

## PUBLIC HEARING

MARCH 12

18

The Public Hearing regarding rezoning certain property located at the intersection of Cooper Foster Park Road and N. Main Street and having an area of 4.23 acres from R-1 to C-2 was brought to order at 6:00 p.m. by Vice Chairman Mr. Van Treuren. Mr. Winiarski asked Mr. Van Treuren to chair the Hearing as he has been on the road since early morning and just arrived at City Hall. Also present were Council President Wasilk, Mr. Miller, Mr. Janik, Mr. Cowger, Mr. Dembinski, Mr. Nahorn, Mayor Costilow, Safety/Service Director Jeffreys, Auditor Pittak, Law Director Pecora and members of the public.

Mr. Van Treuren read the Public Hearing notice and explained that everyone can speak to this matter.

Mr. Justin Wissinger of 1011 N. Main Street asked if a fence of some sort would be installed dividing his property so that he did not have garbage and things all over his property. He also said that his downspouts dumps storm water onto that property, which was already in effect when he purchased this property in December. Mayor Costilow said the whole situation will be looked at and there are ordinances where there are commercial and residential properties abutting each other and the Planning Commission will make sure that everything is done correctly.

Mr. John Szekely of 115 Cooper Foster Park Road shared his concerns about the traffic situation on Cooper Foster Park Road. He was born and raised across the street from this property and since they widened the road, the traffic is terrible. There is no peace and quiet. There are emergency vehicles with their sirens on all hours of the day and night. He also has to go out and pick up trash – wrappers from McDonald's, Taco Bell and other places. His concerns are the traffic and what it will do to the value of his property. He wondered if the road would be widened if they would take some of his property? He pointed out the whole 4.23 acres is being rezoned to commercial and what's to stay that years down the road this practice sells out and don't do anything else with the rest of the property. Anyone can come in and do anything they want with the property. What will this do to his property values? There are certain times of the day when he can't even get out of his driveway.

Mr. Khaled Fawzy, representing TJCO, spoke about the proposed use of the property, which will be a medical office building, which will be private practice for nephrologists, as well as an extension for a dialysis unit. The overall size of the building will be approximately 12,000 square feet and will be a one story building. Speaking of Mr. Wissinger's concerns who is directly south, when this whole process begins, all issues will be addressed. The impact such as traffic and the storm water and what they want to do for this community are important issues to them. One of the terms of the property and the positioning of it is that they are flexible as to where they actually put their unit. They are very willing to work with the city as far as traffic issues, whether that means adding turning lanes or widening the road as it would be mutually beneficial not only to the city but to them and the facility. He spoke to Tri-City which will leave their location and that will alleviate some of the traffic that exists there. Based on traffic research they did, traditionally, the type of medical building they will build is very minimal compared to other properties. This will be a lower impact on traffic. He spoke to the type of operation that it will be, the majority of patients will be dropped off and remain at the facility for several hours.

Mr. John Reyes, 216 Montana Avenue in Lorain and he works for STAR Builders brought renderings of what the building will look like. He pointed out on the map where the building will be placed in relation to the streets. Mr. Szekely asked about the entrance to the facility and Mr. Reyes pointed it out on the map. Mr. Szekely said that was across the street from his driveway. He already has a problem with traffic. Mr. Reyes said they are flexible right now. Mrs. Wissinger asked about a particular spot on the map and asked what will be done in that spot? Mr. Reyes said nothing.

Mr. Sean Brady of 1290 Basset Road, Westlake spoke of the partnership with the Hollstein family and their desire to do only quality projects. He spoke to the economic development in the City and what they are trying to do there is to make the community better and to serve the residents here and sometimes outside residents. This project definitely does that. They have been looking at ways to figure out ways to economically impact the city in a positive way with as low negative impact as possible. Being that this will be a low impact use as a medical facility, they feel is one of the best ways. People come here, they stay an extended period of time, unlike across the street. Also, when Tri-City leaves, this will replace the loss of income. He feels the low impact of this environment will definitely appease some of the traffic. He

appreciates Mr. Wissinger's points as they sold him that house and they have ensured that the Wissinger's interests are protected. There is a buffering requirement between commercial and residential properties and that will have to happen. He assured the Wissingers that as far as the storm water, they are absolutely protected. Mr. Wissinger shared his concerns should ownership change and what will happen with the storm water. Mr. Brady said the Law Director will verify that there is a particular right in place and that the home has always drained to the ditch and no one can prevent him from doing that. So that property would have to receive the storm water. So to them, the property behind Wissinger's house, there is not a lot of use for it other than perhaps retention if needed to receive their storm water. Again, with the traffic, this is the least invasive type of building use you can have. People are not in and out every 5 minutes. Speaking on behalf of the Hollsteins, Bob Campana and himself, this is a great use for this property. They have turned down self storage units, senior apartments, the list just goes on. This is good timing being that some high paying jobs will be lost to Mercy when Tri-City leaves.

Dr. Vivek Nadkarni 3531 Belfast Drive in Avon and is one of the physicians that will be there. Spoke to how patients are there many hours a week in such a facility. They would like to make this a place patients are proud of and as happy and comfortable as possible. It makes him unhappy to hear that some residents are unhappy with these plans. They are not a high traffic as far as the number of patients per day. They will only have one physician working there at a time, as opposed to four in the place across the street. There may only be four or five office personnel. In the dialysis part, maybe only 20 patients over a few hours. He does not feel this will impact too much in terms of traffic. There will be less than what's going on across the street.

Mr. Nahorn said as a resident not too far down on Cooper Foster, he can appreciate the traffic concern and it has been brought up to the committee here and Commission. We know the property will be developed and this seems to be the responsible way of developing it. He is very pleased that not only the developers but the respective property owners are seriously looking at making improvements to that intersection, especially to the south end of N. Main. The respective property owners and developers are on board and working with the City and Building Department which is a positive situation.

Mr. Miller felt we have an opportunity right now to remedy a situation with this development for traffic issues but even possibly plan for future development that may not be as invasive to our neighbors. This is an area of Cooper Foster that has gone from a bunch of small homes every 300-400 feet apart and a lot of piece meal pieces have been set up over the years. This is an opportunity to get a nice transition which will be ideal. He recommends and emphasizes how important he believes that the traffic issues need to be addressed. The willingness of the group to work with the City to come up with a ingress, egress that will be beneficial to the neighbors and relieve some of the traffic problems is much needed. He believes this should go forward. If he were sitting on the Planning Commission, this is what he would immediately be addressing this in the way that Rt. 58 and Cleveland Avenue were addressed. He hopes we move forward in two ways, that it allows this facility, and that the traffic issue is done now so we are not addressing it after the fact.

Mr. Dembinski said every person he talked to said the same thing – "please don't put another Dollar Store there." We have talked about the traffic issues before, so he thanked the group for being willing to work with the city to come up with a solution to help alleviate that situation with the traffic.

There being no one speaking, Mr. Van Treuren closed the Public Hearing at 6:35 P. M.

Olga Sivinski  
Clerk of Council

MARCH 12

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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. Miller, Mr. Janik, Mr. Van Treuren, Mr. Dembinski, Mr. Cowger, Mr. Winiarski, Mr. Nahorn. Also present were Mayor Costilow, Safety/Service Director Jeffreys, Treasurer Ramsey, Auditor Pittak, Law Director Pecora, and members of the Public and two college students .

The Prayer was invoked by Chaplin Nahorn, followed by the Pledge to the Flag led by Sergeant at Arms Dembinski. Mr. Nahorn also prayed for the Miller and Winiarski families and prayed for their comfort at this difficult time.

Consent Agenda: The Clerk read the Consent Agenda. Mr. Dembinski motioned to accept the Consent Agenda as read. Seconded by Mr. Cowger. 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 rezoning a parcel of land from R-1 to C-2 located at the intersection of Cooper Foster Park Road and North Main Street from R-1 to C-2 having an area of 4.23 acres and identified as Lorain County Auditor's permanent parcel NO. 05-00-021-103-097. (A-18-16)

Mr. Cowger motioned to pass this on to its second reading. Seconded by Mr. Miller. Roll call vote 7-0 to pass to second.

#### **ORDINANCES AND RESOLUTIONS SECOND 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 on to its third reading. Seconded by Mr. Nahorn. Mr. Miller again thanked the Mayor and Administration for putting this budget together and for meeting with him and answering questions on this budget. He feels very confident about what has been done with this and appreciate all the efforts. Roll call vote 7-0 to pass to third.

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

Miscellaneous and acknowledgement of the public: Mr. Van Treuren thanked our City workers and our safety forces and administration for how they handled the ordeal of the power outage. We certainly weren't lucky that it happened to our city but were lucky that we had such terrific personnel that handled all the phone calls, inquiries and other problems. He said they did a terrific job of handling what was unfortunate situation. They are indebted to these people for that.

Agenda requests and committee meeting schedules

- A-18-17 Ordinance - - amending Chapter 351 of the Amherst Codified Ordinances by amending Section 351.05 and 351.99 and repealing Section 351.051 and 351.21.  
 A-18-18 Finance -- Authorizing Safety/Service Director to enter into a contract to purchase a 2018 CAT mini hydraulic excavator for the water and sewer departments through the State Cooperative Purchasing program  
 A-18-19 Bld. & Lands - - Authorizing the City of Amherst to grant a Revocable License to WideOpenWest to install necessary equipment for the use of internet, cable and phone services on city owned property

Ordinance March 19, 2018 at 7:00 P.M. A-18-17  
 Finance March 19, 2018 at 7:10 p.m. A-18-18  
 Bld. & Lands March 19, 2018 at 7:15 p.m. A-18-19

The remaining Committee Meetings for March 19, 2018 are cancelled.

Reports of the Administration:

Auditor Pittak: The February reports were distributed.

Treasurer Ramsey: The February reports were distributed. Reminded everyone that filing Income Tax forms or requesting an extension are due April 17, 2018. Extended office hours will be Saturday from 9:00 a.m. til noon, Monday the 16<sup>th</sup> will be from 8:30 a.m. to 6:00 p.m. and Tuesday the 17<sup>th</sup> from 8:30 a.m. to 7:00 p.m. All information can be located on the Income Tax web site. He got an update on the House Bill 49 litigation and on February 27, 2018 our attorneys filed a notice of appeal and a motion to stay. The appellate case number is 18-AP144 and filed in the 10<sup>th</sup> District. The motion to stay is pending.

Law Director Pecora: No report

Safety/Service Director Jeffreys: No report

Mayor Costilow: Reported that we have an emergency response team that was assembled consisting of most of our city leaders. They met that night pretty much every hour the last few hours. It was a great team. Even tho this was a First Energy issue, First Energy was spectacular. They got on site, a lot of their crews were out of state, they had a team that worked with our utility workers. They tried to isolate the problems. It was also coordinated with the railroad. The railroad was first class and acted quickly. The emergency response team did a phenomenal job working together and getting out and doing what they needed to do. They have met since then to see what can be done to improve if another situation like that arises to make things better. Residents took care of themselves and of their neighbors. He is proud of our city as a whole of doing a good job to get through that.

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

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

Mr. Dembinski motioned to adjourn, seconded by Mr. Cowger. Voice vote 7-0 to adjourn. The meeting adjourned at 7:14 p.m.

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Olga Sivinski, Clerk of Council

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Jennifer Wasilk, President of Council