

## REGULAR

MAY 26 (Tuesday)

2026

Amherst City Council met in a Regular Session under full compliance of State Law with President Pro-tem Janik opening the meeting at 7:00 p. m. Roll call: Mr. Wachholz, Mr. Mowcomber, Mr. Janik, Mr. Nahorn, Mr. Winiarski, Mr. Dembinski, Ms. Harmych. Also present were Mayor Costilow, Safety/Service Director Jeffreys, Law Director Pecora, Treasurer Miller, and Auditor Phillips, Police Chief Cawthon, and three members of the public. Mr. Dembinski motioned to excuse Council President Wasilk as she has a letter on file. Seconded by Mr. Nahorn. Voice vote 7-0 to excuse Mrs. Wasilk.

The Prayer was invoked by Chaplain Janik, followed by the Pledge to the Flag led by Sgt. At Arms Dembinski.

Consent Agenda: The clerk read the Consent Agenda. Mr. Dembinski motioned to accept the Consent Agenda as read. Seconded by Mr. Nahorn. 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 amending City of Amherst Ordinance No. O-23-29 approving the Mayor's application with the legislative authority of the City of Amherst, Ohio to designate certain property within the City as an Outdoor Refreshment Area in accordance with Ohio Revised Code Section 4301.82 and establishing requirements necessary to ensure public health and safety within such area and repealing all ordinances in conflict therewith. (A-26-20)

Mayor Costilow said Mr. Winiarski, Police Chief Cawthon and himself had a meeting to discuss this subject and some of the City's concerns. One of his biggest concerns is that this is an application from the Mayor asking for this DORA and where certain applications need to be met. He named all that criteria and all those that worked on the original application. This ordinance only changes the times that this is allowed. This change affects a lot of the other items so that we can't meet all the requirements. This would affect the safety portions and clean up applications. He spoke further. He and police chief are against this passing, but are willing to work with Council to come up with a plan – perhaps three days a week – a safety plan that we could meet those requirements. He noted that 30 hours of overtime is doable with the staff that we have, but at a cost of up to \$150,000 overtime for the year. He does not think we can handle 70 hours per week. He spoke to the special events section and the city still requires that special even holders to hire security during these. Even if it's a weekday thing, even a DORA 7 days a week. The City still has ability to pass on those expenses during a special event. This would force a choice of one over the other. Again, he is against this, but he is trying to be sympathetic to what they want to do with this. His suggestion is to pass it on to second reading and send it back to committee. In the meantime, let them work out a full package, reducing the hours, coming up with some really good times consistent with other events. But all the weekdays, he and the Chief do not feel they can cover this safely for 70 hours per week with additional staff, which is hard to come by and we just can't afford it. So this is his suggestion and the Chief is on board with this. Even the signage would be different. That would have to be engineered and figured out. So he is willing to work on this but would hope the days are reduced.

Mr. Dembinski said he would also like to see something change with this. He feels the intention and what has been presented to us does not jive. He feels the intentions was for this year between May 15 and Sept 27 to be the fuller DORA to see what would happen. At the committee meeting there was discussion because of all the procedure that needs to happen along the Ohio Revied Code the end date did not really pertain. This would be turning into a DORA all the time for the hours that were listed in the ordinance. Reading the Ordinance, however, it still has an end date and would be from May 15 to September 27 of each year. So if you wanted to have an event outside those dates, you could not have that,

because it's no longer available. He does not think that was the intention either. He feels there are multiple things that need to be reworked here.

Mr. Wachholz asked Mr. Winiarski's take away from the meeting with the Mayor. Mr. Winiarski said it was fair - there is no substitute for sitting down and ironing things out. It was fair. An honest conversation, knowing the Mayor has the capability to veto something, with that in mind. There is a phrase that says that sometimes 50% of something is better than zero % of nothing. He does not have issues with the reduced hours. As we discussed it was Friday, Saturday and Sunday 1 to 9:00 p.m. The city upside of that is the city picks up the tab for additional enforcements, and we need signs to address the new formation. State will pay a visit to make sure we are in compliance just as they did the last time. As Mr. Dembinski said, it's intent vs. reality. His takeaway is there is there is wisdom in getting this as close to right at possible and he likes the idea of weekends because it's limited and gives us a chance to focus and makes our safety services happy and gives us a measure for any potential issues and benefits. He is good with the compromise.

Peggy Sinibaldi from 134 Park Ave from Five Points Tavern. She is all about baby steps and thinks working together on that will make a difference. She is in total agreement that if this goes south, that it be cancelled. She did not know that it would affect Main Street's events and other events. What she does know that if you walk through our downtown, and them owning a bar, every single person takes care of the front and back of their building and she does not think they will have a lot of issues with that. Her husband retired from a high end job and now he sweeps up cigarette butts! So they try to keep everything nice and clean. We do have a clean small town and have lot of people coming for that event. She hopes that DORA will be beneficial to other businesses. They do not open until 5, so it does not affect them. But they could go either way. She is here to support what everyone wants.

Mr. Robert Keiuf, who owns American Tattoo, 174 Park Avenue – have been there coming up on 10 years. He also serves on the Main Street Board. If anyone heard about Amherst Art Fest and it's a Main Street event - he is organizing the Art Festival. The Art Fest maybe affected by the DORA. But drinking doesn't go with tattoos. So this would not affect him as far as his business goes. He lives close by and his shop is close by. Doing tattoos, he sits down with several people a day from Amherst for hours at a time, so his ears are on the ground. And he hears what the people say - what they love, what they hate, what's missing. So he knows that he does not want events like Dancing On Main Street and what that became. But with a lot of events that we do now, are more community focused and for all ages. He thinks the DORA will definitely help. But budgeting over \$1,000 to pay officers, is the second biggest expense. It makes it incredibly difficult sometimes to throw these events when you have to factor in all the money. So whatever way they decide to go with this, does not affect him or his business. But consideration should be given as to how the festivals would be affected; even if it's to a certain time.

Mr. Mowcomber asked a procedural question. When this was brought up in committee, it was a temporary 2026 DORA to see downtown have a more positive economical experience and community engagement. So it went from that to this ordinance in front of us. The success has been established. How did we get here? How does this process work? Mr. Pecora said the ordinance was provided by Mr. Janik to the law department. Changes were made through the committee process – suggestions were made by Mr. Dembinski and Mr. Winiarski. Mr. Mowcomber said relative to what he said, said one of his concerns about this DORA is that there are favorite groups that gets exceptions to the alcohol approval. Residents outside of DORA don't get that exception. Residents don't get that exception. There is a group of favorites that get that exception. And from that standpoint, he is thinking they should have a requirement to provide the security. Because they are getting that exception. This is opposite of how it is stated here. When you are looking at a community event like we are looking here, that is positive for the whole community, we would pay for that. But just for every day DORA when the whole community is not getting the advantage, they should have to pay for that. It almost feels like it's backwards. This is just his idea on the staffing and who should be paying for that.

Mayor noted that he has not heard of this Art Festival event and there is an application that they need to go through. He suggested coming in to city hall and filling out an applications. Any event that closes sidewalks and stuff on the streets or closes streets, an application must be filled out for that. There was a discussion about this matter. Mr. Janik explained these events.

Mr. Janik said with the information that has been shared with council and administration, in several cities that have incorporated a DORA that goes daily, none of them have made mention of overtime pays for the servicing of their DORA cities and many of the cities are much larger than ours. All the police chiefs that have responded indicated that there was no extra overtime pay while that daily DORA is in place. We have testimonials from several police chiefs around Ohio that the reason for the DORA is to provide more economic opportunities for the businesses in the area. They don't have the problems and don't foresee the problem so have no need for that extra pay for staffing of those areas. He feels if those cities can make it work, we can make it work as well. He agrees with Mr. Winiarski to work on a compromise. This is something the businesses wanted. We could allow the weekend events as well.

Mr. Wachholz motioned to send this item back to committee. Seconded by Mr. Dembinski. Mr. Janik questioned sending this on to second reading rather than back to committee. Mayor Costilow was fine with it being sent to second reading. There was a discussion about sending this on to second reading rather than back to committee. Mr. Wachholtz amended his motion to send this on to its second reading. Mr. Dembinski seconded. Roll call vote 7-0 to pass to second reading.

- (a) An Ordinance authorizing and directing the Mayor of the City of Amherst, Ohio to enter into a Real Estate Purchase and Sale Agreement for the purchase of a certain portion of Parcel No. 05-00-039-104-019; and declaring an emergency. (A-26-25)

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

### **ORDINANCES AND RESOLUTIONS THIRD READING: NONE**

Miscellaneous and acknowledgement of the public: There was no one speaking:

Agenda requests and committee meeting schedules:

A-26-20 Ordinance – Amending the current Amherst DORA policy to include a temporary trial 2026 – summer seasonal operational calendar to include hours 12:00 P.M. to 10:00 P. M. Daily Sunday-Saturday from May 15 through September 27, 2026 (sent back to committee from Council floor 5/26/26)

#### **New:**

A-26-26 Finance - Authorization to accept the recommendation of the Amherst Community Improvement Corporation to allow the Mayor to enter into an agreement to lease the cell tower located at 545 Gordon Avenue, Amherst OH; emergency

A-26-27 Finance - Authorization to allow the Mayor to apply for, accept and enter into a Water Pollution Control Loan Fund (WPCLF) agreement on behalf of the city of Amherst for planning, design and/or construction of Wastewater Facilities; and designating a dedicated repayment source for the loan; emergency.

A-26-28 Finance – Increase appropriations for the purchase of Parcel 05-0-039-104-019 from the Catholic Bishop; emergency.

Ordinance - June 1, 2026 at 7:00 p.m. A-26-20

Finance – June 1, 2026 at 7:10 or following Ordinance Committee – A-26-26, A-26-27, A-26-28

The remainder of the Committee Meetings for June 1, 2026 are cancelled.

Mr. Janik thanked Chief Cawthon for the organization of the parade yesterday. Also thanked all the members of the force that worked the parade as well. It was well attended even with the cold weather. It was a successful parade and seemed like many people enjoyed themselves.

Reports from the Administration:

Auditor Phillips: She was happy to report that they have been able to fill that position in their office for the accounts payable person. Her name is Doris Yoder and she seems to be doing very well. She has been with us a couple of weeks. We are very pleased with her.

Treasurer Miller: No reports

Safety Service Director Jeffreys: No report

Law director Pecora: No report

Mayor Costilow: He will try to get those revised applications out to council as soon as he can. Hopefully it will not be much to talk about and what they want to see. (DORA)

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

The meeting adjourned at 7:30 p.m.

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Olga Sivinski, Clerk of Council

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David Janik, President pro-tem of Council