

MEETING WAS HELD IN HYBRID FORM (Council members, members of the Administration and visitors in Chambers and all others via ZOOM)

Amherst City Council was brought to order in a Special Session with President Pro-tem Janik opening the meeting at 7:00 P. M. Also present in the Council Chambers were Ms. Smith, Mr. Heberling, Mr. Dembinski, Mr. Janik (pro-tem), Mr. Winiarski, Mr. Dembinski, Mr. Cowger. Mayor Costilow, Law Director Pecora, Treasurer Ramsey, and Safety/Service Director Jeffreys. Mr. Dembinski motioned to excuse Mr. Wachholz, and Auditor Phillips as they had letters on file. Seconded by Mr. Cowger.. Voice vote 6-0 to excuse Mr. Wachholz and Mrs. Phillips. Mrs. Wasilk and Assistant Law Director Ward were present via Zoom.

The Prayer was invoked by: Chaplain 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 accept the Consent Agenda as read. Seconded by Mr. Cowger. 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 amending City of Amherst Ordinance No. O-23-05 establishing the salary, terms and other conditions of employment for the Information Technology Department of the City of Amherst and repealing all Ordinances in conflict herewith. (A-23-34)

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

- (b) An Ordinance establishing the salary for the Clerk of Council for the years 2024, 2025, and beyond and repealing all Ordinances in conflict herewith. (A-23-35)

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

- (c) An Ordinance establishing the compensation for the members of the Office of the Director of Law; establishing the compensation authorized to be paid to additional legal counsel retained by the Mayor to serve as a labor specialist; establishing the compensation authorized to be paid to additional legal counsel retained by the Director Of Law to assist In litigation; and repealing all Ordinances in conflict herewith. (A-23-36)

Mr. Heberling motioned to pass this on to its second reading. Seconded by Mr. Cowger. Mr. Winiarski asked about the labor specialist and if it was a new position? Mr. Pecora said it was not. The labor specialist is an individual who handles labor and employment issues. He explained further and spoke to the wages. Mr. Winiarski said we are a year and a half into having the HR position. There are specific duties, which includes employee relations. What's the relationship one to one – are we getting rid of the HR position? How do they work together? Mr. Pecora said it was not his department, it was Human Resources. It could be an attorney or human resource specialist. He explained further but it would not be with his department. Mayor Costilow said it could just be dealing with legal issues etc. Mr. Winiarski noted that all several items are stacked together in one ordinance. He asked if these are all allowed – he thought they had to be in separate ordinances. Mr. Pecora said they could be voted all at once, they have always been done this way. In his opinion, this is ok. Ms. Smith asked how often do we go to the labor specialist? Mr. Pecora explained the Mayor's prerogative as to who to choose. He explains the ethical point of a person from his office providing a special rate if they are used. He can provide the names of an employee, but the Mayor engages them himself. Mayor Costilow said we have had some legal issues that outside the expertise of the Law Director's employees and they have had to hire outside counsel that has been significantly more expensive than Mr. Pecora's firm. It's an ethical thing that Mr. Pecora tells us what the rate is if using his firm. Roll call vote 5-1 with Mr. Winiarski voting no to pass to second reading.

- (d) An Ordinance establishing the salary and benefits for the full-time Mayor's position and repealing all Ordinances in conflict herewith. (A-23-37)

Mr. Cowger motioned to pass this on to its second reading. Seconded by Mr. Heberling. Mr. Winiarski spoke to items that had been discussed in the committee meeting as to the reasons for the salary increase. He explained his research on these issues and addressed them. Mr. Pecora replied and spoke to the questions asked, specifically 102.03, and Ohio Ethics Commission. (Provided and being made part of the minutes). He explained this in depth. Mr. Winiarski said he is thinking this will go three readings so he will be checking into these explanations. Mr. Cowger said if someone runs for a position in the city, and they are basing this on the salary they would be receiving, this is not someone the city wants representing them. A representative should be there to "give back" and not that the salary is high enough now that they will "put their name in the hat." Because then they are running for the money and not for the benefit of the city. He sees no problem with the proposed ordinance and will be supporting it. Ms. Smith agreed maybe in theory that money is not the reason why everyone does that or that we want that to be the deciding factor. There is case law that states that people are entitled to that information. She asked Mr. Pecora on sections of the advisory opinion and asked if we are in that situation of voting on salaries when they have been re-elected and also regarding ethical conduct. Her question is with the timing. Mr. Pecora said the opinion explains post-election but pre-term submission requests for salary increases. He spoke further. Mr. Dembinski said he will take a simple position in his approach – that the Mayor's position is underpaid. One of the things that sit funny with him is that we just talked about the law department and everything we talked about now, should also apply to the law department. He feels the problem is not necessarily that this is just applying to the Mayor; he feels the concerns are about the salary increase. People are trying to find a technicality to justify voting against it. It is entirely their right to do that. His position is that the Mayor's position is underpaid. Mr. Janik asked if there is anything in our laws about an 18 year old who is registered to vote and can run for Mayor. Mr. Pecora was not sure about that. Mrs. Wasilk said the requirement is that the person has to be a resident of the city for one year before taking office. She believes this is the only requirement. Roll all vote 4-2 with Mr. Janik and Mr. Winiarski voting no to pass to second.

- (e) An Ordinance establishing the salary for the Safety Service Director for the years 2024, 2025, and beyond and repealing all Ordinances in conflict herewith. (A-23-38)

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

- (f) An Ordinance authorizing an increase in appropriations for the Civil Service Commission wage increase. (A-23-39)

Mr. Dembinski motioned to pass this on to its second ready. Seconded by Ms. Smith. Roll call vote 6-0 to pass to second.

- (g) An Ordinance authorizing an increase in appropriations for the position of technician within the Information Technology Department for wages, OPERS, Health Insurance, and Worker's Compensation. (A-23-40)

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

ORDINANCES AND RESOLUTIONS SECOND READING:

- (a) An Ordinance levying upon certain lots and ands assessments for the cost of repairing and replacing various public sidewalks under the City of Amherst, Ohio's 2022 Sidewalk Program. (A-23-31)

Clerk requested that this be adopted under suspension of rules as it has to be in the hands of the county by the beginning of September. Roll call vote 5-1 with Mr. Winiarski voting no to suspend rules. The motion fails. Mr. Dembinski motioned to pass to third reading. Seconded by Mr. Cowger. Mayor Costilow spoke to this and agreed that this needs to be to the county by 9/11. This does not have emergency clause on the ordinance. This is very important. Mr. Winiarski asked about reconsideration should we choose not to take a vacation. Mayor Costilow reminded all about the last meetings where we had 4 at the meeting and then only 3 were available so that meeting was cancelled. He again asked about adopting this at this meeting. This will cost the city a lot of money if this does not go to the county on time. Mr. Cowger withdrew this second and Mr. Dembinski withdrew his motion. Mr. Winiarski wished to know who would not be available for the next meetings. Mr. Cowger pointed out that even if we adopt this at the 8/14 meeting, we do not have the necessary 30 days needed. We will have to have a special meeting by 8/7 to get this to the county at a timely manner, or suspend rules this evening. This has nothing to do with whether we take a vacation or not. Mr. Winiarski motioned to reconsider his vote. Seconded by Mr. Cowger. Roll call vote 6-0 to allow for the reconsideration of the "no" vote. Mr. Cowger motioned to suspend all council rules so that this may be passed in it's second reading. Seconded by Mr. Heberling. Roll call vote 6-0 to suspend all council rules. Mr. Cowger motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 6-0 to adopt. Becomes 0-23-32.

ORDINANCES AND RESOLUTIONS THIRD READING: NONE

Miscellaneous and acknowledgement of the public:

Consideration of TREX transfer of C-1 and C-2 liquor license from a Portage County location to Lorain County. This is for the Marathon Gas Station at 960 Leavitt Road. There were no objections to the transfer.

There was no one else speaking.

Agenda requests and committee meeting schedules: There were no Agenda Requests submitted so no committee Meetings were scheduled.

Mr. Cowger motioned that Council recess for the month of August. Seconded by Mr. Heberling. Roll call vote 3-3 with Ms. Smith, Mr. Winiarski and Mr. Dembinski voting no. The motion fails to recess for the month of August. The meeting will be held as per usual schedule.

Reports of the Administration:

Treasurer Ramsey: No report

Auditor Phillips: Not present

Law Director Pecora: No report

Safety/Service Director: No report

Mayor Costilow: Said it was good to be back up with everyone on the dais, so he would take the opportunity to speak. He spoke to the AMP line which is bringing a second transmission line into the city. The project has made a significant amount of progress. They have been approved by the Planning Commission and have paid their permit fees. He spoke to the weight of the main transformer and other equipment that was brought into town. This will allow two different points of electricity to come into the city. If the train wreck would have happened, we would have been out of electric for a long time. This project should be ready by early next year with the second line being connected. This is being done without cost to the residents of the city. This is all in the transmission system and incorporated in small amounts. He spoke to the cost of getting this built. AMP has been very easy to work with and has been a good process. The three land owners who were involved, have all come to an agreement for their compensation.

We had a Planned Development District on Dewey Road with some Council being against it and it ultimately passed. He got a letter from the Lily Gated Community that the developer is going to abandon that project. Once we receive that letter, it will automatically revert back to its original zoning, C-2. There may be something else brought up in the future.

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

Mr. Janik commended the Electric Department as he was amazed how our power stayed on when many communities lost theirs during these last storms.

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

The meeting adjourned at 8:09 p.m.

Olga Sivinski, Clerk of Council

David Janik, President pro-tem of Council