

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. Nahorn, Mr. Miller, Mr. Janik, Mr. Van Treuren, Mr. Dembinski, Mr. Cowger, Mr. Winiarski. Also present were Mayor Costilow, Safety/Service Director Jeffries, Treasurer Ramsey, Auditor Pittak-absent, Law Director Pecora, Mr. Bob Campana, and four members of the Public and one member of the Press. Mr. Cowger motioned to excuse Mr. Pittak as he has a letter on file. Seconded by Mr. Dembinski. Voice vote 7-0 to excuse.

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. Cowger 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: Mr. Dave Purcel of 820 Ford Avenue, Amherst, spoke to the resurfacing of areas of the City where asphalt is laid over concrete. He referenced specifically resurfacing of Ford Avenue and other areas. He and a number of residents in that area looked at this practice and the general conditions of streets after this is done. Generally speaking, the reports of extra cost, cost of time, ODOT recommendations have all come through. ODOT used to pour asphalt over concrete, but no longer does. He spoke of effects of water freezing and the deteriorating effects on the asphalt. He distributed photos of last year's asphalt, along with comments that were made to his post on Face Book asking residents to choose one of four choices as far as resurfacing. (on file) He spoke to certain areas that he looked where the asphalt was laid over concrete last July and August and most of the streets have cracks and seams, long seams down the middle and the asphalt was beginning to break down. There were no extreme weather conditions to this point. This is where he reached out to residents on Face Book in an informal poll. Most people felt that asphalt over concrete was not their choice. He spoke further on this topic. He felt concrete can be replaced in a methodic, timely manner. He felt it was not a cost savings over the long run. He felt the concrete was not laid correctly in the first place and causes the problems with the substrate. Mr. Winiarski thanked Mr. Purcel for coming out this evening and noted that last week we spent \$30,000,000 of your tax dollars and no one showed up to see how we are spending the money. His point being that Mr. Purcel took the time to come out and got more people involved. He did read all the articles that Mr. Purcel provided. He spoke to the one that challenges the preparation of how you put the asphalt down. Last year they spent a lot of time studying the substrate. Mayor Costilow agreed and said that's why important and resurface now and not wait until the road is too bad before you over lay the concrete. They do core samples and study the substrate. They are trying to get ahead of the streets that should be done. If we try to replace the concrete one at a time, the rest will crumble and disappear. At the time these streets were put in, there was so much building going on that it's such a huge amounts of road that need repaired. Mr. Winiarski credited the Mayor for all the time spent on studying this subject and he learned a lot in the process. What ODOT has done, he was told, their change in approach has a lot to do with advances in asphalt as far as why they are doing completely with asphalt as opposed to asphalt over concrete. A number of the articles Mr. Purcel provided touched on what to expect when you put asphalt over concert such as far as the cracking and the joints in the concrete that were designed to expand and contract. He is understanding that this is already anticipated and we have a program for sealing those cracks. Mayor Costilow agreed and said they are looking at different methods than just sealing those cracks. We expect those cracks to happen. With concrete, they purposely put cracks in with saws. Mr. Winiarski spoke to the question of water being absorbed in the asphalt and that this is anticipated. Mr. Purcel agreed that water is the enemy – agreed with the controlled cracks in concrete. He spoke further.

Mr. Miller said he appreciated Mr. Purcel's coming up here and taking the time to find out what the neighbors feel. Sometimes we don't know. He said Mr. Purcel was very knowledgeable and well prepared to discuss this topic. He is not, as he is not an engineer. We had our engineer come in and explain to us how they are going to work with our contractor on the streets. Both have given us firm commitment that the way the concrete is prepared, asphalt could be put over it. With proper maintenance, asphalt would last. Mayor Costilow said it definitely would not last as long as concrete but with cost analysis, how we can maintain the streets ourselves, how much work that needs to be done within the city—this is not an easy decision to make. A lot of study has gone into this – just the best way to

get as much road as we can. So we can maintain it ourselves and give a nice ride in the best way possible for the residents. When you look at the whole picture, this is what's best for us. Mr. Miller said that some concrete has been replaced in small stretches due to our budget. We have a very old infrastructure that is crumbling. If we don't get to your road, then we pull up the concrete and put asphalt down. He asked Mr. Purcel if he would be happy with a full asphalt based road with the concrete gone? He can't sign off on concrete in this city with our budget and still have cars riding on the roads without tearing up their alignments. Mr. Purcel said pulling up concrete and putting down asphalt would be preferable. He spoke to the advantages of this.

ORDINANCES AND RESOLUTIONS FIRST READING:

- (a) An Ordinance to make appropriations for current expenses and other expenditure of the City of Amherst, State of Ohio, during the fiscal year ending December 31, 2018, repealing all Ordinances in conflict therewith, and declaring an emergency. (A-18-12)

Mr. Cowger motioned to pass this item on to its second reading. Seconded by Mr. Dembinski. Mr. Cowger said this does not have to be filed with the County for a full month so this gives us a chance to make any adjustment we may need to make. Mr. Miller thanked Council for excusing him at the last meeting when the Budget was discussed. As everyone is aware, the budget is a huge issue for him. He likes to take the time to make sure we are making good decisions and to do our due diligence with the Mayor. He thanked the Mayor for meeting with him on his own time and going over the budget line by line. He said the Mayor over the years has always answered his questions. They may not agree as to how things are appropriated and why, but he truly believes the Mayor is doing a good job in putting this budget together. He appreciates the transparency. He said the time outside of council he had was appreciated and welcome and believes our citizens will be better for it. Roll call vote 7-0 to pass to second.

- (b) An Ordinance authorizing the City of Amherst, Ohio to enter into an agreement with WideOpenWest Cleveland, LLC ("WOW") for pole attachments of aerial cables and associated equipment and hardware; and declaring an emergency. (A-18-13)

Mr. Dembinski motioned to pass this on to its second reading. Mayor Costilow said he thought it was agreed in committee that this would pass in first reading so the company can begin to build this and the residents can receive a choice of cable TV. Mr. Dembinski agreed that we talked about that, but perhaps due to what he has learned over the weekend at new council training that maybe we don't necessarily need emergency all the time. Since this was already introduced and discussed, he changed his motion to suspend all Council rules so that this can be passed in its first reading. Seconded by Mr. Nahorn. Mr. Miller said so we have a new vendor here who is asking for suspension of rules and pass on emergency legislation to begin to put cables up. He noticed on social media that there is already cabling going up? Mayor Costilow said that was for our own network in our buildings. Mrs. Wasilk believes that the cable company is transferring from the old poles to new poles. Mayor Costilow agreed. Mr. Miller said so this clears up all that "fake news." He asked if we really have a lot to say on this. Mr. Pecora said not really. The Mayor was able to negotiate such a good contract which in his mind is remarkable. He feels that this is what residents have been asking for, competition. Mr. Miller said competition is good, he appreciates any opportunity to drive prices down. Mayor Costilow said we really don't have a say, as the FCC and other state laws say that they have the right to come into our right of ways. It is just really good to work with these companies and negotiate these deals so we can have something good for the residents. Mr. Miller asked if there was anything else in the works with WOW or just the internet opportunity? Mayor Costilow said they negotiated the pole agreement, and a right of way use agreement. So the city has some very good protection about them doing things in our right of ways. Mr. Winiarski spoke to the use of the emergency and there is a simple rule that will be applied to legislation from this point on. He credits the Administration for negotiating such good deals. Roll call vote 6-1 with Mr. Miller voting no to suspend rules. Mr. Cowger motioned to adopt. Seconded by Mr. Winiarski. Roll call vote 7-0 to adopt. Becomes 0-18-08.

- (c) An Ordinance approving plans and granting a certificate of occupancy to Airgas, USA, LLC, for a storage, warehousing and distribution use for the premises known as 1897 Cooper Foster Park Road, Amherst, Ohio; and declaring an emergency. (A-18-14)

Mr. Dave Ross from Air Gas was present to answer any questions. Mayor Costilow said this is just the second part of the Industrial Review Board that Council plays a part of. He and the Law Director went to great lengths to figure out what they needed to do here. They thought at treating this like liquor permits and just getting approval from Council, but decided to go this route. Mr. Carlson thought one reading should be sufficient for this. Planning Commission approved this. The company wants to get on with their business as soon as possible. Mr. Miller asked about storage and frontage? There is insurance and bonding? He was assured that all was taken care of. Safety was addressed of trucks and other traffic coming in? Mr. Ross said it was. Mayor Costilow said there are things that need to be done, but they will be complete before the occupancy permit is provided to them. Mrs. Wasilk asked for a motion and second before discussion proceeds. Mr. Van Treuren motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Winiarski. There was a discussion about safety standards and the way this ordinance is playing a part in this. Mr. Pecora explained and said we may need to change the way we handle this type of process and there was further discussion. Roll call vote 6-1 with Mr. Miller voting no. Mr. Winiarski motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-18-09.

- (d) An Ordinance amending Chapter 192 of the Amherst Codified Ordinances to adopt Sections 718.80 through 718.95 of the Ohio Revised Code as Sections 192.45 through 192.60 of that chapter, and declaring an emergency. (A-18-15)

Mr. Dembinski motioned to suspend all Council rules so that this maybe passed in its first reading. Seconded by Mr. Cowger. Roll call vote 7-0 to suspend rules. Mr. Dembinski motioned to adopt. Becomes 0-18-10.

ORDINANCES AND RESOLUTIONS SECOND READING:

- (a) 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)

Mayor Costilow said at the last Council meeting, there were some questions about items not being taken care of and all those were resolved. He saw no reason why this can't be pass this evening. Mr. Van Treuren motioned to suspend all Council rules that this may be passed in its second reading. Seconded by Mr. Cowger. Mr. Van Treuren said at the last meeting Mr. Brady said this is what's hold up selling their units so this is keeping potential residents and their tax dollars from makes these purchases. Mr. Miller said two weeks ago he agreed with the Mayor's assurance that this was ready to go and he agreed with him. He felt suspension of rules and to bring competition in to be able to market and sell these lots was an acceptable reason to suspend. He hopes that has been cleared up enough that we can suspend rules on this. Mr. Winiarski said to the credit of the developer and the Administration all the items that were addressed were cleared up to his satisfaction. Roll call vote 7-0 to suspend rules. Mr. Cowger motioned to adopt. Seconded by Mr. Miller. Roll call vote 7-0 adopt. Roll call vote 7-0 to adopt. Becomes 0-18-11.

- (b) 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; and declaring an emergency. (A-18-11)

Mr. Dembinski thanked everyone that came out and thanked Mr. Purcel especially. He did look at everything Mr. Purcel sent out and looked at the Face Book page. He spoke to some of the comments that were made. He agreed that most people wanted concrete, but if that delays getting the street done, most people said they would be fine with asphalt. He felt the biggest concern by the residents is that this would affect home values, which is a completely valid concern. Doing some research he could not find anything about this. Could not find anything "concrete" one way or another. He also reached out to a friend of his who is project manager with ODOT in a different district to get their information. He spoke to a resident who lives on Ford called him about the concrete coming up and falling onto is driveway and asked when it would be repaired and the resident was advised that the street would be resurfaced with asphalt, and this resident was ok with that. He wanted everyone to know that we do want to know about their concerns. Mr. Winiarski said we are on the clock here and any

delay - prices will go up. Mayor Costilow said the sooner we get the bid out, the better prices we will get. Mr. Winiarski said we like saving money, and motioned to suspend all Council rules so that this may be passed in its second reading. Seconded by Mr. Cowger. Mr. Cowger said every time he thinks of repairing concrete streets, the one he travelled on the most, was repaired almost every year and that is Elyria Ave. We would repair it with concrete and the next spring the sections next to the sections that we repaired needed repair. He feels the way we are approaching this project is a better way than constantly making small concrete repairs simply because we can't afford to redo the whole street. Mr. Miller thanked Mr. Purcel for coming up here and he is not opposed to suspension of rules. He did not read through all of the attachments Mr. Purcel provided. He is pretty confident with our engineers and their assurances of what they can do. He would love to see a guarantee that the new process would provide a longer shelf life for the street with asphalt over concrete. He agrees with Mr. Cowger as he grew up on Elyria Avenue and he knows what the street has looked like for 40 years. He is actually happy to see it paved with asphalt over the top. He has seen the driveways, due to the raising of it, has actually not allowed for driveways to dip back down. So it's probably not our number one choice. The street program will fix these problems and increase the value of our city because we will get most of our streets done in a reasonable amount of time. With concrete, we will not be able to do it. It will be small sections with crumbling areas. Band aids are not usually the best, and this is a better band aid. Roll call vote 7-0 to suspend rules. Mr. Van Treuren motioned to adopt. Seconded by Mr. Cowger. Roll call vote 7-0 to adopt. Becomes 0-18-12

ORDINANCES AND RESOLUTIONS THIRD READING: NONE

Miscellaneous and acknowledgement of the public: Mrs. Wasilk introduced Janet Garret who is a candidate for our Fourth Congressional District. Mrs. Wasilk thanked Ms. Garret for coming. Mr. Miller also thanked Ms. Garret for attending our meeting and wished luck in this race and felt that she would serve us well.

Mr. Dembinski extended his thanks to the Ohio Municipal League that he and Mr. Winiarski attended this past weekend in Columbus to take Council training. He explained what they learned. He urged everyone that could attend the next one, to go.

Agenda requests and committee meeting schedules:

A-18-15 Building and Lands Rezoning property on the corner of N. Main and Cooper Foster Park Road from R-1 to C-2

Building and Lands March 5, 2018 at 7:00 p.m. A-18-15

The remaining Council Committee Meetings for 3/5 have been cancelled.

Reports of the Administration:

Auditor Pittak –absent

Treasurer Ramsey: Spoke to the litigation going on challenging the changes the state is mandating on the local tax code. Our attorney Mr. Brown gave us some bad news. He is waiting to hear about any strategy that could be used in the future. They are also waiting for another case they are watching to see that outcome – he will keep everyone posted. Mr. Miller asked about what district this was in. Mr. Ramsey was not sure at this time. Later said it was in Franklin County Common Pleas Court.

Law Director Pecora: No report

Safety/Service Director Jeffries: No report

Mayor Costilow: Said that the City will do the best we can to make sure our Streets Program succeeds. Gave the State of the City report: On file. He also noted that he will not in the future have the Budget considered along with his State of the City on the same day as his wife's birthday!

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

Mr. Dembinski motioned to adjourn, seconded by Mr. Winiarski. Voice vote 7-0 to adjourn. The meeting adjourned at 8:25 p.m.