

**City of Aurora, Ohio**  
**COMMITTEE OF THE WHOLE**  
**MEETING MINUTES**  
**March 12, 2018**

The Committee of the Whole 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. Committee Chairman John Kudley, Jr. called the meeting to order at 6:00 p.m.

**ROLL CALL**

Present:       Reva Barner  
                  Kathi Grandillo  
                  George Horvat  
                  Dennis Kovach  
                  John Kudley, Jr.  
                  Amy McDougald *arrived at 6:06*  
                  James Vaca  
                  Scott Wolf

Absent:         Harold Hatridge

Also Present:  Ann Womer Benjamin, Mayor  
                  Tim Clymer, Finance Director  
                  Dean DePiero, Law Director  
                  Justin Czekaj, Engineer  
                  Kris Allen, Executive Assistant to the Mayor  
                  Harry Stark, Director of Public Services  
                  Laura Holman, Director of Parks and Recreation  
                  Karen Aldredge, Chief of Staff  
                  Jack Burge, Director of Economic and Entrepreneurial Development  
                  David Barnes, Fire Chief  
                  Brian Byard, Police Chief  
                  Donna Hawks, Clerk of Council  
                  April Secura, Deputy Clerk of Council

**APPROVAL OF MINUTES**

**MOTION:       Approval of the February 26, 2018, Meeting minutes**

Ms. Barner moved; Ms. Grandillo seconded. The motion carried on an 8-0 voice vote.

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

NAYS:         None

**NEW BUSINESS**

**MOTION:       To amend the agenda by adding Donation of Pediatric Bags as “item f”**

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

**Establishing a Moratorium Prohibiting Short Term Residential Real Estate**

Mr. DePiero asked the committee to support a resolution to impose a moratorium until December 31, 2018 for short term rentals; commonly known as the Air B&B Industry. He said a number of Law Directors in northeast Ohio have been discussing this issues as they become more prevalent. He said they are collectively drafting legislation to address the short term rentals and how to deal with them. He said in the interim he is asking for a reasonable moratorium in order to draft the proper legislation to protect the property values of the community.

Mr. Vaca said he submitted an article from a Cleveland paper. He said the City of Cleveland is in the same predicament. He said Aurora may want to follow what they are doing.

Mr. Kudley asked if it is known where the B&B's are operating in the city. Mr. DePiero said he knows; and from time to time he gets information regarding them; but, the city has nothing in place to regulate them.

**MOTION: To forward to Council this evening for consideration**

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

**Kubota Cab Tractor and Flail Mower Attachment Purchase**

Mr. Stark said the purchase is for a mower and tractor. He said the current tractor is a 1992 with an open cab design. He said there have been a lot of problems with it over the last several years and has been out of service off and on over the last couple of years. He said they are looking to buy a closed cab which provides better safety for the employees. He said the existing mower will also be traded in or placed on egov.

Mr. Vaca said the present mower is limited to what it can do. He said it does not reach far out. He asked if the new mower will have the capability to reach further than the old one. Mr. Stark said he would get back to Mr. Vaca with that information. Mr. Vaca said he would like that information before the new one is purchased.

**MOTION: To forward to Council this evening for first reading**

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

**Additional Cameras to Complete Building Security Project**

Chief Byard said the project was started in 2017. He said they are currently trying to transition their cameras from the city server onto an independent DVR system to free up space for IT. He said as they progressed into the project they learned that some of the older cameras were not compatible with the new DVR system and some were just old and needed an upgrade. He said it is anticipated the cost will be over by a couple of hundred dollars.

**MOTION: To forward to Council this evening for first reading**

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

**Reinstating Part-time Engineer Position to Fulltime**

Ms. Aldredge said there have been numerous conversations about the need to move one of the part-time engineers to fulltime. She said last year the city was lucky to get two part-time professional civil engineers. She explained that professional engineers require more extensive training. She said when they were hired last year it was discussed with one of them the possibility of becoming a fulltime employee this year. She said she was budgeted to start fulltime in April.

Ms. McDougald asked the net cost of what the city was paying for part-time versus fulltime. She asked for some indication of what the city could charge for these services that might offset some of the cost.

Ms. Aldredge said the current part-time employees are making \$38.00 an hour. She said the individual that will be moved to fulltime is working 30-35 hours a week. She said the benefit add will be approximately \$28,000 a year and her hourly rate will be lowered. She said she is starting in April so it will not be for a full calendar year.

Mr. Vaca cautioned the housing boom is not going to last forever.

Ms. Aldredge said that is the nature of all of the positions within the city; it depends on what is happening and what the economy is doing.

Ms. Barner asked if there will still be a part-time engineer. Ms. Aldredge said yes.

**MOTION: To forward to Council this evening for first reading**

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

**Employees Generally**

Ms. Aldredge said they are currently interviewing seasonal staff. She said on the employees generally includes four people that are returning and their pay is based on what season they are coming back. She said they were able to get another recreational bus driver to help supplement all of the trips being done with the seniors.

**MOTION: To forward to Council for consideration this evening**

Mr. Wolf moved; Ms. Grandillo 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

**Donation of Pediatric Bags**

Chief Barnes said University Hospital is prepared to donate two pediatric bags for two old cots. He said the cots are worth \$450.00 if he sold them; the bags are worth \$1,100.00 each.

**MOTION: To forward to Council this evening for consideration**

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

**MISCELLANEOUS**

**Discussion of Ord. 2018-048**

Mr. Kudley read a statement explaining why he and Mr. Kovach must refrain from voting or participating in discussions relating to the proposed legislation. (See attached) He apologized to his constituents for being unable to continue to act in the best interest of the community.

Mr. Kovach apologized to his constituents for not being able to continue pursuing a resolution of this issue. He said he hopes his fellow councilmen will act in the best interest of the community. He said he will abstain from future consideration of Ord. 2018-048.

Mr. Kudley asked Ms. Grandillo to facilitate the remainder of the meeting.

Mr. Vaca said he does not know where this came from but it is a real farce. He said everyone has someone on septic.

Mr. DePiero said what the opinions indicate in his analysis is not his ruling, but, the ruling of the Ohio Ethics Commission is that anyone with a septic system that is a council member is not to participate or vote. He said it is his job to make sure the elected officials in the city are abiding by the ethical rules.

Ms. McDougald said the main concern is the liability issue. She said also there needs to be a way of following who is cleaning and when, so everyone feels the water supply is safe and we are not harming the neighbors nearby. She said it is two separate issues that need to be considered.

Mr. Horvat asked how the memo with the amendment for 2018-048 distinguishes from our current policy.

Mayor Womer Benjamin said the administration has been giving a lot of thought to this after having discussions with members of Council and also members of the community. She said with the Service Director and Law Director has considered a variety of options not only to ease the transition for septic owners but to also limit the city's potential liabilities. She said the Service Director concurred that what was being done with the city actually cleaning peoples septic system did not protect the city's waterways. She said the proposed amendment includes the reimbursement of the cost up to \$180.00. She said it includes that from time to time the Service Director will issue an RFP to secure a preferred vendor to provide cleaning service only for the residential septic system owners. She said they are proposing to do that for up to five years, but Council can certainly revisit that. Mayor Wormer Benjamin said in addition, we are requiring that all property owners with septic systems have them cleaned at least every three years and have their contractor certify that cleaning to the Service Department and they will create a database and keep track of the cleanings. She said beyond what was done when the city was providing the cleaning service we plan to send out a notice to people when their septic's are due for cleaning with the three year interval. She said it eliminates the liability of going on private property and doing it ourselves; it alleviates the administrative past cost and hassle of becoming a qualified septic hauler; it provides an ongoing amenities and service for those with septic's and creates a system of reporting so the city has an idea what is out there to protect the waterways.

Mr. Horvat asked Mr. Stark if he had an idea what the cost would be going forward and if it will be a competitive bid.

Mr. Stark said he has had number of conversation with septic haulers in Portage County about doing the bid process and they had stated that if we work with them; and they know they will be dealing with 600 plus homes in the community, they can give the city a bulk discounted rate that we would be able to work with.

Mr. Vaca asked what does time to time mean.

Mr. DePiero said it means that after consultation with the service director if we feel the vendor has provided good service and pricing we will continue to stay with that vendor. He said if we feel they were not providing good service we may decide to go out every year rather than every two to get a

good price. He said the idea is to bring the cost down so the city's reimbursement to residents will also be lower so it benefits everybody.

Mr. Vaca said he wants to make sure the residents have this service forever. He said one resident said the city spent thousands of dollars on sidewalks they will never use. Mr. Vaca said it is time to spending thousands of dollars on the residents that do not live in the center of the city or in a 2 mile ring.

Mr. Wolf said explained his reason for sponsoring the legislation. He said the state legislators changed the regulations in 2015. He said from that point forward the city was not compliant; we had no service in Aurora and we were in violation. He said this Council never put legislation in place that allowed the administration to go out and get compliant and they were never asked to do that either. He said his standpoint is the city has been in violation since 2015 and we are not going to be in a position to get compliant because the septic systems on private property are private sewer systems. He said continuing the program would be similar to the city compensating the individuals who pay \$85.00 every year to have their backflow inspected. His said it also would be similar if the city financially reimbursed residents that have their sewer lines snaked from the street to their homes. He said the city going on private property to service the septic systems puts the city at risk. He said getting an RFP and negotiating a set rate; and getting someone that does this for a living and is certified; makes a lot more sense than the city trying to continue doing something they should not be doing. He said there are people that wanted to be here tonight that have septic systems that do not want the city to continue cleaning them and do not use the city service. Mr. Wolf said the best position going forward is to get the city out of the cleaning business; get a negotiated rate; and give the residents the opportunity to transition over the new system over the next three years.

Ms. Grandillo said she sponsored the legislation as well. She said the keyword is noncompliance; the fact that the city would lose immunity if someone got hurt on private property. She said it is very important that cities have governmental immunity. She said she hopes with the new Service Director we can get something worked out that everyone can be happy with.

Ms. Barner said she once had a septic system and she understands where everyone is coming from; but things change and the city is not compliant. She said she now lives in another neighborhood with a sprinkler system and she has to have her backflow inspected every year. She said if she does not do that she is fined. She said the city is putting something place that we should look at and consider and will benefit everyone in the city and our waterways.

Mr. Vaca asked how will we know who is on septic systems and how will we keep up with this. He asked if there will be a data bank set up. He said unless someone has a new system the county will not come out and inspect them so how will the city know. He said it should be in the legislation that everyone is notified every first, second and third year. He said we as a city should be able to monitor what is going on in our ditches. He said if an individual does not do something after three years then the city should be able to contact the EPA and then they can go after them.

Mayor Womer Benjamin said paragraph 3, under the septic cleaning agreement; requires the septic owners to have the systems cleaned not greater than three years. She said second the property owner is to have the company certify to the city that the system has been cleaned; and third the city will enter into a database documenting septic cleaning certifications and notify each property owner 30 days prior to the expiration of the three year interval. She said this is taken from varieties of ordinances that were looked at. She said the city currently has a database of just over 900 septic

systems. She said the requirements, the reimbursement, and the reporting, hopefully will give incentive to those that do have sceptics to take action and come forward.

Mr. Horvat asked how long it would take to get the program underway.

Mr. Stark said the database could be set up within a month; and then to send the RFP's and to get proposals back around 45 days.

Ms. Barner asked how long ago the program started. She said it sounds very similar to the backflow program. Mayor Womer Benjamin said the city does do RFP's for backflow.

Ms. McDougald asked if someone choses to use a different provider than the one selected by the city will they still be reimbursed and will the different provider still need to communicate with the city so we are aware of who is getting it done.

Mayor Womer Benjamin said whether they use our provider or not they are still required to have the cleaning and provide the city with the certification. She said as for the reimbursement that is a one-time cleaning, but yes.

Mr. Vaca said one provider would probably give a better deal because they would have the whole city. He said if the process the waste we may get even a better break. He said he does not feel the city will get every user. He said there needs to be a concrete system in place.

Mayor Womer Benjamin said currently we call people to subscribe to voluntary cleaning but there are no guarantees. She said with this they will need to have their systems clean to comply with our ordinances; we have the certification; the whole point of putting the system in place is to protect our waterways.

## **ADJOURNMENT**

### **MOTION: To adjourn**

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

The meeting was adjourned at 6:57 p.m.

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John Kudley, Jr., Chairman

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Donna Hawks, Clerk of Council