

**REGULAR**

**MARCH 11 2024**

Amherst City Council met in a Regular Session under full compliance of State Law with President Wasilk opening the meeting at 7:00 p. m. Roll call: Mr. Janik, Mr. Heberling, Mr. Dembinski, Ms. Harmych, Mr. Wachholz, Mr. Nahorn. Also present Mayor Costilow, Safety/Service Director Jeffreys, Treasurer Ramsey, and Law Director Pecora, Assistant Law Director Ward, Auditor Phillips, several public representing the Quarry Creek development, one resident and one member of the public. Mr. Winiarski was absent and had a letter on file. Mr. Dembinski motioned to excuse Mr. Winiarski as he had a letter on file. Seconded by Mr. Wachholz. Vote 6-0 to excuse.

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. Dembinski motioned to approve the Consent Agenda as read. Seconded by Mr. Wachholz. Voice vote 6-0 to accept the Consent Agenda.

Acknowledgement of the Public pertaining to items on the Agenda: there was no one speaking.

**ORDINANCES AND RESOLUTIONS FIRST READING:**

- (a) An Ordinance approving the Final Development Plan for the proposed construction of the Parkway Storage Self-Storage Facility on Rice Industrial Parkway. (A-24-17)

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 approving the Final Development Plan for the Proposed Construction of the KO Storage of Amherst Self-Storage Facility Located at 205 Through 211 S. Leavitt Road. (A-24-18).

Mr. Dembinski motioned to pass this on to its second reading. Seconded by Mr. Heberling. Roll call vote 7-0 to pass to second.

**ORDINANCES AND RESOLUTIONS SECOND READING:**

- (a) An Ordinance to make appropriations for current expenses and other expenditures of the City of Amherst, State of Ohio, during the fiscal year ending December 31, 2024, repealing all Ordinances in conflict herewith and declaring an emergency. (A-24-13)

Mr. Dembinski motioned to suspend all council rules so that this may be passed in its second reading. Seconded by Mr. Nahorn. Roll call vote 6-0 to suspend rules. Mr. Nahorn motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 6-0 to adopt. Becomes 0-24-10. Mayor Costilow thanked Council for supporting this budge.

- (b) An Ordinance approving the Final Development Plan for the Quarry Creek Residential development and rezoning and approving such development as a Planned Development District. (A-24-15)

Mayor Costilow spoke to the last minute changes that were made. He felt a concern was to do with what happened if that development was blocked in? People remembered when there was an accident and there was no traffic in or out. When speaking to our fire chief and police chief, they both remember that situation. When discussing these type of situations, they actually have a command post and there are accommodations made for safety personnel. At no point would an ambulance or fire truck or safety vehicle have not gotten around. If needed for anyone back there, they would have gotten back there for any safety reasons. This is common for them to think "what if." Neither one thought of any circumstance where there would be issues with getting the help as needed. As far as the traffic study, a representative was here from TMS. He referenced a report provided by them. Report on file.

Mr. Heberling said his concern was the northeast corner of that intersection – that house – where the land is a little bit higher than the roadway. Then coming into that road off Middle Ridge Road is a definite concern for the residents that live there. Getting rid of some of the shrubbery was definite in his opinion. How does he feel about the land itself as to how high that land is? Mr. Sommers said that is the regrading that he was speaking to and he feels that was being taken care of. Mr. Aaron Appel of Bramhall Engineering said they looked at regrading and will be regrading several of the properties at that corner and heading east toward S. Dewey. There is a visual block there and those areas will be regraded all within the existing right of way. The ROW is pretty wide over there which allows them to do this. He is also committed to meeting with the residents out there.

Mr. Dembinski asked how long is the data collected for traffic studies, how long is that study considered valid? Mr. Sommers said they don't like to do data that exceeds 2-3 years. He explained further about any changes that would be made. Mr. Dembinski said this one was 2-3 years old and there has been no major construction around there. But this was still just coming out of the pandemic. He pointed out that even in the original traffic study, it says that the information may not be accurate. He asked if Mr. Sommers is comfortable with the accuracy of the information. Mr. Sommers feels comfortable with the forecast and methodology used. He explained further and feels good about the numbers.

Mayor Costilow spoke to the Developer's Agreement and explained the corrections and changes. He spoke to the potential walking trail that could be built and to the walking bridge from the end of Dewey to Rocky Creek Run. Mrs. Wasilk asked if our law department agrees with the changes. All were in agreement with the new agreement. Mr. Nahorn said a walking path would be a great opportunity, especially on the south side of N. Ridge. He spoke further. He spoke to the question of density and said he pulled a 45 page document published by the EPA which spoke of density in the environmental development. The experts are actually of the belief that a higher density development is a better way to protect water courses. We are looking at a broader area of Beaver Creek. He explained about the three main parts in the report.

Mr. Dembinski said he still does not know how he feels about not having the access gate for safety/services. He feels that would make the development safer. He feels if we don't do this now, we will never be able to do it. He spoke to the sledding hill proposal. He has spoken about this for 2-3 years. He had spoken to the Lorain County Commissioners when they owned the land and they were unwilling to discuss it at that time. He spoke to the Port Authority when it was going to be transferred to them, but the transfer had not been done, so they could not speak to it. He did meet with them after the transfer and their main focus was the Get-Go plan and the Metroparks. In his conversation with the Metroparks, they advised that they do have other sledding hills. He feels this would be a fantastic plan.

Mrs. Megan DuBois of 6140 N. Dewey asked if there were any codified ordinances for the county to improve specific roads if developments are being built. Mayor Costilow said he is not aware of any ordinances like that and said we are doing our due diligence with doing the traffic studies and etc. We made a commitment to review this in a year for safety. Mr. Appell discussed the study of the intersection of N. Dewey and N. Ridge and during the previous development as well. The left turn lane from N. Ridge Road to Dewey Rd is being implemented. Mayor Costilow said once this development is built, if there is any road damage, the developer has to fix it and he is committed to even go beyond it. It is foolish to widen it before construction begins. Mrs. DuBois agreed that the traffic was studied but was the road studied to see if it can handle that much traffic? Mr. Appel said it can handle it. Mrs. DuBois said they did some research and according to the Fire Prevention it says it needs to be 24' wide in order to get two fire trucks to pass each other and that the vehicles need to be able to turn around. She would like these promises being made to be in writing. Have the studies been done to see if the road meets these standards? Mayor Costilow said they can't turn around now, but there will be a cul de sac that will allow them to turn around. There are turn radius type programs for the fire department trucks that we have and that they can get to the end and turn around. Mrs. DuBois asked about the second access and asked about the right of way being vacated. Mr. Appell explained about the vacated road. Mrs. DuBois asked if it is possible to have an emergency exit. Mr. Appell said the roadway right of way is not wide enough to support a two lane road. He explained further. Mrs. DuBois is very concerned about the lack of a safety plan. Mrs. DuBois said she understands that a plan for development was discussed many years ago there and dropped due to the lack of a second access road. She asked if that was true. She said there will be three buildings attached to

each other there. The fires could go very quickly, another reason to have a second access as it could be very scary. Mayor Costilow said English Lakes has up to five attached buildings with only one ingress/egress. So those are common in a lot of places.

Mr. Dembinski asked about the data of the traffic study and was it done using the proposed development previously which was 100 mobile homes or using the 174 town homes for this development. Mr. Sommers said the first one was for the mobile homes and this one is the new site plan with the 174 units. The most current update has the most current land plan. Mr. Dembinski said so even tho the data is three years old, it was done using projected numbers for the 174 units? Mr. Sommers said the projected unit numbers are done on what's called "trip generation manual" from ITE. That's a series of studies on similar land uses. They develop rates and equations to equate how many trips per unit the developer would generate over certain amounts of time. He spoke further.

Mr. Dembinski asked Mr. Appell to explain the vacation of that piece of land and why that would prevent us from tying into Spruce Tree. That piece going east has not been vacated yet. He thought the piece we vacated was north of where Spruce Tree would connect. Mr. Appell said there was a right of way in that section and some time ago, well before 2020, that public right of way section was vacated. He explained further and Mr. Dembinski was in agreement with the explanation.

Mrs. DuBois asked if there are codes about density requirements and access roads? What happened to the bats that held up the project two years ago? Mayor Costilow said the trees were cut down while the bats were hibernating in other places. Mrs. DuBois asked if replies could be available for the next meeting. Mr. Janik asked about the access area and asked if it was a matter of cost. Mayor Costilow said that's a big project and the developer has offered some dollars for upgrading and explained. **Mr. Janik motioned to pass this on to its third reading. Seconded by Mr. Nahorn.** Mr. Janik said he would not be here at the next meeting but asked for careful consideration that we don't live in this area and we have heard the voices of those that do. He spoke to the increase of traffic and spoke further to possible negative impacts. He also said there were some positive aspects, as to the type of resident that would be living there, but do the pros outweigh the cons? Mayor pointed out other projects that started as negative and then turn into positives. He feels they have done their due diligence and it will become a better projects to the shared questions and concerns. Mrs. DuBois spoke to the handicapped people living in Amherst Village who conceivable could need emergency in there quickly. Mr. Dembinski stated his hesitancy to move this on to its next reading and has been voting for it begrudgingly. He would have liked to have another two weeks and tabling for further discussion on some of these concerns. A discussion ensued and it was determined that this can't be discussed in committee and yet be on third reading, per Mr. Nahorn said he and his family have a vested interest in this area since his 106 year old grandmother lives in Amherst Village. His family is there during the week so however this goes, he will continue to be a part of that neighborhood. He will continue to follow this very closely. He spoke further. Mr. John Monroe of 1001 Lakeside Avenue, the attorney for the project said that unfortunately, the problem with Spruce Tree is that they don't own it. They only own 30 feet which will not work to become a two way street. Mr. Dembinski said he understands that. He said it's important to remember that this development will not happen overnight. Best case scenario, it will be a four-five year build out. So there will be additional opportunities to revisit this. He explained that further and noted that all ordinances were followed as far as streets and there are no dead-end streets in this project. There are ample cul de sacs for turnarounds and this is a continuous circular plan. This will handle all the traffic and any incoming emergency vehicles. Mr. Dembinski clarified that the property he referenced as Spruce Tree is actually N. Dewey. (for Mr. Lily's mobile home park) Does the plat have us vacating another piece of N. Dewey? But we are not actually vacating the whole thing and we will block off part of the road but it will be the City's road? He asked if the city will be maintaining it. Mr. Appell said the portion that will be improved in the cul de sac of N. Dewey Road, that will be the end of the city's maintenance. Mr. Appell referenced the February 7, 2024 and explained about the property a bit north of that cul de sac that will still remain a right of way. Discussion about sending back to committee and Mr. Monroe asked what would be different as they have answered all the questions. He felt they addressed every single issue that has been raised. Mr. Janik asked what would happen if the homes do not sell like they think they will sell? Mr. Monroe said any change in the development plan has to come back to Amherst City Council. Mr. Janik asked if there are contingency plans for the remainder of that land if it does come back. Mr. Monroe said it's phased for a reason, so that each phase can stand by itself. He explained further.

Mr. Pecora said we amended our rules years ago and Rule 26 gives the city our guidance and he read a number of things that the city can follow as far as what they want to do with this ordinance. Mrs. Wasilk called for the question. Roll call vote 3-3 with Mrs. Wasilk breaking the tie and voting yes to pass to third reading. Vote 4-3 with Mr. Dembinski, Ms. Harmych and Mr. Wachholz voting no.

**ORDINANCES AND RESOLUTIONS THIRD 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. Dembinski motioned to adopt. Seconded by Mr. Wachholz. Roll call vote 6-0 to adopt. Becomes 0-24-11.

- (b) 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. Dembinski motioned to adopt. Seconded by Mr. Wachholz. Roll call vote 6-0 to adopt. Becomes 0-24-12.

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

Mr. Wachholz motioned to adopt. Seconded by Mr. Heberling. Roll call vote 7-0 to adopt. Becomes 0-24-13.

Miscellaneous and acknowledgement of the public:

- (a) Liquor license transfer from Maggie's Campus Market LLC 960 Leavitt, Inc at 960 N. Leavitt Road For C1, C2 and D6 licenses.  
 C1 Beer only in original sealed container for carry out only  
 C2 Wine and mixed beverages in sealed containers for carry out  
 D6 sale of intoxicating liquor on Sunday between the hours of 10:00 a. m. and midnight  
 This is an Economic Development (Trex) transfer. There were no objections.

Agenda requests and committee meeting schedules:

Presented after the last Council meeting:

- A-24-17 Bld. & Lands Consideration of proposed self-storage facility on Rice Road Industrial Parkway located in n an I-1 district pursuant to Section 1141.07 of the Codified Ordinances  
 A-24-18 Bld. & Lands Consideration of proposed self-storage facility on S. Leavitt Rd. north of 300 Industrial Parkway located in a C-2 Commercial or General Business District pursuant to Section 1137.01 of the Codified Ordinances which requires approval of the I-1 District Bard of Review for storage and warehousing within a C-2 zoned district

This evening:

- A-24-19 Building and Lands – Revision of Building Codes to specify Code Year – emergency.  
 A-24-20 Finance – ACH Payments from Lorain County  
 A-24-21 Executive – Establishing a permanent part-time Payroll Clerk/Budget Assistant (Auditor's office)

Finance – March 18, 2024 at 7:00 p.m. A-24-20  
 Bld & Lands – March 18, 2024 at 7:05 p.m. A-24-19  
 Executive – March 18, 2024 at 7:10 p.m. A-24-21

The remaining committee meetings for 3/18/24 have been cancelled.

Reports of the Administration:

Auditor Phillips: The February report has been distributed.

Treasurer Ramsey: The February reports have been distributed.

Law Director Pecora: No report

Safety/Service Director Jeffreys: No report.

Mayor Costilow: No report

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

Acknowledgement of the receipt of the February Auditor and Treasurer Monthly reports: Mr. Wachholz motioned to acknowledge the receipt of the February Auditor and Treasurer Monthly reports. Seconded by Mr. Nahorn. Voice vote 6-0 to acknowledge the reports.

Mr. Heberling motioned to adjourn. Seconded by Mr. Wachholz. Voice vote 6-0 to adjourn. The meeting was adjourned at 8:21 p.m.

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Olga Sivinski, Clerk of Council

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Jennifer Wasilk, President of Council