

City of Aurora, Ohio
CITY COUNCIL
MEETING MINUTES
August 8, 2016

The Council of the City of Aurora, Ohio met in Council Chambers at City Hall on Monday, August 8, 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
 George Horvat
 Dennis Kovach
 John Kudley, Jr.
 Amy McDougald
 James Vaca
 Scott Wolf

Absent: Harold Hatridge

Also Present: Ann Womer Benjamin, Mayor
 Dean DePiero, Law Director
 Tim Clymer, Finance Director
 John Trew, Director of Public Services
 James Kraus, Director of Parks & Recreation
 Denise Januska, Director of Planning, Zoning and Building
 Jack Burge, Director of Economic and Entrepreneurial Development
 Karen Aldredge, Chief of Staff
 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 25, 2016, Meeting minutes

Mr. Kovach moved; Ms. Grandillo seconded. The motion carried on an 8-1 roll call vote.

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

NAYS: None

Mayor's Report

(Attached)

Mayor Womer Benjamin asked Council to let her know if they did not receive the detailed storm water update. She thanked Council for their consideration of the legislation for the revised job description for the city hall secretary/receptionist position. She said she is happy to say the new transportation program is taking off. She said the feedback has been very positive. Mayor Womer Benjamin paid tribute to former Congressman Steve LaTourette and Federal Judge David Dowd who recently passed away. She said both of them epitomized outstanding public service.

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 said he read the report and he would like to know if the city has plans to fix some of the problems that were pointed out.

Mayor Womer Benjamin said there are a number of projects detailed in the report that were already completed or undertaken. She said the biggest outstanding report is with respect to Geauga Lake. She said she feels they are potential considerations for next year's budget. She said there is also work in Chatham that is being looked at for the budget next year. Mayor Womer Benjamin said it is an ongoing review. She said some of the work cannot be done as it is on private property and is not the city's responsibility.

Mr. Vaca said did not agree with the engineers' thoughts regarding the flood plain on the lot the city owns on Moneta. He stressed the importance of the city doing whatever they can that was suggested in the study and not to let the study sit on a shelf.

Mayor Womer Benjamin said regarding the lot the city owns; it is one of the things there will be an ongoing discussion about. She said engineering calculations do not always align with common sense all of the time. She said there is also the issue of balancing the cost versus the benefits with work that might be done to mitigate storm water issues across the city and certainly in Geauga Lake where the report indicates so much of the land is low. She said it is something she intends to talk about as the budget discussions begin.

Law Director's Report

(Attached)

Mr. DePiero said there are two items to talk about regarding litigation. He said the court upheld the Trial Court's decision in favor of the Aurora Board of Zoning Appeals in the matter of Marks V. the City of Aurora BZA. He said ABR Management LLC has filed a law suit challenging the constitutionality of the current zoning scheme and that it will be addressed in executive session.

Council President's Report

(Attached)

MOTION: To amend the agenda by adding Ordinances 2016-091 thru 2016-095

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

MOTION: To amend the agenda by adding an additional executive session to discuss Union Negotiations with OBPA as item 16

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

Citizens Comments - Legislation

Mr. George Mazzaro, Eldridge Road – commented on Ord. 2016-086 – he asked if it was bid and if there was a trade in on the old system. Ord. 2016-092 – he said he has a serious problem with the paving program. He said he does not understand why the bidder with the low bid for the alternate was not selected. Ord. 2016-095 he said he is very happy the hydrants will be painted. He said he has a problem it did not go out for bid. He said all the hydrants throughout the city need to be done.

Ms. Deb Conti, S. Chillicothe Road – commented on Ord. 2016-095 – she said she is thrilled the hydrants are finally being painted. She asked how many quotes were there for the project. She asked how long will the double coats of paint last. She said the proposal states deposits will be left on the property and asked what is meant by that.

Mr. Horvat said he assumes they are referring to paint chips and rust.

Ms. Conti asked who will be responsible for cleaning the deposits from the lawn.

Mr. Trew replied the company will pick up what they can and do a nice job.

Mr. Wally Swyte, Chatham Drive – commented on Ord. 2016-095 – passed out literature (attached) and explained a revolutionary product, the Plug Hug, made in Ohio that is used to clean and strip the paint off fire hydrants to make them paint ready in minutes. He said it needs to be seriously considered by the city.

Councilman Remarks – Legislation

There were none

Legislation

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 third 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 third reading

Ordinance 2016-086

AN ORDINANCE ACCEPTING THE PROPOSAL OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MIRIFEX SYSTEMS, LLC FOR A DELL POWEREDGE SERVER AND RELATED SOFTWARE LICENSING IN THE AMOUNT OF \$41,509.40, TAKING THE NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT FUND (#60) AND DECLARING AN EMERGENCY AS THE CURRENT EQUIPMENT IS OUT OF WARRANTY

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. George Mazzaro, Eldridge Road, asked why the city did not go out for bid for the server.

Mayor Womer Benjamin said there is a very positive response throughout the city with the way Mirifex not only handles the machines and provides them to us but also with the way they promptly respond when the city has an issue with copier machines or IT systems. She said prices have been compared with competitors and Mirifex has done a better job.

Mr. DePiero read Section 6.02 Contracts and Purchasing in the Charter that states Council can authorize a contract or purchase over \$10,000 when it is in the best interest of the city.

Ms. McDougald said she is concern with the number of items being suspended and voted on this evening.

Mayor Womer Benjamin explained why various items were being suspended.

MOTION: To adopt Ordinance 2016-086

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

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

Ordinance 2016-087

AN ORDINANCE DECLARING AS SURPLUS AND UNNECESSARY CERTAIN PROPERTY LISTED ON THE ATTACHED EXHIBIT, WHICH IS NOT REQUIRED FOR THE OPERATION OF THE CITY, AUTHORIZING THE CLERK OF COUNCIL TO ADVERTISE THESE ITEMS OF PROPERTY FOR SALE VIA AUCTION ON THE GROUNDS THAT IT IS SURPLUS, OBSOLETE, UNNECESSARY, AND OTHERWISE NOT REQUIRED FOR THE OPERATION OF THE CITY

MOTION: To Suspend the rule requiring an ordinance to be read on three separate occasions
Mr. Kovach moved; Ms. Grandillo seconded. The motion carried on a unanimous voice vote.

MOTION: To adopt Ordinance 2016-087

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

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

Ordinance 2016-088

AN ORDINANCE APPOINTING COLLEEN MARTIN AS DEPUTY CLERK OF COUNCIL ON A PART-TIME, AS-NEEDED BASIS, AT A RATE OF \$30.00 PER HOUR TO FILL IN FOR THE CLERK OF COUNCIL IN HER ABSENCE 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. Kudley explained the appointment is one of the steps being taken to make sure there is adequate coverage in the Clerk's office if Ms. Hawks happens to be out. He said this position specifically is to cover meetings only. Mr. Kudley said another facet is he has contacted the high school for students that may be interested in filming the meetings.

MOTION: To adopt Ordinance 2016-088

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

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

Ordinance 2016-089

AN ORDINANCE REPEALING ORDINANCE 2016-067 WHICH ACCEPTED THE QUOTATION AND RENEWED THE CONTRACT WITH VSP (VISION SERVICE PLAN) FOR THE EMPLOYEE VISION INSURANCE PLAN AT THE RATE OF \$18.94 PER MONTH FOR SINGLE COVERAGE AND \$42.87 PER MONTH FOR FAMILY COVERAGE AND DECLARING AN EMERGENCY AS THE CURRENT CONTRACT EXPIRES AUGUST 31, 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.

MOTION: To adopt Ordinance 2016-089

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

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

NAYS: None

Ordinance 2016-090

AN ORDINANCE ACCEPTING THE QUOTATION AND RENEWING THE CONTRACT WITH VSP (VISION SERVICE PLAN) FOR THE EMPLOYEE VISION INSURANCE PLAN AT THE RATE OF \$15.66 PER MONTH FOR SINGLE COVERAGE AND \$35.44 PER MONTH FOR FAMILY COVERAGE FOR THE TIME PERIOD SEPTEMBER 1, 2016 THRU SEPTEMBER 1, 2020 AND DECLARING AN EMERGENCY AS THE CURRENT CONTRACT EXPIRES AUGUST 31, 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. Kovach asked if this is part of the union negotiation.

Mayor wormer Benjamin said this is a better quote that Chapman and Chapman were able to obtain for basically the same coverage.

MOTION: To adopt Ordinance 2016-090

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

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

NAYS: None

Ordinance 2016-091

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FIFTY-TWO MONTH LEASE AGREEMENT WITH MIRIFEX/ACE BUSINESS SOLUTIONS IN THE AMOUNT OF \$326.13 PER MONTH FOR A RICOH MPC3504 COPIER AND A RICOH MPC3004 COPIER FOR THE POLICE DEPARTMENT, TAKING THE NECESSARY FUNDS FROM THE GENERAL FUND (#01), AND DECLARING AN EMERGENCY TO ENSURE THE NEW COPIERS WILL BE INSTALLED BEFORE THE CURRENT LEASE EXPIRES ON AUGUST 31, 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. Kovach asked if there was a trade-in value of the old equipment.

Mr. Horvat said he assumes not as it was a lease as well.

MOTION: To adopt Ordinance 2016-091

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

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

NAYS: None

Ordinance 2016-092

AN ORDINANCE SELECTING THE BID OF, AND AWARDING A CONTRACT TO PERRIN ASPHALT CO. FOR THE 2016 ASPHALT ROAD PAVING PROGRAM AS THE BEST RESPONSIVE AND RESPONSIBLE BIDDER, REJECTING ALL OTHER BIDS, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH PERRIN ASPHALT CO. IN AN AMOUNT NOT TO EXCEED \$609,684.24, TAKING \$500,000.00 FROM THE ROAD AND BRIDGE LEVY FUND (#36), \$100,000.00 FROM THE SEWER CAPITAL FUND (#73), WITH AN ADDITIONAL APPROPRIATION OF \$9,684.24 FROM THE ROAD AND BRIDGE LEVY FUND (#36) AND DECLARING AN EMERGENCY IN ORDER FOR THE CONTRACTOR TO COMPLETE THE REQUIRED WORK BEFORE ASPHALT PLANTS CLOSE FOR THE SEASON

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

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

Mr. Vaca said he does not have a copy of the alternate bid. He suggested the city use the chip and seal process for roads that are bad and not scheduled to be paved this year.

Ms. McDougald said she is glad the city did the rating process. She said she is grateful for the various roads that are being done.

Mr. Horvat asked why it was decided not to do the alternate.

Mayor Womer Benjamin said she along with Mr. Trew identified the roads that needed to be done this year. She said some were based on the scientific evidence and some were based on practical evidence of streets that may be used more often. She said there is \$500,000 for the balance of the asphalt work; \$100,000 of this is in another fund for the sanitary plant road. She said Squires was on the list as the last road that might be done. She said it would have taken us over the budgeted amount significantly.

Mr. Trew reminded everyone that an additional \$390,000 of work was done through ODOT project.

Mr. Vaca said this year the city was tagged because of the state highways. He asked if there is a possibility next year the city will be tagged again for highway funding. He said if not, can more time be put into the streets as it should be.

Mayor Womer Benjamin said the city did not take a hit at all in the SR82 and SR43 project. She said it was a 1.7 million dollar project for which the city invested \$352,000. She reminded everyone that an additional \$350,000 is being held as a match for the California Street Project and there is a concrete budget of \$300,000 in addition to all of this for concrete work.

Mr. George Mazzaro, Eldridge Road, said Council needs to be involved more with the projects.

MOTION: To adopt Ordinance 2016-092

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

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

NAYS: None

Ordinance 2016-093

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN UNCLASSIFIED, PART-TIME SECRETARY/RECEPTIONIST POSITION FOR THE MAYOR'S OFFICE 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.

MOTION: To adopt Ordinance 2016-093

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

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

NAYS: None

Ordinance 2016-094

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 **(DREGER, KENNEDY)**

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.

MOTION: To adopt Ordinance 2016-094

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

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

NAYS: None

Ordinance 2016-095

AN ORDINANCE ACCEPTING THE QUOTATION OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DELTA INDUSTRIAL PAINTING CO., INC. IN THE AMOUNT OF \$20,000.00 FOR FIRE HYDRANT PAINTING THROUGHOUT THE CITY, TAKING THE NECESSARY FUNDS FROM THE WATER CAPITAL FUND (#71) AND DECLARING AN EMERGENCY TO COMPLETE THE PROJECT PRIOR TO THE WINTER SEASON

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.

Mr. Trew said the Plug Hug was looked at. He said the Plug Hug is used on hydrants that do not have storage fittings. He said Aurora's hydrants have storage fittings and the Plug Hug would damage every hydrant the city has. He said they are currently working with the manufacture and are trying to develop a device that would fit over the storage fitting so the Plug Hug can be used.

Mr. George Mazzaro, Eldridge Road, said he appreciates the hydrants are going to be done. He asked why it did not go out for bid.

Ms. Deb Conti, S. Chillicothe Road, said she has no problem with adopting the legislation. She said she is curious how long the painting will last. She asked if the city can lock a price with this company or obtain a better bid if they continue to work with the city so possibly more could be done. She questioned if the hydrants that are done now will still be good when all of them have been addressed.

Mr. Trew explained the numerous items that are detrimental to the hydrants. He said depending on the paint and weather it is possible to get 15-20 years with the paint and epoxy used before they need to be painted again. He said we did not go out for bid as quotes from other cities were extremely high.

MOTION: To adopt Ordinance 2016-095

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

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

NAYS: None

Citizens Comments

Mr. George Mazzaro, Eldridge Road, said there have been more excuses in the past year. He said he has mentioned over and over about fire hydrants needing repair. He said he has seen the storm water report. He said the police department building should be upgraded. He said the gazebo needs a lot of work. Mr. Mazzaro mentioned items that need to be repaired in the parks.

Ms. Deb Conti, S. Chillicothe Road, said the company that paved SR43 did a spectacular job. She said she is pleased with the savings on the vision program.

Mr. Wally Swyte, Chatham Drive, said he anticipated there was a problem with the fire hydrants and using the Plug Hug. He said it is still a revolutionary way of doing things and hopes in the future the city can use it.

Councilman and Committee Remarks

Mr. Vaca said the Plug Hug is a great idea. He asked if the city is interested in using chip and seal.

Ms. McDougald thanked the Mayor for explaining her reasons for suspending legislation. She reminded everyone she is being arrested for MDA and taken to Thorn Creek Winery.

Mr. Trew said the city has done chip and seal in the past. He said the expense with chip and seal and repair of the roads is comparable. He said if the city used chip and seal, by winter there would be many holes still in the road. He said the tar, asphalt and rocks are very unfavorable in many of the developments.

Executive Session to Discuss Litigation

MOTION: Pursuant to Ohio Revised Code 121.22(G) (3) that Aurora City Council adjourn to executive session to discuss litigation – ABR Management LLC v. City of Aurora, LLC

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

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

NAYS: None

Executive Session to Discuss Union Negotiations with OBPA

MOTION: Pursuant to Ohio Revised Code 121.22(G) (3) that Aurora City Council adjourn to executive session to discuss Union Negotiations with the OPBA

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

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

NAYS: None

Council entered into executive session at 8:04 p.m.

MOTION: To return to open session

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

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

NAYS: None

Council returned to open session at 8:23 p.m.

Adjournment

MOTION: To adjourn

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

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

NAYS: None

The meeting was adjourned at 8:23 p.m.

George Horvat, Council President

Donna Hawks, Clerk of Council