr. Wachholz. Roll call vote 6-0 to adopt. Becomes 0-22-59.

- (h) An Ordinance to establish the salary for the Director of The Office On Aging of the City of Amherst, repealing all Ordinances in conflict herewith, and declaring an emergency. (A-22-76)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Ms. Smith. Roll call vote 6-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Winiarski. Roll call vote 6-0 to adopt. Becomes 0-22-60.

- (i) A Resolution adopting the Federally Approved Lorain County 2022 Hazard Mitigation Plan; and declaring an emergency. (A-22-77)

Mr. Heberling motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Ms. Smith. Roll call vote 6-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Ms. Smith. Roll call vote 6-0 to adopt. Becomes R-22-09.

- (j) An Ordinance approving the 2023 Interim Budget; and declaring an emergency. (A-22-78)

Mr. Dembinski 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. Heberling motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 6-0 to adopt. Becomes 0-22-61.

- (k) An Ordinance approving and accepting a Collective Bargaining Agreement with the Part-Time Dispatchers Unit of the Ohio Patrolmen's Benevolent Association for the years 2023, 2024, and 2025; and declaring an emergency. (A-22-79)

Mr. Heberling motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Dembinski. Roll call vote 6-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Heberling. Roll call vote 6-0 to adopt. Becomes 0-22-62.

- (l) An Ordinance approving and accepting a Collective Bargaining Agreement with the part-time Patrol Unit of the Ohio Patrolmen's Benevolent Association for the years 2023, 2024, and 2025; and declaring an emergency. (A-22-80)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Ms. Smith. Roll call vote 6-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Heberling. Roll call vote 6-0 to adopt. Becomes 0-22-63.

- (m) An Ordinance establishing the salaries and benefits for the Amherst Fire Department effective January 1, 2023, repealing all Ordinances In conflict herewith, and declaring an emergency. (A-22-81)

Mr. Heberling motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Ms. Smith. Roll call vote 6-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Heberling. Roll call vote 6-0 to adopt. Becomes 0-22-64.

- (n) A Resolution accepting amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the county auditor; and declaring an emergency. (A-22-82)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Ms. Smith. Roll call vote 6-0 to suspend rules. Mr. Heberling motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 6-0 to adopt. Becomes R-22-10.

ORDINANCES AND RESOLUTIONS SECOND READING: NONE

ORDINANCES AND RESOLUTIONS THIRD READING:

- (a) An Ordinance authorizing the Mayor to enter into an agreement with the City of Lorain for the supply and sale of water service; and declaring an emergency. (A-22-63)

Mr. Dembinski motioned to adopt. Seconded by Ms. Smith. Roll call vote 6-0 to adopt. Becomes 0-22-65.

Agenda Requests and Committee Meeting Schedules:
Added after the last meeting:

A-22-82 Finance Resolution accepting amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. This is due to the fire levy passing. With emergency.

No new Agenda Requests were presented but there will be a Finance Committee Meeting on Monday, 12/19/22 to consider: A-22-69 - Ordinance to establish the salaries, terms and other conditions of employment for the Chief and Lieutenant of the Police department of the City of Amherst, repealing all ordinances in conflict herewith, with emergency. This item was returned to committee on Council Floor.

Finance - December 19, 2022 - 7:00 p.m. A-22-69

No other committee Meetings scheduled for December 19, 2022

Reports of the Administration:

Mayor Costilow spoke about "opening a Pandora's box." He noted that this evening Council adopted five ordinances tonight that would require over 10 workers to work at least 30 years to receive their maximum benefit. Two of those maximum benefits are only 800 hours. The Fire Chief can only attain 240 hours. So now those other units will be coming here asking for the same benefits that Council has given other members. He feels Council needs to look at the entire picture. He appreciates what Council is doing, but asked them to consider the collateral damage.

Auditor Pittak: Not present.

Treasurer Ramsey: Introduced Eileen Stanek of Meeder Investment Management. He spoke to the investment policies that the city must follow. He spoke about meeting regularly. He has provided council with the reports. Ms. Meeder thanked Council for allowing their company to work with the city. She is a Lorain County resident, now living in Dublin. She is very honored to be able to help the city. She spoke to her company and how they provide investment advice to many communities. Mr. Ramsey said the company is "on top of their stuff."

Law Director Pecora: No report

Safety/Service Director Jeffreys: No report.

Mayor Costilow: Reported they have worked with AMPT and they have 90% of the plans done for the second transmission line. There will be a meeting of their board next month and he has written a letter explaining why we need this. Hopefully it will meet their approval and the second transmission line will be built next year. He spoke to the Police ordinance and spoke about "give and take." Right now they have some benefits others don't have and he would ask that those be reduced if they get such a big benefit as the sick time buyout. He spoke further to this. Ms. Smith asked if the Mayor could provide some reports for Council.

Mr. Heberling motioned to accept the reports of the administration. Seconded by Mr. Wachholz. Voice vote 6-0 to accept the reports.

Acknowledgement of the receipt of the monthly November 2022 reports from the Auditor and Treasurer

Mr. Dembinski motioned to acknowledge the Auditor and Treasurer November 2022 reports. Seconded by Mr. Wachholz. Voice vote 6-0 to acknowledge the reports.

Mr. Heberling motioned to adjourn. Seconded by Mr. Dembinski. Voice vote 6-0 to adjourn.

The meeting adjourned at 8:37 p.m.

Olga Sivinski, Clerk of Council

David Janik, President pro-tem of Council