

City of Aurora, Ohio
2014 CHARTER REVIEW COMMISSION
MEETING MINUTES
April 29, 2014

The 2014 Charter Review Commission of the City of Aurora, Ohio met in Council Chambers at City Hall on Tuesday, April 29, 2014 for the purpose of holding a regular public meeting. Commission Vice Chairman Dale Moravec called the meeting to order at 6:33 p.m.

ROLL CALL:

Present: William Keckan
Charisse Louis
Dale Moravec
Nancy Schnell
Liz Sutter
Mary Thomas
Richard Vlasak

Absent: Jane Adams
Dr. Larry Oswick

Also Present: Ann Womer Benjamin, Mayor
Robert Paul, Finance Director
James Kraus, Parks & Recreation Director
Dean DePiero, Law Director
Donna Hawks, Clerk of Council

Consideration of Minutes

Mr. Keckan indicated an error on page 3, second paragraph; "division" should be changed to "percentage."

MOTION: Approval of the March 31, 2014 Charter Review Commission Meeting minutes as amended

Ms. Schnell moved; Ms. Thomas seconded. The motion carried on a unanimous voice vote. Mr. Vlasak abstained.

Present Review Process – Testimony by Mayor, Finance Director and Parks & Recreation Director

Mayor Womer Benjamin thanked the Commission for their willingness to serve. She said the Charter is the rules by which she operates. She said there are still a couple of areas she would like to see amended and is currently working on those with the Law Director and will address them at the next meeting.

Mr. Keckan asked about the recommended addition to the Charter regarding interim directors. Mayor Womer Benjamin explained the Charter does not provide for the Mayor to appoint interim directors, but does allow for the mayoral elect to appoint directors and assistant directors during the time from the election through January 1. She said she thought that to be a bit unwieldy as it is very hard to act quickly in the allotted six weeks. Mayor Womer Benjamin said there was a person that she did not renew and was not able to replace by January 1. She said the Law Director came up with the solution of passing an ordinance for an interim director for that department. Mayor Womer Benjamin said having the authority to appoint an interim provides flexibility and makes things easier for the operations of the city.

Ms. Thomas asked the amount of time that was set for the interim person. Mr. DePiero replied 90 days without approval of Council. Ms. Thomas asked if that was enough time. Mayor Womer Benjamin said she feels the time is reasonable and it is something Council would accept. Mayor Womer Benjamin stated to pay the interim person would require Council approval. Mr. Moravec stated 90 days would be the Mayor's authorization to appoint someone and once they are appointed the interim person could still be

in their job until the other person is ready to begin. Mayor Womer Benjamin said yes, and with official interim title it does not lead one to believe that they are advancing.

Mr. Moravec asked the Mayor her opinion of the requirement of more than 2/3 vote of Council to change a recommendation from the Planning Commission. Mayor Womer Benjamin said with all due respect to the Planning Commission, to her it is ironic and a bit inappropriate that they are singled out for the highest number of votes being required, even above suspending the rules or overriding the mayor. She said it does not make sense and is not appropriate. Mayor Womer Benjamin stated what the Planning Commission does is important, but that she firmly believes what they do need is to be balanced by what the administration might recommend through the Planning, Zoning and Building Department operations and by what Council might ultimately recommend. She said the Planning Commission is not part of the administration and is an independent body. She said she feels that checks and balances need to be reinforced and they should not be given that kind of power. She said a 2/3 vote is sufficient and recommends removing "more than." She said it is a super majority that is the same for suspending the rules and overriding the mayor.

Mr. Moravec asked the Mayor her opinion of the amendment to 3.15. Mayor Womer Benjamin said the mayor has the authority spelled out in Article V to establish new departments or divisions with the approval of Council. She said she is suggesting making 3.15 and Article V parallel by adding to 3.15 "the Council along with the Mayor" may establish . . . in any manner deemed necessary. She said it was not suggested to add power to the mayor it was to make the two provisions more consistent.

Mr. Moravec asked if it is appropriate for the Charter Review Commission to address a change in the Charter relative to transitional or new retirement systems for city employees. Mayor Womer Benjamin replied that the state and federal government govern what those programs are for public employees. Mr. DePiero said it is not an appropriate issue for the Charter Review Commission.

Mr. DePiero suggested that the Mayor comment on council and mayoral vacancies. Mayor Womer Benjamin explained that once she was elected in November had she resigned from council before the end of December a special election would have had to occur. She said special elections are expensive and take a lot of time and effort. She said it is difficult getting voters out for a general election let alone a special election. She said it makes a lot of sense to find another way to fill those vacancies that would be less costly to the community and changing the procedure would work.

Mr. Moravec asked if the city necessitates 6 ward councilmen and 3 at large councilmen for a city this size. Mayor Womer Benjamin said she has not done a survey of other cities and does not know what they do in terms of the number of people on council. She said it is not a political battle that she wants to take on.

Mr. Vlasak asked where the important financial issues are dealt with in the Charter. Mayor Womer Benjamin said there are provisions regarding the Financial Department in the Charter but most of it is done by ordinance. She said a lot of the details should be left to ordinance as some of those needs and requirements change very quickly and they cannot be met fast enough by having to go to the ballot to change the Charter.

Mayor Womer Benjamin said the Planning, Zoning & Building Department is a very important department within the city and it is only mentioned in passing in the Planning Commission section of the Charter. She said she is working with the Law Director to address the department in its own section.

Mr. Paul introduced himself to the Commission and provided a brief summary of his department's accomplishments since he has been with the city. He explained the budgeting process and stated it is a conservative way to budget and has proved to be very successful and that the city is sitting on a great deal of reserves. He explained the committee process for financial matters and stated there is always Council action on any major financial activity of the city. He said that the normal financial activity is governed by the Charter such as setting the bidding limits.

Mr. Moravec asked if there is a need for a citizen oversight commission of financial people to oversee what Council and the Finance Director do. Mr. Paul said the city has an Audit Committee and Investment Committee.

Mr. Vlasak stated not mentioning the financial situation to a greater degree in the Charter may be doing the citizens a disservice. He said it is really important to get the message to the community we are as responsible as we are. He said given the situation in Washington and the 17 trillion dollar deficit he cannot believe that will not trickle down. Mr. Paul stated the city cannot have debt and if the city cannot balance their budget and keeps running into deficits year after year the state will step in.

Mr. Keckan stated there was a suggestion relative to a paragraph in the Charter that has to do with appropriations and the budget sequence. He said the recommendation is to amend budget timing to accommodate timing with the auditors. He asked the origin of that suggestion. Mr. Paul explained the city does not control their finances. Mr. Paul said the state grants the county the ability to control the city. Mr. Paul said every year the city files with the county an estimate income, what their cash on hand is and they grant the city the ability to spend those dollars. He said the County is overseeing all of the cities and townships within its jurisdiction. Mr. Paul said the city budget is passed effective February 15 and at year end his department is scrambling to close the books and to report what cash the city has on hand. He said if there is additional income listed that has not yet been reported to the county the city cannot spend those dollars; and if Council approves the budget and its in excess of what has been reported to the county then the city is in violation of the law. Mr. Paul said the February 15 deadline for passing the budget is very difficult for the city and he suggests moving the deadline date to the end of February. Mayor Womer Benjamin said this dilemma came to light this year because the new Administration was so efficient and Council was so cooperative in getting the budget passed.

Mr. Keckan asked regarding councilmatic bonds if a 20% cash reserve is a common percentage for a city the size of Aurora. Mr. Paul said Aurora is the only city he knows of that puts a reserve in place for a bond issue. Mr. Moravec asked if the cash reserve should be increased to 30%. Mr. Paul said no. Mr. Moravec read a portion of the proposed constitutional amendment, Issue I. He asked if it should be included in the Charter. Mr. Paul said he does not think it is necessary.

Mr. Keckan asked Mr. Paul his opinion of increasing the bid limit threshold. Mr. Paul said the State Auditors asked ten years ago why the city was not at \$25,000. Mr. Paul explained the purchasing system. He said most of the individuals are lifelong residents and have the best interests for the city. He said it is his opinion the city has a very good system. Mr. Moravec asked if there has been any abuse over the years. Mr. Paul replied none whatsoever. Mr. Paul said \$10,000 is nothing today. He explained the bid process and the amount of time. He said the process in place works very well and recommended following \$25,000 but indicated various surrounding cities that follow the state recommended amount.

Mr. Kraus introduced himself. He provided his opinion regarding the bid process and the bid bond requirement. He feels increasing the bid limit is the right thing to do. He said the limit as it is now prohibits others from bidding on projects because they cannot meet the bid bond requirement. Mr. Paul

added most small business will not bid on a project because a bond for them is a nightmare. Mr. Paul said large businesses are awarded the projects because of this. Mr. Paul said there is always the possibility we are overpaying the larger companies. Mr. Kraus said when he makes a purchase for just under \$10,000 he will still get multiple quotes. He said although it is not a requirement he feels trying to get the best price is the right thing to do. Mr. Moravec asked Mr. Kraus if a recommended change were made to Council would he still try to obtain the best price. Mr. Kraus said he would.

Mr. Moravec read a note from Dr. Oswick indicating why he asked Mr. Kraus to attend the meeting. He said Dr. Oswick feels the description for Parks and Recreation is inadequate. He stated that Mr. DePiero said he will review the Codified Ordinances as it relates to recreation, senior issues and parks. Mr. Moravec asked Mr. Kraus what he would like the Commission to consider recommending to Council as far as changes to the Charter. Mr. Kraus said the Charter for Parks & Recreation is fairly simple and outlines basically everything.

Mr. Moravec asked if connectivity and bike paths fall under parks. Mr. Kraus stated that Parks & Recreation is a division under Public Service. Mr. Kraus explained those things are covered under the Division of Public Service and to further put those under Parks & Recreation is redundant. Mr. DePiero referenced Article XIII, Planning Commission and Zoning Procedure - 13.03 - Powers and Duties he said it talks about the Planning Commission and the items and areas they oversee. Mr. DePiero said there is some overlap. He said the Commission's thoughts are well taken but he is not sure how to encapsulate them into Article X.

Mr. Kraus spoke briefly about his budget. He said as a city, Aurora is in a unique situation as they own a significant amount of green space that typically cities do not own. He talked about the Parks & Recreation Board and the Recreation Advisory Committee and their responsibilities.

Mr. Moravec asked if there should be something in the Charter addressing county parks. Mr. Kraus said there are no county parks in Aurora. Mr. Kraus said something in the Charter would not allow the flexibility to work with surrounding entities.

Ms. Lois said she has a concern with expanding green space. Mr. Kraus said he is fine with it as it allows the city an option to in the future purchase a piece of property that may be a good opportunity. He said changing the Charter would prohibit that. Ms. Lois said she is looking at it from a business perspective. She said the additional taxes may discourage small businesses from Aurora.

Mr. Moravec asked Mr. Kraus if he is comfortable with the process he goes through with City Council and franchising operations. Mr. Kraus said he is. Mr. Kraus said the Charter for Parks and Recreation are fairly simple and allows for flexibility.

Mr. Vlasak asked questions regarding the country club acquisition and the city's obligations. Mr. Kraus briefly explained his experience with the properties that the city has acquired. Mr. Kraus said there is not a lot that the city is permitted to do and the maintenance is minuscule with the golf course property.

Review all Articles

It was decided that the Commission will meet next on Thursday, May 29, at 6:30 p.m. at that time the Commission will review the recommended changes. It also was decided that the last meeting will be Monday, June 16 at 6:30 p.m.

Citizens Comments

Ms. Rita Scott, East Garfield Road, informed the Commission of her past experiences with commissions and committees that she has served on. She warned them that Council may remove some of their suggestions. She asked if the Commission has considered inclusion of a primary election and term limits. Ms. Scott suggested to the Commission considering the possibility of a volunteer fire department. She said with Sea World and Geauga Lake gone the need for a full time department is not as great. She cautioned against having a massive Reserve Fund and suggested to the Commission they think about how the city can rebate the Reserve Fund back to the citizens.

Mr. George Mazzaro, Eldridge Road, commended the Commission for doing a great job. He suggested not changing the Charter regarding special elections when a vacancy is filled with over two years in the term remaining. He said that the \$10,000 limit for purchasing should remain. He stressed the importance of following the bid process. Mr. Mazzaro discussed green space and the opportunity to obtain trees free through the federal government. He said there needs to be a plan for the green space. Mr. Mazzaro briefly explained his interpretation of the Council Rules to the Commission.

Adjournment

MOTION: To adjourn

Ms. Louis moved; Ms. Thomas seconded. The motion carried on a unanimous voice vote.

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

Dale Moravec, Vice Chairman

Donna Hawks, Clerk of Council