

**City of Aurora, Ohio**  
**CITY COUNCIL**  
**MEETING MINUTES**  
**February 26, 2018**

The Council of the City of Aurora, Ohio met in Council Chambers at City Hall on Monday, February 26, 2018 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  
                      Denise Januska, Director of Planning, Zoning and Building  
                      Kris Allen, Executive Assistant to the Mayor  
                      Karen Aldredge, Chief of Staff  
                      Laura Holman, Director of Parks and Recreation  
                      Jack Burge, Director of Economic and Entrepreneurial Development  
                      Brian Byard, Chief of Police  
                      Donna Hawks, Clerk of Council  
                      April Secura, Deputy Clerk of Council

**Consideration of Minutes**

**MOTION:        Approval of the February 12, 2018, meeting minutes**

Ms. Grandillo moved; Ms. Barner seconded. The motion carried on an 8-0-1 roll call vote. Mr. Hatridge abstained.

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

**Portage County Department of Health**

Ms. Mary Helen Smith, Director of Environmental Health  
Ms. Annie Adkins, Nursing Division

Ms. Smith and Ms. Adkins each spoke about their roles in with the Portage County Health Department and the services and programs they provide to the residents.

Mr. Hatridge asked if anyone can walk in for a TB test. Ms. Adkins said you would have to call to schedule so there is a nurse available to give it to you.

Mr. Vaca asked why the representatives were here this evening because normally the city never sees anyone.

Ms. Smith replied that is exactly why they are here. She said they are making an effort to go out to all of the political subdivisions to meet and introduce different people from the staff and to invite you to our District

Advisory Council. She explained the functions of the Health Education Program and Environmental Program.

Mr. Kudley said it is a coincidence Ms. Smith is here as he called her office in the morning and left a voice mail and he hopes she can return his call tomorrow.

Mr. Wolf asked if there is breakdown of what happens in Aurora. Ms. Smith said send there is an annual report they do for the environmental statistics and they can tailor it to our city.

Mr. Horvat asked that Ms. Smith email the document to the Clerk of Council.

Ms. Barner asked how often Aurora uses the services provided by the County. Ms. Smith said she will provide that information with the document Mr. Wolf asked for. Ms. Barner asked if there is a financial requirement for people to use some of the programs. Ms. Smith said different programs do have different income bases to them and some are free.

Mr. Kudley said the county does 64 inspections or consultations of aeration type units in aurora because they need to be checked every year to make sure they are functioning. He said Aurora has close to 1,000 septic systems including the 64 aeration units. He asked how often the county comes out and looks at the other 900 plus septic systems in Aurora to make sure they are functioning.

Ms. Smith said she cannot actually say those were 64 aeration systems they inspected. She said they do site evaluations, sewer reviews, inspections for nuisance complaints, and voluntary inspections for point of sale real estate. She said the legislation states as long as person is maintaining their household sewage treatment system as it is designed and for the people with aeration systems as long as they provide the service contract we do not have the authority to go to their property. She said if someone files a complaint or fails to respond to our letter reminding them to they needed a service contract for those types of systems we send a notice before it expires and after it expires after a month a certified notice saying them to please get it done or we will come out to inspect and charge them for the inspection.

Mr. Kudley said he is talking about traditional septic systems that have a leech field. He asked if the county comes out to inspect those. He said the city does not have the authority to do that.

Ms. Smith said if a person is maintaining their system as it is designed the county does not have the right to your property. She said if someone files a complaint or the fail to maintain the system and we have notified them that it needs to be maintained or we have other legitimate reasons to believe it be causing a malfunction or a public health nuisance then we can go to the property. She said we do not go to all 20,000 sewage systems in the county.

Mr. Hatridge asked how many inspectors are employed in the water program. Ms. Smith said there are 3 people that work in the household sewage treatment system program and in the private water system program. She said it takes about 25% of a person to do their program. Mr. Hatridge asked if all of the inspectors are qualified to inspect every aspect of the water program. Ms. Smith said her goal is to have three of the equally trained to do 10% of the program. Mr. Hatridge asked if a new house is built in Aurora with a septic system who notifies the county. Ms. Smith said the builder. Mr. Hatridge asked if the county then comes to inspect the system. Ms. Smith said yes, you would have to apply.

Mr. Kovach asked what Portage County is doing for influenza.

Ms. Adkins said the flu shot this year was only 30% effective. She said she still recommends getting them.

Mayor Womer Benjamin said she wanted to let Council know she has not seen nor talked to Ms. Smith since last summer.

**Mayor's Report**  
(Attached)

Mayor Womer Benjamin asked everyone to join her in welcoming the new Director to Public Services Mr. Harry Stark. She reminded everyone of the Mayor's State of the City along with the State of the Schools is at the Bertram on Wednesday at 11:30. She said Council will be asked to add to the agenda a proposal for a temporary septic cleaning reimbursement plan. She explained some of the rationale for ending the service. She said the city recently learned they were not in compliance. She said continuing the service would have come much more complicated. She said the city was also subject to potential fines and enforcement by the county and the Ohio EPA. She said the administration recognizes there is a true liability issue. She said the service is being provided on private property and in most cases the city would be liable for negligent acts our employees in performing the service. She provided the history of why the city started providing the service. She said with the inspection requirements there is concern that it would create potential liability if needed repairs were not fixed. She said the city is not in a position to follow up on that. She explained the septic that comes out of septic systems is a lot more toxic than what the normal municipal wastewater plant processes and the processing is not being paid for by the septic users with any kind of sewer fees. She said there are staffing concerns as they would have to increase the staff, increasing the cost as well. She said this will not impact the staff at all. She said records will have to be maintained and they were looking at software upgrade that would cost \$3,000.00 up front along with ongoing fees. She said it is not a typical municipal service. She said there is no guarantee that the service improved water quality since the services was only voluntary by septic users and there was no follow-up or requirement imposed by the city. She said they are looking at means of better insuring other means of septic compliance for state regulations. She said she thinks giving a reimbursement for to septic users to transition them of any of their cost up to \$180.00 for a cleaning over the next few years is a reasonable transition because the city is not equipped to offer the service.

Mr. Vaca said the program was initiated because the EPA was getting on the city. He said the program has worked quite well as far as he is concerned. He said it keeps the city in tune with who is doing what. He said if you take it away those that cannot afford having their septic cleaned will not have it done and then there will be a problem in the ditches. He said the city should continue the program.

Ms. McDougald said she does not think it is a money issue it is a liability issue. She said the liability is huge and that is the reason no other city does this and it is foolish for the city to take on this liability. She said she does feel some sort of accountability is necessary. She does like the idea of reimbursement.

Mr. Kovach said he agrees with Mr. Vaca He said the program works well, its budgeted and he believes the wastewater plant can handle it.

Mr. Kudley said more than a money and liability issue not having this program will be a major health issue to the community. He said there is nearly a 1,000 residential septic systems in the community that makes up 15% of the households. He said if no one is inspecting them there is no way of telling of a system is failing unless someone tells on someone else. Mr. Kudley said if the county is not stepping up nor do they have the ability or the manpower to do that the system in place now provides at least some means of accountability for it and being able to tell which system are failing and which are not. He said to eliminate the program in its entirety is a violation in what he believes is the city's duty to protect the health, wealth and safety of the community. Mr. Kudley explained that a little over a week ago there were selective residents that received a letter saying effective immediately the septic cleaning program is terminated. He said he did not know about the letter until a resident called him about the letter. He said in order to receive the letter you tank had to be cleaned in the last four years. He said the letter did not go out to all of the septic users and nor would they know that the program is coming to an end until they called the city to arrange a cleaning and would be told the program no longer exists. He said he feels the notification should go out to all users and not just a select few. Mr. Kudley explained the city was in the process of being in compliance with Portage County when the application proce4ss was stopped by the administration. He said the technician that cleans the sceptics and knows the truck had taken the certification test in July; passed it and was ready to go. He said as a septic user, yes, he did get compensation when we were paying for the bond issue that expired. He said when it expired we went to the voluntary system where the city would come and do it and we as septic uses were still paying and would pay \$180.00. He said were not getting anything for free it was not coming out of the city's pocket.

Ms. Grandillo asked Ms. Smith if residents send a letter every two years to the county stating their septic had been cleaned and if they don't send it they receive a notice from the county.

Ms. Smith said no, but they will eventually have to look towards that. She said they do not have the right to inspect all of the systems in Portage County unless they have probable cause. She said probably cause is failing to maintain it; a written nuisance complaint; an anonymous written complaint to the EPA who then sends it to the county; or the county finds and notices a discharge when they are doing their storm water inspections. She said they are working on a program that teaches septic users how to operate their sewage treatment system. She said eventually all homeowners will have an operating permit; they'll have information from the county that states what they believe to be the sewage treatment system on their property; and the county will provide the best management practices of how to take care of it. She said they recommend a system be pumped on average of every three years. She explained why those with an aeration system are a higher maintenance sewage treatment system and must have an annual service contract. She said a letter is sent to the homeowner annually to remind them they have to get the service contract and they need to maintain that system. Ms. Smith said they work really hard to make sure the homeowners get the service contract so they do not have to come out to see if it is causing a public health nuisance.

Mr. Wolf asked if a private contractor comes into the city expected to send a letter to county informing them what they have done.

Ms. Smith said the contractor has to be registered with any county they do business. She said there is not a requirement in the sewage treatment system rules that a service provider that is coming to your property give the county a copy of the report. She said the presumption is the manufacturer said my system works this way, he is trained by the manufacturer, they tell the county which units they are able to take care of and the presumption is he is providing the service he is required to provide and give it to you. She said a septic hauler is required to fill out a state form and mark the condition of the tank and outlets. She said they are required within 30 days of pumping to give it to the county. She said in all of the ones they have received only two that were a public health nuisance and a train wreck. She explained the intent of the report is to educate the homeowner that the system is starting to deteriorate and to plan ahead for when it needs to be replaced.

Mr. Wolf asked if the city has the ability to institute a policy that would require service providers that fill the form out and give it to the county also give a copy to the city.

Ms. Smith said to ask the Law Director for a legal opinion if the city could supersede what the rules require in terms of who the document is given to. She said all of the documents are public record and you could ask for a list.

Mr. Hatridge said his main concern is the health issue. He said if the city and portage county is not doing how will we know if a system is failing. He asked how much it cost to comply. He explained how the septic waste is processed. He said the city specifically bought trucks for this process and it seems we have everything to do the work.

Mr. Kudley said he is concerned the administration did not know this was in the Codified Ordinances until after the letter went. He said he brought it to Mr. Frisbee's attention the Monday after the letter went. Mr. Kudley stated the program cannot stop without Council action.

Mayor Womer Benjamin said it was delineated as a program previously but it is not at the present time. She said it something the community uses on a voluntary basis; tie does not insure the safety of our waterways. She said the Law Director and Service Director are researching what the city can do to protect the waterways in the future. She said in the meantime the liability is a clear, clear issue.

Mr. Kudley stated it is in the codified ordinances there was a resolution passed in 2009. He said the language in the title states that the septic cleaning program was semantically changed to a voluntary program. He said it is a matter of words; we are playing with word games; we have a program and it is in the 2018 budget. He said it is in the 2018 appropriations separate line item 7400 called Septic Cleaning.

Ms. McDougald said she would like to put the Law Director on the spot regarding liability.

Mr. DePiero said he has looked at this and he thinks we could require and should require proof every three years be submitted to the city. He said he questions whether we can go on the property to inspect. He said he has concerns with the report form with regards to the reporting requirements and the liability it would put on our employees. He explained governmental functions and proprietary functions and said regarding proprietary functions are usually not performed by government; and we do not have immunity for negligence of an employee. He said one of the concerns he has the city is going on private property and performing a service that is generally performed by private entities and we lose our governmental immunity if the employee would be negligent in the operation and something would happen. He said the city could choose to have the program but because of the loss of governmental immunity on of the best protection the city has it may put the city a precarious situation. He said he drafted legislation to try and figure out a way to alleviate the concerns because there is a public health risk to bad septic tanks. He said he drafted legislation to try and take the liability off the city and but help create the plan of reimbursement. He said if Council does pass legislation like this he thinks the city should put requirements like other cities have that they should be cleaned on a regular basis probably every three years and include a reporting requirement to the city.

Ms. Barner said with sprinkler system there is a back flow program in place. She said a fee is paid every year to a private company for it to be conducted. She said the city provides a list of private plumbers who come out to check and make sure it is done. She said she lived elsewhere in the city where she had a septic system. She said things change and we have to be cognitive of being compliant and the safety of our residents.

Mr. Kudley said while the city may go in the direction of abandoning the program he talked with Mr. DePiero another alternative. He said his first preference is to stay with the city program and we become compliant. She said it seems the emphasis on the report sheet is not as severe as we thought it be since nothing is done with it at the county basis. He said as a septic user, even though the bond issue was paid off some of our tax dollars still goes towards the water and sewer in the city. He said he feels the city has had obligation to fulfill the 15% of the residents of the residential properties of Aurora. He said perhaps we have a program with a private hauler clean the septic tanks at the reduced rate of the \$180.00 they currently pay. Mr. Kudley said he still thinks the city is still within our abilities to have the system as it is working now. He said there are other alternatives besides what the Mayor has proposed by strictly eliminating this program than abandoning the 15% of the residents of Aurora.

Mr. Horvat asked the Mayor for the next meeting to come up with what the city needs to do to become compliant and to be licensed.

Mayor Womer Benjamin said she did not abandon the licensing. She said there was an employee that had taken the test and passed it. She said after that the certification never happened. She said there is an inspection of the vehicle is required. She said there realized the service was not being well administered; the records are not entirely clear. She said there are 600 who have regularly used the service. She said if the city were to continue the program they would have to get a computer program to help manage delivering the service and that is around \$3,000 to \$9,000 up front along with annual fees. She said along registering and ongoing training and for liability reasons a second employee would be needed and licensed with training. She said the efficiencies are just not there. She said with the employees cost, administrative costs and software we are up to \$85,400 per year. She said the city gets maybe \$86,000 a year and that does not include the wear on the system. She said that cost alone to provide a service that may be viable does not include of the wear tear on the equipment and sanitary plant.

Mr. Kudley said he has a 22 page document from the Service Department that lists every septic system whether they are a regular system, monthly pull system, or aeration. He said it includes when they were or were not cleaned back to 1994.

**Law Director's Report**  
(Attached)

Mr. DePiero did not read his report.

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

(Attached)

**MOTION: To amend the agenda by adding Ordinances 2018-039 thru 2018-047 from Committee of the Whole and Ordinance 2018-048 from the Mayor, Grandillo & Wolf**

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

### **Citizens Comments – Legislation**

Mr. Dan Montez, Bissell Road, commented on Ord. 2018-048 – he said he has a septic system and was surprised when he received the letter from the city. He said regarding Mr. Kudley not receiving the letter that he assumes there others did not get the letter as well. He suggested that a letter is sent to everyone on the list that Mr. Kudley has. He said everyone will be affected by this. Mr. Montez said included with his letter was a list of 20 septic cleaning providers. He said he does not feel it should be up to him to call these people; it should be done by the city. He said regarding the need for a program to track the users and cleanings that anyone can build an Excel spreadsheet you do not need \$3,000 for that. He said a letter should tell the all septic users to attend the meeting to inform them what is coming up. He said he would be more than happy to come to a meeting and listen to what is going to affect him. He said maybe people with septic tanks would be willing to contribute to the fees for becoming in compliance.

Mr. Larry Hodson, Mustang Pass, commented on Ord. 2018-048 – he said he is also a septic user. He said he heard the Law Director say it may cause problems legally. He said that is what insurance is for. He asked if there is a reason the city would not carry insurance for such a thing or are they not insurable. He said the buyback dollars is a lot of money and you could pump a lot of stuff with that. He asked if anyone knows where the private haulers dump the waste; do they bring it to the City's facility. Mr. Hodson said he assumes the burden on the system is caused by the new neighborhoods going in. He said the individuals with septic systems live out in the sticks. He said they do not use the skate board parks and all the other things they are being taxed for. He said somebody should look at it with the numbers.

Ms. Deb Conti, S. Chillicothe Road, commented on Ord. 2018-048 – she asked if the program could be put into a subcontract program where the city subcontracts with other people so the liability will be on the contractor and not the city. She said that way the residents would have the work done by the city. She said she did hear we are the only city that currently offers something like this but she finds that to be outstanding that we offer a program that the other cities do not.

### **Councilman Remarks – Legislation**

Mr. Vaca commented on Ord. 2018-048 – he said he recalls when this first started in the 90's the haulers gave the city a break because the effluent is taken to our plant.

### **Legislation**

#### **Ordinance 2017-179**

AN ORDINANCE APPROVING AND ADOPTING A MASTER PLAN FOR THE CITY OF AURORA

**MOTION: To accept the Addendum and Edits recommended from the Committee of the Whole**

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

**MOTION: To adopt Ordinance 2017-179 as amended**

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 2018-024**

AN ORDINANCE AUTHORIZING THE PURCHASE OF (3) 2018 FORD EXPLORER POLICE INTERCEPTORS FROM LEBANON FORD, AT A COST OF \$86,232.00, LESS THE TRADE IN ALLOWANCE OF \$14,000.00 FOR (1) 2009 CROWN VICTORIA, (1) 2013 FORD POLICE INTERCEPTOR SEDAN, AND (1) 2014 FORD POLICE INTERCEPTOR SEDAN CURRENTLY OWNED BY THE CITY, FOR A NET COST OF \$72,322.00, TAKING THE NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT FUND (#60) AND DECLARING AN EMERGENCY IN ORDER TO HOLD PRICING

**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 2018-024**

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

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

NAYS: None

**Ordinance 2018-025**

AN ORDINANCE AUTHORIZING THE PURCHASE OF A COT LOADING SYSTEM FROM STRYKER EMS EQUIPMENT IN THE AMOUNT OF \$26,282.00, TAKING THE NECESSARY FUNDS FROM THE FIRE PARAMEDIC LEVY FUND (#39) AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE PURCHASE OF EMERGENCY EQUIPMENT TO INSTALL IN THE NEW AMBULANCE THAT IS CURRENTLY BEING MANUFACTURED

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

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

**MOTION: To adopt Ordinance 2018-025**

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

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

NAYS: None

**Ordinance 2018-035**

AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF MR. JOHN A. DEMER AS HEARING EXAMINER TO AURORA'S PARKING VIOLATIONS BUREAU AND ESTABLISHING HIS COMPENSATION AT \$250.00 PER HEARING SESSION, DECLARING AN EMERGENCY TO ENSURE THE CONTINUITY OF THE PARKING VIOLATIONS BUREAU IN ACCORDANCE WITH AURORA CODIFIED ORDINANCE CHAPTER 353

To second reading

**Ordinance 2018-036**

AN ORDINANCE ACCEPTING THE PROPOSAL OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH, CHAGRIN PET, GARDEN & POWER EQUIPMENT SUPPLY INC. IN THE AMOUNT OF \$12,169.00, THROUGH THE STATE BID LIST, FOR THE PURCHASE OF A SCAG TURF TIGER MOWER, TAKING THE NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT PUBLIC SPACE FUND (#63), AND DECLARING AN EMERGENCY SO THE EQUIPMENT CAN BE READY TO USE BY THE SUMMER SEASON

To second reading

**Ordinance 2018-037**

AN ORDINANCE ACCEPTING THE PROPOSAL OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH, BAKER VEHICLE SYSTEMS IN THE AMOUNT OF \$18,035.00, THROUGH THE STATE BID LIST, FOR THE PURCHASE OF A SMITHCO INFIELD GROOMER WITH ATTACHMENTS, TAKING THE

NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT PUBLIC SPACE FUND (#63), AND DECLARING AN EMERGENCY SO THE EQUIPMENT CAN BE READY TO USE BY THE SUMMER SEASON

To second reading

**Ordinance 2018-038**

AN ORDINANCE APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT FILED BY CLAYTON E. JR. AND MARILYN A. PREISING

**MOTION: To schedule a public hearing for March 12, 2018 at 7:00 p.m.**

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

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

NAYS: None

**Ordinance 2018-039**

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 (**ALLEN, MARTIN**)

**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. Kudley stated that after the morning agenda meeting revised employees generally was submitted; he wanted to thank the councilman who brought it to the administrations attention that Ms. Martin was not being treated appropriately and raised the amount from \$21.00 to \$23.00.

Ms. Deb Conti, S. Chillicothe Road, said she appreciates the comments made earlier. She asked how much notice an employee must give the city that they are retiring from their positons.

**MOTION: To adopt Ordinance 2018-039**

Ms. McDougald 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 2018-040**

AN ORDINANCE APPROPRIATING \$7,250.00 FROM THE FIRE PARAMEDIC LEVY FUND (#39) TO REFLECT A \$7,250.00 GRANT RECEIVED FROM THE STATE OF OHIO BUREAU OF WORKERS' COMPENSATION FOR THE PURCHASE OF FIREFIGHTER PROTECTIVE HOODS

To second reading

**Ordinance 2018-041**

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 MAYOR TO ADVERTISE THESE ITEMS OF PROPERTY FOR SALE VIA AUCTION ON THE GROUNDS THAT THEY ARE SURPLUS, OBSOLETE, UNNECESSARY, AND OTHERWISE NOT REQUIRED FOR THE OPERATION OF THE CITY

To second reading

**Ordinance 2018-042**

AN ORDINANCE ACCEPTING THE PROPOSAL OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GPD GROUP IN THE AMOUNT OF \$49,850.00 TO PROVIDE ENGINEERING AND LANDSCAPE ARCHITECTURAL DESIGN SERVICES FOR (4) BASEBALL FIELDS, (2) SOCCER FIELDS, AND PARKING LOTS AT HARTMAN FARM, TAKING THE NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT FUND (#60), AND DECLARING AN EMERGENCY IN ORDER TO BID THIS PHASE OF IMPROVEMENTS AS SOON AS POSSIBLE

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

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

**MOTION: To adopt Ordinance 2018-042**

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

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

NAYS: Vaca

**Ordinance 2018-043**

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2018 STARCRAFT ALLSTAR XL 24+2 WHEELCHAIR BUS FROM BUS SERVICE INCORPORATED, AT A COST OF \$84,824.00, LESS THE TRADE IN ALLOWANCE OF \$7,000.00 FOR (1) 2006 BUS CURRENTLY OWNED BY THE CITY, FOR A NET COST OF \$77,824.00, TAKING THE NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT FUND (#60) AND DECLARING AN EMERGENCY IN ORDER TO HAVE THE BUS AVAILABLE AS SOON AS POSSIBLE FOR THE CITY'S SENIOR PROGRAMS

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

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

**MOTION: To adopt Ordinance 2018-043**

Mr. Hatridge 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 2018-044**

AN ORDINANCE AUTHORIZING THE MAYOR TO RETAIN THE LEGAL SERVICES OF BRICKER & ECKLER, LLP PURSUANT TO THE TERMS SET FORTH IN THE ATTACHED ENGAGEMENT LETTER AND DECLARING AN EMERGENCY TO ENSURE THERE IS NO DELAY IN LEGAL REPRESENTATION

To second reading

**Ordinance 2018-045**

AN ORDINANCE AUTHORIZING THE MAYOR TO RETAIN THE LEGAL SERVICES OF MCDONALD HOPKINS LLC PURSUANT TO THE TERMS SET FORTH IN THE ATTACHED ENGAGEMENT LETTER AND DECLARING AN EMERGENCY TO ENSURE THERE IS NO DELAY IN LEGAL REPRESENTATION

To second reading

**Ordinance 2018-046**

AN ORDINANCE RATIFYING AN AGREEMENT WITH WSOS DCOMMUNITY ACTION COMMISSION, INC. IN AN AMOUNT NOT TO EXCEED \$47,216.64 TO PROVIDE GIS SERVICES FOR THE CITY OF AURORA FROM FEBRUARY 1, 2017 THROUGH DECEMBER 31, 2019, APPROPRIATING THE NECESSARY FUNDS FROM THE WATER FUND (#70) AND THE SEWER FUND (#72) AND DECLARING AN EMERGENCY TO COMPLY

WITH THE TERMS OF THE AGREEMENT

**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 2018-046**  
Ms. McDougald moved; Mr. Hatridge seconded. The motion carried on a 9-0 roll call vote.

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

**Ordinance 2018-047**

AN ORDINANCE AUTHORIZING THE PAYMENT OF \$49,023.09 TO THE OHIO DEPARTMENT OF TRANSPORTATION ("ODOT") FOR COSTS ASSOCIATED WITH THE STATE ROUTE 43/82 RESURFACING PROJECT APPROPRIATING THE NECESSARY FUNDS FROM THE ROAD AND BRIDGE LEVY FUND (#36) AND DECLARING AN EMERGENCY TO CLOSE OUT THE PROJECT

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

Mr. Kovach asked how the City bills ODOT for the salt. Mayor Womer Benjamin said ODOT provides the salt the City does not pay for it.

**MOTION: To adopt Ordinance 2018-047**  
Ms. McDougald 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

**Ordinance 2018-048**

AN ORDINANCE AMENDING AURORA CODIFIED SECTION 921.33(C) "RESIDENTIAL SEPTIC SYSTEMS" OF THE CITY OF AURORA TO OFFER A THREE-YEAR PARTIAL REIMBURSEMENT FOR RESIDENTIAL SEPTIC CLEANING BY PROVIDING A ONE-TIME REIMBURSEMENT OF CERTAIN SEPTIC CLEANING COSTS TO ANY RESIDENTIAL PROPERTY OWNER WITH A SEPTIC TANK FOR THE COST THAT EXCEEDS \$180 FOR A CLEANING, UP TO \$180 OF REIMBURSEMENT, APPROPRIATING THE NECESSARY FUNDS FROM THE SEPTIC CLEANING FUND (#74) NOT TO EXCEED \$100,000 OVER THE THREE-YEAR TERM AND DECLARING AN EMERGENCY

To second reading

**MOTION: To send a letter from the city to all residential septic users on the 22 page document from the Service Department that indicates the individuals that have some type of septic system that is not directly tied into the wastewater treatment plant informing them that the city is contemplating a change the way in which the septic cleaning program is handled**  
Mr. Kudley 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

Mayor Womer Benjamin asked if the motion could be changed because the City does not necessarily know everyone.

Ms. McDougald asked if can only be sent that has used the city system in the past 10 years be notified.

Mr. Kudley said it has to be all because we know who they are. He said he would not amend it to exclude anybody.

Mr. Kovach said there must be a list someplace that Mr. Frisbee used and combine that with what Mr. Kudley has so that the city can reach everyone.

### **Citizens Comments**

Mr. Dan Montez, Bissell Road, asked if the city could get a list of septic users from the county. He said it should be documented someplace.

Mr. Larry Hodson, Mustang Pass said it sounds as if the city is going to give \$180.00 to 1,000 people which are only half the amount it costs to get your tanks pumped. He said most people have two tanks and are charged \$180 - \$210 per tank. He said it sounds like big numbers the city is going to pay if they are paying \$180 to 1,000 people. He said it might be cheaper for the city to do it.

Mr. Roger Justus, Kimberly Drive, said he has a septic system and it has been working great. He said all of his neighbors are on septic and the system that is in place is with the city has been working great and you need to keep it.

Ms. Deb Conti, S. Chillicothe Road, said she agrees with the comments she has heard. She said she wonders if there people in the city that may have cleaned their systems on their own and not notified the city. She suggested including in the letter on your own to contact the city. She said a great job was done on the new sidewalks.

Mr. Mark Shoff, SR82, said when the city cleans the septic it is disposed of properly, a private company may dump it off at the top of a hill somewhere.

### **Councilman and Committee Remarks**

Mr. Vaca said it is time to thank the city for a few things. He said the street lights were repaired that he complained about. He thanked the Service Department for trying to keep up with the potholes. He suggested a motion should be made to send Ord. 2018-048 for discussion. He said thanks for the repairs on SR43. Mr. Vaca said he feels Ord. 2018-048 should go back to the Committee of the Whole for discussion and said he would make the motion.

### **MOTION: To send Ord. 2018-048 back to Committee of the Whole for further discussion**

Mr. Vaca moved; Mr. Kovach seconded. The motion carried on a 5-4 roll call vote.

AYES: Hatridge, Horvat, Kovach, Kudley, Vaca

NAYS: Barner, Grandillo, McDougald, Wolf

Mr. Hatridge commended Mr. Frisbee on for quickly responding to his call regarding potholes. He welcomed Mr. Stark.

Mr. Kovach commented on Ord. 2018-042 – he asked where the cross country track is that is supposed to be designed. Mr. Horvat said it is not in that plan.

Mr. Kudley said since Ord. 2018-048 has been referred back to the Committee of the Whole he asked Council to forward any questions to the administration to Ms. Hawks.

Ms. McDougald asked what reading Ord. 2018-048 will be on when it comes back to Council. Mr. Horvat said it will be on second.

Mayor Womer Benjamin said she wants Council to know that she had submitted the legislation to the

Committee of the Whole for inclusion on their agenda and it was not included.

Mr. Kudley said it was going to be brought up at the agenda meeting but the Mayor went and got two sponsors Friday afternoon for this piece of legislation and that negated it being put on the Committee of the Whole agenda.

**Adjournment**

**MOTION: To adjourn**

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

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

NAYS: None

The meeting was adjourned at 8:49 p.m.

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George Horvat, Council President

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Donna Hawks, Clerk of Council