

MEETING WAS HELD 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 the Council Chambers were, Mr. Heberling, Mr. Janik, Mr. Winiarski, Mr. Dembinski, Mr. Cowger, Mr. Wachholz, Ms. Smith, Auditor Phillips, Mayor Costilow. Law Director Pecora, and Treasurer Ramsey. Present via ZOOM was Assistant Law Director Ward and Safety Service Director Jeffreys.

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: Ms. Smith motioned to accept the Consent Agenda as read. Seconded by Mr. Janik. Voice vote 7-0 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 replacing Chapter 916 of the Codified Ordinances of the City of Amherst, Ohio; and declaring an emergency. (A-23-41)

Mayor Costilow said he would be asking for suspension of rules on some of these important ordinances and this is one of them. Mr. Janik motioned to suspend all council rules so that this may be passed in its first reading. Seconded by Ms. Smith. Roll call vote 7-0 to suspend all council rules. Mr. Janik motioned to adopt. Seconded by Ms. Smith. Roll call vote 7-0 to adopt. Becomes 0-23-33.

- (b) An Ordinance to adopt the Solid Waste Management Plan (2024-2033) for the Lorain County Solid Waste Management District; and declaring an emergency. (A-23-42)

Mr. Winiarski would support a second reading, but by definition of emergency, he does not feel this qualifies as an emergency. And he is still waiting for a call back from the county regarding his questions on this. Mr. Heberling agreed with Mr. Winiarski. Mr. Janik motioned to pass this on to its second reading. Seconded by Mr. Dembinski. Ms. Smith asked why this would be an emergency. Mayor Costilow said it needs to be ratified by October 23rd. So if it goes three readings, we can get it back to the county in time. Roll call vote 7-0 to send to second reading.

- (c) An Ordinance authorizing the Chief of Police to donate a used 2013 Chevrolet Tahoe (VIN: 1GNLC2E04DR192461) to Sheffield Township at no cost to the Township; and declaring an emergency. (A-23-43)

Mayor Costilow asked for suspension of rules as they are without a command vehicle and this is a safety issue. We are in a mutual aid agreement with them. 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 7-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-23-34.

- (d) An Ordinance re-appropriating funds in the Sewer Department of the City of Amherst, Ohio to cover engineering costs; and declaring an emergency. (A-23-44)

Mayor Costilow said suspension of rules will give us a great opportunity to get this done in the fall. If we don't suspend rules, it will be spring before we can do this study. Mr. Winiarski said his guiding principle is that for the most part, anytime you re-appropriate money, it's an emergency by definition. He read the definition. Mr. Winiarski motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Ms. Smith. Roll call vote 7-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-23-35.

- (e) An Ordinance authorizing the Mayor to enter into a contract with CT Consultants for completion of the Amherst NFA Study at a cost not to exceed \$147,500.00; and declaring an emergency. (A-23-45)

Mayor Costilow said this item goes with the previous item. So he asked for suspension on this as well. Mr. Cowger motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Ms. Smith. Roll call vote 7-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-23-36.

- (f) An Ordinance authorizing the execution of the 2024-2028 fixed volume energy supply schedule with American Municipal Power, Inc., ("AMP"); and declaring an emergency. (A-23-46)

Mayor Costilow said the rates are pretty stable right now. He does not like to gamble and would like to jump on this right now. Right now we are at a fair rate and he thinks it would be a good thing to get this passed so we can lock these rates in right now. Ms. Smith motioned to suspend all Council rules so that this maybe passed in its first reading. Seconded by Mr. Heberling. Roll call vote 7-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Ms. Smith. Roll call vote 7-0 to adopt. Becomes 0-23-37.

- (g) An Ordinance authorizing an increase in appropriations for the city of Amherst Police Department to cover budget shortages; and declaring an emergency. A-23-47).

Mrs. Phillips explained the reason for this request. 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 7-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Heberling. Roll call vote 7-0 to adopt. Becomes 0-23-38.

ORDINANCES AND RESOLUTIONS SECOND READING: NONE

ORDINANCES AND RESOLUTIONS THIRD 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. Dembinski motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-23-39.

- (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 adopt. Seconded by Mr. Dembinski. Roll call vote 7-0 to adopt. Becomes 0-23-40.

- (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)

Ms. Smith motioned to adopt. Seconded by Mr. Cowger. Roll call vote 6-1 with Mr. Winiarski voting no to adopt. Becomes 0-23-41.

- (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 adopt. Seconded by Ms. Smith. Roll call vote 5-2 to adopt with Mr. Janik and Mr. Winiarski voting no. Becomes 0-23-42.

- (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)

Ms. Smith motioned to adopt. Seconded by Mr. Heberling. Roll call vote 7-0 to adopt. Becomes 0-23-43.

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

Mr. Heberling motioned to adopt. Seconded by Ms. Smith. Roll call vote 7-0 to adopt. Becomes 0-23-44.

- (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 adopt. Seconded by Ms. Smith. Roll call vote 7-0 to adopt. Becomes 0-23-45.

Miscellaneous and acknowledgement of the public: Miss Smith wanted to acknowledge the great response by the Mayor and all department heads and everyone else for that unprecedented rainfall that we had. As she read all the comments about the significant water that people got, but that was once in a lifetime situation that she has ever experienced with regard to the amount of water she got in her basement. For people in surrounding cities, this is a constant. But residents in the city of Amherst are saying that this is unprecedented and for the most part, not much could have been done. So she wanted to acknowledge the City's response and thank everyone for their hard work. She wants that recognition to go out to all the departments.

Mrs. Wasilk reminded everyone that is the last ZOOM meeting we will be having. From now all, all the meetings will be in person. If you cannot attend, please send the Clerk a note. Mayor Costilow noted that these meetings can be watched live on the website. Mr. Heberling asked what the city's website address is. Mayor Costilow said to go to the website amherstohio.org and the meeting will be listed.

Agenda requests and committee meeting schedules:

- A-23-48 Police/Fire Resolution adopting the federally approved Lorain County 2023 Hazard Mitigation plan; emergency
 A-23-49 Finance Ordinance authorizing and directing the Safety/Service Director to submit an application to the Ohio Public Works Commission for State Issue 1 (Round 38) funds for the year 2024 for roadway improvement and repairs on Park Avenue and various other streets; emergency
 A-23-50 Finance Accept donation form the Amherst Eagles Aerie #1442 for the Purchase of gym equipment; emergency
 A-23-51 Finance Authorizing and directing Safety/Service Director to bid and award a contract for sludge removal services for the City's Water Pollution Control Center for the years 2024 and 2025.

Finance September 5, 2023 (Tuesday) at 7:00 p.m. A-23-49, A-23-50, A-23-51
 Police and Fire September 5, 2023 (Tuesday) at 7:05 p.m. A-23-48

Reports of the Administration:

Auditor Phillips: No report

Treasurer Ramsey: Reported that there was a personnel change in their office. Their Treasurer, Debra James, has resigned. This is not a position that Council needs to worry about. Per 137.02 the serve at the pleasure of the Treasurer. Craig Molnar is the new Deputy Treasurer. He will bring Mr. Molnar to a meeting and introduce him.

Law Director Pecora: Requested an Executive Session regarding pending and imminent litigation.

Safety/Service Director: No report

Mayor Costilow: Wanted to reiterate what Ms. Smith said about our union personnel, our Fire Department, safety workers, police department. Our dispatch did an amazing job. They had over 150 calls that night for utility services and they are the go-between and call out our utility workers. Most of the calls got serviced that night. They worked on through the next day. Almost all the electric was on by the next morning which is incredible for a city our size. He hopes he is not leaving anyone out, but the response was incredible. Kudos to the residents. Most of them were very kind and understanding to our utility workers. They understood that this was once in a lifetime storm. No one that

he has talked to remembers anything like this or anything on record like this. 6" of water was measured at the WWTP in this short amount of time. Other measurements were different in other places. It's good that we are proactive and going to study this. It's good that we are preparing and actually doing some of these things and will be prepared for future events.

Mr. Wachholz asked about the trash pickup since bulk is usually four items. Mayor Costilow said he assumes they will pick all of it up. Even tho our ordinance says you can only have things at the curb so long, eventually it should all be picked up. The city will have some leniency on that.

Mr. Heberling motioned to accept the reports of the administration. Seconded by Mr. Janik. Mr. Janik asked if there was any consideration regarding checking on the homes that are deserted? Mayor Costilow said notices have been given to homes by the Building Department. (Park Avenue, Linn Road, Crosse Ave.) The Law Department is now involved and will be filing a case. 7-0 to accept the reports of the administration.

Mr. Dembinski motioned to go into Executive Session to discuss imminent and immediate pending litigation. Seconded by Mr. Heberling. Roll call vote 7-0 to move into Executive Session.

Council meeting recessed at 7:41 p.m. Council Reconvened at 7:48 p. m

Mr. Dembinski motioned to adjourn, seconded by Mr. Heberling. Voice vote 7-0 to adjourn.

The meeting adjourned at 7:41 p.m.

Olga Sivinski, Clerk of Council

Jennifer Wasilk, President of Council