

COUNCIL PRESIDENT- JOHN S. DIETRICH
COUNCIL AT LARGE- DAVID JANIK
COUNCIL AT LARGE- JOE MILLER
COUNCIL AT LARGE- PHIL VAN TREUREN

COUNCIL WARD ONE- BRIAN DEMBINSKI
COUNCIL WARD TWO- DAVID GOODELL
COUNCIL WARD THREE- CHUCK WINIARSKI
COUNCIL WARD FOUR- JENNIFER WASILK

CITY OF AMHERST, OHIO

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Minutes of the Finance Committee Meeting held July 17, 2017 at 7:00 P.M.
Present were Chairwoman Wasilk, Mr. Miller - absent, Mr. Van Treuren, Mr. Janik, Mr. Winiarski, Mr. Dembinski, and Mr. Goodell. Also present were Mayor Costilow, Safety Service Director Jeffries, Auditor Kukucka, Treasurer Ramsey - absent, Law Director Pecora, and members of the press and public. Mr. Goodell motioned to excuse Mr. Miller and Mr. Ramsey, as they had letters on file. Seconded by Mr. Winiarski. Voice vote 6-0 to excuse.

A-17-35 Create Capital Asset Policy for City of Amherst

What was the impetus for this initiative? The Auditors recommended a policy that defines what goes into the Capital Asset Program

What changes will we see? Mr. Kukucka stated there will be no changes.

Mayor Costilow explained that the budget will have differences in its presentation.

Mr. Kukucka said there will be more blanket purchase orders to accommodate this policy.

Mr. Goodell motioned to take this to the floor of Council. Second by Mr. Van Treuren. Vote 6-0 to take this item to the floor of council.

Mr. Winiarski moved to adjourn. Second by Mr. Goodell. Voice vote 6-0 to adjourn.

The meeting adjourned at 7:10 P.M.

Jennifer Wasilk, Chairwoman
Finance Committee

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Minutes of the Streets Committee Meeting held July 17, 2017 at 7:10 P.M.
Present were Chairwoman Dembinski, Mr. Miller - absent, Mr. Van Treuren, Mr. Janik, Mr. Winiarski, Mrs. Wasilk, and Mr. Goodell. Also present were Mayor Costilow, Safety Service Director Jeffries, Auditor Kukucka, Treasurer Ramsey - absent, Law Director Pecora, members of the press and 15 members of the public. Mr. Miller and Mr. Ramsey were excused earlier.

A-17-36 Revisions of Amherst Codified Ordinances Chapter 913, 913.04 -
Surcharge Rates

Mayor Costilow spoke to the reason behind this proposal. The large users cost so much more because their waste and solids are more parts per million than a household would produce, thus becoming more expensive to treat. We have had this old rate, but Alan Brailer had said that this fluctuates so much, he would rather have an ordinance that talks based on what it actually costs us. Also, if we can do it less expensively, we would like to pass that on also. Mr. Winiarski asked who this would apply to. Mayor Costilow said the WWTP identifies that via monitoring.

Mr. Goodell motioned to take this to the floor of Council.
Second by Mrs. Wasilk. Vote 6-0 to take this item to the floor of council.

Mr. Winiarski moved to adjourn. Second by Mr. Goodell. Voice vote 6-0 to adjourn.

The meeting adjourned at 7:12 P.M.

Brian Dembinski, Chairman
Streets Committee

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Minutes of the Ordinance Committee Meeting held July 17, 2017 at 7:15 P.M. Present were Vice Chairwoman Janik, Mr. Miller - absent, Mr. Van Treuren, Mr. Dembinski, Mr. Winiarski, Mrs. Wasilk, and Mr. Goodell. Also present were Mayor Costilow, Safety Service Director Jeffries, Auditor Kukucka, Treasurer Ramsey - absent, Law Director Pecora, members of the press and 16 members of the public. A boy scout troop and their leader were also in attendance. Mr. Miller and Mr. Ramsey were excused earlier.

A-17-37 Create Joint Economic Development District

Mayor Costilow spoke to the public hearing last week where this document was reviewed where most of us were in attendance. This is a great economic tool that was approved by the Township. A Petition will be circulated and approved by the one property owner and we will make sure that that will be done before this actually passes. Mr. Winiarski asked if this was approved by the Township? Mayor Costilow said they are still on the same schedule as us.

Mr. Dembinski motioned to take this to the floor of Council. Second by Mr. Goodell. Vote 6-0 to take this item to the floor of council.

A-17-38 Add Section to Amherst Codified Ordinances pertaining to food and vendor carts and trucks

Mayor Costilow said this is an issue he has thought about for the last few years and actually came to a head when we had a vendor truck come to the downtown area. Amherst does not have any regulations about this as some cities have. The proposed legislation in front of Council is a very early draft and will take some work on their part and the law department to come up with an ordinance to fit our city. His biggest concerns at this time is safety of the citizens and buildings. Right now the Ohio Fire Code only has one small paragraph that regulates this issue. The Ohio Fire Commission Committee has just passed a five page set of regulations that they hope to pass in September. He read the last paragraph of this proposed regulation

There were questions and concerns stated by members of Council. Mr. Winiarski stated his concerns and asked about a moratorium. Mr. Pecora cautioned against that as we have to be careful what would be prohibited. Cities do have rights to regulate as long as regulations are tying into some sort of need the city has, and to be reasonable and not arbitrary. He spoke further. His issues would be safety. He would want to have safety protocols in place.

Mayor spoke to Dancing on Main Street and all the regulations that are in place for that event. Mr. Pecora and Mayor Costilow discussed some aspects of this issue. Mr. Pecora spoke further and gave some examples and wanted to consider this further and perhaps designate a particular area of the city for this activity until we can figure this out. Maybe a proximity moratorium would be appropriate until we can figure this out.

Mr. Kukucka said the City of Cleveland has a very successful food truck day - where a day and street is designated - and there are 8-10 food trucks there that day. Maybe we could designate an area, say by the library parking lot.

Mr. Winiarski asked how a group could operate without going before DRB. This was discussed. Mr. Winiarski said he is not against these food trucks and we can co-exist. But gave examples of businesses that are established downtown and then you have these food trucks that don't have to go through these pre-requisites or paying property or income tax. Mr. Pecora said the Supreme Court has ruled that a municipality can consider those things Mr. Winiarski stated. Discussion continued. Mayor Costilow suggested that all concerns and questions be forwarded to his or the law director's offices. Mayor Costilow cautioned that the part of the fire code that we will be enforcing is if these food trucks appear, the Fire Department will appear and inspect at least to follow the rules that are in effect by the Fire Code.

Mr. Paul Bires, owner of several local establishments, said he felt Council has addressed most of the concerns, but would like to make it clear, since he has had to do so several time, that these food vendors should also have to go to DRB. Referencing the Dancing in the Streets, that is a one day affair where the street is closed off to traffic, while this would be exposed to traffic daily. He spoke of being regulated by various departments. He did speak to several business owners and by their permission is speaking on behalf of them. He is proud of the businesses here and does not feel it would be conducive to them to have these food vendors driving around and doing whatever they want to do. Regulations are needed. He

spoke to issues with fire hazards that could happen. There should be concerns about various liabilities that could happen.

Mr. Juan Soto, 135 Cherry Valley, Amherst, owner of the food truck, said last year he began the process of seeing if the food truck can come into Amherst. He looked at the web sites, looked at the ordinances and went to the police department. He found no regulations pertaining to food trucks. He could have come downtown and just parked, but knowing the chaos that would have ensued, he did not do that. He is from Amherst and he knows how downtown works. He informally partnered with Mr. Kolcun, as there are several bars that don't have kitchens. He had told John over the years that he would like his food in the Pour House Bar. It is not his intent to come in and take over downtown or to cut into anyone's business. He admits there are some issues such as the generator being really loud. He wants everyone to know that he started this "conversation." He would like to see this go further. Mr. Van Treuren said he felt no one wants to prevent other businesses from coming to Amherst, however, it sounds like the way this was done was the issue. Maybe something could be set up that would not affect these other businesses. He cautioned that Mr. Soto maybe should be careful about where he sets up his truck. Mr. Kukucka asked if either one of the two times that he was down here if the Fire Department came down to check the truck? Mr. Soto said they did not. Mayor Costilow said if Mr. Soto is coming down this week, then maybe he could follow the items prescribed in the Fire Code. Mr. Soto apologized and said he will try to comply. Mayor Costilow said they will try to find him a spot until something is passed. Mr. Soto spoke to the cost of taking this truck out to various events.

Darryl McCarty, 807 Lincoln Street, Amherst, owner of Olde Towne Pizza and Dairy Mart, said he knows Mr. Soto and they are a nice family. But Mr. Soto saying it cost \$1,000 to come out to an event, at Dairy Mart, just to open the doors it cost him \$1,300. He spoke to all the expenses his businesses incur daily. He feels competition is good, but it should be on the same level. This one truck can cause more truck to come in and "once we open the door" --- He noted how hard he and his family work in their downtown businesses. He feels that every time this business meets with the Fire Department, they should pay a fee. They should have rules and pay for it. Mr. Pecora spoke about limiting these trucks to one truck to a certain area due to economic regulations.

John Kolcun, 482 Lullaby Circle, Amherst, owner of the Pour House and other property. He said he bought his business for very little and it's now worth over ½ million dollars. He said he also works very hard. He had called Juan about this - as he has to look "outside the box" to get his customers food. Juan has also invested and put money into his truck. We are talking about a guy who is going to other cities to make money but getting flak from his own city. He triples his sales on Thursdays (the day the truck is there.) He pays taxes on those sales. He said they have complies with laws. They are working hard not to interrupt anyone else's business. Setting moratoriums and placing these trucks in certain areas won't work for him. He spoke to Juan complying with present safety standards. He hopes everyone considers what he is trying to do to keep his business going. He can't afford to put in an expensive kitchen. In the meantime, he and Juan are going to partner up and make it happen and do everything that is required. Mr. Janik spoke to the issues that were involved such as people standing in the street. Mr. Kolcun said he had spoken to the police department. He discussed how they tried to comply with pedestrian safety issues. Mr. Pecora and Mayor Costilow explained some of the issues.

Chris Russo, 300 Church Street, owner of the Brew Kettle and Hot Dog Heaven said most of his questions have been address. He does not feel that these issues have anything personally to do with Mr. Soto's truck. He also owns a truck and brick and mortar. There are opportunities for the food truck seven days a week in other places, instead of coming down here. He said they ask their employees to park far away in order to give customers closer parking spaces. Speaking of fair competition, it's not fair when the truck sells the same item as a business is having a special on. We do not know whose insurance liability is involved if something happens in regard to the food truck. Food trucks make sense for special events such as Main Street. He touched on all the various questions and comments spoken this evening.

Mr. Van Treuren motioned to table this item. Seconded by Mrs. Wasilk. Voice vote 6-0 to table.

Mr. Dembinski motioned to adjourn. Second by Mr. Winiarski. Voice vote 6-0 to adjourn.

The meeting adjourned at 8:36 P.M.

David Janik, Vice Chairman
Ordinance Committee