

Amherst City Council met in a Regular Meeting under full compliance of State Law with President Wasilk opening the meeting at 7:00 P. M. Roll call: Mr. Winiarski, Mr. Nahorn,, Mr. Miller, Mr. Janik, Mr. Van Treuren, Mr. Dembinski, Mr. Cowger. Also present were Mayor Costilow, Safety/Service Director Jeffries, Treasurer Ramsey, Auditor Pittak, Law Director Pecora, a high school student observing the meeting, Mr. Sean Brady, one member of the Press.

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

Consent Agenda: The Clerk read the Consent Agenda. Mr. Miller motioned to accept the Consent Agenda as read. Seconded by Mr. Dembinski. Voice 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) 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 \$85,000.00; and authorizing and directing the Safety/Service Director to award the contract for such work to the lowest responsive and responsible bidder; and declaring an emergency. (A-18-04)

Mr. Miller motioned to suspend all Council rules so that this may be passed in its first reading. Mayor Costilow noted that the sooner Council approves this legislation, the better. They can go out for bids and get better pricing. Mr. Miller changed his motion to suspension of rules so that this may be passed in its first reading. Seconded by Mr. Dembinski. Roll call vote 7-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Winiarski. Roll call vote 7-0 to adopt. Becomes 0-18-03.

- (b) An Ordinance approving and accepting dedicated improvements for the preserve at Quarry Lakes, Phase II and approving the subdivision plat therefor; and declaring an emergency. (A-18-05)

Mr. Van Treuren motioned to suspend all Council rules so that this maybe passed in its first reading. Seconded by Mr. Miller. Mr. Brady spoke and said it would be very helpful if they could file the plat so they can begin to sell lots. There are a couple of items that need to be taken care of, but they have worked with the Building Department and the city personnel through this whole thing. Mayor Costilow agreed that they have worked with them all the way and were involved in every issue and are very satisfied with Mr. Brady's work. There have been some minor issues with paperwork and checks that needed to be deposited and that has been taken care of. Mr. Miller said that he understands that there is an occupancy permit that can be held if there are issues? Mayor Costilow agreed. Mr. Miller saw no reason to hold this up. Mr. Winiarski asked about paragraph 5 and 6 and wondered if those were satisfied. Mr. Pittak said it was taken care of. Mayor Costilow said that this was worked on after the meetings and has been taken care of. Mr. Winiarski said he admires the work that Mr. Brady does but it's just sitting in the back of his head that we are approving something before it actually occurs. We are confident it will and there are systems in place, he will pass on to second but will not sign off on this. Mr. Brady asked what specifically Mr. Winiarski was against. Mr. Winiarski said we are approving a punch list that typically occurs when a job is complete and this job is not complete. He would be signing off as if it were. Mr. Brady said the improvements the Council is approving are 100% complete. He explained further. Mr. Winiarski repeated that he admires their group and they have done many upstanding things for Amherst, but with regards to paragraph 6, the 25%, that's still signing off as it has been approved but it's still being negotiated, is his understanding. Mr. Pittak said as far as paragraph 5, they received a check for the \$15,000 which covers it, but as far as paragraph six, he feels Mr. Brady just did not understand the numbers. Mr. Brady explained how the bonds covers any issues. Mayor Costilow said after talking to the Building Department and talking to bond counsel, he is 100% positive that all is fine. Mr. Miller said after hearing from Mr. Brady in committee and this evening, he totally understands Mr. Winiarski's argument but in this case, we are looking at a three year bond that won't begin until after the punch list is complete. That means the engineers have signed off on the storm sewer, the streets, even

electrical – that small punch list items – the bonds won't begin until those are done. We want these lots sold, we are competing with other developments in Lorain County and if they are not ready to sell now, if people want to buy a house and our lots are not ready, they may go somewhere else. Mr. Brady has a lot to offer and he urged Council to give him the plat so he can begin to sell the lots. He is not usually supportive of suspension of rules, but in this case, he is supportive. Mr. Dembinski said it sounds like a lot of stuff came in at the last minute, even if we don't pass this tonight, it's only a delay of two weeks until our next meeting which would give us the necessary time to go through and wrap up any loose ends and make sure everything is taken care of. His opinion now is that he will vote against suspension of rules but will support it next time. Roll call vote 5-2 with Mr. Winiarski and Mr. Dembinski voting no. Motion fails and rules are not suspended. Mr. Cowger motioned to pass this on to its second reading. Seconded by Mr. Dembinski. Roll call vote 7-0 to pass to second.

- (c) A Resolution declaring the necessity for public sidewalk repair and replacement and authorizing and directing the Safety/Service Director to award a contract for such repair and replacement of public sidewalks to the lowest responsive and responsible bidder at a cost to the City not to exceed \$500,000; and declaring an emergency. (A-18-06)

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. Janik motioned to adopt. Seconded by Mr. Winiarski. Roll call vote 7-0 to adopt. Becomes R-18-01.

- (d) An Ordinance amending Amherst Codified Ordinances Chapter 913 Section 913.04. (A-18-07) (emergency clause added)

Mr. Dembinski noted that there was no emergency clause on this and was it needed? After some discussion, Mr. Dembinski motioned to add the emergency clause to this Ordinance. Seconded by Mr. Cowger. Roll call vote 7-0 to add the emergency clause. Mr. Dembinski 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. Janik. Roll call vote 7-0 to adopt. Becomes 0-18-04.

- (e) A Resolution authorizing the City of Amherst, by the Safety Service Director, to file an application with the State of Ohio, through the Ohio Department of Natural Resources, for financial assistance for public recreational purposes, through the Recreational Trails Program (RTP) and/or the Clean Ohio Trails Fund (COTF). (A-18-08)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Winiarski. Roll call vote 7-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes R-18-02.

- (f) An Ordinance providing for the issuance and sale of not to exceed \$2,500,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving City streets by reconstructing, resurfacing, grading, draining, curbing, paving, constructing storm sewers and related drainage facilities and making other improvements as designated in the plans approved or to be approved by Council, and declaring an emergency. (A-18-09)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Winiarski. Roll call vote 7-0 to suspend rules. Mr. Dembinski motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-18-05.

- (g) An Ordinance providing for the issuance and sale of not to exceed \$500,00 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of installing and improving sidewalks, and declaring an emergency. (A-18-10)

Mr. Dembinski 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. Cowger motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 7-0 to adopt. Becomes 0-18-06.

- (h) An Ordinance authorizing and directing the Safety/Service Director to solicit bids for the 2018 Street Rehabilitation Program and authorizing and directing the Safety/Service to award the contract for such work to the lowest responsive and responsible bidder; and authorizing the Mayor to enter into a contract for professional services with Bramhall Engineering and Surveying Company relating to such program. (A-18-011) (emergency clause added)

Mr. Winiarski motioned to add the emergency clause to this legislation. Seconded by Mr. Nahorn. Mr. Miller asked if there was any punch list or anything to hold this back? Mayor said everything is engineered and ready to be bid. Roll call vote 7-0 to add the emergency clause. Mr. Dembinski said that there is a resident in his ward that has feedback on asphalt vs. concrete and wished to speak to this. He is not here this evening but will be in attendance at the next meeting, so he will not vote for suspension of rules. Mr. Cowger motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Nahorn. Mr. Winiarski apologized and said the same person has contacted him about the same issue and he would also be opposed to passage this evening. Roll call vote 3-4 with Mr. Winiarski, Mr. Miller, Mr. Janik and Mr. Dembinski voting no. Motion to suspend rules fails. Mr. Dembinski motioned to pass this on to its second reading. Seconded by Mr. Winiarski. Roll call vote 7-0 to pass to second.

#### **ORDINANCES AND RESOLUTIONS SECOND READING:**

- (a) An Ordinance authorizing and directing the Safety/Service Director to solicit bids for infrastructure improvements including the installation of a storm sewer interceptor within the area of Lincoln Street, Sipple Avenue and North Main Street and for roadway rehabilitation of portions of Lincoln Street, Sipple Avenue and North Main Street and authorizing and directing the Safety/Service Director to award the contract for such work to the lowest responsive and responsible bidder; and authorizing the Mayor to enter into a contract for professional services with Bramhall Engineering and Surveying Company relating to such work; and declaring an emergency. (A-18-02)

Mr. Dembinski motioned to suspend all Council rules so that this may be passed in its second reading. Seconded by Mr. Nahorn. Roll call vote 7-0 to suspend rules. Mr. Miller motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 7-0 to adopt. Becomes 0-18-07.

#### **ORDINANCES AND RESOLUTIONS THIRD READING: NONE**

Miscellaneous and acknowledgement of the public

- (a) Re-appointment of Mr. Kevin Scalli and Mr. Dave Fox to the positions they serve on the Design Review Board.

Mrs. Wasilk read the letter from Mayor Costilow. Mr. Winiarski said as a member of the DRB Board, he cannot speak highly enough of these two gentlemen, strongly endorses the Mayor's recommendation and made a motion to that effect. Seconded by Mr. Miller. He said those two gentlemen serve our city well. Roll call vote 7-0 to re-appoint Mr. Scalli and Mr. Fox.

Mrs. Wasilk read the e mail from Mr. Ron Rush regarding thanking the Safety Forces in Amherst. (On file) Mayor Costilow said we should also not forget the neighbors who noticed the gas leak and called it in.

Mr. Miller asked everyone for their thoughts and prayers for the two police officers who lost their lives in Westerville, and for their families. We sometimes forget the dedication of safety forces who work to keep us safe.

Mr. Winiarski spoke to two events this past weekend that he was fortunate enough to attend. First was the Amherst Hall of Fame which was an incredible event. He gave credit to Casey Wolf and Dave Zavara for this event. He explained the process and said the nominees come from the community. He distributed nomination forms and asked if anyone who know someone who coached or played sports, to fill this form out. Many good athletes gets overlooked because they were never nominated. The second is our hockey team. The class and quality of the coaching staff, athletes and fans made him really proud. This was not a spelling bee, this was a hockey game where there are tempers, you are playing for a

championship for a cup. Amherst was so well represented by the parents, coaches and the players, which also made him really, really proud. The way the coaching staff handled themselves is amazing and very impressive. He wanted to thank them for all they have done for Amherst.

Agenda requests and committee meeting schedules:

- A-18-12 Finance Appropriations Ordinance for 2018 ending 12/31/18
- A-18-13 Technology Authorizing city to enter into agreement with WOW (Wide Open West) Cleveland LLC for pole attachments of fiber, coax and associated hardware
- A-18-14 Building and Lands Approving plans and granting a Certificate of occupancy to Airgas USA for storage, warehousing and distribution

Finance February 19, 2018 at 7:00 p.m. A-18-12  
Technology February 19, 2018 at 7:10 p.m. A-18-13  
Building and Lands February 19, 2018 at 7:20 p.m. A-18-14

The remaining Council Committee Meetings for 2/19 have been cancelled.

Reports of the Administration:

Auditor Pittak: He submitted the monthly reports from the Auditor's Office for the month of January.

Treasurer Ramsey: The January reports have been distributed. Everyone should have received a copy of the Investment Review report from Meeder Investment Management (on file). Call him with questions.

Law Director: No report

Safety/Service Director: No report

Mayor Costilow: Regarding the recreational path that Council passed, on N. Main St. – part of the application is public awareness, so they will be placing on our city web sites places where public can make comments or questions. He is also inviting anyone that has questions to call the Mayor's office. As far as the Budget, it will be a big budget and it will be balanced. He will also have the State of the City at the next Council meeting.

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

Acknowledgement of receipt of monthly reports from Treasurer and Auditor: Mr. Dembinski motioned to acknowledge the receipt of the reports. Seconded by Mr. Cowger. Voice vote 7-0.

Mr. Dembinski motioned to adjourn, seconded by Mr. Nahorn. Voice vote 7-0 to adjourn.

The meeting adjourned at 7:53 p.m.

---

Olga Sivinski, Clerk of Council

---

Jennifer Wasilk, President of Council

