

Amherst City Council met in a Regular Session under full compliance of State Law with President Dietrich opening the meeting at 7:00 P.M. Roll call: Mr. Van Treuren, Mr. Janik, Mr. Cowger, Mr. Dembinski, Mr. Miller, Mr. Winiarski, Mrs. Wasilk. Also present were Mayor Costilow, Safety/Service Director Jeffries, Treasurer Ramsey, Law Director Pecora, Auditor Kukucka, one member of the public and one member of the press.

The Prayer was invoked by Chaplin Wasilk, followed by the Pledge to the Flag led by Sergeant at Arms Dembinski.

Consent Agenda: The Clerk read the Consent Agenda. Mr. Dembinski motioned to accept the Consent Agenda as read. Seconded by Mr. Van Treuren. Roll call vote 7-0 to accept the Consent Agenda.

Acknowledgement of the public pertaining to items on the agenda: There was no one speaking.

ORDINANCES AND RESOLUTIONS FIRST READING:

- (a) A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. (A-17-48)

Mrs. Wasilk motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Dembinski. Mr. Miller questioned the suspension. Mr. Kukucka explained that this is due to the County on 11/1 and we received it 9/28. Roll call vote 7-0 to suspend rules. Mr. Winiarski motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes R-17-06.

- (b) An Ordinance to authorize the Treasurer to join a coalition of municipalities retaining special counsel for purposes of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code relating to Municipal Income Tax, and declaring an emergency. (A-17-50)

Mrs. Wasilk motioned to suspend all Council rules so that this maybe passed in its first reading. Seconded by Mr. Winiarski. Roll call vote 7-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-17-41.

- (c) An Ordinance amending Amherst Codified Ordinance Section 192.18 and 192.29 as mandated by ORC Section 718.08(C)(1)(d) and ORC Section 718.27 (C)(1)(b). (A-17-51)

Mr. Dietrich said after speaking with the Mayor, Treasurer Ramsey and Law Director, it was agreed that we should hold off on adopting this ordinance until we see how the challenge for the above Ordinance goes. Mr. Janik motioned to remove this item from the Agenda. Seconded by Mr. Winiarski. Mr. Dembinski asked if this is because we are waiting to see what the outcome of the coalition litigation issue is completed or waiting until the end of the year and then maybe pass it then. Mr. Ramsey said it was a little of both. But we will put this item on the back burner until the outcome of the coalition litigation. Roll call vote 7-0 to remove this from the Agenda.

- (d) An Ordinance authorizing the Mayor to enter into a lease financing agreement With USBancorp to finance the purchase and installation of an advanced Metering infrastructure ("AMI") System. (A-17-52) (emergency clause added by motion)

Mayor Costilow said this kind of goes with item (a) under Second Reading. All indicators show that rates will be rising soon. There is a time limitation of when this good rate is locked in. Without passing this with emergency, we will probably miss that window. We also can't get any metering project work done until the financing is in place. A lot of work can be done with the fiber project that is going on now. But we are in a stalling place without the financing in place. He asked for emergency clauses on both items. We could possibly go one more reading, but he is asking Council to take care of this tonight. Mrs. Wasilk motioned that the emergency clause be added to this legislation. Seconded by Mr. Cowger. Mr. Dembinski said generally he is not in favor of adding emergency clauses, but since this would lock in a lower rate, he will support this. He knows that from the time we were given the initial numbers the rate has increased. So the sooner we can lock in a rate, the better it is for us. Roll call vote 7-0 to add the emergency clause. Mr. Winiarski motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Cowger. Roll

call vote 7-0 to suspend rules. Mr. Miller motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-17-42.

ORDINANCES AND RESOLUTIONS SECOND READING:

- (a) An Ordinance authorizing the City to enter into an agreement with Eaton Corporation to purchase and install advanced metering infrastructure (“AMI”) System. (A-17-47) (emergency clause added)

Mr. Winiarski noted we have two items with the metering project; the one we just passed on emergency, the financing. This legislation has to do with getting the product. While the company will work with us from a sales point, they won’t give us engineering information until they have this ordinance. With two projects running parallel like that, we have the opportunity with the fiber project to find out how they are going to engineer this and we can take advantage of this and call out the splice points as the fibers are being run. That would save us money and prevent change orders. He is vehemently opposed to change orders if avoidable. He motioned to add the emergency clause to this legislation. Seconded by Mr. Dembinski. Roll call vote 7-0 to add the emergency clause. Mrs. Wasilk motioned to suspend all Council rules so that this may be passed in its second reading. Seconded by Mr. Miller. Mr. Miller said he agreed with Mr. Winiarski and Mr. Dembinski on how we are approaching this. This is a big endeavor and the Mayor and Administration have done a great job of finding solutions to a lot of our issues. We are trying to coordinate a couple of different projects together. They are keeping in mind product and cost savings. So he supports all those efforts. He also does not like emergency and suspension of rules, however, in this case he would agree. We need to get this lined up the same time we get our financing together. We will then serve our residents more quickly and efficiently. Roll call vote 7-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Miller. Becomes 0-17-43.

ORDINANCES AND RESOLUTIONS THIRD READING:

- (a) An Ordinance repealing Ordinance No. 0-01-32, and directing the Auditor to discontinue the transfer of funds generated by the implementation of the Kilowatt-hour tax from the General Fund to the Electric Fund. (A-17-45)

Mr. Van Treuren motioned to adopt. Seconded by Mr. Janik. Mr. Dembinski said he had some people reach out to him over the weekend who were concerned about potential base rate changes proposed by our electrical consultant. He wants to verify that the base rate will be changing either way. Mayor Costilow said that was correct. Mr. Cowger said he has received three mails on this and on his reply he stated the provision by ORC 5727.86 which states this tax is supposed to be deposited into the General Fund. We are currently working on our electric rates and we will still be lower than anyone around us. If we continue to move this money from the General Fund into the Electric Fund, you are skewing that formula that we need to base our rates on. Residents will see a higher KW hour but the PPA will go down. The bills will be pretty much how they are now as far as the amount. Residents will know exactly what they are paying per kw hour instead of being hit with this big PPA. Mr. Miller said he would be voting no and he has explained it each time why. He said the rates will go up whether you add the PPA in there or not, residents will see an increase in rates. He does not disagree that our rates needed a slight adjustment to make sure that fund is flush and able to meet the needs of the electrical department. He does not like what was offered by Mr. Courtney as far as rates and cost, and how it was broken up between residential and businesses. He also feels this is bad timing. It’s sending a wrong message. It’s removing from a fund and saying that we need to increase rates to put that back into the same fund. Not that it isn’t an increase that is needed, he just does not like what Mr. Courtney had to offer us regarding the rates. Council has no ability to impact those rates. That is the Administration’s choice, we have no vote on that. However, we do vote on moving this kw tax. Columbus has robbed from our communities, our local governments and their thank you is “here, here is a tax that you can put in your general fund to offset the money that we have taken out of your general fund.” He referred to the tactics as “shell game” and does not agree nor support it. Not to hold Columbus accountable for this is also not doing our due diligence. That is why he is voting no. Roll call vote 6-1 with Mr. Miller voting no. Becomes 0-17-44.

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

Agenda requests and committee meeting schedules:

- A-17-53 Finance Establish salary for Auditor for the years 2018, 2019, 2020 and 2021
- A-17-54 Finance Establish salary for Treasurer for the years 2018, 2019, 2020 and 2021
- A-17-55 Finance Establish salaries for members of Council for the years 2018 and 2019
- A-17-56 Finance Establish salary for Clerk of Council for the years 2018 and 2019
- A-17-57 Finance Re-appropriate fund for various account in the Police Department
- A-17-58 Comm. Devel. Resolution appointing Mayor of the City of Amherst to serve on the Amherst Township Joint Economic Development District Board of Directors as required by Ordinance 0-17-30
- A-17-59 Finance Establish the salaries and benefits for the Amherst Fire Dept. effective January 1, 2018
- A-17-60 Utility Authorizing and directing the Safety/Service Director to solicit bids to supply the city with gasoline and diesel fuel; and authorizing and directing the Safety/Service Director to award the contract for such products to the lowest responsive and responsible bidder.

Finance - - November 6, 2017 at 7:00 p.m. A-17-53, A-17-54, A-17-55, A-17-56, A-17-57, A-17-59

Community Development - - November 6, 2017 following the Finance Committee Meeting A-17-58

Utility - - November 5, 2017 following the previous meetings, A-17-60

Mr. Miller reminded everyone about the computer recycling collection that will take place on the 28th of October and will take place at City Hall. Donations will be sent to Second Harvest Food Bank.

The remainder of Council Committee Meetings for November 6, 2017 are cancelled.

Reports of the Administration:

Auditor Kukucka: Going back to the first item, history was that this used to be due October 1. But the commissioners have not been meeting regularly and that's why they did not get it to us until September 28. This evening, he distributed, for the last time, the CAFER, to Council, Clerk, Mayor. They also have hard copies in case anyone is interested. It's also on line on the City's website.

Treasurer Ramsey: Thanked Council for adopting item (b). He has heard that over 100 groups have joined this challenge.

Law Director Pecora: No report

Safety/Service Director Jeffries: Leaf pickup begins November 6 north of the tracks and will continue north/south. Any questions - residents can contact City Hall.

Mayor Costilow: Noted that the Vietnam Veterans Memorial has had some work done there. There has been some yard work and pavement improvement. It's kind of ironic that he is praising what they have done, while they have given us a plaque in appreciation of what we have done for them. He held up the plaque which will be hung in City Hall. He thanked them for what the group has done, and in turn, they thanked us for our help. It is an honor to have such a nice memorial there in memory of the 98. Mr. Dietrich said it has been a nice addition to our city.

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

Mr. Miller motioned to adjourn. Seconded by Mr. Winiarski. Voice vote 7-0 to adjourn. The meeting adjourned at 7:28 p.m.