

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. Mowcomber, Mr. Janik, Mr. Nahorn, Mr. Winiarski, Mr. Dembinski, Ms. Harmych, Mr. Wachholz. Also present were Mayor Costilow, Safety/Service Director Jeffreys, Law Director Pecora, Treasurer Miller, and Auditor Phillips, and four members of the public

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 authorizing and directing the Mayor to enter into an agreement for the City's sale of a perpetual easement relating to Parcel Nos. 05-00-037-115-030, 05-00-037-115-035, 05-00-037-115-042, and 05-00-037-115-045 to Crown Castle; and declaring an emergency. (A-26-26)

Mayor Costilow noted that if this is not adopted this evening, there could be of a delay of a couple of months for this to go into effect. If adopted tonight, it could go into effect by the end of the month. Mr. Janik motioned to suspend all Council rules so that this may be passed in it's first reading. Seconded by Mr. Nahorn. There was a discussion about Mr. Winiarski recusing himself from discussing or voting on this item Mr. Pecora read the rules pertaining to this. Mr. Nahorn withdrew his second and Mr. Janik withdrew his motion. Mr. Winiarski asked to be excused from discussing or voting on this item. Mr. Dembinski motioned to recuse Mr. Winiarski from item 6 (a). Seconded by Mr. Wachholz. Roll call vote 6-0 to allow Mr. Winiarski to recuse himself from this item. Mr. Winiarski left council chambers. Mr. Janik motioned to suspend all Council rules so that this may be adopted in its first reading. Seconded by Mr. Nahorn. Roll call vote 6-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Wachholz. Roll call vote 6-0 to adopt. Becomes 0-26-21. Mr. Winiarski returned to council chambers.

- (b) A Resolution authorizing 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; designating a dedicated repayment source for the loan; and declaring an emergency. (A-26-27)

Mayor Costilow said he needs to get the answer to section two so it can go on to the next reading. Mr. Dembinski motioned to pass this on to its second reading. Seconded by Mr. Nahorn. Roll call vote 6-0 to pass to second reading.

- (c) An Ordinance authorizing an Increase in appropriations for the purchase of Parcel No. 05-00-039-104-019 From the Catholic Bishop; and declaring an emergency. (A-26-28).

Mayor Costilow said in reading the agreements one more time, there is a section that talks about \$15,000 being a deposit and a section about \$300,000 for the payment, and to be safe, he would like to amend this ordinance to reflect \$315,000. Mr. Nahorn motioned to amend the amount to reflect \$315,000. Seconded by Mr. Mowcomber. Roll call vote 7-0 to amend the ordinance. Mr. Janik motioned to suspend all Council rules so that this may be adopted in its first reading. Seconded by Mr. Nahorn. Roll call vote 7-0 to amend. Mr. Dembinski motioned to adopt. Seconded by Mr. Janik. Roll call vote 7-0 to adopt. Becomes 0-26-22.

ORDINANCES AND RESOLUTIONS SECOND 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)
(updated to reflect amended days and hours for operation of the DORA per the 06/01/2026 Ordinance Committee meeting; please note that a new application is not required for an amendment of health and safety requirements, and a new application would, in fact, demand an entirely different process; a new application is appropriate only where the geographic boundaries of the DORA are being amended]

Mayor said he spoke to the Law Department and Patrick and he is asking that this be amended one more time due to some additional collateral applications. The Administration is on board with the health and safety aspects as far as managing the effects of the time change. At this point, Council only needs to approve the days and the times. Being on board with that, the Administration can take care of the health and safety portion. If this is desirable, just amend those portions. Amending the application only. Then the other portions do not have to be changed. Mr. Nahorn motioned to make the amendment as presented by the Mayor. Seconded by Mr. Dembinski. Mr. Dembinski said at the committee meeting, there were only two motions made – one to change the times to Friday, Saturday and Sunday, and the times from 11-9. His understanding was that this ordinance was to be amended the way it was amended in committee. So the motion we made is consistent with that, but then why did we send it back to council from committee? Mayor Costilow said he believes one of those motions was to accept the amended application from the Mayor. The amended application is what triggers those extra steps. Mr. Pecora spoke to this. Mr. Dembinski felt that procedurally this did not seem kosher. He wanted to make sure we were following procedures. Mr. Pecora felt the amendments were appropriate. He explained all the items that were not needed. Mr. Mowcomber said for his clarification when we first started, there was an ordinance in front of us for the legislative authority to modify for the health and safety requirements under the DORA law. The next one we got was a new application from the Mayor and that's what we looked at last week. And now on 6/4 we received another piece of legislation under the legislative authority to modify public health and safety requirements. He feels like we have gone full circle. His question is why isn't this application we have right now that we receive on 6/4, why can't we vote on this? Mr. Pecora said we are not going through the same application process, just the certain portions. We fixed the error of changing the hours. Mr. Mowcomber said the legislation we received on 6/4 has the changes. Mr. Pecora said this legislation also has the items we don't need. He explained some of the items. Mr. Pecora read the title of the ordinance as it should be. The correction will be sent to the Clerk. Mr. Nahorn withdrew his motion and motioned to amend as per the title the Law Director read. Mr. Dembinski withdrew his original second and seconded Mr. Nahorn's motion.

Peggy Sinibaldi of 134 Park Avenue, said the only change she wanted to see on behalf of retailers is that none of them are open on Sundays and she would like the ordinance to be changed to Thursday, Friday and Saturday. This would benefit them. Other than that, 1-9 is a good time. Limited to three days to see how it plays out is a good way to start that.

Mr. Winiarski said there was no disagreement here, in fact, he would add Thursday and keep the Sundays. But then there is compromise. There is no reason we can't use this in the future, but now it's a compromise. They paid a consultant to go through our ordinances and one of their recommendations is to get rid of any references to gender. And the word "his" is in there six times.

Mr. Mowcomber said this ordinance provides special benefits to about a dozen liquor permit holders – then stopped his discussion for voting on the motion that's on the floor.

Mr. Pecora read the proposed ordinance title. Roll call vote 7-0 to amend.

Mr. Mowcomber said that this ordinance provides special benefits to about a dozen liquor permit holders in Amherst to sell alcohol for outdoor consumption on public property. Amherst businesses outside the permitted area do not receive this open container waiver, nor do the citizens of Amherst in their neighborhood. The police chief recommended that two police officers work the DORA area during the expanded hours. The mayor indicated that there is no provision for the expanded cost. And this is currently not budgeted and could double overtime cost for the police department. It is not fair to the businesses outside the DORA area or the citizens of Amherst to be left paying the bill for the extra police cost while a small group collects the profit. For that reason - he motioned that on or before February 28 of each year, the city shall invoice each DORA permit holder for its proportionate share of the actual costs incurred by the City during the preceding calendar year for staffing the DORA with two police officers. Each permit holder's share shall be calculated by dividing the total annual security cost by the total number of DORA permit holders. Payment shall be due within sixty (60) days of the invoice date. Failure to pay the invoiced amount within the required time shall result in suspension or revocation of the permit holder's DORA privileges until the amount is paid in full. Seconded by Mr. Nahorn. Roll call vote 2-5 with Mr. Janik, Mr. Winiarski, Mr. Dembinski, Ms. Harmych, and Mr. Wachholz voting no. The motion dies.

ORDINANCES AND RESOLUTIONS THIRD 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. Dembinski motioned to adopt. Seconded by Mr. Nahorn. Roll call vote 7-0 to adopt. Becomes 0-26-23.

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

Agenda requests and committee meeting schedules:

There were no Agenda requests presented so the committee meetings for 6/15/2 are cancelled.

Reports from the Administration

Auditor Phillips: The May reports have been completed and distributed.
 Treasurer Miller: The May reports have been completed and distributed.
 Law Director Pecora: No report
 Safety Service Director Jeffreys: No report
 Mayor Costilow: No report

Mr. Dembinski motioned to accept the Reports of the Administration. Seconded by Mr. Wachholz. Voice vote 7-0 to accept the Reports of the Administration.

Acknowledge the receipt of the May Treasurer and Auditor reports.

Mr. Dembinski motioned to acknowledge the receipt of the May Treasurer and Auditor reports. Seconded by Mr. Wachholz. Voice vote 7-0 to acknowledge the receipt of the reports.

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

The meeting adjourned at 8:01 P.M.