

City of Aurora, Ohio
CITY COUNCIL
MEETING MINUTES
April 25, 2016

The Council of the City of Aurora, Ohio met in Council Chambers at City Hall on Monday, April 25, 2016 for the purpose of holding a regular public meeting. Council President George Horvat called the meeting to order at 7:00 p.m. with the Pledge to the Flag of the United States of America.

ROLL CALL

Present: Reva Barner
 Kathi Grandillo
 Harold Hatridge
 George Horvat
 John Kudley, Jr.
 Amy McDougald
 James Vaca
 Scott Wolf

Absent: Dennis Kovach

Also Present: Ann Womer Benjamin, Mayor
 Dean DePiero, Law Director
 Timothy Clymer, Finance Director
 John Trew, Director of Public Services
 Karen Aldredge, Chief of Staff
 Jack Burge, Director of Economic and Entrepreneurial Development
 David Barnes, Fire Chief
 Donna Hawks, Clerk of Council
 Colleen Martin, Deputy Clerk of Council

For clarity all items appear in the meeting minutes in the same order as they appear on the meeting agenda.

Consideration of Minutes

MOTION: Approval of the April 11, 2016, Meeting minutes

Mr. Vaca moved: Ms. Grandillo seconded. The motion carried on a 7-0-1 roll call vote. Ms. McDougald abstained.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, Vaca, Wolf

NAYS: None

ABSTAIN: McDougald

Presentation of the 2015 Landscape Awards by Deborah Davis, Tree Commission Chairman

Ms. Davis presented the following awards:

Commercial: Edwards Jones
 278 E. Garfield Road
 Mr. Brady Krebs

Public/Quasi: The Church in Aurora
 146 S. Chillicothe Road
 Mr. Mike Trudick

Industrial: McMaster Carr
200 Aurora Industrial Parkway
Ms. Jane Aerni

Subdivision Entrance: Barrington Residence – American Turf
845 Broadway Avenue
Bedford Heights, Ohio 44146
Mr. Roger Hoover

Private or Citizen
Involvement: Ms. Christine Duffy & Mr. Ed Pesec
30 Greenbriar Drive

Private or Citizen
Involvement: Mr. Kenneth Kinford & Ms. Deborah Kinford
1040 Lloyd Avenue

Mayor's Report (Attached)

Mayor Womer Benjamin said beginning Monday, May 2 on SR 43 south of SR 82 and north of Treat Road there will have daily lane restrictions because of the resurfacing. She said the work is the beginning of the \$1.7 million project to resurface SR 43 and SR 82, and is expected to be finished in September.

Mayor Womer Benjamin stated that May 1-7 is Fill a Bag, Feed a Family week in Aurora. She said empty bags will be dropped off and residents are asked to fill them with non-perishable food items, paper products and detergents. Volunteers will pick them up from 10:00 a.m. through mid- afternoon on May 7. She said the National Day of Prayer is on Thursday, May 5 at noon at the Bicentennial Gazebo. She said applications are still being accepted through the end of the week for the 2016 STAR program.

Mayor Womer Benjamin briefly discussed the tragic death of Aurora Police Officer Steven Cieslak. She commended her senior staff on the outstanding job they did with providing support to the family and Aurora's police officers. She said calling hours will be 2-7 on Wednesday at Ferfolia Funeral Home in Sagamore Hills and the memorial service on Thursday will be at Our Lady of Perpetual Help at 10:30. Mayor Womer Benjamin directed that all flags be flown at half- staff until after the service.

Mr. Horvat asked everyone to stand for a moment of silence.

Law Director's Report (Attached)

Mr. DePiero stated he has asked for an executive session to discuss the recent ruling on an arbitration matter where the city was victorious.

Council President's Report (Attached)

MOTION: To amend the agenda by adding Ordinances 2016-047 & 2016-048
Mr. Vaca moved; Ms. Grandillo seconded. The motion carried on a unanimous voice vote.

MOTION: To amend the agenda by adding an executive session for discussion of the termination and arbitration of former Police Officer Kerry Shaw
Mr. Vaca moved; Ms. Grandillo seconded. The motion carried on a unanimous voice vote.

Citizens Comments - Legislation

Mr. George Mazzaro, Eldridge Road, commented on Ord. 2016-034 – he said he does not know if the staff keeps Council informed. He cautioned Council to not approve the legislation without knowing all of the background. Ord. 2016-035 – he said he has not heard anything about EPA and Army Corp of Engineer approval. He said it is very important to make sure everything is done right. Ord. 2016-048 – he said is glad a roof is finally being done. He said the police department as well as the fire department needs to be updated.

Ms. Deb Conti, S. Chillicothe Road – commented on Ord. 2016-034 – she said she does not see in the plan where a retention basin will be added. Ord. 2016-040 – she said it is great the city received a grant for the Aurora Tree Arboretum. She asked if the funds the city must come up with for the project are already in the Recreation budget. She said she would like to know what type of process will be enacted with Mr. Kraus and his crew to make sure the city does not default and have to pay for the whole project.

Mr. Wally Swyte, Chatham Road – commented on Ord. 2016-034 – he said he objected to the extensions. He said he is aware the trees were cut down prematurely. He said there are safety issues with the road elevation and the line of sight. Mr. Swyte said the concerned residents of Chatham do not understand how the city approved the development when nothing has been done to solve the problem of the flooding and destruction of the city property within Chatham. He said all of the issues in the area were brought to the city's attention 15 years ago. He said he does not see how the city can approve the development without the issues being resolved.

Mr. Mark Kopcienski, Forest Ridge of Aurora – commented on Ord. 2016-035 – he said the Army Corp of Engineers and the Ohio EPA permits are all current and valid as well as the permits for sanitary and erosion control. He said they have all been turned into the city and have been reviewed by the city. He said retention basins are included and have been reviewed by the city and outside consultants.

Councilman Remarks - Legislation

Ms. McDougald commented on Ord. 2016-034 – she asked if the development included a retention basin. Mr. Trew said both developments include retention basins.

Legislation**Ordinance 2016-029**

AN ORDINANCE AMENDING CHAPTER 155 "DIVISION OF ENGINEERING, UTILITIES AND INSPECTION" OF AURORA'S CODIFIED ORDINANCES BY ELIMINATING THE REFERENCE TO THE SERVICE AND UTILITIES COMMITTEE AND FURTHER CORRECTING GRAMMATICAL ERRORS

MOTION: To adopt Ordinance 2016-029

Mr. Kudley moved; Ms. Grandillo seconded. The motion carried on an 8-0 roll call vote.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Vaca, Wolf
 NAYS: None

Ordinance 2016-030

AN ORDINANCE AMENDING SECTION 161.10(B) "EMPLOYEES GENERALLY-ESTABLISHED POSITIONS-SECRETARIES" OF AURORA'S CODIFIED ORDINANCES TO REMOVE REFERENCES TO MULTIPLE COMMITTEES THAT NO LONGER EXIST AND TO REMOVE OUTDATED INFORMATION AND CLARIFY THE CITY'S CURRENT PRACTICE

MOTION: To adopt Ordinance 2016-030

Mr. Vaca moved; Ms. Barner seconded. The motion carried on an 8-0 roll call vote.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Vaca, Wolf

NAYS: None

Ordinance 2016-031

AN ORDINANCE AMENDING SECTION 951.01 "AURORA CEMETERY-CHARGES AND FEES" OF AURORA'S CODIFIED ORDINANCES BY ELIMINATING SUBSECTION "O" WHICH REFERENCES THE FINANCE COMMITTEE

MOTION: To adopt Ordinance 2016-031

Mr. Kudley moved; Ms. Grandillo seconded. The motion carried on an 8-0 roll call vote.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Vaca, Wolf

NAYS: None

Resolution 2016-032

A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF MR. KEN WOLF TO THE POSITION OF MEMBER OF THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY "PARTA" BOARD OF TRUSTEES FOR A THREE YEAR TERM ENDING JUNE 30, 2019

MOTION: To adopt Resolution 2016-032

Mr. Kudley moved; Mr. Vaca seconded. The motion carried on a 7-0-1 roll call vote. Mr. Wolf abstained.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Vaca

NAYS: None

ABSTAIN: Wolf

Ordinance 2016-034

AN ORDINANCE APPROVING THE FINAL PLAT FOR HAWKIN SUBDIVISION LOCATED ON THE NORTH SIDE OF MENNONITE ROAD ACROSS FROM HARRIS DRIVE, IN AN R-4 RESIDENTIAL ZONING DISTRICT AND DECLARING AN EMERGENCY IN ORDER TO ALLOW THE PROJECT TO BEGIN DURING THE CONSTRUCTION SEASON

MOTION: To adopt Ordinance 2016-034

Mr. Vaca moved; Mr. Kudley seconded. The motion carried on a 5-3 roll call vote.

AYES: Grandillo, Hatridge, Kudley, McDougald, Vaca

NAYS: Barner, Horvat, Wolf

Mr. Wolf asked for Ordinance 2016-034 to be reconsidered so that it may be postponed until the next meeting.

MOTION: To reconsider Ordinance 2016-034

Ms. McDougald moved; Mr. Wolf seconded. The motion carried on a 5-3 roll call vote.

AYES: Barner, Hatridge, McDougald, Vaca, Wolf

NAYS: Grandillo, Horvat, Kudley

Mr. Vaca said he is curious as to why the ordinance is being postponed.

MOTION: To Postpone Ordinance 2016-034

Mr. Wolf moved; Ms. McDougald seconded. The motion carried on a 5-3 roll call vote.

AYES: Barner, Hatridge, McDougald, Vaca, Wolf

NAYS: Grandillo, Horvat, Kudley

Ordinance 2016-035

AN ORDINANCE APPROVING THE FINAL PLAT FOR FOREST RIDGE, PHASE I LOCATED ON THE SOUTH SIDE OF WEST GARFIELD ROAD ADJACENT TO THE AURORA WETLANDS, IN AN R-2 RESIDENTIAL ZONING DISTRICT AND DECLARING AN EMERGENCY IN ORDER TO ALLOW THE PROJECT TO BEGIN DURING THE CONSTRUCTION SEASON

MOTION: To adopt Ordinance 2016-035

Ms. Grandillo moved; Mr. Vaca seconded. The motion was defeated on a 3-5 roll call vote.

AYES: Grandillo, Kudley, Vaca
NAYS: Barner, Hatridge, Horvat, McDougald, Wolf

MOTION: To reconsider Ordinance 2016-035

Mr. Horvat moved; Mr. Kudley seconded. The motion carried on a 5-3 roll call vote.

AYES: Grandillo, Hatridge, Horvat, Kudley, Vaca
NAYS: Barner, McDougald, Wolf

Mr. DePiero explained the history of the project. He said in 2002 the project was subject to a consent injury in the Portage County Common Pleas Court. He said the developer at that time was denied a permit to develop the property and the matter ended up in litigation. He said it was settled through a consent entry, meaning the city and the then developer entered into a consent agreement that the property would be developed and subject to anyone that would develop the property. He said EPA and Army Corp permits have been granted; the Planning Commission properly vetted the project; and the Chagrin Watershed Partners were brought in to navigate the city through the riparian issues. Mr. DePiero said early on in the process the city did cite, and the developer paid a fine for cutting down trees before a permit was given. He said since then there have been no other issues. He said the court does maintain jurisdiction of the consent entry over the project. He said so far the developer has complied with the consent entry.

Mr. Wolf stated for clarification the developer was cited prior to being given approval by Planning for clear cutting without having proper approvals. He said that is his objection. He said his vote is based on that and it is his opinion the spirit of the agreement was broken by them for doing work prior to receiving approval by Planning.

Mr. Kudley said based upon the history of the project and the consent agreement described by Mr. DePiero, he may not agree with the idea of developing adjacent to the wetlands but also must consider the position it puts the city in. He said he cannot see the city going back to the court and have them exercise their rights through the court and subject the city to litigation again and that is why he will vote to support the project.

Mr. Vaca said he agrees with Mr. Kudley and the city does not need to go through this again. He said the construction has changed considerably since 2000 and are now more stringent. He said the city has the approval from the EPA and Army Corp of Engineers and should not stop it.

Ms. Grandillo said Planning really made the developer jump through every hoop they could. She said Ms. Januska brought in the Chagrin River Watershed Partners and the developer agreed to their requests. She said it is her belief that as much that could be done to control this has been done.

Mr. Hatridge said the final plat is what is being voted on. He said he has all the confidence in the world of the Planning Commission and he does not want to see the city in another law suit.

Mr. Horvat said he will change his vote as he does not want to go back to the way it was in 2000. He said he will trust that the Mayor, Ms. Januska and the Law Director to make sure things are followed.

Mayor Womer Benjamin said she appreciates all of the comments. She said the city is monitoring the development very closely. She said she was furious and remains furious at what happened with the trees. She said it behooves everyone to protect the integrity of the city that the development be approved at this time.

MOTION: To adopt Ordinance 2016-035

Mr. Kudley moved; Mr. Vaca seconded. The motion carried on a 6-2 roll call vote.

AYES: Grandillo, Hatridge, Horvat, Kudley, Vaca, Wolf
NAYS: Barner, McDougald

Ordinance 2016-039

AN ORDINANCE ACCEPTING THE QUOTATION OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BROWN ENTERPRISE SOLUTIONS IN THE AMOUNT OF \$24,360.00, THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM, FOR THE PURCHASE OF 28 DELL DESKTOP COMPUTERS AND MONITORS AS PART OF THE CITY'S COMPUTER REPLACEMENT PLAN TAKING THE NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT FUND (#60) AND DECLARING AN EMERGENCY TO REPLACE OUTDATED COMPUTERS

MOTION: To suspend the rule requiring an ordinance to be read on three separate occasions

Mr. Vaca moved; Ms. Grandillo seconded. The motion carried on a unanimous voice vote.

Mr. Mazzaro, Eldridge Road, said he does not understand why the city has to go so far to get computers.

Mr. Kraus said the State bid was the best price. He said he consulted with Mirifex and they recommend going with Brown Enterprise Solutions for the computer purchase.

MOTION: To adopt Ordinance 2016-039

Mr. Vaca moved; Ms. Grandillo seconded. The motion carried on an 8-0 roll call vote.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Vaca, Wolf
NAYS: None

Ordinance 2016-040

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CULTURAL PROJECT COOPERATIVE USE AGREEMENT, SUBSTANTIALLY IN THE FORM ATTACHED HERETO, THEREBY ACCEPTING A GRANT WITH THE STATE OF OHIO THROUGH THE OHIO FACILITIES CONSTRUCTION COMMISSION IN THE AMOUNT OF \$50,000.00 TO BE USED FOR THE AURORA TREE ARBORETUM WALKWAY WHICH IS PART OF THE HARTMAN ATHLETIC FIELD COMPLEX PROJECT

To third reading

Ordinance 2016-047

AN ORDINANCE AMENDING EXHIBIT "A" TO AURORA CODE OF ORDINANCES CHAPTER 161, "EMPLOYEES GENERALLY," TO REFLECT CHANGES IN COMPENSATION FOR THE INDIVIDUALS LISTED ON THE ATTACHED SCHEDULE AND/OR TO PLACE THOSE NEWLY HIRED INDIVIDUALS LISTED ON THE ATTACHED SCHEDULE ON EXHIBIT "A" AT THE COMPENSATION SPECIFIED FOR THEM, APPROVING SUCH COMPENSATION, AND DECLARING AN EMERGENCY (**FAMAGELTTO, GROTH, VERMILION**)

MOTION: To suspend the rule requiring an ordinance to be read on three separate occasions
Ms. McDougald moved; Ms. Barner seconded. The motion carried on a 7-0-1 roll call vote. Mr. Vaca abstained.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Wolf
NAYS: None
ABSTAIN: Vaca

Mr. Vaca stated he will abstain from voting on Ord. 2016-047 because a relative is included on the employees generally.

MOTION: To adopt Ordinance 2016-047
Mr. Kudley moved; Mr. Hatridge seconded. The motion carried on a 7-0-1 roll call vote. Mr. Vaca abstained.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Wolf
NAYS: None
ABSTAIN: Vaca

Ordinance 2016-048

AN ORDINANCE SELECTING THE BID OF, AND AWARDING A CONTRACT TO B. BUEHL INDUSTRIES, INC. DBA A&B ROOFING FOR THE 2016 POLICE DEPARTMENT ROOF REPLACEMENT PROJECT AS THE BEST RESPONSIVE AND RESPONSIBLE BIDDER, REJECTING ALL OTHER BIDS, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH B. BUEHL INDUSTRIES, INC. DBA A&B ROOFING IN THE AMOUNT OF \$36,000.00, TAKING THE NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT FUND (#60) AND DECLARING AN EMERGENCY

MOTION: To suspend the rule requiring an ordinance to be read on three separate occasions
Mr. Vaca moved; Mr. Wolf seconded. The motion carried on a unanimous voice vote.

Mr. Mazzaro, Eldridge Road, said the police station and fire station need to be upgraded and he asked Council to make it a high priority.

MOTION: To adopt Ordinance 2016-048
Mr. Vaca moved; Mr. Hatridge seconded. The motion carried on an 8-0 roll call vote.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Vaca, Wolf
NAYS: None

Citizens Comments

Mr. George Mazzaro, Eldridge Road, said he is troubled when things like this happen and Council is not informed. He said he is bothered that no one went out to obtain a better price than the State bid for the Computers. He said he has a problem with the fire hydrants.

Mr. Wally Swyte, Chatham Drive, said he checked and currently there is no retention pond and they will convert the pond that is there into a retention pond. He said he appreciates the revote.

Councilman and Committee Remarks

Ms. McDougald said the Taste of Western Reserve was a successful event. She said the fire hydrant on her new street is in need of painting.

Ms. Grandillo thanked all that attended the Aurora Rotary's 16th Annual Taste of the Western Reserve. She said there was a record crowd. She said half of the money collected goes to a charity and the other

half helps the Rotary to continue to support city, county and national projects. Ms. Grandillo clarified the rules for the spring brush pickup. She said brush should be left of on curb and not in a cul-de-sac as the city will not pick up brush and leaves that are left in that manner. She asked that residents read pink four page flyer they all received as it lists what can and cannot be put out. She said also listed are other city services available.

Mr. Vaca thanked Mr. Trew for taking care of the problem at Bank Street. He said he agrees that the hydrants need to be painted. He said he hopes that when Ordinance 2016-034 is revisited next week that more information is brought forward.

Ms. Barner thanked Mr. Trew and the Mayor for taking care of the issue she had brought to their attention regarding Barrington Blvd. She thanked Ms. Davis for presenting the Landscape Awards.

Mr. Hatridge said he agrees with Mr. Vaca regarding Ordinance 2016-034. He said he encourages residents who have sidewalks that are damaged to fill out an application for the STAR program.

Ms. McDougald encouraged everyone to participate in the Fill a Bag, Feed a Family program. She hopes the participation will be as good or better this year.

Executive Session to Discuss Personnel Matters

Executive Session for Discussion of Arbitration and Termination of form Officer Kerry Shaw

MOTION: Pursuant to Ohio Revised Code 121.22(G) (1) that Aurora City Council adjourn to executive session to discuss the employment of a public employ

Mr. Kudley moved; Mr. Vaca seconded. The motion carried on an 8-0 roll call vote.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Vaca, Wolf

NAYS: None

MOTION: Pursuant to Ohio Revised Code 121.22(G) (1) that Aurora City Council adjourn to executive session to discuss the dismissal of a public employee in regards to former police officer Kerry Shaw

Mr. Kudley moved; Mr. Vaca seconded. The motion carried on an 8-0 roll call vote.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Vaca, Wolf

NAYS: None

Council entered into executive session at 8:11 p.m.

MOTION: To return to open session

Mr. Horvat moved; Ms. McDougald seconded. The motion carried on an 8-0 roll call vote.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Vaca, Wolf

NAYS: None

Council returned to open session at 8:26 p.m.

Adjournment

MOTION: To adjourn

Mr. Kudley moved; Ms. McDougald seconded. The motion carried on an 8-0 roll call vote.

AYES: Barner, Grandillo, Hatridge, Horvat, Kudley, McDougald, Vaca, Wolf

NAYS: None

The meeting was adjourned at 8:27 p.m.

George Horvat, President

Donna Hawks, Clerk of Council