

Amherst City Council was brought to order in a Regular Session with President Wasilk opening the meeting at 7:00 p.m.. Also present were Mr. Wachholz, Mr. Nahorn, Mr. Janik, Mr. Heberling, Mr. Winiarski, Ms. Harmych, Mayor Costilow, Safety/Service Director Jeffreys, Law Director Pecora, Auditor Phillips and Treasurer Ramsey. Mr. Dembinski was absent and had a letter on file. Mr. Nahorn motioned to excuse Mr. Dembinski as he had a letter on file. Seconded by Mr. Janik. Voice vote 6-0 to excuse Mr. Dembinski.

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

Consent Agenda: The Clerk read the Consent Agenda. Mr. Heberling to accept the Consent Agenda as read. Seconded by Mr. Janik. 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 Section 913.02 of the Codified Ordinances of the City of Amherst, Ohio regarding Sanitary Sewerage Rental Rates; and declaring an emergency. (A-24-05)

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

- (b) An Ordinance allowing ODOT to perform work along SR 2 in the City of Amherst, at no cost to the City; and declaring an emergency. (A-23-06)

Mayor asked for suspension of rules on this item so that ODOT can begin their work. Mr. Nahorn 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. Janik. Roll call vote 6-0 to adopt. Becomes 0-24-02.

- (c) An Ordinance authorizing and directing the Mayor of the City of Amherst, Ohio to enter into a Real Estate Purchase Agreement for the purchase of certain property located at 350 Tenney Avenue for the sum of \$70,000.00 plus reasonable and customary closing costs. (A-24-07)

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

- (d) An Ordinance authorizing an increase in appropriations for Planning Commission Capital Outlay; and declaring an emergency. (A-24-08)

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

- (e) An Ordinance authorizing the Mayor to enter into a contract for Professional Services with Bramhall Engineering & Surveying Company relating to the 2024 Road Rehabilitation Project; and declaring an emergency. (A-24-09)

Mayor asked for suspension of rules on (e) and (f) so work can begin on the projects. 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 6-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Heberling. Roll call vote 6-0 to adopt. Becomes 0-24-03.

- (f) An Ordinance authorizing an increase in appropriations for the OPWC State Issue 1 – Round 37 North Ridge Road Improvements Project to pay Bramhall Engineering & Surveying Company for Professional Construction Administration Services; and declaring an emergency. (A-24-10)

Mr. Janik motioned to suspend all council rules so that this may be passed in its first reading. Seconded by Mr. Nahorn. 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 0-24-04.

- (g) An Ordinance removing the assessment previously levied for the cost of replacing deficient sections of a public sidewalk from the property located at 255 Blossom Drive, Amherst, Ohio 44001 (PPN: 05-00-039-108-033). (A-24-11)

Mayor Costilow pointed out the letter send to everyone from the Building Inspector that this needs to be adopted as soon as possible and emergency clause needs to be added. Mr. Janik motioned to add the emergency clause to the legislation. Seconded by Mr. Wachholz. Roll call vote 6-0 to add emergency clause. Mr. Janik motioned to suspend all council rules so that this may be passed in its first reading as amended. Seconded by Mr. Wachholz. Roll call vote 6-0 to suspend rules. Mr. Wachholz motioned to adopt. Seconded by Mr. Janik. Roll call vote 6-0 to adopt. Becomes 0-24-05.

ORDINANCES AND RESOLUTIONS SECOND READING:

- (a) An Ordinance amending Chapter 192 of the Codified Ordinances of the City of Amherst, Ohio to align with Chapter 718 of the Ohio Revised Code (A-24-02)

Mr. Heberling motioned to amend as corrected at the 1/22/24 Council Meeting. Seconded by Mr. Nahorn. Roll call vote 6-0 to mend. Mr. Janik motioned to pass this on to its third reading as amended. Seconded by Mr. Heberling. Roll call vote 6-0 to pass to third reading.

- (b) A Resolution for ACH and Electronic Transactions (A-24-02)

Mr. Nahorn motioned to pass this on to its third reading. Seconded by Mr. Janik. Roll call vote 6-0 to pass to third reading.

ORDINANCES AND RESOLUTIONS THIRD READING: NONE

Miscellaneous and acknowledgement of the public: Mrs. Rose Ackerman of 142 Jackson Street, spoke to the abandoned house at 167 Jackson Street. She said she was looking up real estate on line and for some reason, it says that 167 Jackson is a residence of five rooms in that house. She knows it's much bigger than that. She wondered how the county auditor would see that five additional rooms have been added to the home but is not listed as such. She believes the person is not paying taxes on the additional rooms that were added. Her house is also considered five rooms and her taxes are a bit lower than the taxes on the home in question. Plus this house is still abandoned and she does not understand how the home can be abandoned with no activity there. She went to the Utility Department and there are no utilities on in this house. She is considering selling her home in a few years and this house is an eyesore. She would like to get the best price possible for her home and this abandoned house will keep that from happening. Something needs to be done about this dilapidated house. It now looks worse than it did two years ago when they were here to complain. She would like the answer about the amount of taxes being paid on the abandoned house. Mayor Costilow said the estimates and taxation are done at the county level and the city has nothing to do with that. The information about additions are forwarded to the county, but it's up to the county to do values and to tax. He does not think there are any provisions that a house has to have utilities. He has said before that these homeowners have rights also and there are processes that are done. Our city has sent letters on various concerns, but there is that process that needs to be followed. He thinks we are again at the beginning process; last time the property was cleaned up. There is a time frame. The Building Department takes care of that. He will follow up. He knows there is a maintenance letter out along with a check on the registration of the vehicles. Mrs. Ackerman feels the city should be looking into this as the value should be double hers. It does not seem fair that she is paying almost as much as hers is and her house is very small. She was advised to contact the county. Linda Turley at 111 Jackson Street said the county is depending on the city to send them the building permits. Mayor Costilow said in 1999 there was the additions, but he knows that the Building Department sends the permits over. Mrs. Turley said in 2019, 2020 and 2021 the owner had his junk cars in Wakeman. Wakeman went after him every single year, took him to court, fined him, and the owner finally brought them to Amherst. They are now sitting in the driveway with flat tires, and outdated plates. 1340.04 speaks to parking and storage of vehicles. She has e mailed her request to the Mayor and police department and has not heard back. They would like those ticketed right away so they can go to Oberlin Court. Mr. Pecora said they can check into that. Mrs. Turley said the Health Department recently boarded up the back, but it's full of water and deterioration. He is also not paying his taxes here or in Huron County. Mr. Pecora said looking at the website, it looks like the taxes are current.

Mr. Nahorn said he is aware that Council has taken this action in the past, and out of respect of city employees and to plan ahead on our calendars, he motioned that Council committee and council meetings after the 4th meeting in July and through the month of August and after the first meeting in December through the end of the year. This similar to what Council has done in the past. Mrs. Wasilk agreed and said this will give more time for planning for the part of council staff and other personnel. Mayor Costilow said he feels Mr. Nahorn is allowing Council time to plan their vacations. Seconded by Mr. Heberling. It was clarified that Special Meetings can be called for and held during these times. Mr. Winiarski discussed the time that is being stated and said council rules (#49) do not allow for more than one month of vacations. He read the rule. While Mr. Pecora read over the ruling, the Clerk brought up the fact that many cities and counties are cancelling any meetings on April 8, due to the eclipse and she wondered about Amherst changing that Monday meeting to Tuesday. Mr. Pecora discussed how the rule was written and felt that Council can vacation as motioned. Mr. Nahorn and Mr. Heberling agreed with the clarification dates for the vacation. Mr. Wachholz said we have done this in the past, and then run into having multiple special meetings. He feels it is premature to schedule this now. Roll call vote 4-2 with Mr. Wachholz and Mr. Winiarski voting no.

Mr. Nahorn motioned to change the regular council meeting from April 8, 2024 to April 9, 2024. Seconded by Mr. Heberling. Mr. Wachholz noted the eclipse is happening earlier in the afternoon and felt we could still meet. Mrs. Wasilk said the Emergency Management Agency is advising. They are expecting a lot of congestion. He felt since council lived close by, and did not need to cross Rt. 58 to get to city hall, there was no reason to move the meeting. Mr. Winiarski said he agreed with Mr. Wachholz on the first level, but there will be people potentially parking on Rt. 2, on the Turnpike, for that stretch of time. Services may be overwhelmed at that time. He feels there would be wisdom in getting flexibility to the people who may be enforcing the laws, assisting people who are stranded, or other positions where they need help. He is speaking selfishly as he is in the position where he will have to drive and make sure services are maintained. He would have to miss the meeting that day, as obviously, he has an obligation to his job. The potential is true and does exist. The further you look into it, there is wisdom in making this change. Mayor Costilow said he has not bought into this eclipse thing, but he wants to agree with the experts on this. Counties and everyone are having meetings on this and they think there will be a large influx of crowds. They are advising everyone, if they can, to stay off the roads, not to take up spaces, not cause the safety forces any additional problems. To stay home would be important. All the experts are telling us this. Lauren Hoffman, 4648xxx in Lorain, also with the Chronicle Telegram, said to add to the point of what Mr. Winiarski and the Mayor were saying, she was in Kentucky when the eclipse happened in 2017. They had the roads shut down completely due to how many people were there. She was able to get out cutting through West Virginia, but there were people stranded on the roads through the next day. They are expecting more people to show up here. Because that one was in the middle of nowhere. Her dad is a state trooper and they have been having weekly meetings. They are talking about possibly shutting down portions of the turnpike. Mrs. Wasilk thanked her for her first hand account of her experience with the eclipse. Roll call vote 6-0 to change the Council meeting from 4/8 to 4/9.

Mr. Janik said while planning ahead, he would like change the 11/11 Veteran's day meeting to 11/12 by motion. Seconded by Mr. Nahorn. Voice vote 6-0 to change the date of the meeting.

Agenda requests and committee meeting schedules:

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| A-24-12 | Finance - Bid and award the annual tree trimming project for the year 2024 |
| A-24-13 | Finance - Appropriations for current expenses and other expenditures of the City of Amherst during the fiscal year ending December 31, 2024; emergency |
| A-24-14 | Finance - Authorize Safety/Service Director to solicit bids for the 2024 Road Rehab Program; authorizing the bid and award for such work to the lowest responsive and responsible bidder; emergency |
| A-24-15 | Building and Lands – Quarry Creek Residential Development; Planned Development District (PPD) Overlay Zoning |
| A-24-16 | Finance – Authorizing soliciting bids of the 2024 N. Ridge Improvements, OPWC State Issue 1 Rd 37; and authorizing to bid and award the contracts for such work to the lowest and responsible bidder; emergency. |

Bld & Lands - February 19, 2024 at 7:00 p.m. A-24-15
Finance – February 19, 2024 at 7:10 p.m. A-24-12, A-24-14, A-24-16,
Consider last – A-24-13

Reports of the Administration:

Auditor Phillips: The January Report has been distributed.

Treasurer Ramsey: The January Report has been distributed. He was able to file their 2023 annual report with the CIC today. There was no financial activity. It's due in April, so it's done and out of the way.

Law Director Pecora: No report

Safety/Service Director Jeffreys: No report

Mayor Costilow: No report.

Mr. Heberling motioned to approve the Reports of the Administration. Seconded by Mr. Nahorn. Voice vote 6-0 to approve the reports.

Acknowledgement of the receipt of monthly Auditor and Treasurer January 2024 reports

Mr. Heberling motioned to acknowledge the receipt of the January monthly Auditor and Treasurer Reports. Seconded by Mr. Janik. Vote 6-0 to acknowledge the receipt of the reports.

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

The meeting was adjourned at 7:49 p.m.

Olga Sivinski, Clerk of Council

Jennifer Wasilk, President of Council