

**City of Aurora, Ohio**  
**CITY COUNCIL**  
**MEETING MINUTES**  
**May 9, 2016**

The Council of the City of Aurora, Ohio met in Council Chambers at City Hall on Monday, May 9, 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  
                  Denis Januska, Director of Planning, Zoning & Building  
                  Karen Aldredge, Chief of Staff  
                  Jack Burge, Director of Economic and Entrepreneurial Development  
                  Brian Byard, Police 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 25, 2016, Meeting minutes**

Ms. Grandillo 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

**Mayor's Report**

(Attached)

Mayor Womer Benjamin said the dedication ceremony for the Deed House and Pioneer Park is scheduled for Thursday, June 9 at 6:00 p.m. at the Pioneer Triangle. She said the event is sponsored by the City of Aurora and the Historical Society and refreshments will follow at the 1815 Tavern. She thanked members of Council for the support they provided during the difficult events over the past few weeks. She also thanked all city staff, Fire Department and Police Department for their many efforts to maintain safety in the city and to help the community honor a fallen police officer. She thanked the Streetsboro Police Department for handling the city's police operations and the Ohio State Patrol for maintaining the traffic patrol during the funeral and surrounding events.

Mayor Womer Benjamin provided a brief recap of those she met with and functions that she attended

since the last meeting of Council.

Mayor Womer Benjamin added that the transportation van for the Aurora Transportation Program is supposed to be ready this week. She said she hopes to introduce the program by June 1.

Mr. Kudley stated regarding the Deed House and park dedication; it has been a fantastic project of collaboration between the City and the Aurora Historical Society. Mr. Kudley thanked the Mayor for her love of history. He said without that love of history the project would not have gotten to the point of where it is now.

### **Law Director's Report**

(Attached)

### **Council President's Report**

(Attached)

### **MOTION: To amend the agenda by adding Ordinances 2016-051 thru 2016-058**

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

### **Citizens Comments - Legislation**

Ms. Deb Conti, S. Chillicothe Road – commented on Ord. 2016-034 – she said she was able to get the topography. She said there is a stream that feeds into Chatham and it will not go into the proposed basin. She said she does not believe the water will be caught in what is currently proposed. Ord. 2016-040 – she said at the last meeting she asked if the \$50,000.00 is in the current Recreation budget. She asked what procedure is in place because it is a grant project and a lot of defaults are listed. Ord. 2016-049 – she asked what statutory notice means to property owners. She asked if they received certified mail to notify them before their taxes are assessed. Ord. 2016-055 she said it is a wonderful concept but she is not sure of the numbers. She said she is not sure of the amount of the grant that is being applied for. She said she knows that Picnic Lake Park is Aurora property; she questions who owns the property where it is connected to Nautilus Trail. She asked if the \$25,000.00 planning study must be done before applying for the grant.

Mr. Wally Swyte, Chatham Road – commented on Ord. 2016-034 – he said the Army Corp of Engineers approved the permit in 2012. He said the property was sold and the permit was not transferred. He said currently the permit is in the name of the previous owner. He said once the permit is transferred it is subject to approval of the Army Corp.

Mr. George Mazzaro, Eldridge Road – commented on Ord. 2016-034 – he said he is very disappointed when Council said they want to avoid litigation. He asked who will be responsible if Chatham continues to flood. He said a serious problem has been brought to the city's attention on more than one occasion. Ord. 2016-051 – he said to check with the insurance company to make sure the driver does not need a chauffer's license. Ord. 2016-052 – he said there is a lot of interesting information in the document. Ord. 2016-053 – he said he does not have a problem with getting the engineering done. Ord. 2016-054 – he asked if Windstream was contacted. Ord. 2016-56 & 2016-057 – he said the city is very lucky to have Sutton Insurance in the community.

Mr. Horvat said the city did reach out to Windstream and they were higher.

### **Councilman Remarks - Legislation**

Ms. McDougald commented on Ord. 2016-034 – she said she walked the property and she has some concerns and is not prepared to pass the legislation until they are resolved. Ord. 2016-055 – she asked if some type of a path could connect to the road to provide some type of an escape route for the children at Valley Christian Academy.

Mr. Vaca commented on Ord. 2016-055 – he said there is an access road off of Aurora Lake Road to the school that could probably be worked in again. Ord. 2016-034 – he said in the future when final plats are being decided on at Council he would like to see the city engineer, the service director and the planning and zoning personnel present. He suggested putting in place legislation that covers when a private drive is put in and they decide in the future they want it to become a public street; sidewalks must be put in.

### **Legislation**

#### **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

Mr. Wolf said Mr. Czekaj, City Engineer, provided him a breakdown of how the property was looked at ahead of time and that it was looked at with the lot completely cleared. He said his concern from that point is completely cleared.

Mr. Kevin Hoffman, Polaris Engineering & Survey, said he will do his best to answer any questions.

Mr. Wolf asked how many gallons of water each of the retention ponds will hold completely full and also how is the lake in the back going to be emptied to become a retention pond or will sides be raised.

Mr. Hoffman said the larger pond has the storage of approximately 180,000 cubic feet and the one closer to Mennonite Road is 20,660 cubic feet. He said a safety bench will be installed that will lower the water surface and that will pick up the storage volume.

Ms. McDougald asked where the outlet pipe will be. Mr. Hoffman said it will be in the same location, they will replace the old pipe with a plastic pipe that will flow into the existing stream.

Mr. Kudley asked for a comparison of the amount of water flowing off the property now preconstruction and the amount flowing off after construction.

Mr. Czekaj said it will be less. He said when there is development; post construction is less than preconstruction.

Mr. Kudley stated therefore there will be an improvement to the amount of water that will affect Chatham Estates with the construction.

Mr. Vaca asked who will to maintain the retention pond and will the city be involved.

Mr. Czekaj said the city requires bonds on all development projects that include obtaining a document from the responsible party for future maintenance.

Mr. Vaca asked if there is currently a pipe in place. Mr. Hoffman said there is a corrugated metal pipe. Mr. Vaca asked if the new one will be lower. Mr. Hoffman said it will be lowered a little bit to pick up more storage volume. Mr. Vaca asked when the project is finished if all of the water will go into the retention pond. Mr. Hoffman said it is a requirement that it goes into the retention pond.

Mr. Hatridge asked where the water is going to go coming from the pipe in the east. Mr. Hoffman indicated on the plans where the water will go. Mr. Hatridge asked if after development is built, will there be less water going to the stream.

Mr. Hoffman said the rate of runoff will be less. Mr. Hoffman said the volume technically increases but the

rate of runoff is reduced.

Mr. Horvat asked how many engineers reviewed the project. Mr. Czekaj listed the various engineers that reviewed the project.

Mr. Horvat asked the status of the transfer of permits. Mr. Czekaj said he has been told that a transfer of permits is a minor issue. Mr. Horvat asked if nothing will be done until that transfer. Mr. Czekaj said yes, that is correct.

**MOTION: To adopt Ordinance 2016-034**

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 2016-040**

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

**MOTION: To adopt Ordinance 2016-040**

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

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

NAYS: None

**Ordinance 2016-049**

AN ORDINANCE ASSESSING THE COST OF ABATING CERTAIN NUISANCES TO PROPERTY OWNERS, AS INDICATED ON THE ATTACHED EXHIBIT, AND DECLARING AN EMERGENCY IN ORDER FOR THE ASSESSMENTS TO BE ADDED TO THE 2017 REAL ESTATE TAX BILLS

To second Reading

**Resolution 2016-050**

A RESOLUTION AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO PAY OUT DECEASED AURORA POLICE OFFICER STEPHEN CIESLAK'S ACCUMULATED SICK LEAVE TIME TO HIS SURVIVING SPOUSE, PURSUANT TO THE FORMULA AS IF HE HAD RETIRED, TAKING THE NECESSARY FUNDS FROM THE GENERAL FUND (#01) AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE PAYMENT FOR THE FAMILY

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

Mr. Kudley moved; Mr. Hatridge seconded. The motion carried on a unanimous voice vote.

**MOTION: To adopt Resolution 2016-050**

Mr. Wolf 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

**Ordinance 2016-051**

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 (**VARIOUS PART-TIME EMPLOYEES AND SERVICE TECH-SMITH**)

**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. DePiero stated the type of vehicle that will be driven by those individuals does not require a CDL or a commercial driver's license and it also does not require a special permit formally known as a chauffeur's license. He said Ohio does not recognize a chauffeur's license any longer.

**MOTION: To adopt Ordinance 2016-051**

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

#### **Resolution 2016-052**

A RESOLUTION AUTHORIZING THE ADOPTION OF THE 2015 PORTAGE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AND DECLARING AN EMERGENCY TO MAINTAIN ELIGIBILITY FOR MITIGATION GRANT FUNDS ADMINISTERED BY FEMA

To second reading

#### **Ordinance 2016-053**

AN ORDINANCE ACCEPTING THE PROPOSAL OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GPD GROUP IN THE AMOUNT OF \$41,300.00 TO PROVIDE CIVIL ENGINEERING DESIGN SERVICES FOR THE HARTMAN ATHLETIC FIELD PROJECT, TAKING THE NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT FUND (#60), AND DECLARING AN EMERGENCY IN ORDER TO BEGIN CONSTRUCTION IN 2016

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

Mr. Kudley moved; Mr. Wolf seconded. The motion carried on a unanimous voice vote.

Mr. George Mazzaro, Eldridge Road, said the expenditure is the beginning of 1.2 million dollars that will be spent on the project. He said he has a serious problem with that when there are other problems in the community that need attention now.

Mr. Wolf stated part of the intent of the project is to allow the Parks and Recreation Department to run tournaments and generate revenue for the city. He said it is not the exclusive purpose; it is also intended to alleviate some of the pressure of fields being overused. He said overused fields become dangerous.

Mr. Vaca said it is also an educational venture for the schools and residents with the proposed arboretum.

Mr. Kudley said this Administration and Council is looking at all of the critical areas of the city. He said the goal of the Administration and Council is not to just take care of the city's problems but to also work on the quality of life for the Aurora citizens and he thinks this project speaks to that. Mr. Kudley said he has no problem supporting the legislation.

Ms. McDougald said she feels the ad hoc committee was thinking long term about the whole city and the future. She said having the majority of athletic fields in one location is the right thing to do.

Mayor Womer Benjamin thanked the ad-hoc committee for reviewing many recreational and sports opportunities. She said the Hartman project was very clearly at the top of their list. She said they advised the Administration of this priority well before they issued their final report and that enabled the administration to start some of the planning process. Mayor Womer Benjamin said it will not be money spent all in one year; the project is being phased appropriately to accommodate it from the existing revenue on an annual basis. She commended the committee for the outstanding work that has been done and as well as Mr. Wolf and Ms. McDougald for serving on the committee.

**MOTION: To adopt Ordinance 2016-023**

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

**Ordinance 2016-054**

AN ORDINANCE ACCEPTING THE PROPOSAL OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A FIVE YEAR CONTRACT WITH TIMEWARNER CABLE BUSINESS CLASS IN THE AMOUNT OF \$882.00 PER MONTH TO UPGRADE THE CURRENT CITY INTERNET CONNECTION, TAKING THE NECESSARY FUNDS FROM THE GENERAL FUND (#01) AFTER TRANSFERRING THE \$6,000.00 APPROPRIATION FROM BUDGET LINE 0175-9600 "CONTINGENCIES" TO BUDGET LINE ITEM 0175-3300 "INTERNET & CABLE CONTINGENCIES" AND DECLARING AN EMERGENCY IN ORDER TO INCREASE THE CITY'S INTERNET CAPABILITIES

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

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

**MOTION: To adopt Ordinance 2016-054**

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

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

**Resolution 2016-055**

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR THE CONNECTING COMMUNITIES PLANNING GRANT FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) FOR AN EMERGENCY ACCESS DRIVE AND A PEDESTRIAN/BICYCLE TRAIL FROM PICNIC LAKE PARK TO NAUTILUS TRAIL AND DECLARING AN EMERGENCY AS THE APPLICATION DEADLINE IS MAY 27, 2016

**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. Trew said the grant is for \$24,000 and it is a planning grant.

Mr. Vaca said the access drive has been a long time coming. He said it is a win/win for the residents in Aurora Shores and the Geauga Lake area. He said the pathway will accommodate vehicles of extreme weight and cut down time with calls for the police and fire department. He said he is glad the city has been able to move on this as quickly as they have.

Ms. McDougald asked for the Administration to communicate with VCA about possible emergency access outside the school as the city proceeds with the project.

**MOTION: To adopt Resolution 2016-055**

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 2016-056**

AN ORDINANCE ACCEPTING THE PROPOSAL AND RENEWING THE CURRENT POLICY WITH HCC/U.S. SPECIALTY INSURANCE CO. FOR THE PURPOSE OF PROVIDING THE CITY'S PROPERTY AND CASUALTY INSURANCE FOR THE POLICY PERIOD JUNE 1, 2016 TO JUNE 1, 2017 THROUGH EDWARD SUTTON INSURANCE AGENCY, THE PREMIUM FOR WHICH SHALL BE IN THE AMOUNT \$126,786.00, TAKING THE NECESSARY FUNDS FROM THE GENERAL FUND (#01), WATER FUND (#70) AND SEWER FUND (#72), AND DECLARING AN EMERGENCY AS THE CURRENT POLICY EXPIRES JUNE 1, 2016

To second Reading

**Ordinance 2016-057**

AN ORDINANCE ACCEPTING THE PROPOSAL OF ILLINOIS NATIONAL INS. CO. FOR THE PURPOSE OF PROVIDING THE CITY'S CYBEREDGE SECURITY AND PRIVACY LIABILITY INSURANCE FOR THE POLICY PERIOD JUNE 1, 2016 TO JUNE 1, 2017 THROUGH EDWARD SUTTON INSURANCE AGENCY, THE PREMIUM FOR WHICH SHALL BE IN THE AMOUNT \$5,883.00, APPROPRIATING THE NECESSARY FUNDS FROM THE GENERAL FUND (#01) AND DECLARING AN EMERGENCY AS THE CURRENT POLICY EXPIRES JUNE 1, 2016

To second reading

**Ordinance 2016-058**

AN ORDINANCE APPROPRIATING \$9,550.00 FROM THE TRUST/AGENCY NONE FOR UNDER 21 FUND (#85) TO COVER EXPENSES FOR THE NONE FOR UNDER 21 PROGRAM

**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.

**MOTION: To adopt Ordinance 2016-058**

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

**Citizens Comments**

Mr. George Mazzaro, Eldridge Road, said in July, 2015 there was a 100 year storm and Council approved funds for a lot of consultant reports and he still has not seen any. He said the fire hydrants still need to be painted and there still needs to be a master plan of projects for the community. He said he appreciates the work of the ad hoc committee, but there is a need for tennis courts, volley ball, and basketball that no one has talked about. He said Council made the wrong decision on Ord. 2016-034 and Ord. 2016-035 and he hopes it does not come back to haunt them.

**Councilman and Committee Remarks**

Ms. McDougald thanked the citizens that participated in "Fill a Bag Feed a Family" and said it is not too late to participate. She said the fire hydrants in Windsor Estates are in need of painting. She said she noticed bad sidewalks on Parkway that are not in front of residence.

Ms. Barner wished everyone a belated happy mother's day. She asked about the dumpster in front of a

home across the street from the police station.

Ms. Januska said the dumpster can remain as long as the home is under construction. She said a warning has been issued regarding the grass and they have been asked to move the dumpster to the side of the house why they are still under construction.

Ms. Barner inquired about the timeframe. Ms. Januska stated as long as there is an open permit and they continue to work it can remain there. Ms. Barner said she drives by several times a day and never sees anyone working there.

Mr. Hatridge said the new sweeper the city is using is very impressive.

Mr. Kudley explained regarding Ord. 2016-034 and Ord. 2016-035 at the last meeting the legislation did pass even though the vote was 3-5, a super majority was needed, as it came from planning. He said the kind of discussion that took place this evening on Hawkin should take place on first reading. He said as a member Council we should concentrate taking our concerns, issues and thoughts to the Administration and proper people within the city that can answer the questions; so that when we get to the third reading we know what we are talking about. He stressed the importance of doing your homework.

Mr. Vaca said at the final reading the appropriate people should be present to answer any questions. He said Treat Road was a mess the other day. He said if there is a drainage issue with the new development it needs to be handled immediately.

Mr. Trew said the creek is cleaned regularly; it is a flood drain; it is made to flood. He said Chatham Estates was not developed with any of the controls currently in place now. He said anything built around it will have those controls in quality and quantity by the EPA. He said they try to clean it at least two times a year and will monitor it even more.

Mr. Horvat wished Ms. Martin well with her new job and thanked her for everything she has done for the city.

### **Adjournment**

#### **MOTION: To adjourn**

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

The meeting was adjourned at 7:28 p.m.

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George Horvat, President

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Donna Hawks, Clerk of Council