

City of Aurora, Ohio
CITY COUNCIL
MEETING MINUTES
March 12, 2018

The Council of the City of Aurora, Ohio met in Council Chambers at City Hall on Monday, March 12, 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
 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
 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
 Harry Stark, Director of Public Services
 David Barnes, Fire Chief
 Brian Byard, Chief of Police
 Donna Hawks, Clerk of Council
 April Secura, Deputy Clerk of Council

Consideration of Minutes

MOTION: Approval of the February 26, 2018, meeting minutes

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

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

NAYS: None

Public Hearing for Ordinance 2018-038 from City Council: AN ORDINANCE APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT FILED BY CLAYTON E. JR. AND MARILYN A. PREISING

Mayor's Report

(Attached)

Mayor Womer Benjamin said Council will be asked to endorse an amendment to Ord. 2018-048 that is being proposed, adding to the reimbursement proposal a provision to secure by RFP a preferred provider of septic cleaning services along with a reporting requirement to the city to better protect the waterways. She clarified this is for cleaning only.

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 regarding cleaning services and reporting requirements to protect the waterways he suggested adding forever and ever.

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 2018-051 thru 2018-057

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

Citizens Comments – Legislation

Mr. Robert Galaska, Jr., Towline Road, commented on Ord. 2018-048 – he said more information should have been given to the residents. He said with the remaining funds from the levy the septic owners should be given one more pump out. He said there was a levy for water and sewer and the septic people were paying taxes for something they did not use and the deal was they would get their septic cleaned. He said it concerns him there is 900 plus people on septic and Council should also be concerned with that. He said his voice got cut off now that Mr. Kudley and his Ward Councilman cannot vote. He said there are two at Large Council that can vote but the individuals that he elected cannot. He said if you come back with another tax levy for water and sewer there will be a heavy toll to be paid. He said EPA will not come in and help. He explained an instance of a neighbors failing system where the county and EPA would not help. He said he contacted Mr. Trew and he stepped in and the city put some pressure on the county and the neighbor had to fix it. He said if you want to put something in place to make sure the waterways stay clean, no problem. He said to make sure it is fair. He said there are families with a limited budget and senior citizens on a limited budget. He said it was difficult to explain this to his elderly parents.

Mr. Larry Hodson, Mustang Pass, commented on Ord. 2018-048 – he said he found out the wastewater treatment plant is not being over taxed, it is at 75%. He said he found the cost associated with becoming compliant and it is not a lot. He said the big thing is the liability and the city has insurance. He said another thing was a software program that costs \$3,000.00 - \$9,000.00; with the new addendum it sounds like the city is going to use the program. He said a license will still be needed to hold sludge. He said the one plant was built to hold sludge. He said nothing on the septic discussions from the last meeting was in the Aurora Advocate.

Ms. Deb Conti, S. Chillicothe Road, commented on Ord. 2018-048 – she said a great job has been done talking about all of the components. She referred to the amendment included in the packet. She said if number 2 in the amendment is just notifying people she does not have a problem with that. Ord. 2018-051 – she said appreciates the moratorium on short term rentals. Ord. 2018-054 – she said she looked at the list of duties and was impressed with the list of projects. She said she appreciates that this was included in the 2018 budget.

Ms. Jane Smilanich, Mustang Pass, commented on Ord. 2018-048 – she said she wants the city to continue the program for as long as possible. She said she is a widow, on a fixed income, and it is important to her. She said the system the city has, has been terrific. She said it is important to her because every dollar counts for her. She said she has a feeling that some of the money from the General Fund goes towards the water and sewer plant and somewhere along the line she is paying for someone else's flush.

Ms. Donna Pisanelli, Page Road, commented on Ord. 2018-048 – she said a sprinkler system is not the

same as a septic system; we have to have a septic system. She said they are not looking to have repairs done to their systems, they pay for those. She said cleaning is maintenance and that is protection of the general welfare of the entire city. She said as a taxpayer she is looking to be on parity with all of the residents that have sewers. She said one reimbursement is not sufficient. She said a lot of money was spent to purchase the truck several years ago. She asked what will be done with the truck; if it is sold will the funds from the sale be used to help the residents with their septic cleaning. Ms. Pisanelli said \$15,000 was spent on Frisbee Golf. She suggested the city spend its money wisely and take care of the residents rather than guests to a park.

Mr. Carl Ward, N. Chillicothe Road, Commented on Ord. 2018-048 – he said when he built his house the city did not offer water and sewer where he lives and it still does not offer it. He said his taxes on his house are equal to someone that lives within the city limits inside of the sidewalk area. He said when he moved in he received free service to have his system pumped every two years. He said a record is kept and every two years he is sent a notice. He said the city bought a truck and then \$180.00 was accessed and now the administration wants to take it away and he still pays the same tax on his property that one pays inside the sidewalk area. He asked how is that fair to residents like him.

Ms. Cindy Hodson, Mustang Pass, commented on Ord. 2018-048 – she said she appreciates the comments made regarding liability. She asked if there has ever been a liability issue in the 18 years the city has been pumping.

Mr. Horvat asked how the wastewater treatment plants are funded.

Mr. Clymer said the water and sewer operations are paid for by the fees the water and sewer users pay to the city. He said general tax dollars and property tax, income tax do not go to the water and sewer operations. He said there was an instance within the past few years there were some major waterline replacements through the city's Operations Fund which is entirely funded by transfers out of the General Fund. He said an argument could be made in that instance that general tax dollars were used to help some of the water infrastructure. He said in terms of operations the water and sewer enterprises are self-sustaining.

Mr. Horvat asked if there is a plan for the truck.

Mayor Womer Benjamin said the truck is used to hauled sludge for the wastewater treatment plants. She said to haul sludge there are no requirements for licensing.

Councilman Remarks – Legislation

Mr. Vaca commented on Ord. 2018-055 he said he will abstain because his nephew is on the list. Ord. 2018-048 – he said he does not want it to be fast tracked. He said it needs to be done right. He said if it is not the way he thinks it should be it will not go beyond third reading. He said the people need to be protected in the best way. He asked if the VAC truck is the one with the hose that runs over the top.

Mr. Stark said no, the VAC truck is the larger truck that is used for catch basin work, removing soils out of holes. He said the septic truck is different.

Mr. Vaca said Council must make sure it is done right.

Mr. Wolf commented on Ord. 2018-048 – he said in reference to the resident that asked for parity, he pays \$800.00 a year in sewer fees. He said he does not want the resident on parity with him and that is why the legislation has been brought fourth and why the RFP will be put in place.

Mr. Horvat asked Mr. DePiero to comment on the liability question.

Mr. DePiero said he is not aware of any claims that have been made. He said the Ohio Revised Code gives cities governmental immunity if the city is conducting governmental functions; services most cities provide. He said the septic cleaning would fall under not a governmental service but a proprietary function and be treated differently for the governmental immunity statute. He said on a proprietary function an employee's negligence would make the city liable. He said the city has good insurance and because the claims are low the city has kept the amount of money they pay down.

Mr. Kudley read a statement that explained why he and Mr. Kovach must abstain from any discussion or voting on Ordinance 2018-048. (See attached) He apologized to his constituents for being unable to pursue the resolution of this issue and hopes his fellow Council members will act in the best interest of the community.

Ms. McDougald commented on Ordinance 2018-048 - she said it was great to see everyone in attendance. She explained the tax breakdown. She said 20% of property taxes go to the city.

Mr. Wolf commented on Ordinance 2018-048 - he said if the city issues an RFP and a preferred vendor comes in and handles the systems, if they are damaged or there is a liability issue that relates to them the Law Director /City can step in on the side of the resident and help litigate against any of the damages. He said if the city is the vendor and there is damage it would be the resident against the city. He said the liability is first and foremost his concern.

Mr. Kovach commented regarding Mr. Kudley's statement, he apologized to his constituents for being unable to continue to pursue resolution of this issue and hopes his fellow Council members will act in the best interest of the community. He said he will abstain from future considerations of Ord. 2018-048. He said he feels his oath of office is not being followed and he feels bad about that.

Mr. Kudley commented on previous legislation regarding the BZA and potentially adding individuals to that board. He said an ad hoc subcommittee was formed to investigate that. He said the subcommittee met on three separate occasions. He said a thorough investigation was done and through research a complete chart of cities across the State of Ohio was compiled of how they handle the appeals process. He said the majority appeal any decisions to the Common Pleas Court. He said members of the BZA were invited to attend a meeting to share the operation procedures of the board. He said after much discussion of the subcommittee a recommendation was made and passed 3-1 to leave the makeup and the process of the BZA as it currently is in the ordinances.

Legislation

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 third 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

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

Ms. Grandillo moved; Ms. Barner seconded. The motion carried on a 7-1 roll call vote.

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

MOTION: To adopt Ordinance 2018-036

Ms. Grandillo moved; Ms. Barner seconded. The motion carried on a 7-1 roll call vote.

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

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

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

Ms. Grandillo moved; Mr. Wolf seconded. The motion carried on a 7-1 roll call vote.

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

MOTION: To adopt Ordinance 2018-037

Ms. Grandillo moved; Mr. Wolf seconded. The motion carried on a 7-1 roll call vote.

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

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

To third reading

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

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 2018-040

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

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

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

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.

Ms. Deb Conti, S. Chillicothe Road, asked if the surplus equipment is radios and if they could interfere with the current police radios we have.

Chief Byard said yes, they could. He said you need the frequency to program into the radios and that is why a lot of agencies are going digital to a Marc radio which you can listen and scan but cannot communicate. He said every agency except two in Portage County use the digital format. He said they are very careful who they sell to.

MOTION: To adopt Ordinance 20118-041

Ms. McDougald 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 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 third 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 third reading

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 third reading

MOTION: To amend by replacing with the proposed legislation provided by the Law Department

Ms. Grandillo moved; Mr. Wolf seconded. The motion carried on a 6-0-2 roll call vote. Mr. Kovach and Mr. Kudley abstained.

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

NAYS: None

ABSTAIN: Kovach, Kudley

Mr. Vaca asked if it could be changed from three years to permanent.

Mr. DePiero explained the legislation is written the reimbursement would extend through December 31, 2020. He said the process by which the City will continue to get the value pricing through RFP will go December 31, 2022. He said it also indicates in the legislation the Council and the Mayor by legislation can extend that period.

Mr. Vaca said he is still not satisfied with that; this is something that has to be carried on forever.

Mr. DePiero said that would be a policy decision that would be decided upon by the Administration and Council.

Mr. Horvat suggested he, Mr. Vaca, Mr. DePiero and the Mayor meet to come up with different language.

Ordinance 2018-049

AN ORDINANCE ACCEPTING THE PROPOSAL OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH AMERICAN FIREWORKS IN THE AMOUNT OF \$17,500.00 TO PERFORM THE CITY'S JULY 4TH FIREWORKS PROGRAM, TAKING THE NECESSARY FUNDS FROM THE RECREATION FUND (#78)

To second reading

Ordinance 2018-050

AN ORDINANCE ACCEPTING THE PROPOSAL OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH FINE LINE COMMUNICATIONS, INC. IN THE AMOUNT OF \$21,000.00, FOR THE INSTALLATION OF 6 STRAND SINGLE MODE FIBER LINES BETWEEN MULTIPLE CITY BUILDINGS, TAKING THE NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT FUND (#60)

To second reading

Ordinance 2018-051

AN ORDINANCE IMPOSING A MORATORIUM, UNTIL DECEMBER 31, 2018, ON THE OPERATION OF ANY SHORT TERM (LESS THAN 30 DAYS) RESIDENTIAL REAL ESTATE RENTAL IN THE CITY OF AURORA AND DECLARING AN EMERGENCY

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 unanimous voice vote.

Mr. Vaca asked if this is still happening in other cities or is it being stopped.

Mr. DePiero said cities are enacting the moratorium to create good legislation. He said the more desirable a community is where this is happening. He said he feels it is prudent to do something with it. He said a community he is familiar with has had some police activity. He said that has not happened in Aurora but we want to prevent that from happening.

MOTION: To adopt Ordinance 2018-051

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 2018-052

AN ORDINANCE AUTHORIZING THE PURCHASE OF A KUBOTA M5-091HDC ENCLOSED CAB TRACTOR

WITH A DIAMOND 75" DSF075-C MOWER ATTACHMENT FROM MENTOR MFG, IN THE AMOUNT OF \$62,783.00, WHICH IS GOVERNMENT PRICING THROUGH THE NATIONAL JOINT POWERS ALLIANCE, TAKING THE NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT FUND (#60) AND DECLARING AN EMERGENCY IN ORDER TO HAVE THE EQUIPMENT AVAILABLE FOR USE IN THE SPRING

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 6-2 roll call vote.

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

NAYS: Kovach, McDougald

MOTION: To adopt Ordinance 2018-052

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

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

NAYES: Kovach

Ordinance 2018-053

AN ORDINANCE AUTHORIZING THE PURCHASE OF SECURITY CAMERAS AND DVR EQUIPMENT FOR THE POLICE DEPARTMENT FROM DETECT ALARM SYSTEMS, INC. IN AN AMOUNT NOT TO EXCEED \$10,145.00, TAKING THE NECESSARY FUNDS FROM THE CAPITAL IMPROVEMENT FUND (#60) AND DECLARING AN EMERGENCY IN ORDER TO COMPLETE THE SECURITY UPDATE IN A TIMELY MANNER

To second reading

Ordinance 2018-054

AN ORDINANCE AUTHORIZING THE REINSTATEMENT OF ONE OF THE PART-TIME ENGINEER POSITIONS TO FULL-TIME WITH A SALARY RANGE OF \$50,605.00-\$97,520.00 AND DECLARING AN EMERGENCY IN ORDER TO KEEP UP WITH THE DEMANDS OF THE CITY'S ENGINEERING NEEDS

To second reading

Ordinance 2018-055

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 (**PARKS MAINTENANCE, FIELD CREW, BUS DRIVER**)

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

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

MOTION: To adopt Ordinance 2018-055

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

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

NAYS: None

ABSTAIN: Vaca

Ordinance 2018-056

AN ORDINANCE ACCEPTING THE DONATION OF TWO (2) PEDIATRIC BAGS FROM UNIVERSITY HOSPITALS, VALUED AT \$1,100.00 EACH, FOR USE BY THE FIRE DEPARTMENT AND DECLARING AN

EMERGENCY TO HAVE THE SAFETY EQUIPMENT AVAILABLE FOR USE BY THE DEPARTMENT AS SOON AS POSSIBLE

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

MOTION: To adopt Ordinance 2018-056
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 2018-057

AN ORDINANCE IMPOSING A MORATORIUM, NOT TO EXCEED SIXTY (60) DAYS ON THE ISSUANCE OF ANY PERMITS FOR THE ACTIVATION OR INSTALLATION OF ANY SYSTEM, STRUCTURE, EQUIPMENT, OR DEVICE FOR THE OPERATION OF DISTRIBUTED ANTENNA SYSTEMS (DAS), SMALL CELL TECHNOLOGY, OR NODES FOR COMMUNICATION PURPOSES WITHIN THE CITY OF AURORA 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. DePiero said it is expected that the State Legislature will be passing an amendment to the original legislation that was placed into effect which severely curtailed municipalities like Aurora on Home Rule with regard to the regulation of these types of towers within the community. He said in expectation of that he is asking for a short extension to the original moratorium.

Ms. Deb Conti, S. Chillicothe Road said this is for entertainment services that have now created a new model of getting them into the home.

Mr. DePiero said it relates to communication, data, voice, and video.

Mr. Wolf said it is a wireless service in general. He said they will throw small cell wireless towers up; people coming through will access their wireless and a lot of it is data driven.

MOTION: To adopt Ordinance 2018-057
Mr. Wolf 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. Larry Hodson, Mustang Pass, said using the Law Director to direct votes is going down a slippery slope to legally stop someone from voting to get one's way. He said he does not think that neither Mr. Kudley nor Mr. Kovach would do something because it is going to enrich them. He said the big deal is how this was handled; it was curt. He said he can afford to have his stuff hauled off; what ticks him off is how it was done.

Ms. Deb Conti, S. Chillicothe Road, asked what an RFP is. Mr. Horvat said a Request for Proposal.

Mr. DePiero said he would like to respond to Mr. Hodson's inference that he tried to direct the vote. He said he takes his job very seriously and it is his job to render opinions and to make sure the laws and ordinances and the Charter is being followed in the community. He said one of his important jobs is to

make sure that the ethical criminal statutes are followed. He said he takes his job seriously and people can vote the way they want to vote; but when he is asked for an opinion and the opinion indicates that they should not, they can choose to follow his advice or not. He said he believe these gentlemen are following the right advice. He said they are not precluded from voting.

Mr. Robert Galaska, Jr. said he is glad the legislation is going to third reading. He said there is a lot to digest especially for the residents. He said it is a touchy subject for a lot of people. He said he served on Council and he knows that separating personal feelings on matters is difficult at times. He said Council is not elected to give your personal opinions of what to do; you were elected by the people, for the people to represent their wants and needs, not your own.

Councilman and Committee Remarks

Mr. Vaca said Orchard Avenue was just paved and there are cracks already coming already in it. He said he got complaints about the traffic light at Moneta. He said he timed the light and it took a minute and a half. He said it needs to get set in a minutes.

Ms. McDougald said the Law Director works for the Mayor and Council. She said she has asked for his advice many times. She gave a breakdown of property tax percentages and where they go. She said a very little of what is in the General Fund comes from property taxes; the majority comes from industry. She said the Levy which was the reason the program was put in place has expired.

Mr. Kudley said if you pay income tax to the City of Aurora you are also supporting improvements in the city one way or another through your tax dollars. He said to Mr. Clymer he was taking a look since the city has been replacing a lot of water lines they are paid from the Sewer and Water Fund but since 2015 for the Old Allotment the city spent \$1,126,000.00 out of the General Fund.

Mr. Clymer said indirectly from the General Fund it was paid out of Fund 52 the City Operations Fund which does not have funding outside of General Fund transfers.

Mr. Kudley said he would like to know what Mr. Stark plans to do with expensive surplus city equipment that the city will no longer be using.

Mr. Kudley said the Aurora Historical Society beginning in May before Memorial Day and running through the end of the year is sponsoring an exhibit called Saluting Aurora's Military Veterans. He said there will be a wall of honor and service and are asking veterans to contact the Historical Society and send a photo of yourself in your military uniform at the time of service, the type of service you were in; your MOS; and a quote of what you thought about your service. Mr. Kudley stated us as a Council and he as an individual thank you for your service. He said they will also take any items that military veterans would want to loan or donate to the museum during the exhibit. He said the grand opening will be on Thursday, May 17. He said it something they are really excited about and that it is long overdue that they honor the veterans. He said members of the VFW and the American Legion will be the honored guests that night.

Ms. Grandillo said she wanted to echo what Ms. McDougald said as far as Mr. DePiero. She said he is Council's lawyer also. She said she has consulted with him many times possible conflicts of interest so there is no hint of impropriety. She said Mr. Kudley and Mr. Kovach do have septic systems so it is better to watch our ethics than not.

Mr. Kovach said he voted no Ord. 2018-036 and 2018-037 is he would like to see things go back to three readings and on Ord. 2018-052 Mr. Vaca brought up about the arm of the tractor reaching to cut the grass. He said he thought the Director was supposed to get to him before we bought it. He thanked the residents that came out for the septic.

Adjournment

MOTION: To adjourn

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

The meeting was adjourned at 8:19 p.m.

George Horvat, Council President

Donna Hawks, Clerk of Council