

**City of Aurora, Ohio**  
**CITY COUNCIL**  
**MEETING MINUTES**  
**July 25, 2016**

The Council of the City of Aurora, Ohio met in Council Chambers at City Hall on Monday, July 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  
                  Dennis Kovach  
                  John Kudley, Jr.  
                  Amy McDougald  
                  James Vaca  
                  Scott Wolf

Also Present:   Ann Womer Benjamin, Mayor  
                  Dean DePiero, Law Director  
                  Tim Clymer, Finance Director  
                  John Trew, Director of Public Services  
                  Denise Januska, Director of Planning, Zoning and Building  
                  Jack Burge, Director of Economic and Entrepreneurial Development  
                  Karen Aldredge, Chief of Staff  
                  David Barnes, Fire Chief  
                  Brian Byard, Police Chief  
                  Donna Hawks, 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 July 11, 2016, Meeting minutes**

Mr. Vaca moved; Ms. Grandillo seconded. The motion carried on a 7-0-2 roll call vote. Mr. Horvat and Mr. Wolf abstained.

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

**Mayor's Report**

(Attached)

Mayor Womer Benjamin said she received the County Auditor's certificate for the upcoming levy renewal for the 1.5 mill fire levy and on the agenda. She said the legislation has to be filed with the Board of Elections by August 10. She said her summer newsletter was mailed last week and additional copies are available in her office. Mayor Womer Benjamin said the SR43 and SR82 paving is completed. She said striping, edging and turn signs are still being done. She said the roads are open. She said SR306 in Bainbridge at Beacon Hill Drive is expected to be closed until mid to late August for a culvert replacement project.

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

since the last meeting of Council.

Mr. Vaca suggested bringing back the D.A.R.E. program in the schools. He said when the city begins the striping program he would like to see more right turn only arrows on the north side of SR43 coming into town, in front of Shell North and the ice cream stand.

Mr. Kudley said the time between the paving and striping of the yellow and white lines and the turn lanes, was very long and it created some very dangerous situations. He said the signs and blockades have not all been picked up.

Mayor Womer Benjamin said Mr. Kudley is correct on the delay with the striping. She said she has been on Mr. Trew and he has been on the engineer overseeing the project from the district ODOT and she is grateful they seem to be moving along with the striping.

Mr. Kudley said he knows the administration has no control of the situation.

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

(Attached)

Mr. DePiero chose not read his report.

Mr. Horvat asked the status of ABR Management.

Mr. DePiero explained that in March or April the applicant's attorney indicated he would like to find a resolution via use that the city might agree fits the zoning. He said the city agreed to save the cost of litigation to give them the opportunity to sell the property or to find a use that might fit into the zoning and be acceptable to all parties involved. He said since then, he, Mr. Burge, and Ms. Januska have met with the applicant and their lawyer to talk about uses that would be permitted without a conditional zoning certificate and other potential ideas. He said the case is still pending and his expectation is that the appeal will ultimately be dismissed. Mr. DePiero said it is not to suggest that further litigation may not happen with zoning at some point.

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

(Attached)

### **MOTION: To amend the agenda by adding Ordinances 2016-084 thru 2016-085**

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

### **Citizens Comments - Legislation**

Mr. George Mazzaro, Eldridge Road - commented on Ord. 2016-072 - he said he is not very happy. He said in 2007 he wrote a letter to Council about the issue. He said to date nothing has transpired. He said there needs to be correction in the city's zoning laws. He said Council has legal authority to make sure detention and retention basins are sufficient to prevent any water runoff from the property to adjoining properties. He said there will be a problem with traffic.

### **Councilman Remarks - Legislation**

There were none

### **Legislation**

#### **Ordinance 2016-071**

AN ORDINANCE APPROPRIATING \$163,000.00 FROM THE STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND (#40) FOR CONCRETE AND CURB REPAIR

**MOTION: To adopt Ordinance 2016-071**

Mr. Wolf moved; Ms. Grandillo seconded. The motion carried on a 9-0 roll call vote.

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

**Ordinance 2016-072**

AN ORDINANCE GRANTING A CONDITIONAL ZONING CERTIFICATE TO EAST PIONEER DEVELOPMENT LLC FOR A RESIDENTIAL CONSERVATION DEVELOPMENT LOCATED ON THE SOUTH SIDE OF EAST PIONEER TRAIL WEST OF PAGE ROAD, IN AN R2 ZONING DISTRICT

Mr. Wolf wanted to clarify Council is only approving the CZC and not the final site plan.

Mr. Hatridge said Council has their hands tied with the legislation. He said they must have faith with the Planning Commission and the Building Department to make sure everything is done per the city requirements.

Mr. DePiero said after he came to the city the Mayor asked that he and Ms. Januska look at the Residential Conservation Districts. He said important changes were made by the Planning Director, implemented by Council, which will change how these districts will look. He said this property is not subject to them but they have agreed to abide by many of the changes although they are not required to.

Ms. Januska said the residential development rules were recently changed in the city's code. She said included with the change is the creation of a 75ft. buffer, the city has required single family parcels (condos are not permitted), rear yards cannot go into the 75st. buffer. She said any storm water issues are addressed at the final; this is part of every subdivision regulation and will be looked at closely. She said a traffic study has been done and there will be a final ruling from an outside consultant. She said it will be part of the final site that will go before the Planning Commission and Council.

**MOTION: To adopt Ordinance 2016-072**

Mr. Kudley moved; Ms. Grandillo seconded. The motion carried on a 9-0 roll call vote.

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

**Ordinance 2016-080**

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2017 AMBULANCE FROM HORTON EMERGENCY VEHICLES IN THE AMOUNT OF \$214,098.25 WHICH IS THROUGH THE OHIO STATE TERM PRICING SCHEDULE (#STS233), TAKING THE NECESSARY FUNDS FROM THE FIRE PARAMEDIC LEVY FUND (#39) AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE PURCHASE OF AN EMERGENCY VEHICLE

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

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

**MOTION: To adopt Ordinance 2016-080**

Ms. McDougald moved; Mr. Vaca seconded. The motion carried on a 9-0 roll call vote.

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

**Ordinance 2016-081**

AN ORDINANCE SELECTING THE BID OF AND AWARDING A CONTRACT TO SHALERSVILLE ASPHALT AS THE BEST RESPONSIVE AND RESPONSIBLE BIDDER FOR 2016 BITUMINOUS HOT MIX PURSUANT TO THE BID PRICING ON THE ATTACHED EXHIBIT, TAKING THE NECESSARY FUNDS FROM THE STREET CONSTRUCTION MAINTENANCE AND REPAIR FUND (#40)

To second reading

**Ordinance 2016-082**

AN ORDINANCE SELECTING THE BID OF AND AWARDING A CONTRACT TO HD SUPPLY WATERWORKS LTD. AS THE BEST RESPONSIVE AND RESPONSIBLE BIDDER FOR 2016 CULVERT PIPE PURSUANT TO THE BID PRICING ON THE ATTACHED EXHIBIT, TAKING THE NECESSARY FUNDS FROM THE STREET CONSTRUCTION MAINTENANCE AND REPAIR FUND (#40)

To second reading

**Ordinance 2016-083**

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 (**HAWKS**)

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

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

Mr. Kudley explained that interviews were done for the part-time position and those interviews did not work out. He said it was decided that the pool candidates that remained was not sufficient enough to pursue that avenue anymore. He said after discussing how to proceed with Mr. Horvat and Ms. Hawks it was decided that Ms. Hawks would assume all responsibilities of the office. He said there is a plan for when she is on vacation or out of the office due to illness. He said provisions are currently being looked into for videotaping of the meetings and for an individual to sit in as secretary at meetings if Ms. Hawks cannot be there. He said as a result of this, additional compensation is being asked for the duties Ms. Hawks will be assuming.

Mr. Hatridge asked if the position will be filled in the future.

Mr. Kudley said the plan is not to fill the part-time or full-time position of Deputy Clerk. He said the plan is to go with Ms. Hawks as the Clerk of Council. He said if Ms. Hawks were to leave us or retire it has been decided to go with the same process through the OMCA as there are a lot of qualified Clerks of Council who would want to come to Aurora to work. He said Mr. Horvat and he do not feel compelled to have someone in training to step in if Ms. Hawks were no longer in the position. He said the circumstances have been taken care of for someone to fill in for Ms. Hawks in her absence.

Mr. Hatridge asked if there is a plan to bring someone in should Ms. Hawks be sick.

Mr. Horvat said it would be a part-time person.

Mr. Kudley said an individual that sits in for the receptionist has been contacted and would be willing to come in should Ms. Hawks be out. He said that person would come in for a couple of hour each day. He said we are pursuing internally for an individual who has experience running a meeting, working the equipment, familiar with Robert's Rules of Order and the Charter so that individual can sit in and assist at the Committee of the Whole and at Council meetings. Mr. Kudley said also being pursued is finding a

qualified high school student that can be trained to operate the video equipment on a Monday evening.

Mr. Vaca said he has worked with Ms. Hawks for over 15 years and he is confident that Ms. Hawks is more than qualified and will be able to handle the situation. He said he feels this is the best choice for Council to make.

Ms. Barner said she agrees with Mr. Vaca. She complimented Ms. Hawk's work ethic and said she has done an outstanding job. She said looking at from an economic standpoint, to hire someone part-time would be more expensive. Ms. Barner thanked Ms. Hawks.

**MOTION: To adopt Ordinance 2016-086**

Mr. Kudley moved; Mr. Vaca seconded. The motion carried on a 9-0 roll call vote.

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

NAYS: None

**Resolution 2016-084**

A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF THE RENEWAL OF AN EXISTING 1.5-MILL TAX LEVY FOR THE PURPOSE OF THE PURCHASE OF AMBULANCE EQUIPMENT, OR THE PROVISION OF AMBULANCE, PARAMEDIC OR OTHER EMERGENCY MEDICAL SERVICES OPERATED BY A FIRE DEPARTMENT OR FIREFIGHTING COMPANY, PURSUANT TO SECTIONS 5705.19(I) AND 5705.191 OF THE REVISED CODE, AND DECLARING AN EMERGENCY

**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 said the intent was to have two readings but, because of the time limits placed by State law to have it at the Board of Elections the legislation is being suspended. He said it is to ensure that there are no issues and it will be on the ballot in November.

**MOTION: To adopt Resolution 2016-084**

Mr. Kudley moved; Ms. Grandillo seconded. The motion carried on a 9-0 roll call vote.

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

NAYS: None

**Ordinance 2016-085**

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 (**SCOTT**)

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

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

**MOTION: To adopt Ordinance 2016-085**

Mr. Kudley moved; Ms. Grandillo seconded. The motion carried on a 9-0 roll call vote.

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

NAYS: None

**Citizens Comments**

Mr. George Mazzaro, Eldridge Road, said the Mayor was kind enough to send him a copy of the road report. He said he has a problem that Council has not asked any question regarding the report. He said he has not received a copy of the water report. He said the fire hydrants throughout the city are in serious shape. He said he assumes they will be taken care of in the near future.

**Councilman and Committee Remarks**

Ms. McDougald said she is proud to be a Northeast Ohio resident. She gave kudos to Cleveland and Northeast Ohio for how well the RNC was handled. She said on August 17 she will be arrested for Muscular Dystrophy and taken to Thorn Creek Winery. She said donations can be made at the winery or online.

Mr. Vaca asked when paving will begin of the bad roads. He said the hydrant painting has started on SR43 and it needs to continue. He said the tree ordinance needs to be put into effect as soon as possible.

Ms. Barner said she is very proud of how Clevelanders behaved last week. She said the Ash trees are being cut down on Barrington Blvd. She asked why there are so many Ash trees dying.

Mr. Trew said the Ash Borer is affecting all of the Ash trees in Ohio. He said the city had nothing to do with the trees on Barrington Blvd as that is private property.

Ms. Barner mentioned the gentleman who runs the concession stand at Sunny Lake mentioned it is not his responsibility to care for the restrooms. She said the restrooms were very dirty and unkempt. She said this message needs to be relayed to the appropriate person.

Mayor Womer Benjamin said the City's Road Paving Program is out for bid and they will be coming in this week. She said some of the top roads on the list will be done this summer and some of the others that are in need of repair will be done as well.

Ms. McDougald said nine of the trees on West Parkway fell over due to storms and she asked if they will be replaced this year.

Mr. Trew said he would check with the arborist and see what is left in the budget. He said if something is done it will have to be in September or October.

Mr. Hatridge asked the status of the Sidewalk Repair Program.

Mr. Trew said the specs should be finished this week, it will be advertised for two weeks then have a bid opening and then begin as soon as the contractor is ready.

Mr. DePiero said Planning has reviewed the tree ordinance suggested change and some change to the Planning Code will come forward within the next 30 days.

**Adjournment****MOTION: To adjourn**

Mr. Vaca moved; Mr. Wolf seconded. The motion carried on a 9-0 roll call vote.

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

NAYS: None

The meeting was adjourned at 7:44 p.m.

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George Horvat, Council President

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Donna Hawks, Clerk of Council