

MARCH 26

18

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. Janik, Mr. Van Treuren, Mr. Dembinski, Mr. Cowger, Mr. Winiarski - absent, Mr. Miller, Also present were Mayor Costilow, Safety/Service Director Jeffreys, Treasurer Ramsey, Auditor Pittak, Law Director Pecora, Mr. Fawzy, and a 8th grade student and his father. Mr. Dembinski motioned to excuse Mr. Winiarski as he had a letter on file. Seconded by Mr. Cowger. Voice vote 6-0 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. Van Treuren motioned to accept the Consent Agenda as read. Seconded by Mr. Miller. Voice vote 6-0 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 amending Chapter 351 of the Amherst Codified Ordinances by amending Section 351.05 and 351.99 and repealing sections 351.051 and 351.21, and declaring an emergency. (A-18-17)

Mr. Cowger motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Janik. Mr. Miller questioned the suspension of rules. Mayor Costilow pointed out that the police can't enforce this handicap parking ordinance without its passage. Roll call vote 6-0 to suspend rules. Mr. Cowger motioned to adopt. Seconded by Mr. Nahorn. Roll call vote 6-0 to adopt. Becomes 0-18-13.

- (b) An Ordinance authorizing the 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; and declaring an emergency. (A-18-18)

Mr. Dembinski said since this has an actual financial attachment to it, and we need to start working on this sooner or later, and if we pass this under suspension of rules, we don't have to rent out this equipment. He motioned to suspend all Council rules so this may be passed in its first reading. Seconded by Mr. Cowger. Mr. Miller said this is in our budget and we need it immediately, and we are making this purchase in cooperation with the State Cooperative Purchasing program, so he would support the suspension. Vote 6-0 to suspend rules. Mr. Janik motioned to adopt. Seconded by Mr. Dembinski. Roll call vote 6-0 to adopt. Becomes 0-18-14.

- (c) An Ordinance 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; and declaring an emergency. (A-18-19)

Mayor Costilow pointed out a map he provided for everyone to mark the favorable spot for the placement of this equipment. This is an important piece of the puzzle for the cable company, they can't do anything until passage of this legislation and the equipment is installed. Mrs. Wasilk noted that this is a critical path to the implementation of the equipment. Mayor Costilow agreed. Mr. Janik motioned to suspend all Council rules so that this may be passed in its first reading. Seconded by Mr. Van Treuren. Mr. Miller asked the reason for the suspension of rules. Mayor Costilow said the company won't get this up and running in time without this passage this evening. Mr. Miller asked about previous questions about liability and legality. Mr. Pecora said the contract requires the appropriate amounts of insurance. So the city is protected. Mr. Miller asked about the contracts with have with them and if there has been any revenue to date. Mayor Costilow listed all the agreements. Mr. Dembinski agreed with Mr. Miller whether this really needs suspension of rules. He wonders if this can wait until the second or third reading to be adopted. A discussion ensued with Mr. Miller and Mr. Dembinski opposed to suspension. They supported the legislation, but not the actual procedure of suspension. Mr. Pecora explained the legal aspects of the emergency clause and as how it pertains to this legislation. Mr. Janik, Mr. Cowger and Mr. Nahorn spoke in

support of suspension. Mr. Janik spoke to the competitive nature of getting this company set up and what the present cable company is requiring of residents which is making residents very unhappy. Mayor Costilow spoke further and respectfully requested and urged that this be adopted this evening. He does not want this company to set up in other areas, especially in any right of ways which they have a right to do. Mrs. Wasilk asked Council to seriously consider how they vote. April 1 is when the change is going to go into effect with the current cable provider and by delaying this a couple of weeks, we may be sending a very strong message to the alternate provider. Roll call vote 6-0 to suspend rules. Mr. Cowger motioned to adopt. Seconded by Mr. Janik. Roll call vote 6-0 to adopt. Becomes 0-18-15.

ORDINANCES AND RESOLUTIONS SECOND 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. Dembinski motioned to send this item on to its third reading. Seconded by Mr. Cowger. Mr. Miller thanked all entities involved with this and feels this is a win/win situation. He hopes that there is a traffic study done.

ORDINANCES AND RESOLUTIONS THIRD 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. Miller motioned to adopt. Seconded by Mr. Cowger. Roll call vote 6-0 to adopt. Becomes 0-18-16.

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

Agenda requests and committee meeting schedules

A-18-20 Approve the subdivision plat and final improvements for the Preserve at Quarry Lakes

A-18-21 Authorizing the Community Improvement Corporation to expropriate city owned vacant property located on Terra Lane

Bld. & Lands April 2, 2018 at 7:00 p.m. A-18-20, A-18-21

The remaining Committee Meetings for April 2, 2018 are cancelled

Reports of the Administration:

Auditor Pittak: No report

Treasurer Ramsey: Reminded everyone that April 17 is the deadline for filing taxes or extensions. He stated the extended office hours.

Law Director Pecora: No report

Safety/Service Director Jeffreys: No report

Mayor Costilow: Thanked Council for reconsidering and passing the WOW ordinance. He promised to watch the project and make sure it's done correctly and it follows all the ordinances and codes. Council did a really good thing for the citizens of Amherst today and he really appreciates that.

Mr. Cowger motioned to accept the Reports of the Administration. Seconded by Mr. Dembinski. Voice vote 6-0 to accept the reports of the Administration.

Mr. Miller motioned to adjourn, seconded by Mr. Cowger. Voice vote 6-0 to adjourn. The meeting adjourned at 7:32 p.m.