

Amherst City Council met in a regular session under full compliance of State Law with President Dietrich opening the meeting at 7:02 P.M. Roll call vote: Mrs. Wasilk, Mr. Winiarski, Mr. Dembinski, Mr. Miller, Mr. Janik, Mr. Goodell, Mr. Van Treuren. Also present were Mayor Costilow, Auditor Kukucka, Law Director Pecora and Safety Service Director Jeffreys. Treasurer Ramsey was absent having a letter on file. Mrs. Wasilk moved to excuse Treasurer Ramsey. Second by Mr. Goodell. Voice vote 7-0 in favor.

The prayer was invoked by Chaplain Wasilk, followed by the Pledge to the Flag led by Sergeant at Arms Dembinski. The Clerk read the consent agenda. Mr. Dembinski moved to accept the consent agenda as read. Second by Mr. Goodell. Roll call vote 7-0 in favor. The public was acknowledged pertaining to items on the agenda. No one spoke.

ORDINANCES AND RESOLUTIONS FIRST READING:

(a) A resolution of necessity for the construction and repair of sidewalks for the year 2017. (A-17-18)

Mr. Winiarski asked if the Law Director was comfortable with the revised letter for residents. He also mentioned that there was added language in the letter that gives notice for residents to visit the Clerk of Council for sidewalk information and that there will be consequences for not fixing sidewalks. Law Director Pecora said that the letter also included the Ohio Revised Code on sidewalks so that residents understand the law. Mr. Winiarski asked Mayor Costilow if the list of 283 properties was the final list. Mayor Costilow said that it was. Mr. Winiarski said that we were running out of time. He asked to consider a meeting before the next committee meeting. The Mayor agreed that we are running out of time. Law Director Pecora said that we can call a special meeting. Mayor Costilow said that the list of residents needing to be assessed has to come back to Council. Mr. Winiarski confirmed that the cost listed was an "estimated cost". Law Director Pecora confirmed but Mayor Costilow pointed out that it can't increase above 10%. President Dietrich pointed out that we also need to advertise before assessing. Mr. Miller asked if the letter would go out after the resolution passes. Mayor Costilow said that it would. Mr. Miller asked how much time the resident would have to fix the sidewalk. Mayor Costilow said that residents would have 60 days to repair or replace. Mr. Miller said that he has an issue with a resident coming up with the money in that period of time. Mr. Miller asked about residents appealing the assessment list. Law Director Pecora pointed out ORC in the letter which contains the steps to assessment. He pointed out that the appeal process is only reviewing if the assessment was correct. Mr. Miller confirmed that the vote tonight was confirming that all 283 sidewalks need to be fixed. The Law Director confirmed that he was correct and pointed out that everyone should be on notice that the sidewalk law is going to be enforced. Mr. Janik asked about the materials that could be used to fix the sidewalks. Mayor Costilow said that it needed to be fixed with concrete or the sandstone repaired. Mr. Janik also asked about changing the venue for the next meeting to accommodate additional people. Mayor Costilow said that the venue change would be possible during the assessment phase. Mr. Miller asked about affording more time to allow people to know that their sidewalk has to be fixed. Mayor Costilow pointed out that Council passed a resolution about this in February. Mr. Miller said that he would like to give residents more time. Law Director Pecora said that ACO requires that sidewalks are maintained Auditor Kukucka said that the City is not in a financial situation to do this project. He said that they are working with a bonding agent. He suggested that we put out a letter to the residents to tell residents that Amherst is moving ahead with fixing sidewalks and giving the City time to get the bonding established. Mayor Costilow said that any bank would be interested in this project without many fees and time. He said that this project is not using tax dollars and is solely covered by assessments. Law Director Pecora said that the City should not be obligated to pick up the cost of this. Mayor Costilow said that we could not pay for engineering on all the sidewalks in one year. Mr. Miller said that we are putting an undue burden on the residents to come up with a contractor at a decent cost. Mr. Dembinski asked about the number of contractors ready to that work. Auditor Kukucka replied that he thought there were quite a few. Mr. Winiarski said that one can look up the sidewalk requirements in the building code. He also said that he spoke to a couple of banks who can't act on a loan until we get to the assessment portion. President Dietrich said that he doesn't see this project getting done this year because of the time constraints. Mrs. Wasilk asked about the project moving into last year. Law Director Pecora said that the assessment procedure requires that it be done within the year. He said that Council could determine extensions and that we could give notice that an extension could be given if the work is in progress. Mr. Miller confirmed that tree lawn trees can be cut down. Mayor Costilow said that it is the right of the

homeowner. President Dietrich asked about rerouting sidewalks. Mr. Miller talked about the many streets without sidewalks and the possibility of the City putting in sidewalks where they need to go. He said that we are lacking a pedestrian friendly vision for the City. Mr. Goodell said that he believes that residents know if their sidewalks are bad. Mrs. Wasilk mentioned that 15 years ago there was a Bicycle and Pedestrian Safety Board and that we should revisit it. Mrs. Wasilk moved to take this item to second reading. Second by Mr. Winiarski. Mayor Costilow asked if this item should be amended to include the 283 properties. Law Director Pecora said that it would be a good idea. Mrs. Wasilk withdrew her motion along with Mr. Winiarski. Mrs. Wasilk moved to amend this item to include 283 addresses of sidewalk repairs. Second by Mr. Van Treuren. Roll call vote 6-1 in favor with Mr. Miller voting no. Mr. Van Treuren reminded everyone that “we were picking up the slack” for the decades that officials didn’t follow the laws that were on the books. Mr. Winiarski moved to send this item to second reading as amended. Second by Mr. Goodell. Roll call vote 6-1 in favor with Mr. Miller voting no. President Dietrich called for a Special Council meeting on May 1st at 6:40 PM to consider this item. Mrs. Wasilk moved to have this meeting. Second by Mr. Van Treuren. Voice vote 6-1 in favor with Mr. Miller voting no.

(b) A resolution authorizing the Safety Service Director to participate in the Ohio Department of Transportation Winter Contract (018-18) for road salt; and declaring an emergency. (A-17-19)

Mr. Goodell moved to suspend the Council rule requiring three readings. Second by Mr. Dembinski. Mr. Miller questioned the need for emergency. Mayor Costilow said that the information was just received from the State. Roll call vote 7-0. Mrs. Wasilk moved to adopt. Second by Mr. Winiarski. Roll call vote 7-0 in favor. Becomes **R-17-03**

(c) An ordinance approving and rezoning The Reserve at Beaver Creek as a Planned Development District.

(A-17-20)

Mrs. Wasilk moved to take this item to second reading. Second by Mr. Miller. Mr. Dembinski asked about the lot size and how sales of similar homes were faring. Mr. Brady addressed Council giving an update saying that sales at Quarry Lakes were going well. He explained that a different demographic would be interested in The Reserve. Mr. Winiarski raised concerns about the resale value. Mr. Dembinski said that he also has concerns about resale values. Mr. Brady said that the PDD is attractive to many people. Mr. Miller said that he likes the plan for the type of proposed building. Mr. Brady said that the front property will be commercial in nature. Mr. Brady talked about the Holstein property and that it is all zoned commercial. He said the barn and home would be taken down this summer. Roll call vote 5-2 in favor with Mr. Winiarski and Mr. Dembinski voting no.

ORDINANCES AND RESOLUTIONS SECOND READING: NONE

ORDINANCES AND RESOLUTIONS THIRD READING: NONE

Miscellaneous and acknowledgement of the public: President Dietrich said that if residents had questions about sidewalks that they should contact their councilperson. Mr. Winiarski said that he would return calls on Saturdays.

Agenda Requests and Committee Meeting Schedules:

- | | |
|---------|--|
| A-17-21 | Increase appropriations for Donation Expenses Account 100-1001-52405; and declaring an emergency. |
| A-17-22 | Increase appropriations for Refunds and Reimbursements Account 610-5003-52730. |
| A-17-23 | An ordinance approving and accepting changes to the Collective Bargaining Agreement with the Part Time Patrol of the Ohio Benevolent Association; and declaring an emergency. |
| A-17-24 | An ordinance approving and accepting changes to the Collective Bargaining Agreement with the Part Time Dispatchers of the Ohio Benevolent Association; and declaring an emergency. |
| A-17-25 | An ordinance approving and accepting changes to the Collective Bargaining Agreement with the Full Time Dispatchers/Computer Technical Operator of the Ohio Benevolent Association; and declaring an emergency. |
| A-17-26 | An ordinance approving and accepting changes to the Collective Bargaining Agreement with the Full Time Dispatchers unit of the Ohio Benevolent Association; and declaring an emergency. |

Finance	May 1, 2017 7:00 PM	A-17-21 and A-17-22
Executive	May 1, 2017 7:10 PM	A-17-23, 24, 25, 26

All other committee meetings for the period are canceled.

Reports of the Administration:

Auditor Kukucka: He mentioned some of the history of administrations not wanting to deal with sidewalks. He also said that sidewalks could be added to a renewal levy next year.

Treasurer Ramsey: Absent.

Law Director Pecora: No report.

Safety/Service Director Jeffreys: No report.

Mayor Costilow: He reminded everyone that voting takes place on May 2nd. He said that there was a school levy and fire levy. He said that there was equipment and vehicles that needed replaced. He said that the Fire Department was up to 600 calls per year. He asked everyone to support the levy.

Mr. Miller moved to accept the Reports of the Administration. Second by Mr. Goodell. Voice vote 7-0 in favor. Mr. Goodell moved to adjourn. Second by Mr. Winiarski. Voice vote 7-0 in favor. Meeting adjourned at 8:25 PM.

Linda Turley, Clerk of Council

John Dietrich, President of Council