

FEBRUARY 22

10

Amherst City Council met in a Regular Session under full compliance of State Law with President Dietrich opening the meeting at 7:30 P. M. Roll call: Mr. Van Treuren, Mr. Gambish, Mr. Bukovac - absent, Mr. Traster, Mr. Loughrie, Mr. Janik, Mrs. Wasilk. Also present were Mayor Taylor, Safety/Service Director Clotz, Auditor Kukucka, Treasurer Hullman, Law Director Pecora, and many members of the Public. Mr. Traster motioned to excuse Mr. Bukovac as he had a letter on file. Seconded by Mr. Gambish. Voice vote 6-0 to excuse.

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

Consent Agenda: The Clerk read the Consent Agenda: Mr. Janik motioned to accept the Consent Agenda as read. Seconded by Mr. Gambish. Roll call vote 6-0 to accept the Consent Agenda.

Acknowledgement of the Public pertaining to items on the Agenda: There was no one speaking. Mr. Dietrich recognized students who were present from Mr. Malone's Government Class and thanked them for coming.

ORDINANCES AND RESOLUTIONS FIRST 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, 2010, repealing all Ordinances in conflict herewith, and declaring an emergency.
(A-10-09)

Mr. Gambish motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Traster. Roll call vote 6-0 to suspend rules. Mr. Gambish motioned to adopt. Seconded by Mr. Loughrie. Roll call vote 6-0 to adopt. Becomes 0-10-10.

- (b) An Ordinance authorizing the Department of Transportation to replace signs on Sate Route 2; and declaring an emergency.
(A-10-13)

Mr. Loughrie motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Gambish. Roll call vote 6-0 to suspend rules. Mr. Loughrie motioned to adopt. Seconded by Mr. Traster. Roll call vote 6-0 to adopt. Becomes 0-10-11.

- (c) An Ordinance authorizing and directing the Safety/Service Director to solicit bids to trim trees (on a unit basis) in the City that interfere with electrical distribution lines, at a cost not to exceed \$80,000; and authorizing and directing the Safety/Service Director to award the contract for such work to the lowest responsive and responsible bidder. (A-10-14)

Mr. Traster motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Gambish. Roll call vote 6-0 to suspend rules. Mr. Loughrie motioned to adopt. Seconded by Mr. Traster. Roll call vote 6-0 to adopt. Becomes 0-10-12.

- (d) An Ordinance authorizing and directing the Safety/Service Director to solicit bids to supply the City with gasoline and diesel fuel, oil and other petroleum products for a period of twelve (12) months; and authorizing and directing the Safety/Service Director to award the contract for such products to the lowest responsive and responsible bidder.
(A-10-15)

Mr. Gambish 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. Janik motioned to adopt. Seconded by Mr. Gambish. Roll call vote 6-0 to adopt. Becomes 0-10-13.

ORDINANCES AND RESOLUTIONS SECOND READING: NONE

ORDINANCES AND RESOLUTIONS THIRD READING:

- (a) An Ordinance authorizing the City to grant to Robert and Nelida Lopez a revocable license to install a patio on City owned land. (A-10-07)

Mrs. Wasilk motioned to adopt. Seconded by Mr. Janik. Mrs. Wasilk noted to the Safety/Service Director that over the last six weeks there have been a lot of questions and opinions expressed by members of council. Is he confident that he can in negotiating this agreement he will be able to incorporate and consider all the suggestions that he has heard from Council? Mr. Clotz said he has no problem considering anything anyone suggests to him. He has had a couple of Council members put out some numbers and had a call from a person that deals in rental problem that also threw out a number. He will not say what those numbers are but he does not think he has a problem coming to an agreement if the gentleman that wants to negotiate a price is reasonable. Mr. Gambish said during the six weeks of discussion about this, he was very adamant that he felt the City should receive some kind of monetary value for this land. He stands by that. During this morning's meeting with the Mayor, the Mayor assured him that he would stand behind the Safety/Service Director and in his negotiating abilities and what he finds in those negotiations to make this work in the best interest of the City. He then spoke with Mr. Clotz and discussed what he felt was a fair amount and Mr. Clotz took the time to get on the County Auditor's website and do some figuring of the numbers based on the land value listed. That came in about \$7 per square foot; we are talking about 871 square feet here of patio space. There is finished space that is worth \$8-8.50 per square foot in the downtown area. He feels that number that is on the County Auditor website is not a fair comparison and is rather expensive. He, being the lead spokesman along with Mr. Loughrie and Mr. Traster feel they need to make the residents and taxpayers of Amherst receive something for that property. They feel that a number of \$2-3 per square foot is very fair which comes out to \$131-150 per month which they feel is very fair. That makes the project feasible and assures the citizens that we are being good stewards with their assets; real estate being an asset as is any other property that belongs to the City. In the discussions such as Main Street vs. the Historical Society comparison, this is a private business and an individual who will benefit from this. He feels Mr. Clotz has been very fair in recognizing that and agreeing that there should be a monetary value put on this. He does not feel the Historical Society or Main Street should be charged for things they have downtown. They are non-profit and do things throughout the community. They are a big asset to the community and not a one individual profit and one individual using it for themselves and for their business. He is comfortable and has opposed this throughout mainly because a lot of these discussions and a lot of the people that are here that have concerns and many have felt that this should not be given up for anything. Many of the people here, himself included, Mr. Janik and his family have property in the City; he does not see them that out of their goodness of their heart they will give someone some property to use because they are going to invest some money in downtown Amherst. People work and achieve this as their own personal property. This is taxpayers money. To give that for

nothing is like giving something away of his own. He appreciates all the input from everyone and Mr. Traster's, Mr. Loughrie's and Mr. Bukovak's support. He appreciates Mr. Clotz working on this with him. With Mr. Clotz assuring him that there will be some kind of a fee there, nothing is going to jeopardize this project, and with the Mayor's assurance that he will back Mr. Clotz, he has no problem supporting this project now.

Mr. Janik said he trusts the Safety/Service Director to enter into a sound contract for the City on this matter and has the sound advice of our Law Director on this matter. He does not want anyone to be surprised if there is not a monthly fee attached to this. He is sure our Law Director will advise our Safety/Service Director you cannot just turn a revocable license into a lease contract and have somebody pay a monthly fee and call it a revocable license. This is not legal and not what we can do. Our discussions have been that this is not going to be a lease situation because our Law Director does not feel this is in the best interest of the City and he believes this is a sound decision. Mayor Taylor said he wanted it clear that he has not talked to the Safety/Service Director about any numbers. The only thing they have talked about is whether we are going to expect something from this in this case. He does not know what the numbers are as he does not negotiate publicly. It's not right; we negotiate in confidence and in private. It's not proper, in his opinion, to talk about numbers in public. Once it's done, then it's public knowledge. The negotiations themselves are done by the Safety/Service Director, the Law Director and himself. So as far as numbers, he has not the slightest idea where we are headed in that. He wanted to assure everyone that there will be something, but no numbers have been established as of yet. These numbers that have been put out by Mr. Gambish, while they are his idea, and everyone is welcome to provide ideas and we will take them under consideration, he wants to make sure everyone understands that this will be a private negotiation. The final results will be public. He and Mr. Clotz and Mr. Pecora will do what they have done in the past, do what is in the best interest of the City and also be fair to the people we negotiate with. Mr. Loughrie wanted to clarify the license agreement goes to the owner, not the renter. Because of the size and location of this property, it really is of no use to the City. This will also be a seasonal thing. He is more apt to go along with this now than when it first came to Committee. After these discussions, the concerns and questions have been addressed so he can lend his support to this. Mr. Traster said in talking to the people in the community, most of them were concerned about a fee. Some of the other questions were about liability, damage to city property, insurance which will be covered under agreement. He has complete confidence in the Administration on handling this, as everything he has seen the Administration do in the last five years has been in the best interest of the City and not hamper the residents of the City. Mr. Dietrich said any suggestions should be put in writing and submitted to Mr. Clotz so it's not hearsay. Roll call vote 6-0 to adopt. Becomes 0-10-14.

Miscellaneous and Acknowledgement of the Public: Mrs. Teresa Gilles reminded everyone that this Saturday is the Heart of the City Dinner and Dance and people should call her office for more info.

- (a) Consideration of an application for a new liquor permit for Paul's Beverage Warehouse, 1957 Cooper Foster Park Rd. for D1 and D2 license: D1 Beer only for premises consumption and in sealed containers for carry out until 1 a. m.; D2 wine and certain prepackaged mixed drinks for on premises consumption and in sealed containers for carry out, until 1 a. m.

There were no objections to the liquor license application.

Agenda Requests and Committee Meeting schedules

A-10-16 Finance Authorization to purchase rock salt for 2010-2011 snow removal

Finance March 8, 2010 at 7:00 P. M. A-10-16

The remaining Council Committee Meetings from February 23 to March 2, 2010 are cancelled.

Reports of the Administration:

Treasurer Hullman: No report

Auditor Kukucka: Thanked Council for passing the budget in such a timely manner so we can get this to the County Auditor. Last week their office was visited by the State Auditor's Office. There is an award handed out by State Auditor Mary Taylor - Make Your Tax Dollars Count Award. He stated some of the criteria that is needed in order to receive this award. He is proud to say that they were awarded this award. Less than 5% of the cities in Ohio receive this award. Amherst is the only City in Lorain County to receive this award. He read the verbiage on the award. There was a round of applause from all present.

Safety/Service Director: No report

Mayor Taylor: Reported that there will be requests submitted to Council very soon. The funding for Cleveland Avenue which will be with State Issue I funds; the funding for the street program; and the funding for the siphon chamber for our sanitary collection system.

Mr. Janik motioned to accept the Reports of the Administration. Seconded by Mr. Loughrie. Voice vote 6-0 to accept the Report.

Mr. Dietrich thanked the residents for being at the meeting this evening and thanked the Government Class for coming.

Mr. Gambish motioned to adjourn, seconded by Mr. Janik. Voice vote 6-0 to adjourn.

The meeting adjourned at 7:58 P. M.

Olga Sivinski, Clerk of Council

John S. Dietrich, President of Council

