

Amherst City Council met in a Regular Session under full compliance of State Law with President Wasilk opening the meeting at 7:00 P.M. Mr. Cowger, Mr. Winiarski, Mr. Nahorn, Mr. Miller, Mr. Janik, Mr. Van Treuren, and Mr. Dembinski. Also present were Mayor Costilow, Safety/Service Director Jeffreys, Auditor Pittak, and Law Director Pecora, many members of the public and one member of the press. Treasurer Ramsey was absent. Mr. Cowger motioned to excuse Treasurer Ramsey as he had a letter on file. Seconded by Mr. Nahorn. 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 Winiarski.

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: Mr. Jim Bulloch of 238 S. Main Street spoke to the proposed resolution for renewing the ½% tax levy. He understood that there was some discussion last year about splitting of that tax. He felt that some of the funds should go for sidewalks, but it sounds like the ballot language is going to split the funds between General Funds and Street Fund. He wondered if there was any discussion about doing something else with this money. Mayor Costilow said it's a renewal so it stays exactly as it was.

#### **ORDINANCES AND RESOLUTIONS FIRST READING:**

- (a) An Ordinance repealing Chapters 1341, 1342 and 1344 of part thirteen, Title Three of the Codified Ordinances of the City of Amherst and enacting a new Chapter 1340, entitled "Property Maintenance" which adopts the International Property Maintenance Code 2015 Edition including Appendix "A" thereto relating to boarding standards, with certain amendments and additional provisions; and amending Section 1125.03 of the Codified Ordinances to grant jurisdiction to the Board of Zoning Appeals to hear and determine appeals from decisions, notices or orders of the code official acting under the International Property Maintenance Code. (A-18-31)

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

- (b) An Ordinance accepting a grant from the Ohio Bureau of Worker's Compensation for the purchase of hoods and gloves for the Fire Department; and declaring an emergency. (A-18-34)

Mayor Costilow said he talked to the Fire Chief recently and it would really appropriate if we could suspend rules so that these items, which are very important to the Fire Department, can be purchased as quickly as possible. Mr. Van Treuren motioned to suspend all council rules so that this may be passed in its first reading. Seconded by Mr. Miller. Mr. Miller said he does not like emergency or suspension of rules, but in this case, the quicker we get this grant into the hands of the Fire Chief and the volunteers that work there, the better. 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 0-18-28.

- (c) An Ordinance authorizing the reappropriation of funds in the Fire Department, and declaring an emergency. (A-18-35)

Mr. Dembinski motioned to suspend all Council rules that this may be passed on its first reading. Seconded by Mr. Cowger. Mr. Dembinski motioned to adopt. Seconded by Mr. Janik. Roll call vote to adopt. Becomes 0-18-29.

- (d) An Ordinance authorizing and directing the Safety/Service Director to submit an application to the Ohio Public Works Commission for State Issue 1 (Round 33) funds for the year 2019 for roadway improvements and repairs on N. Main Street and Cooper Foster Park Road; and declaring an emergency. (A-18-36)

Mayor Costilow said this application is due now, and it's \$750,000 we are applying for. It's probably about \$250,000 in grants and \$500,000 no interest loans and is a very important project. He asked that rules also be suspended on this item so it can be submitted as timing is crucial. Mr. Dembinski motioned to suspend all council rules so that this can be passed in its first reading. Seconded by Mr. Winiarski. Mr. Miller thanked the Mayor for looking into this issue at that intersection. We need that fixed quickly as it's a safety issue. Mr. Nahorn agreed with Mr. Miller and appreciates the Administration is taking this seriously. There are a lot of safety concerns there, so he is appreciative. 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 0-18-30.

- (e) An Ordinance renewing for a period of ten years the present one-half percent (1/2%) Income Tax Levy previously approved and passed by the electors on November 3, 2009, subject to passage and approval of the voters of the City of Amherst at the Primary Elections on May 7, 2019. (A-18-38)

Mr. Van Treuren motioned to pass this on to its second reading. Seconded by Mr. Cowger. Mr. Dembinski would like to see the full 1/2% go back to doing streets. He understands that changing this would change it from renewal to replacement and that the city needs to have at least 1/4% go back to the General Fund and 1/4% go to the streets to facilitate our street program for next year. Losing that would be more detrimental than putting the full 1/2% into streets so this is why he will vote for this as it is, even tho he would like to see an increase in the street budget. Mr. Miller asked if this tax would provide a tax reduction on income tax for residents. Mayor Costilow said this is paid by everyone within the City of Amherst. The original 1% that's levied by the Council has a forgiveness clause for what percentage you pay in other cities. Mr. Miller feels that everyone needs to be made aware that half of this goes into the General Fund and everyone is helping with this. Mayor Costilow said they have his commitment that if there is any extra funds in the General Fund, he will put it towards the street so this is a win/win situation writing it like this. Last year he spent 1/4 of the General Fund towards streets. If times get better, it could be more. Roll call vote 7-0 to pass to second.

- (f) A Resolution to place on the ballot for the primary election to be held on May 7, 2019, the question of renewing the one-half percent (1/2%) Income Tax Levy previously passed November 3, 2009 with a one-half percent (1/2%) Income Tax Levy. A-18-39)

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

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

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

Miscellaneous and acknowledgement of the public:

Mr. Robert Eiborg, of 5525 Linn Rd, spoke about the new meters that were installed. Since the new meters were installed, his electric bill has doubled. He does not have air conditioning or anything, so wonders about these readings. Mayor Costilow said earlier in the day Mr. Eiborg had come to his office and he had a report run since then and he spoke to average kw usage for the house. He invited Mr. Eiborg to come and pick up this report. He explained further. Discussion continued between Mr. Eiborg and Mayor Costilow with Mayor Costilow also speaking to the PPA charges.

Mrs. Jessica Roberts of 782 Cherry Valley Drive said she owns a vacant home at 293 Princeton Ave. which she is asking about. Her electric bill for that vacant home has gone up 400% during the time the house is vacant. She only has bare minimum air conditioning running and a dehumidifier. When she visited the Utility Department, the staff was great. She spoke with Rich and he has been to her house twice and checked the meters both times. He has been monitoring them hourly. He does not understand why her bill is 400% higher.

He noticed a drop in usage for that month, but the cost in the bill was 400% higher. She discussed her bill further and asked about the calibration. She asked if meters are inspected. Mayor Costilow explained how requests for proposals and qualification were prepared and picked the best company. Eaton has installed millions of meters and thousands of systems. We talked to them and they said that in all the years of doing this, they have not found meters that register incorrectly. It does not mean it can't happen. This has sparked his interest so they are looking into equipment our own utility department can carry around and hook it up and somehow it calibrates the meter. He said that we can also remove the present meter, install another one, and send the original one out for testing. There is a charge for that, but if it comes back faulty, the resident is reimbursed. We are not here to scam anyone, as he has seen this word being used kind of loosely lately and it hurts and is embarrassing for our city workers as he knows how faithful they are to the public. If a resident has been to the Utilities Office and has spoken to the Supervisor, and are unhappy with the result, his office and the Safety Service Director's office is always open. He would love to sit down and look at the bill in question. So far, he has never seen a meter that has read out something that did not go through it. There was a question about when new meters were installed, that a wrong reading was taken. We went through 6,000 boxes to find this one person's meter and matched it with the serial number and it was exactly correct. When this project is done, it will be timely, accurate and there will be so much more information to the public to see what usage consist of. Mrs. Roberts said a printout is being prepared for her and Rich will be meeting her at the house this week and he will check out the meter. She spoke further. She agreed that she is happy with what we are trying to do. Discussion continued.

Mr. Rich Macdonald of 660 Tenney Avenue asked about the city ordinance governing parking on the street. They have a single driveway and three cars. Sometimes it's difficult to shift cars around. He is wondering why if an officer is driving by the house and sees the car on the streets and that it is registered to that home, why would he ticket the car? Mayor Costilow said there is an ordinance that prohibits any parking on the street at certain hours. The police will honor certain circumstances, but to help prevent crime and other reasons, parking is prohibited at those certain hours.

Mr. John Ritter of 53 Charles Avenue said he also has seen an increase in their bills as well, mostly in the usage. He continued to ask many questions about electric, water usage, meters, kw hours, PPA and other items which Mayor Costilow answered and also discounted some comments made on social media. Mr. Miller thanked Mr. Ritter for coming and said he has had his disagreements with the administration on how to do things. He spoke to due diligence done by Council and Administration of having a presentation of the abilities of what these meters can and cannot do. He is very concerned about privacy rights so for him, the less information, the better. However, our goal is to give a tool to our administration to effectively give these meter reads to supply electric and water to accurately bill residents. What he thinks was happening was billing was not as accurate as PPA could be picked up by residents who were not using it due to various reasons. The new system will allow us to communicate with the resident to show them how to better manage their utilities. He felt that Mr. Ritter should not go back to analog and stay with this system for the sake of better information. He said Mayor will take the time to speak with residents, and explain any questions a resident may have. He has hired good people and knows the buck stops with him. He spoke further about the bills and the information on them. He and Mr. Ritter had a discussion. Mr. Ritter asked about any entities that watch over the city and keep an eye on them about the utilities. There was a discussion about the oversight of utility costs, perhaps through various audits. Mr. Dembinski noted that there is some auditing by the state regarding the utilities. Mayor Costilow spoke to being locked into some energy costs through our investments in energy. He includes council in these decisions and explained how the consultant works for our city. Mr. Dembinski noted that he is available for questions by residents. He noted that Face Book can be great, but also not be great. There was a lot of traffic on there and a lot of false concerns came from there and that can't be good. This is also not an official means of communicating with the city. He received zero phone calls from residents about their rates.

Mr. Jim Bulloch of 238 S. Main asked what was the kilowatt hours tax that the city gets back every year. Mayor Costilow believes it's just over \$400,000. Mr. Bulloch asked the Mayor under whose authority did he raise the base rate? Mayor Costilow said under the Ohio Revised Code. Mr. Bulloch asked about the Amherst Codified Ordinances. Mayor Costilow said there is one ordinance that says when the electric balance falls below \$350,000 the Safety/Service Director shall raise rates up to 5% without Council approval.

Mr. Bulloch and Mayor Costilow discussed this ordinance. Mr. Pecora said there were many good questions this evening and he recommended that we have another meeting soon, and have Mr. Courtney be present to answer questions. He feels there is some confusion about PUCO and their governance over cities. He also feels there is much confusion about what is being said and again recommended to have Mr. Courtney attend a meeting as he speaks with authority instead of this discussion going around and around. Mr. Bulloch said that perhaps Council should take vested interest and be the body to set rates, not the administration.

Mr. Brian Daily of 749 Tenney Avenue also spoke to his utility bill. He spoke to the increase in his water bill. He feels he has not used the billed electric amount. He cannot justify the bill as he has not used more water or electric. He spoke to the bills he had with him. Mayor Costilow said there was nothing to be solved at this point, as we need to speak to the utility office and to the Superintendent of Utilities regarding his questions.

Mr. Nahorn said he really appreciated everyone coming here and being involved in local government and talking to your council representatives and Mayor is very, very important, much better than Face Book. Absolutely Face Book is a tool, but talking to people face to face, in person, meeting with them, discussing issues, having your hard copy bills in front of you, running reports and all that stuff, is much more accurate and provides much better information. Being on Council, he has learned a lot. Before being on Council, he was involved in local government, he would sit in the audience and ask questions and previous administrations previous councils that were up here when a resident asked a question, council would just sit and look at you, and then the next person would come up. There was no discussion or information provided. So he really appreciates this administration answering questions and providing information. Being new, he can appreciate residents being able to come up here and have the good session we had this evening. But echoing what the mayor said, bring your bills in, they will run reports, look at it and talk to you about it. It's good to get specific answers.

Agenda requests and committee meeting schedules:

Assigned after previous meeting and considered in 9/4 committee:

A-18-34 Finance Accept grant from Ohio Bureau of Worker's Compensation for the purchase of hoods and gloves for the Fire Department

A-18-35 Finance Re-appropriate funds in the Fire Department

A-18-36 Finance Authorizing submission of application to OPWC for state Issue 1 (Round 33) for funds for the year 2019 for repairs and improvements to N. Main Street and Cooper Foster Park roads

A-18-37 Finance Resolution to pace a ½% income tax renewal levy for a period of 10 years on the 2019 primary ballot

A-18-38 Finance An Ordinance replacing the present ½% income tax passed 11/09 with ½% income tax renewal levy upon passage and approval by a majority of the voters of the City of Amherst

And also considered in 9/4 committee

A-18-31 Building and Lands Property maintenance code

NEW

A-18-39 Finance Reappropriate funds in various departments

A-18-40 Finance Increase appropriations in part time wages and Fire Levy Gasoline and Oil

A-18-41 Ordinance Update Ordinance to reflect the two year term for the reappointment members for the Municipal Income Tax Local Board of Tax Review

A-18-42 Executive Establish a part time Tax Assistant position

A-18-43 Finance Authorize upgrades to the video recording and broadcasting of the council and council committee meetings at a cost not to exceed \$50,000

Finance September 17, 2018 at 7:00 p.m. A-18-39, A-18-40, A-18-43

Ordinance September 17, 2018 at 7:05 p.m. A-18-41

Executive September 17, 20138 at 7:15 p.m. A-18-42

Reports of the Administration

Auditor Pittak: The monthly reports were sent out timely and everyone should have received them. About two weeks ago, their office received notification that we are one in five cities that received a State Award of Distinction. This award is given out to companies that have reported clean books for the year. Although it may not seem like a big deal, but one out of five in the state is a big deal. This is a true testament to the staff in the Auditor's Department, Deputy Auditor Gwen Melbar and Carole Shawver who do such a great job. They are detailed and organized and work extremely hard.

Safety/Service Director Jeffreys: No report

Law Director Pecora: No report

Mayor Costilow: Reported the Smart Meter Project is moving along. All the residential meters are in place. As everyone heard tonight, we had our first billing cycle. They are doing their best to get into every house and change the water meters. It's a bit slower than we anticipated, we are about 1/3 of the way through. They have knocked on every door, dropped off letters, so before the process began, the post cards had been sent out to every house. Today a letter (copy on file) from the Safety/Service Director was sent out to all those who have not received a new water meter. A web site has been set up to make appointments, or call the Utilites Department to schedule the appointment. He said he is somehow embarrassed by the way a lot of our public is handling this meter thing with our workers and utility workers in the office. They are quite often treated pretty poorly. They have their heart in what they are doing and do a good job. They are not trying to stiff anybody. Maybe sometimes they offer more information than they should, like to suggest a residents toilet may be leaking, but those suggestions are coming from their heart. Those are not just excuses. They are trying to be helpful. No one comes in to thank them for their utility bill. Everyone they see is complaining. We are all here to help residents and asked for patience during this process.

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

Acknowledgement of the receipt of monthly reports from July and August from the Auditor and Treasurer:

Mr. Van Treuren motioned to accept the monthly reports. Seconded by Mr. Dembinski. Vote 7-0 to accept the reports.

Mr. Dembinski motioned to adjourn. Seconded by Mr. Cowger. Voice vote 7-0 to adjourn.

The meeting adjourned at 8:50 p.m.

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Olga Sivinski, Clerk of Council

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Jennifer Wasilk, President of Council