

Amherst City Council was brought to order in a Regular Session with President Wasilk opening the meeting at 7:00 p.m. Present were Mr. Heberling, Mr. Winiarski, Mr. Dembinski, Ms. Harmych, Mr. Nahorn, Mayor Costilow, Law Director Pecora, Auditor Phillips, Treasurer Ramsey, Also present were Chronicle Reporter Hoffman and many residents and personnel for the Quarry Creek Development. Safety/Service Director Jeffreys, Mr. Wachholz and Mr. Janik were absent and had letters on file. Mr. Dembinski motioned to excuse Safety/Service Director Jeffreys, Mr. Wachholz and Mr. Janik as they had letters on file. Seconded by Mr. Nahorn. Voice vote 5-0 to excuse.

The Prayer was invoked by acting Chaplain Nahorn, 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 5-0 to approve the Consent Agenda.

Acknowledgement of the Public pertaining to items on the agenda: Mrs. Wasilk was requested to allow a speaker to speak at this point, as it would be a short issue. Mrs. Linda Turley of 111 Jackson Street request that the city lights be turned off during the Eclipse. Mayor Costilow said that was not possible and explained.

#### **ORDINANCES AND RESOLUTIONS FIRST READING:**

- (a) An Ordinance amending Chapters 1301, 1305, 1307 and 1309 of the Codified Ordinances of the City of Amherst, Ohio to include the Current Code Cycle Years as adopted by the Ohio Board of Building Standards and adding Chapter 1317 for the adoption of the 2024 Ohio Existing Building Code; and declaring an emergency. (A-24-19)

Mr. Dembinski motioned to send this on to its second reading. Seconded by Mr. Heberling. Roll call vote 5-0 to pass to second.

- (b) A Resolution amending City of Amherst Resolution No. R-24-01 for Automated Clearing House and Electronic Transactions and repealing all Resolutions in conflict herewith. (A-24-20)

Mr. Heberling motioned to send this on to its second reading. Seconded by Mr. Dembinski. Roll call vote 5-0 to pass to second.

- (c) An Ordinance establishing the wage rate, benefits and other conditions of employment for the permanent part-time Payroll Clerk/Budget Assistant of the City of Amherst, repealing all ordinances in conflict herewith, and declaring an emergency. (A-24-21)

Mr. Dembinski motioned to send this on to its second reading. Seconded by Mr. Heberling. Mr. Winiarski had questions about two sections of the proposed ordinance. Mayor explained. Roll call vote 5-0 to pass to second.

#### **ORDINANCES AND RESOLUTIONS SECOND 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. Nahorn motioned to send this on to its third reading. Seconded by Mr. Heberling. Roll call vote 5-0 to pass to third reading.

- (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. Heberling motioned to send this on to its third reading. Seconded by Mr. Dembinski. Roll call vote 5-0 to pass to thirds.

**ORDINANCES AND RESOLUTIONS THIRD READING:**

- (a) 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 said Mr. Sommers is here and he had sent a letter to council. Mr. Sommers of Sommers Development Group. He said they have had several discussions about safety. They will need additional time to research viable options for a second emergency means of ingress/egress at the end of Spruce Tree Lane. He respectfully requested that Council table this until the April 9, 2024 meeting. This will be a significant and expensive undertaking for them, but they have decided to hire a hydrologist and a second engineering firm to explore all options. They can do their due diligence and make sure it's a viable option. Mr. Nahorn said he understands that development of this property raises concerns for the N. Ridge and N. Dewey residents. He and his family are in that area multiple times a week so he understands the concerns and questions about the proposed development. He had been pleased with the responsiveness and their willingness to refine their plan after hearing from residents and our local government. This could be an important improvement, not just for the new development, but for current residents. He thanks the residents for bringing forward their questions and concerns about this development. By tabling this item, it allows for further discussion among the residents, the developers, the administration, and council. This is the best way to create a plan best for the future. Mr. Nahorn motioned to table this item as requested. Seconded by Mr. Dembinski. Roll call vote 5-0 to table .

Miscellaneous and acknowledgement of the public:

Appointment of Tyrone Wicks to the Lorain County Public Board of Health

Mr. Heberling motioned, seconded by Mr. Dembinski to approve the appointment. Mr. Mark Adams, Health commissioner for the Lorain County Board of Health shared the history of how this came to be and the sharing of board members by Oberling and Amherst. Oberlin did a fantastic job of following due process to present Mr. Wickes. He will fill the shoes very well and he looks forward to working with Mr. Wicks as well and recommends the appointment. Mr. Sekletar, representing Veteran's Bureau Association said Mr. Wicks is one their members. Mr. Wicks has medical knowledge and worked in the medical field in the military and their group is here in support of Mr. Wicks. Roll call vote 5-0 to appoint Mr. Tyrone Wicks.

Mrs. Johnna Lyman of 45610 N. Dewey asked where the fence will be placed. Where will the answers be written for future reference. Mayor Costilow said the fence can be negotiated. He would like the three of them to discuss this. Mrs. Lyman asked if that road will be only for emergencies. There are still concerns about the traffic on N. Ridge and Dewey. She spoke to the control of the flow of traffic in regard to the gate. Mayor Costilow said that is meant to be only for emergencies. All the traffic studies show that with the improvements at N. Ridge and N. Dewey they will be able to handle that. To open that to everyone could possibly cause more traffic. Mrs. Lyman said at the last meeting when the traffic study was discussed it sounded like old numbers re-packaged. When he discussed the two accidents in that area, he spoke to one as a fender bender but the other was a serious injury event. The second was a fatality and those are two different things. She found it disrespectful to the person that died. She felt it was blown over. There was another accident where it took 10 minutes for the ambulance to arrive. Their neighborhood has experienced that while none of them have. They appreciate the developer looking into this. She feels the residents in the new homes should have access to that gated road and that would alleviate their concerns. She suggested lowering the number of units to be built.

Rob Onyak of 151 Flamingo asked how long it would take for the road to be put in there and wondering if the size of the sewers would be increased and who will be paying the cost. Mayor said there are impact fees and the developer has offered a dollar amount. He explained further. These costs will not be paid with the Village residents' taxes. Their costs may even come down. Mr. Sommers said all depended on the sales phase, so could be 2-3 years.

Mr. Lee Nagel of 97 Caesar's Circle said he lives on far the north east corner. He said when it rains, the water runs across N. Ridge straight to the mobile home park. He asked that this be looked at so it does not pool there. As far as the traffic patterns, he strongly suggested that on N. Ridge Road, coming west down the hill, that flashing lights be placed there so that people slow down getting to Dewey Road. He asked how they will handle the left turn lane as far as building up the sides of the road. He does not see this as being feasible. He had suggestions for the water run-off and asked that a traffic signal be installed.

Mr. Chris Thomas of 6014 N. Dewey, the last road on N. Dewey at this time. He said he did not receive any notification about tonight's meeting. He was under the impression that all the residents who would be impacted by this would be notified of any meetings. He wanted it on the record that he did not receive anything. He wants that corrected for any future meetings. Mayor Costilow said the notifications required by law were sent out. He explained the three readings process. April 9 there will be another reading, since this was tabled tonight. Notices are not sent out, it's on the calendar and in the paper. Mr. Thomas said other folks were in the dark as he was so he wanted it on the record. He asked about additional property this property owner owned on the south side of N. Ridge Road. He felt it would be good to connect these properties. Mayor Costilow said the property he is referring to is owned by the county. There was a discussion about Metro Parks owning that corner and possible concept for that corner. Mr. Thomas spoke about some of the property owners, himself including, where the property is bisected by the creek. So for instance, he owns the property on the west side of the creek also. Mayor Costilow said that was not in any discussions that he heard. Mr. Thomas asked where the secondary proposed emergency is going to be. Mayor Costilow said again, this is a concept and that's why the developer asked for a table on this item to give them more time to study it. He explained the feasibility.

Mrs. Ali Scott of 45450 N. Ridge Road confirmed that prior agendas and information is not easily found before the meetings. So the public does not have a lot of access to the information so she hopes to bridge that gap. She does not border this property, but is affected by it and no one has contacted her as well. Her N. Ridge Road has not been upgraded since the 50's. With the other road being widened, will she get improvements and get off her septic and get sewers installed? Mayor Costilow said that has nothing to do with the proposed project.

Mrs. Meghan DuBois of 6140 N. Dewey asked if the number of homes still at 174? Mayor Costilow said that has not changed. She prepared a flyer and knocked on about 75 doors in Amherst Village. She thanked the developer for considering the emergency exit. She read the petition and some of the names that signed it along with their comments. Mayor Costilow stopped Mrs. DuBois at one point as she was reading people's medical condition that could adversely affect them if there was an emergency. He did not feel that was proper to share this information publicly. The original petitions were provided to the Clerk. She asked about the 30 days period after adoption – and Mayor Costilow explained the process to get an item on the ballot. She asked if there was a requirement for providing access roads depending on the density of a development. Mayor Costilow said he looked, but has not found anything. Mrs. DuBois asked if anyone found out about the roadbed that was abandoned when the previous development was going to begin. Mayor Costilow said the concerns are valid but he felt they were mostly answered. He felt many of the concerns are about an access road and accidents blocking that. That is being addressed. Mrs. DuBois wanted to make sure they are aware that many residents are concerned.

Mrs. Kathleen Gilles of 6035 N. Dewey Road thanked everyone who answered questions. They are not opposed to having a development there, and if Mr. Lily had put 100 homes there, they would have been happy with that and would not even be here. It is against city codes to put 100 trailers in there like Mr. Lily wanted to do. That's what they objected to. If the develop knocked those 174 homes to 100 duplexes or triplexes, they would not have a problem with that. The density is ridiculous, two or three times more than the neighboring communities that abut to that abut to that development. They have to pay attention to that as it's too many people and too much. She said the attorney had said that 30' does not work for an access road, Dewey Road is 22 feet. How are we supposed to feel about that? The engineer said he would speak to all the people directly affected and Barb on the corner of N. Ridge and Dewey has not heard from anyone. She is the one that most affected by any of this. Mayor Costilow said that will happen, they are still working the final plans. There will be people there to talk to her. Mrs. Gilles said that was two weeks ago and no one has talked to her yet. Mayor Costilow said the government works slowly as there were other things that needed to be done first. Mrs. Gilles asked how long after this meeting is done, will the stuff

be out there for the public to read? The answer was "as soon as possible" but Mrs. Gilles said they only got this information 48 hours ago. Mrs. Gilles continued to complain that there was information that was not out there. Ms. Lauren Hoffman with the Chronicle Telegram spoke to Mrs. Gilles's concerns and showed that she had the actual website pulled up on her computer this morning and it is on the calendar and the agenda is available as well as the minutes as sometimes she pulls those items up to check on things. There was also an article on all of this happening in the Chronicle Telegram a few days after and as well in the Morning Journal about a week later. It is all online. She explained further.

Jerome Majkut, 100 Ceaser's Circle, said he also was not aware of all this going on and found out ½ hour before he got here. He said there was too much already going over his head, but common sense, with the issue of the constant traffic congestion off Cooper Foster and 90, would a new traffic pattern dump a lot of this traffic onto N. Ridge as it would be easier for the drivers? Mayor Costilow said he did not have an answer and it's people's choice where they want to drive. Three times a year they work with ODOT on the traffic, timing and the signalization. Council passed a Resolution to work with Bramhall Engineering of how to configure that whole area and the Oak Point area. So they are constantly looking at ways to improve that. When all those businesses went in at Giant Eagle, they widened Kresge; so they are constantly trying to improve all that. But there is no way to predict traffic patterns if it is going to bring more traffic. Mr. Majkut said right now N. Ridge is a nice, easy road to go down on. He'd like to keep it that way. Mayor Costilow invited Mr. Majkut to stop in his office if he has more questions.

Mrs. Kathy Bloor of 1265 Spruce Tree Lane (in Rock Creek Run) said they had dealt with the possibility of having this access a couple of years ago. They were also concerned at that time with all the traffic that would come through from Dewey Road onto their street; with all the children playing there and the elderly. Traffic backs up a lot onto 58 as it is now with drivers trying to get onto Rt. 2. The residents of Rock Creek Run streets are very concerned.

Mr. Len Gilles of 6024 Dewey Road said many of the residents are visual people. He wants to see how Barb's property is going to be cut into it and make it so it's viable and how it works without making it a wall that you can't even see around. He wants to see how much property they are going to take from everyone on Dewey Road. He wants to see pictures and see how things are working. They are being told not to worry about it, that it will work out. This is going to be their life. Since the Mayor said the widening will happen after construction, what Mayor is saying is that they don't know. He does not feel they will be able to put in 174 units at \$285,000 a unit. This will be an HOA, and if they are not able to put in all the units, then what happens? They said they would come back to us. But those people are paying HOA fees for their section, and if the other sections don't sell, they will have to assume those fees. The residents will come before Council as they will want their HOA fees lowered. He would like to be shown how it's going to work from the beginning. 100 units would be a workable number. No one has talked to Rock Creek run yet. He disagreed with Mr. Nahorn that the density is more ecological. He can watch CNN and Fox news experts and they will disagree with this statement. He disagreed with the report that Mr. Nahorn read. This is just an opinion and anyone can write an opinion. These units have not been around long enough to find out what the impact is, or what the impact is on a 23' road. This is what Council needs to think about, especially Mr. Nahorn who is their ward council. Mr. Nahorn said the 45 page report he was referring to was from the Environmental Protection Agency.

Mrs. Lyman said she was driving down Park Avenue and they have a speed sign there and wondered what warrants the sign there, where it's flat, but not in their neighborhood where there are hills and blind spots. Mayor Costilow said there's been a covert signal there for almost 30 days now that is just collecting data. They will collect the data, then put up a visual one and see how it affects things. He cannot reveal where it is, as it would not be covert then. It is somewhere close by her. Mrs. Lyman said there is a disconnect and she feels they are not all working together.

Mr. Thomas said when he purchased their property and built their home, he met with the former Mayor and the Chief Building Inspector at the time, Mr. Ron Konowal, and Mrs. Wasilk. There wasn't a road that extended past Bill and Delores Gilles's home. That Mayor extended that road so they could put their home up. The road was put in improperly, it was placed too much to the west. He has had conversation with Mrs. Wasilk about that. Mr. Konowal had agreed that it was a bit to the west and eating up some of their front yard, but assured them that when the city would put in that big drain and the drainpipes for Amherst

Village some years back, that should have been a little to the east. He had said that they would not fill that big ditch in and put a road over it, so told him not to worry as no one will ever encroach more on Mr. Thomas's front yard. So when he heard Mr. Gilles state about widening the road after construction, he is really concerned. Is there a plan? He would like a direct answer that this road will go more to the west or will it go where it was supposed to go initially and properly more to the east and filling that ditch over the sewer pipes that drain for Amherst Village. Mayor Costilow said as he has told him before, they will do all they possibly can to not intrude on his side of the road. The City can use the property in the right of way. There is no drawn plan, but they will make every effort to keep that road on the other side. Mr. Thomas understands but wanted it on the record.

Agenda requests and committee meeting schedules:

A-24-22 Finance A Resolution authorizing the Safety Service Director to participate in the Ohio Department of Transportation winter contract for road salt for 2024-2025; with emergency

Finance Tuesday, April 9, 2024 at 6:45 P. M. A-24-22

The remaining Council Committee Meetings for 4/1/24 are cancelled.

Reports of the Administration:

Auditor Phillips: No report

Treasurer Ramsey: Reminded everyone that taxes are due in three weeks. Per Ohio law, everyone has to file their tax returns with the city. Even if residents are retired or earn no income, please return the purple cards that everyone received. Or they can call the office. If residents have filed for extensions, they need to notify their office as well as they don't know that.

Law Director Pecora: No report

Mayor Costilow: He pointed out that we have a few on loan cameras in the Chambers and it takes video and sound of the entire room. The camera and mikes are on all the time. Various software is being tested out. In preparation of the Eclipse, there are a couple of cameras over Rt. 2 that they are testing out. More than likely they will get into a program and have a few more cameras around for safety. But just wanted to make everyone aware of the one in Chambers. It records for five days, then that gets erased. It is for our safety, as we just don't know these days. The good news is that they are getting into real serious talks about the railroad bridges. The Milan Avenue, S Main and Church Street bridges are being redesigned. They are meeting every other week right now about the infrastructure and electrical wiring and things that need to be moved. It will be done in phases but the work can last a significant amount of time. This will go out for bid first and the first bridge that will be repaired is the S. Main bridge and maybe Church Street at the same time. There will be some detours. We will gain some of the concessions on some of the width and height. Rocks and mud will quit falling from the tracks. It is getting close to reality. He will also work on the verbiage on the section of the ordinance Mr. Winiarski was referencing to as far as the position in the Auditor's office. This will be clarified. As far as the sewers on N. Ridge Road to replace septic tanks, he invited the homeowner to see him in his office, but those are typically financed by the homeowner.

Mr. Heberling motioned to accept the Reports of the Administration. Seconded by Mr. Nahorn. Voice vote 5-0 to accept the Report of the Administration.

Mr. Dembinski motioned to adjourn. Seconded by Mr. Nahorn. Voice vote 5-0 to adjourn.

The meeting was adjourned at 8:17 p.m.