

Sponsor: Planning Commission
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-113

INTRODUCED BY: Scott Wolf

SECONDED BY: Brad Duguay

AN ORDINANCE GRANTING EXCEPTIONS FOR AURORA CODIFIED ORDINANCES 1109.04, 1109.05, 1113.02, AND 1116.06, TO WALDEN CO. LTD. LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH BISSELL ROAD AND WEST PIONEER TRAIL, IN A PD PLANNED DEVELOPMENT DISTRICT

WHEREAS, Walden Co. Ltd., has submitted requests for exceptions from Aurora's codified ordinances for the Arboretum of Walden to the Planning Commission; and

WHEREAS, the Planning Commission at its regular meeting of August 2, 2023 recommended to the City Council the approval of four exceptions to Aurora's codified ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. The recommendation of the Planning Commission to grant four exceptions to the Aurora codified ordinances located at southwest of the intersection of South Bissell Road and West Pioneer Trail, Aurora, Ohio is as follows:

- a. Section 1109.04 Roads
 1. Uncurbed 22' pavement width without the 2 – 3-foot paved shoulder
 2. Reduction in the 200' road radius for a traditional cul-de-sac
- b. Section 1109.05 Sidewalks – no sidewalks
- c. Section 1113.02 Grading – allow site specific grading when units are proposed.
- d. Section 1116.06 Traffic Impact – Change in level of service by 1 second

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023Approved: Sept. 27, 2023Effective: October 27, 2023By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest:

Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero
Dean DePiero, Director of Law**CERTIFICATE OF POSTING**

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the five (5) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day ofOctober, 2023.Signed this 27 Day of September, 2023.Marie Lawrie
Clerk of Council
City of Aurora

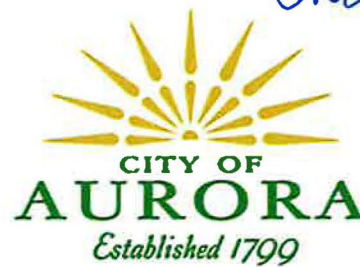
PLANNING COMMISSION STAFF REPORT

Project: Walden Arboretum

August 14, 2023 Meeting

Staff: Denise Januska, AICP, Director

2023-113

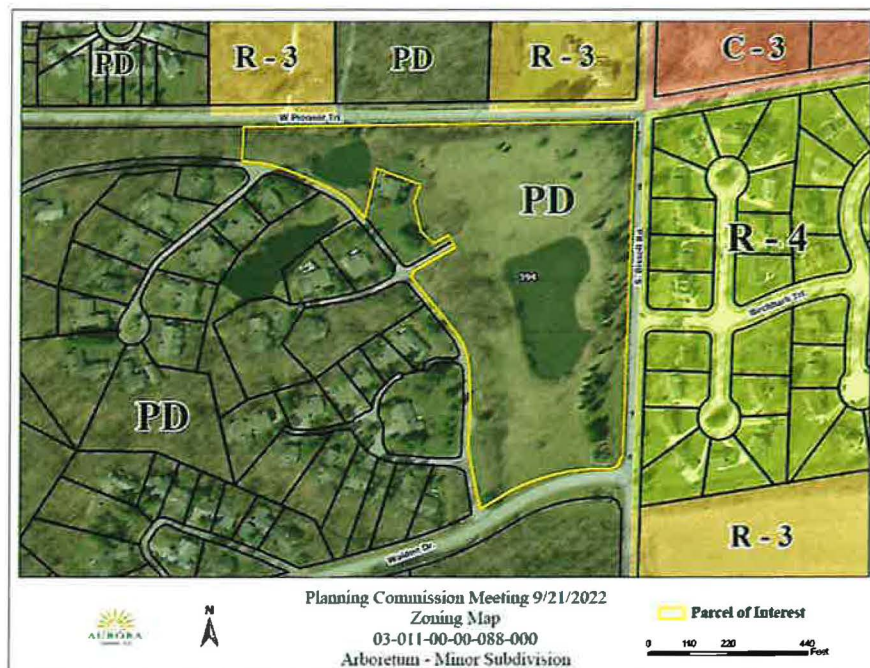


Request: Development Plan & Exceptions
File: 2209036 & 2301004
Applicant: Walden Co. Ltd.
Location: Southwest side of West Garfield Road and South Bissell Road
Current Zoning: PD – Planned Development
Lot size: 14 acres

Introduction:

The applicant is proposing to construct two private roads (Arboretum Court and Arboretum Way) including 20 single-family condominiums. In order for consistency in the Walden development exceptions to the site development design standards are being requested from the developer.

Existing Land Use and Zoning of Surrounding Property			
Project Site	Residential	PD	Vacant
North	Residential	PD	Single-family
East	Residential	R-4	Single-family
South	Residential	PD	Single-family
West	Residential	PD	Single-family



2023-113

Staff Comments:

- The applicant is proposing the following exceptions see attached letter from applicant:
 - Section 1109.04 Roads
 - Uncurbed 22' pavement width without the 2 – 3-foot paved shoulder
 - Reduction in the 200' road radius for a traditional cul-de-sac
 - Section 1109.05 Sidewalks – no sidewalks
 - Section 1113.02 Grading – allow site specific grading when units are proposed.
 - Section 1116.06 Traffic Impact – Change in level of service by 1 second
- Section 1101.11 details how the Planning Commission reviews exceptions to the regulations. The Planning Commission may recommend exceptions to the provision of these regulations, subject to the approval of City Council, in the following circumstances:
 - Finding of practical difficulty – where it can be shown in the case of a particular proposed subdivision or site development that strict compliance with the requirements of these regulations is impractical due to the specific circumstances of the subdivision or development, or that these conditions would result in retarding the achievement of the objectives of these regulations, then the Planning Commission may recommend that the specific provisions be varied, modified or waived after making findings of facts setting forth the reasons therefor, subject to City Council. Any such determination by the Planning Commission and Council shall be based fundamentally on findings that exceptional conditions not caused by action of the applicant require such exception and that the granting thereof will not adversely affect the general public and will not have the effect of nullifying the intent of these regulations or the Master Plan.
- The existing development plan from 1997 shows the area as vacant.
 - PD – Planned Development: Density of 2 units per acre

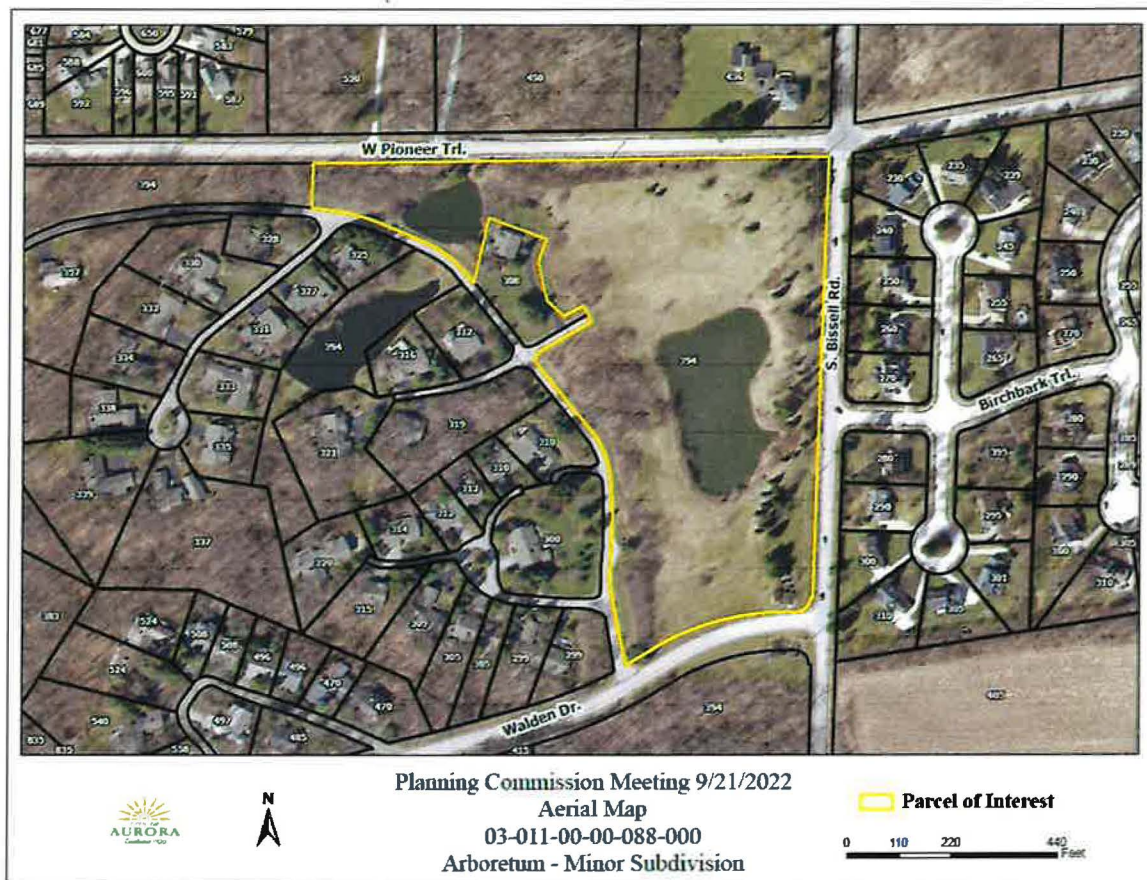
<u>Total Acres, Units & Percentage</u>		<u>Allowed</u>	<u>Conformance</u>
850 acres			
463 acres – Residential		300 acres	Yes
47 acres – Commercial			
	715 units	1,868 units	Yes
.84 units per acre		2.1 units per acre	Yes
32% open space / 277 acres		20% open space	Yes

- The proposed plan is for two private streets and 20 single-family condominiums.
- A construction entrance has been agreed upon during infrastructure construction located off Walden Drive.
- Additional landscaping has been added to buffer the existing residence on the north side of Ravines Drive.

- The neighboring developments have concerns that are not part of the items under consideration at this time.
- If the exceptions and revised development plan are approved by City Council, the developer may then move forward with revised plans for preliminary and final site plan approvals through the Planning Commission.
- The following plans have been submitted and will be evaluated at a later time.
 - Improvement plans
 - Storm water plans
 - Traffic study
 - Wetlands determination
 - Development agreement
 - Landscape plan

Planning Commission forwarded the following positive recommendations to City Council:

1. Exceptions from the codified ordinances for design standards,
2. Revised development plan



2023-113



Weber Engineering Services, LLC
2555 Hartville Road, Suite B
Rootstown, Ohio 44272
Phone: 330-329-2037
www.WeberEngineeringServices.com

June 08, 2023

City of Aurora Board of Zoning Appeals
129 W. Pioneer Trail
Aurora, OH 44202

Subject: Arboretum (Residential Development)
Ravine Drive
Aurora, Ohio

Dear Members of the Board:

Upon filing for Site Plan approval from Planning Commission and subsequent review by the City of Aurora staff, we have identified two (2) items that require deviation from the City Codified Ordinance requirements. As a result, we are presenting the following narrative along with the Board of Zoning Appeals Application for your review in conjunction with our request for variance from the Code:

Variance request from section 1109.04 (Roads)

The request for deviation from the city code is to permit the Arboretum Development to remain consistent with the current conservation style development which maintains natural features of the surroundings and minimizes traditional straight line, square lot developments. The request is to allow for an uncurbed 22' pavement width without the 2-3 foot paved shoulder. In addition, we are requesting a reduction in the 200' road radius and elimination of the traditional cul-de-sac in lieu of a 'teardrop' turnaround at the end of the street. These items have all been previously reviewed with city staff and safety forces and will not hinder adequate service to the site.

Variance Request for Section 1113.02 (Grading)

The intent of Arboretum is to allow for custom builder experience on a parcel of land with no defined lot lines. Each home will be unique and located based on required separation from the previous house constructed. Each unit shown on the plans is for reference, but not for specific location. Therefore, creating a specific plot plan and detailed grading at the time of Subdivision Plan Approval would not be accurate. Each Plot Plan will be designed at the time of permit for each home. This is consistent with the tradition of Walden.

These deviations from the code will not affect delivery of governmental services.

Thank you,


Matthew L. Weber, P.E.

2023-113



Weber Engineering Services, LLC
2555 Hartville Road, Suite B
Rootstown, Ohio 44272
Phone: 330-329-2037
www.WeberEngineeringServices.com

June 08, 2023

City of Aurora
129 W. Pioneer Trail
Aurora, OH 44202

Subject: **Arboretum (Residential Development)**
Ravine Drive
Aurora, Ohio

Dear Members of City Staff:

Traffic Impact Study Review

The location of the south drive into Arboretum is an existing access point and previously established and the required location. The north entry into Arboretum is directly across from the Wood Ridge Drive entrance which is preferred by all standards. There is no on street parking directly in conflict with the drive lanes. Consistent with summary of the Traffic Impact Study Review prepared by GPD Group, we confirm that the layout is logical and acceptable as presented.

Thank you,

Matthew L. Weber, P.E.

TMS Engineers, Inc.

2023-113

Transportation Management Services

2112 Case Parkway South, #7 Twinsburg, Ohio 44087

www.TMSEngineers.com

June 13, 2023

Mr. Matthew L. Weber, P.E.
Weber Engineering Services
2555 Hartville Rd.
Suite B
Rootstown, Ohio 44272

**RE: Proposed Arboretum Development
Traffic Impact Study
Aurora, Ohio**

Dear Mr. Weber,

This correspondence is in response to your inquiry regarding the changes in levels of service, intersection capacity, associated with the proposed development in the City of Aurora noted above. Specifically, you requested additional information regarding the change in level of service, from LOS A to LOS B and the need for additional improvements in the Design Year. The information quoted is shown in our traffic impact study dated December 19, 2022.

Please be advised that our traffic impact study investigated the need for improvements at the following intersections:

- West Pioneer Trail and S. Bissell Road
- S. Bissell Road and Walden Drive
- Walden Drive and Ravine Drive

Of the three study locations, two of the intersections, W. Pioneer Trail / S. Bissell Road and Walden Drive / Ravine Drive, were analyzed and were forecasted to have no change in level of service for any movement, approach or intersection as a whole due to the increase in development traffic. The level of service was either at LOS A or LOS B.

The third location, S. Bissell / Walden, was forecasted to have a change of level of service from LOS A to LOS B for the eastbound and northbound approaches in the PM peak hour only. Each level of service is a range of average delay a motorist may expect at an intersection. Level of Service A has a range from 0 to 10.0 seconds. Level of service B has a range from 10.1 to 15.0 seconds. In the PM peak, the expected design year average delay for the eastbound and northbound approaches is estimated to be 9.9 seconds considering no development occurring. If the development does occur, the delay increases by 0.2 seconds.

Professional transportation engineers do not consider the changes to motorist delay at the S. Bissell/Walden intersection to be impacted that would require improvements since the values are at

2023-113

Mr. Matthew L. Weber, P.E.

June 13, 2023

Page 2

the lowest range for good operational qualities. Level of service A is an indication of free-flow operation where vehicles are completely unimpeded in their ability to maneuver in the traffic stream. Level of service B is an indication of reasonably unimpeded operation. The ability to maneuver within the traffic stream is only slightly restricted. Unstable operation is normally found at levels of service E and F. These are the points at where improvements would be recommended.

If you have any additional questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

TMS Engineers, Inc.



Michael W. Schweickart, P.E., PTOE
President

Sponsor: Planning Commission
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-114

INTRODUCED BY: Scott Wolf

SECONDED BY: Brad Dugan

AN ORDINANCE APPROVING THE REVISED DEVELOPMENT PLAN FOR WALDEN CO. LTD. LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH BISSELL ROAD AND WEST PIONEER TRAIL, IN A PD PLANNED DEVELOPMENT DISTRICT

WHEREAS, Walden Co. Ltd., has submitted a revised development plan for the Arboretum of Walden to the Planning Commission; and

WHEREAS, the Planning Commission at its regular meeting of August 2, 2023 recommended to City Council the approval of the revised development plan for Walden Co. Ltd;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby accepts the recommendation of the Planning Commission to approve the revised development plan for Walden Co. Ltd.

Section 2. The revised development plan for Walden Co. Ltd. is located in a PD Planned Development zoning district.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023 Approved: Sept. 27, 2023

Effective: October 27, 2023 By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest:

Approved as to legal form by:

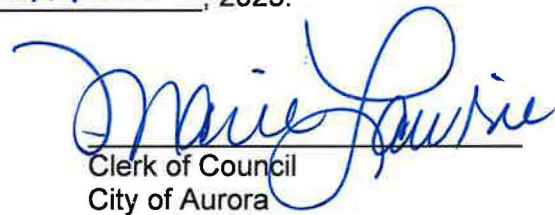

Marie Lawrie, Clerk of Council
Dean DePiero, Director of Law**CERTIFICATE OF POSTING**

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the five (5) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day of October, 2023.

Signed this 27 Day of September, 2023.


Clerk of Council
City of Aurora

PLANNING COMMISSION STAFF REPORT

Project: Walden Arboretum

August 14, 2023 Meeting

Staff: Denise Januska, AICP, Director

2023-114

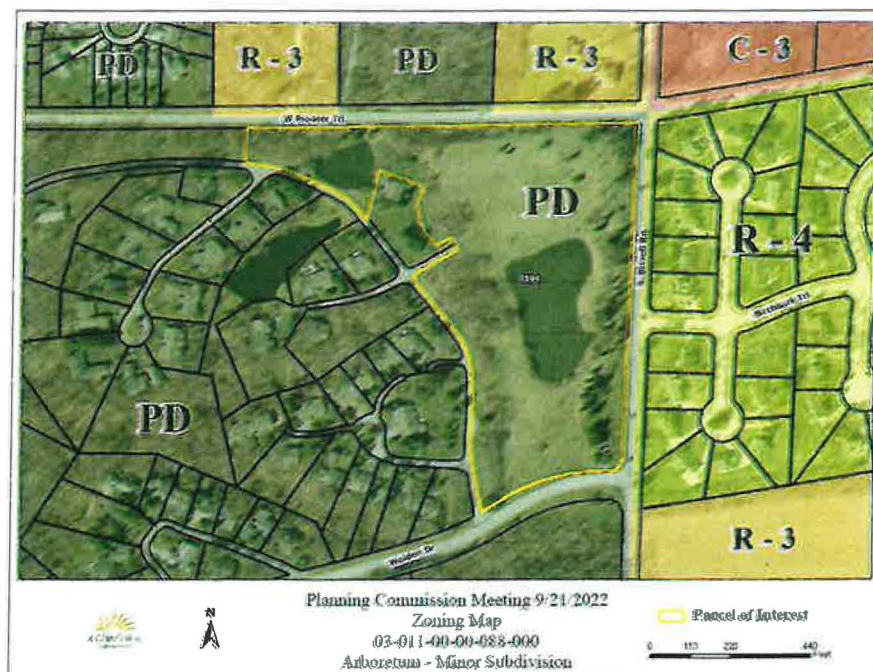


Request: Development Plan & Exceptions
File: 2209036 & 2301004
Applicant: Walden Co. Ltd.
Location: Southwest side of West Garfield Road and South Bissell Road
Current Zoning: PD – Planned Development
Lot size: 14 acres

Introduction:

The applicant is proposing to construct two private roads (Arboretum Court and Arboretum Way) including 20 single-family condominiums. In order for consistency in the Walden development exceptions to the site development design standards are being requested from the developer.

Existing Land Use and Zoning of Surrounding Property			
Project Site	Residential	PD	Vacant
North	Residential	PD	Single-family
East	Residential	R-4	Single-family
South	Residential	PD	Single-family
West	Residential	PD	Single-family



2023-114

Staff Comments:

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 - Section 1109.04 Roads
 - Uncurbed 22' pavement width without the 2 – 3-foot paved shoulder
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- The existing development plan from 1997 shows the area as vacant.
 - PD – Planned Development: Density of 2 units per acre

<u>Total Acres, Units & Percentage</u>		<u>Allowed</u>	<u>Conformance</u>
850 acres 463 acres – Residential 47 acres – Commercial		300 acres	Yes
	715 units		
.84 units per acre			
32% open space / 277 acres		1,868 units	Yes
		2.1 units per acre	Yes
		20% open space	Yes

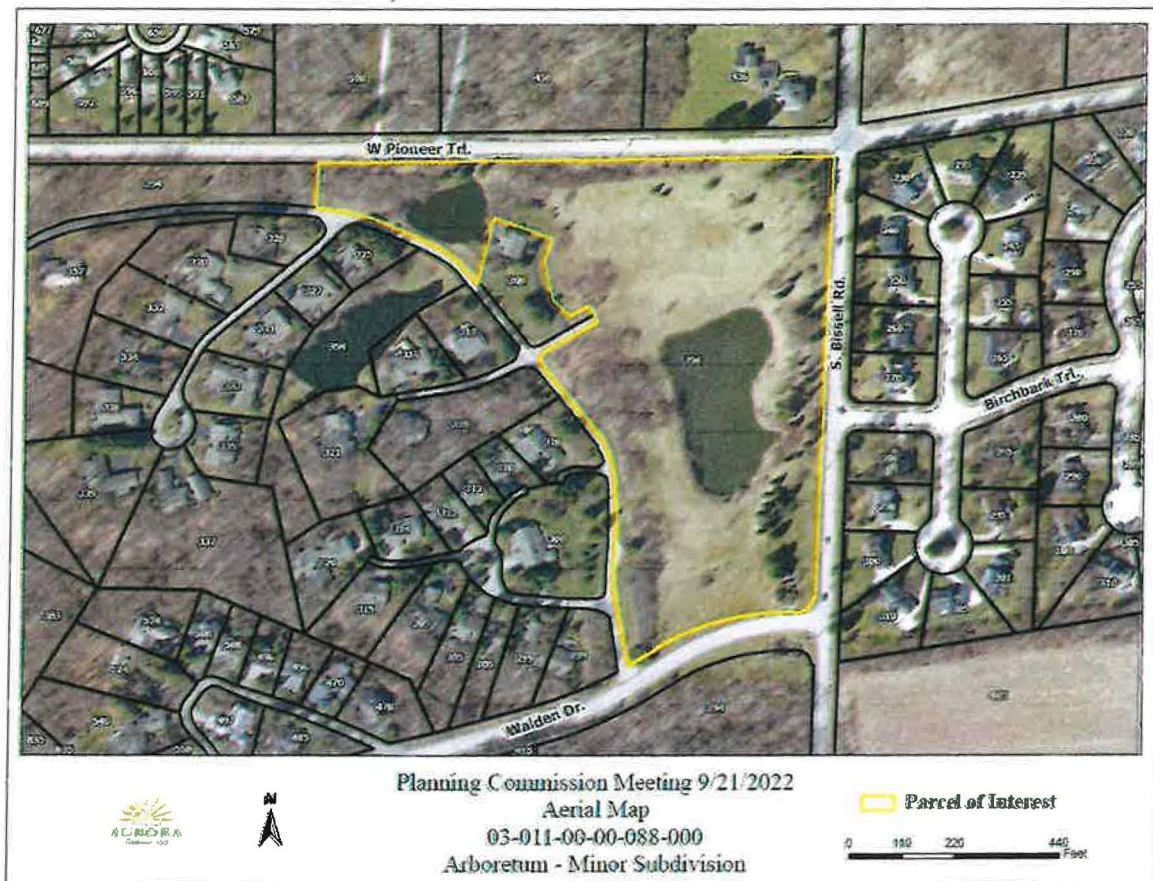
- The proposed plan is for two private streets and 20 single-family condominiums.
- A construction entrance has been agreed upon during infrastructure construction located off Walden Drive.
- Additional landscaping has been added to buffer the existing residence on the north side of Ravines Drive.

- The neighboring developments have concerns that are not part of the items under consideration at this time.
- If the exceptions and revised development plan are approved by City Council, the developer may then move forward with revised plans for preliminary and final site plan approvals through the Planning Commission.
- The following plans have been submitted and will be evaluated at a later time.
 - Improvement plans
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 - Wetlands determination
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 - Landscape plan

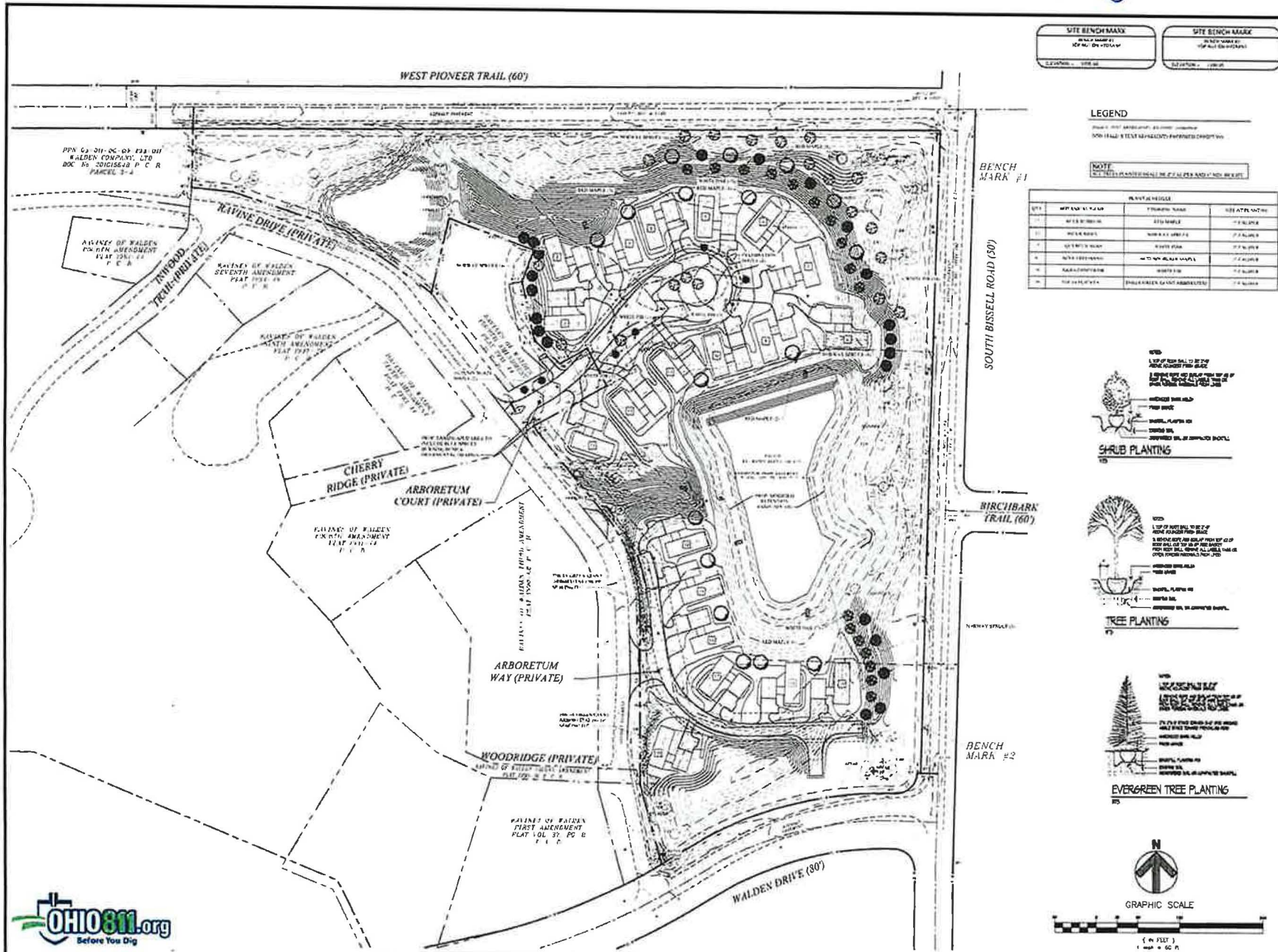
2023-114

Planning Commission forwarded the following positive recommendations to City Council:

1. Exceptions from the codified ordinances for design standards,
2. Revised development plan



Revised landscaping 2023-114



WILSON ENGINEERING
SERVICES
2555 Harris Rd., Suite B
Hudson, OH 44122
www.WilsonEngineering.com
216.281.2013
wilsone@wilsoneng.com

STATE OF OHIO
REGISTERED PROFESSIONAL ENGINEER
Reg. No.: 61709

CLIENT:
WALDEN COMPANY LTD
1119 AURORA-HUDSON RD
AURORA, OHIO 44202
PHONE: (330) 562-5508

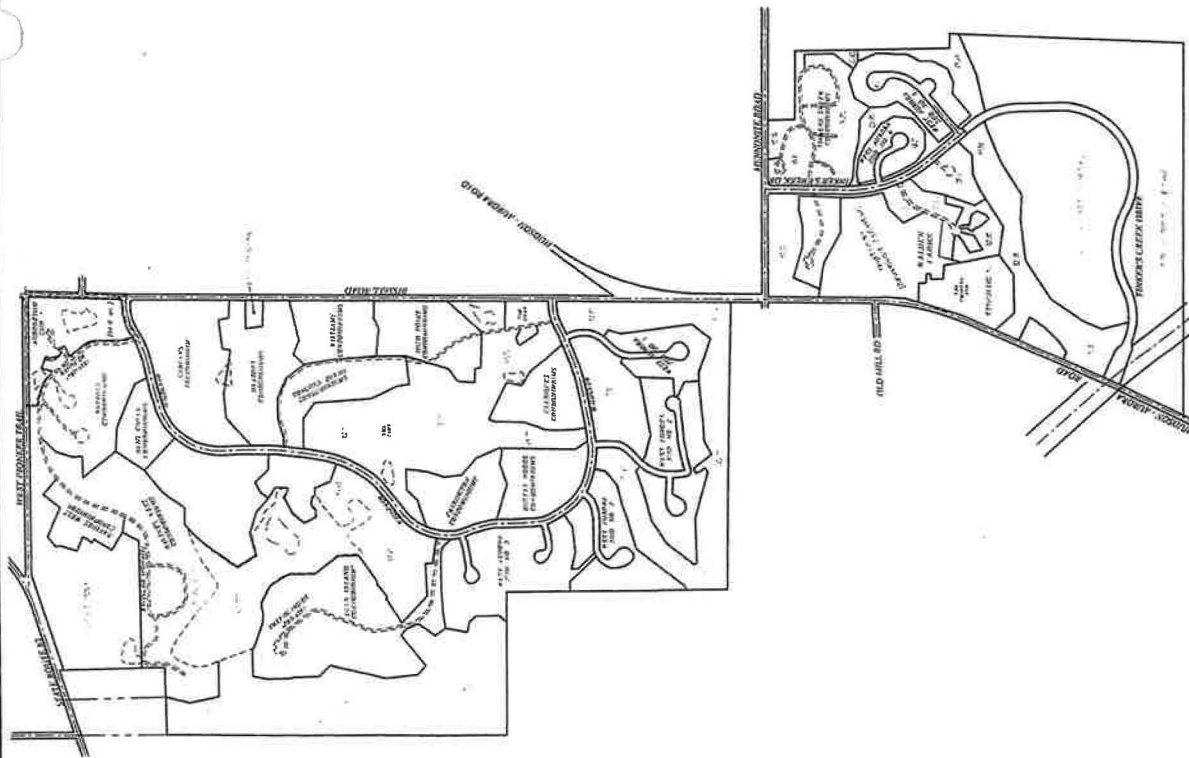
OWNER:
WALDEN COMPANY LTD
1119 AURORA-HUDSON RD
AURORA, OHIO 44202
PHONE: (330) 562-5508

Issue Date
08-24-2022
08-30-2022
11-11-2022
03-01-2023
05-15-2023

ARBORETUM RESIDENTIAL DEVELOPMENT
AURORA, OHIO

LANDSCAPE PLAN
C102D
Project No. 2020-220

WALDEN PD (Planned Development)
City of Aurora, Protsge Co., Ohio

[illegible]

Year	Population	Area
1990	1,000,000	100,000
2000	1,200,000	120,000
2010	1,400,000	140,000
2020	1,600,000	160,000

Issue Date
08-24-2022

ARBORETUM
RESIDENTIAL DEVELOPMENT
AURORA, OHIO

INTEGRATED DEVELOPMENT PLAN

IDP-1
Project No. 2020-2200



Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-124

INTRODUCED BY: Scott Wolf

SECONDED BY: Brad Dugway

AN ORDINANCE ACCEPTING THE PROPOSAL OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH WERTZ GEOTECHNICAL ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$120,000.00 FOR ENGINEERING CONSTRUCTION INSPECTION SERVICES, TAKING THE NECESSARY FUNDS FROM THE DEVELOPER'S ESCROW FUND (80) AND DECLARING AN EMERGENCY TO AVOID DELAY IN CONSTRUCTION PROJECTS THROUGHOUT THE CITY

WHEREAS, Wertz Geotechnical Engineering, Inc. submitted a proposal in an amount not to exceed \$120,000.00 to provide engineering construction inspection services; and

WHEREAS, it is in the best interests of the city to accept this proposal without advertising for bids; and

WHEREAS, the necessary funds shall be taken from the Developer's Escrow Fund (80);

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby authorizes the Mayor to accept the proposal of, and enter into a contract with Wertz Geotechnical Engineering, Inc. in an amount not to exceed \$120,000.00 to provide engineering construction inspection services.

Section 2. City Council finds it to be in the best interests of the city to accept the proposal of Wertz Geotechnical Engineering, Inc. without advertising for bids.

Section 3. The necessary funds shall be taken from the Developer's Escrow Fund (80).

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality and for the further reason in order to avoid delay in construction projects throughout the city. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023 Approved: Sept. 27, 2023

Effective: September 27, 2023 By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest:

Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero
Dean DePiero, Director of Law

CERTIFICATE OF POSTING

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day of October, 2023.

Signed this 27 Day of September, 2023.

Marie Lawrie
Clerk of Council
City of Aurora



2023-124 j.)

WERTZ GEOTECHNICAL ENGINEERING, INC.
DRILLING | MATERIAL TESTING | ENGINEERING

400 COLLIER DRIVE
DOYLESTOWN, OHIO, 44230
(330) 991-0041
office@wertzgeo.com

August 3, 2023

City of Aurora
158 W. Pioneer Trail
Aurora, Ohio 44202

Attention: Sara Cooper, P.E., City Engineer
cc: Edward Vernor, Construction Manager

SUBJECT: Inspection Services for the City of Aurora, Ohio

Ms. Cooper:

As requested, we are pleased to submit a cost schedule for providing construction inspection services for the City of Aurora. The inspection services will be provided on an as-needed basis. Invoicing will be for actual work performed, based on the fee schedule. Field inspection services will be billed for time "on-site" plus ½ hour for writing daily report. All inspection rates are subject to a four (4) hour minimum. Overtime would be charged at 1.5 times the quoted hourly rate for over 8 hours on weekdays and for Saturday work. Fees for other services not listed can be provided upon request.

Onsite Inspection Services:

Engineer Technician.....	\$	58.00/HR
Field Engineer.....		87.00/HR
Report (Clerical and Review).....		30.00/EA

Please contact our office with any questions you might have regarding this matter.

We appreciate the request for this proposal and look forward to working with you in the coming year. Please contact our office with any questions you might have regarding this proposal.

Respectfully submitted,

Kelly Luecke
Kelly Luecke, P.E.
Project Engineer

Leroy Wertz
Leroy Wertz, P.E.
Senior Project Engineer

2023-124 j)

LEGISLATIVE ACTION WORKSHEET

1. DEPARTMENT OR SPONSOR:

Engineering Department

2. EXPLAIN THE ISSUE REQUIRING COUNCIL APPROVAL:

The Mayor is requesting authorization to enter into contract with Wertz Geotechnical Engineering, Inc. in the amount of \$120,000.00 for billable private development inspections.

3. DATE THIS NEEDS TO BE IN EFFECT (ASAP IS NOT SUFFICIENT): 9/26/2023

4. DATE TO APPEAR ON COMMITTEE OF WHOLE AGENDA: 8/14/2023

5. DATE TO APPEAR ON COUNCIL AGENDA: 8/14/2023

6. READINGS - COUNCIL ACTION ON: ☐ FIRST ☐ SECOND ☒ THIRD

7. DOES LEGISLATION NEED TO INCLUDE AN EMERGENCY CLAUSE? ☒ Yes ☐ No

IF YES, WHY? (TO BE EFFECTIVE UPON PASSAGE-BY COUNCIL AND SIGNING BY THE MAYOR)

To ensure ensure city representation on all private development projects.

8.14 1ST
9.11 2ND
9.25 adopted

8. ARE FUNDS NEEDED? ☒ Yes ☐ No

9. IF FUNDS ARE NEEDED, ARE THEY BUDGETED? ☒ Yes ☐ No

10. INDICATE THE BUDGET LINE ITEM/FUND (NAME & NUMBER) FROM WHICH THEY WILL BE TAKEN:

8000-0000-5-4052 - Outside Inspections (Developer's Escrow)

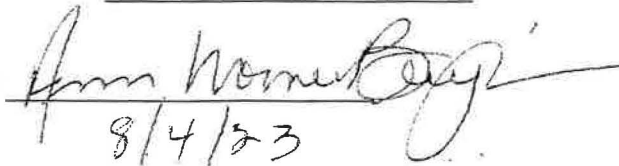
11. IF THERE ARE ATTACHMENTS RELATIVE TO THIS ISSUE, PLEASE ATTACH

Fee schedule attached.

WORKSHEET PREPARED BY: SAMANTHA MCCOY

APPROVED BY: HARRY STARK

MAYOR APPROVAL:


8/14/23

THIS FORM ALONG WITH SUPPORTING DOCUMENTS MUST BE SUBMITTED TO
THE CLERK OF COUNCIL'S OFFICE NO LATER THAN THE WEDNESDAY
BEFORE THE COMMITTEE OF THE WHOLE MEETING

Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-131

INTRODUCED BY: Scott Wolf

SECONDED BY: Harold Halbridge

AN ORDINANCE GRANTING A TAX ABATEMENT TO ELM AURORA LTD (GODDARD SCHOOL & AURORA DENTAL) FOR A 50%, 15 YEAR ABATEMENT OF REAL PROPERTY TAXES FOR THEIR INVESTMENT OF UP TO \$10,000,000 IN NEW CONSTRUCTION IN THE GREENS OF AURORA MIXED USE DEVELOPMENT, PPN 03-024-10-00-077-001 IN ACCORDANCE WITH THE PROVISIONS OF THE CITY'S COMMUNITY REINVESTMENT AREA KNOWN AS CRA II AND DECLARING AN EMERGENCY IN ORDER TO SECURE FINANCING AND PROCEED WITH THE DEVELOPMENT

WHEREAS, ELM Aurora Ltd is an entity planning to build a new facility within a designated community reinvestment area in the City of Aurora; and

WHEREAS, ELM Aurora Ltd submitted an application for CRA tax incentives in connection with the new construction; and

WHEREAS, the Aurora City School District Board of Education has been notified of this request for CRA tax incentives;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby grants a tax abatement to ELM Aurora Ltd (Goddard School & Aurora Dental) for a 50%, 15 year abatement of real property taxes for their investment of up to \$10,000,000 in new construction in the Greens of Aurora mixed use development, PPN 03-024-10-00-077-001 in accordance with the provisions of the city's community reinvestment area known as CRA II.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality and for the further reason in order to secure financing and proceed with the development. Wherefore, provided it receives an affirmative vote of six or more of the

members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023 Approved: Sept. 27, 2023

Effective: September 27, 2023 By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest:

Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero
Dean DePiero, Director of Law

CERTIFICATE OF POSTING

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day of October, 2023.

Signed this 27 Day of September, 2023.

Marie Lawrie
Clerk of Council
City of Aurora

2023-131

e.



PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Aurora located in the County of Portage and ELM Aurora Ltd c/o Sam P. Cannata
(property owner).

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

ELM Aurora Ltd
Enterprise Name

Sam P. Cannata
Contact Person

30799 Pinetree Rd., Ste 254, Cleveland, OH
Address

(216) 214-0796
Telephone Number

- b. Project site:

The Greens of Aurora
Enterprise Name

Sam P. Cannata
Contact Person

03-024-10-00-077-001
Address

(216) 214-0796
Telephone Number

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

Mixed Use Commercial Office, Medical, Retail

- b. List primary 6 digit North American Industry Classification System (NAICS)# _____
Business may list other relevant SIC numbers _____

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred) _____
NA

- d. Form of business of enterprise (corporation, partnership, proprietorship, or other).
An Ohio Limited Liability Company

3. Name of principal owner(s) or officers of the business.
Sam P. Cannata and Enzo R. Cannata
4. a. State the enterprise's current employment level at the proposed project site:
0
- b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes ☐ No ☒
- c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:
NA
- d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):
NA
- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:
NA
- f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?
NA
5. Does the Property Owner owe:
- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes ☐ No ☒
- b. Any monies to the State or a state agency for the administration or enforcement of any environmental laws of the state? Yes ☐ No ☒
- c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?
Yes ☐ No ☒
- d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

2023-131

e.

6. Project description:

Mixed Use Commercial Office, Medical, Retail

Phase I: Goddard School 10,500-sf

Aurora Dental 7,300-sf

7. Project will begin December, 2023 and be completed December, 20 28 provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site:

	Year 1	Year 2	Year 3	Other
New Full-Time Perm.	<u>26</u>	<u>26</u>	<u>26</u>	<u> </u>
New Full-Time Temp.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
New Part-Time Perm.	<u>8</u>	<u>8</u>	<u>8</u>	<u> </u>
New Part-Time Temp.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

- b. State the time frame of this projected hiring: 3 years

- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):

Phase I: 90 days prior to opening we will begin to recruit heavily, with some employees working out of the Chagrin and Aurora locations for training until Aurora site opens.

9. a. Estimate the amount of annual payroll such new employees will add:

	Year 1	Year 2	Year 3	Other
New Full-Time Perm.	<u>\$1,003,000</u>	<u>\$1,010,000</u>	<u>\$1,010,000</u>	<u>\$ </u>
New Full-Time Temp.	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>
New Part-Time Perm.	<u>\$ 177,000</u>	<u>\$ 165,000</u>	<u>\$ 165,000</u>	<u>\$ </u>
New Part-Time Temp.	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>

- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 907,395.00

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

	Minimum Amount	Project Amount	Maximum Amount
<u>Real Property Investment</u>			
*a. Land	<u>\$ 215,000</u>	<u>\$ 215,000</u>	<u>\$ 215,000</u>
*b. Acquisition of Buildings	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>
c. Additions/New Construction	<u>\$ 5,500,000</u>	<u>\$ 6,500,000</u>	<u>\$ 10,000,000</u>
d. Improvements to existing building	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>
<u>Total Real Property Investment</u>	<u>\$ 5,715,000</u>	<u>\$ 6,715,000</u>	<u>\$ 10,215,000</u>

*Note: Land and acquisition of building investments are not eligible for tax abatement.

2023-131

e.

50/-

11. a. Business requests the following tax exemption incentives: ~~100%~~ for 15 years covering real estate as described above. Be specific as to the rate and term.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

The project will not be possible without obtaining the requested tax incentives to offset the current construction costs and soaring interest rates.

Submission of this application expressly authorizes the City of Aurora to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

ELM Aurora Ltd.

August 31, 2023

Name of Property Owner

Date

Sam P. Cannata
Signature

Sam P. Cannata, Managing Member

Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Community Reinvestment Area Agreement as Exhibit I

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.

LEGISLATIVE ACTION WORKSHEET

e.

1. DEPARTMENT OR SPONSOR: Finance/Economic Development

2023-131

2. EXPLAIN THE ISSUE REQUIRING COUNCIL APPROVAL:

To grant a CRA #3 area tax abatement to ELM Aurora Ltd. (Goddard School & Aurora Dental) for fifteen years at 50% for their investment of up to \$10,000,000 in new construction in the Greens of Aurora mixed use development, PPN 03-024-10-00-077-001, in accordance with the attached application.

3. DATE THIS NEEDS TO BE IN EFFECT (ASAP IS NOT SUFFICIENT): 9/30/2023

4. DATE TO APPEAR ON COMMITTEE OF WHOLE AGENDA: 9/11/2023

5. DATE TO APPEAR ON COUNCIL AGENDA: 9/11/2023

6. READINGS – COUNCIL ACTION ON: ☐ FIRST ☒ SECOND ☐ THIRD

7. DOES LEGISLATION NEED TO INCLUDE AN EMERGENCY CLAUSE? ☒ Yes ☐ No IF YES, WHY?
(TO BE EFFECTIVE UPON PASSAGE BY COUNCIL AND SIGNING BY THE MAYOR)

In order to secure financing and proceed with development.

8. ARE FUNDS NEEDED? ☐ Yes ☒ No

9. IF FUNDS ARE NEEDED, ARE THEY BUDGETED? ☐ Yes ☐ No

10. INDICATE THE BUDGET LINE ITEM/FUND (NAME & NUMBER) FROM WHICH THEY WILL BE TAKEN:

11. IF THERE ARE ATTACHMENTS RELATIVE TO THIS ISSUE, PLEASE ATTACH

WORKSHEET PREPARED BY: Timothy Clymer APPROVED BY: Timothy Clymer

MAYOR APPROVAL:

Ann Womer Benjamin / KA

9-6-23

THIS FORM ALONG WITH SUPPORTING DOCUMENTS MUST BE SUBMITTED TO
THE CLERK OF COUNCIL'S OFFICE NO LATER THAN THE WEDNESDAY
BEFORE THE COMMITTEE OF THE WHOLE MEETING

Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-132

INTRODUCED BY: Harold Hatridge
SECONDED BY: Bewa Barber

AN ORDINANCE GRANTING A TAX ABATEMENT TO SALON PATRICK FOR A 50%, 15 YEAR ABATEMENT OF REAL PROPERTY TAXES FOR THEIR INVESTMENT OF UP TO \$2,600,000 IN NEW CONSTRUCTION AT THE INTERSECTION OF SYCAMORE DRIVE AND N. AURORA ROAD IN ACCORDANCE WITH THE PROVISIONS OF THE CITY'S COMMUNITY REINVESTMENT AREA KNOWN AS CRA III AND DECLARING AN EMERGENCY IN ORDER TO SECURE FINANCING AND PROCEED WITH THE DEVELOPMENT

WHEREAS, Salon Patrick is an entity planning to build a new facility within a designated community reinvestment area in the City of Aurora; and

WHEREAS, Salon Patrick submitted an application for CRA tax incentives in connection with the new construction; and

WHEREAS, the Aurora City School District Board of Education has been notified of this request for CRA tax incentives;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby grants a tax abatement to Salon Patrick for a 50%, 15 year abatement of real property taxes for their investment of up to \$2,600,000 in new construction at the intersection of Sycamore Drive and N. Aurora Road in accordance with the provisions of the city's community reinvestment area known as CRA III.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality and for the further reason in order to secure financing and proceed with the development. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force

immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023 Approved: Sept. 27, 2023

Effective: September 27, 2023 By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest: Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by: Dean DePiero
Dean DePiero, Director of Law

CERTIFICATE OF POSTING

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day of October, 2023.

Signed this 27 Day of September, 2023.

Marie Lawrie
Clerk of Council
City of Aurora

f.



PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Aurora located in the County of Portage and Salon Patrick

(*property owner*).

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Salon Patrick

Enterprise Name

Shannon London

Contact Person

85 Barrington Town Square Dr.

Address

(330) 562-9011

Telephone Number

- b. Project site:

Salon Patrick

Enterprise Name

Shannon London

Contact Person

Sycamore and North Aurora Rd.

Address

(330) 562-9011

Telephone Number

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

hair salon, spa, beauty retail

- b. List primary 6 digit North American Industry Classification System (NAICS)# 812112
Business may list other relevant SIC numbers _____

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred) _____

N/A

- d. Form of business of enterprise (corporation, partnership, proprietorship, or other).
S Corp

3. Name of principal owner(s) or officers of the business.
Shannon London
4. a. State the enterprise's current employment level at the proposed project site:
25
- b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes ☒ No ☐
- c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:
85 Barrington Town Square to North Aurora Road and Sycamore Drive
- d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):
22 full time employees 3 part time employees
- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:
22 full time employees 3 part time employees
- f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?
The new location will be double the square footage and offer opportunity for double the s
5. Does the Property Owner owe:
- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes ☐ No ☒
- b. Any monies to the State or a state agency for the administration or enforcement of any environmental laws of the state? Yes ☐ No ☒
- c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?
Yes ☐ No ☒
- d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project description:

New construction of 9000 square foot salon, spa, and beauty retail, that will double the current footprint and provide opportunity for doubling services, retail, and employees.

7. Project will begin November 1, 2023 and be completed January 1, 2025 provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site:

	Year 1	Year 2	Year 3	Other
New Full-Time Perm.	<u>5</u>	<u>10</u>	<u>5</u>	<u>5</u>
New Full-Time Temp.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
New Part-Time Perm.	<u> </u>	<u>2</u>	<u>1</u>	<u>1</u>
New Part-Time Temp.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

b. State the time frame of this projected hiring: 5 years

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):

We will begin hiring for preparation of new facility during the year of construction. The second year will give us the space we need to hire more employees.

9. a. Estimate the amount of annual payroll such new employees will add:

	Year 1	Year 2	Year 3	Other
New Full-Time Perm.	<u>\$200,000.00</u>	<u>\$400,000.00</u>	<u>\$200,000.00</u>	<u>\$200,000.00</u>
New Full-Time Temp.	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>
New Part-Time Perm.	<u>\$ </u>	<u>\$ 33,280.00</u>	<u>\$ 16,640.00</u>	<u>\$ 16,640.00</u>
New Part-Time Temp.	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 1,052,766.00

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

	Minimum Amount	Project Amount	Maximum Amount
<u>Real Property Investment</u>			
*a. Land	<u>\$ 350,000.00</u>	<u>\$ 350,000.00</u>	<u>\$ 350,000.00</u>
*b. Acquisition of Buildings	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>
c. Additions/New Construction	<u>\$,200,000.00</u>	<u>\$,400,000.00</u>	<u>\$2,600,000.00</u>
d. Improvements to existing building	<u>\$ </u>	<u>\$ </u>	<u>\$ </u>
<u>Total Real Property Investment</u>	<u>\$,550,000.00</u>	<u>\$,750,000.00</u>	<u>\$2,950,000.00</u>

*Note: Land and acquisition of building investments are not eligible for tax abatement.

2023-132
f.

11. a. Business requests the following tax exemption incentives: 100 % for _____ years covering real _____ as described above. Be specific as to the rate and term.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

The savings in tax incentives affords Salon Patrick the ability to invest more into the growth of the business, to create more jobs because of the growth and pay employees a more competitive wage.

Submission of this application expressly authorizes the City of Aurora to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Shannon London

August 27, 2023

Name of Property Owner

Date

Signature

Shannon London president

Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Community Reinvestment Area Agreement as Exhibit 1

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.

2023-132

LEGISLATIVE ACTION WORKSHEET

f.

1. DEPARTMENT OR SPONSOR: Finance/Economic Development

2. EXPLAIN THE ISSUE REQUIRING COUNCIL APPROVAL:

To grant a CRA #2³ area tax abatement to Salon Patrick for fifteen years at 50% for their investment of up to \$2,600,000 in new construction at the intersection of Sycamore and N. Aurora Rd., in accordance with the attached application.

3. DATE THIS NEEDS TO BE IN EFFECT (ASAP IS NOT SUFFICIENT): 9/30/2023

4. DATE TO APPEAR ON COMMITTEE OF WHOLE AGENDA: 9/11/2023

5. DATE TO APPEAR ON COUNCIL AGENDA: 9/11/2023

6. READINGS – COUNCIL ACTION ON: ☐ FIRST ☒ SECOND ☐ THIRD

7. DOES LEGISLATION NEED TO INCLUDE AN EMERGENCY CLAUSE? ☒ Yes ☐ No IF YES, WHY?
(TO BE EFFECTIVE UPON PASSAGE BY COUNCIL AND SIGNING BY THE MAYOR)

In order to secure financing and proceed with development.

8. ARE FUNDS NEEDED? ☐ Yes ☒ No

9. IF FUNDS ARE NEEDED, ARE THEY BUDGETED? ☐ Yes ☐ No

10. INDICATE THE BUDGET LINE ITEM/FUND (NAME & NUMBER) FROM WHICH THEY WILL BE TAKEN:

11. IF THERE ARE ATTACHMENTS RELATIVE TO THIS ISSUE, PLEASE ATTACH

WORKSHEET PREPARED BY: Timothy Clymer APPROVED BY: Timothy Clymer

MAYOR APPROVAL:

Ann Womer Benjamin / KA

9-6-23

THIS FORM ALONG WITH SUPPORTING DOCUMENTS MUST BE SUBMITTED TO
THE CLERK OF COUNCIL'S OFFICE NO LATER THAN THE WEDNESDAY
BEFORE THE COMMITTEE OF THE WHOLE MEETING

Sponsor: Committee of the Whole
This is a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-133

INTRODUCED BY:

Scott Wolf

SECONDED BY:

Harold Hatridge

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 **(Kohn, Malkus, A. Miller)**

WHEREAS, Aurora's Charter requires that the compensation of newly hired employees as well as changes to the compensation of those current employees be approved by City Council; and

WHEREAS, Council desires to authorize and approve the compensation as shown on the attached schedule by adopting this legislation;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. Council hereby approves this legislation, along with the list of employees and their compensation attached hereto.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality and for the further reason that Council wishes to authorize this Ordinance at the earliest possible opportunity. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023 Approved: Sept. 27, 2023Effective: September 27, 2023 By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest:

Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero
Dean DePiero, Director of Law**CERTIFICATE OF POSTING**

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day of October, 2023.

Signed this 27 Day of September, 2023.

Marie Lawrie
Clerk of Council
City of Aurora

CITY OF AURORA

Employees Generally

As of 9/25/2023

2023-133

161.10 - ESTABLISHED POSITIONS

UNCLASSIFIED - NON-UNION - EXEMPT

ADMINISTRATIVE	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF. DATE	NOTES
NONE					
DEPARTMENT HEADS	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF. DATE	NOTES
NONE					
OTHER	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF. DATE	NOTES
NONE					

CLASSIFIED - NON-UNION - NON-EXEMPT

ASSISTANTS (TO) DEPARTMENT HEADS	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF. DATE	NOTES
Administrative Assistant-Parks & Recreation	Miller, Aimee		\$25.24	09/26/23	Replacement for L. Griffith who resigned in July 2023. Hourly rate annualizes to \$52,500. Aurora resident.
OTHER	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF. DATE	NOTES
GIS Technician/Zoning Inspector	Malkus, Brian		\$24.04	9/26/2023	Replacement for M. Kubrin who termed in May 2023. EE's base rate will increase to \$26.44/hr (\$55k annual) upon 6 months of satisfactory employment.

CLASSIFIED - UNION - NON-EXEMPT

FULL-TIME PROFESSIONAL, TECHNICAL, & SERVICE	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF. DATE	NOTES
NONE					
FULL-TIME POLICE OFFICERS	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF. DATE	NOTES
NONE					

9/19/23
 9/19/23
 9/19/23

CITY OF AURORA

Employees Generally

As of 9/25/2023

2023-133

2.

161.10 - ESTABLISHED POSITIONS

<u>FULL-TIME DISPATCHERS</u>	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF DATE	NOTES
NONE					
<u>FULL-TIME FIRE FIGHTERS/PARAMEDICS</u>	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF DATE	NOTES
NONE					
<i>UNCLASSIFIED - NON-UNION - NON-EXEMPT</i>					
<u>PART-TIME POLICE (NON-CIVIL SERVICE)</u>	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF DATE	NOTES
NONE					
<u>PART-TIME FIRE FIGHTER/PARAMEDICS (NON CIVIL SERVICE)</u>	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF. DATE	NOTES
NONE					
<u>PART-TIME WORKERS (OTHER)</u>	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF. DATE	NOTES
NONE					
<u>PART-TIME PARKS & RECREATION (INCLUDING SEASONAL)</u>	NAME	CURRENT HOURLY	PROPOSED HOURLY	EFF. DATE	NOTES
Senior Bus Driver (Part-time)	Kohn, Robert		\$18.00	9/26/2023	

9/19/23
JH/B

Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-134

INTRODUCED BY: Harold Hatridge
SECONDED BY: Scott Wolf

AN ORDINANCE AUTHORIZING PAYMENT TO JUNE LUCAL IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR PROVIDING COMMUNITY EDUCATION CLASSES FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023 APPROPRIATING THE NECESSARY FUNDS FROM THE RECREATION FUND (78) AND DECLARING AN EMERGENCY TO PAY FOR 2023 CLASSES

WHEREAS, the city has an Independent Contractor Agreement with June Lucal to provide community education services from January 1, 2023 through December 31, 2023; and

WHEREAS, the city desires to pay June Lucal in an amount not to exceed \$40,000.00 for the 2023 contract; and

WHEREAS, the necessary funds shall be appropriated from the Recreation Fund (78);

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby authorizes payment to June Lucal in an amount not to exceed \$40,000.00 for providing community education classes from January 1, 2023 through December 31, 2023.

Section 2. The necessary funds shall be appropriated from the Recreation Fund (78).

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality, and for the further reason to pay for 2023 classes. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval

of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023

Approved: Sept. 27, 2023

Effective: September 27, 2023

By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest:

Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero
Dean DePiero, Director of Law

CERTIFICATE OF POSTING

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day of

October, 2023.

Signed this 27 Day of September, 2023.

Marie Lawrie
Clerk of Council
City of Aurora

2023-134

b.

Instructor Contract

Exhibit A

Scope of Services

"City": City of Aurora, Ohio or Aurora Parks and Recreation Department

"Instructor": June Lucal

Type of Instruction: art classes/sewing classes

Locations and Dates of Service: as listed in program guides. 1/1/2023 - 12/31/2023

Registration: Registration for classes will be made exclusively through City website www.auroraoh.com.

Deadlines: Instructor and City will identify a final registration deadline (2) business days before classes begin.

Rosters: A final roster including contact information will be provided by City via email to Aurora City Schools (2) days before classes are scheduled to begin. Any changes to the roster will also be sent via email. Instructor and City will both be copied on all email correspondence.

Facilities: City will manage all communications regarding classroom space and/or facility usage. Instructor will not directly contact Aurora City Schools regarding questions or concerns related to facilities.

Promotional Materials: City agrees to produce, print, distribute, and display flyers and/or other promotional materials at their discretion. Instructor is not to distribute any flyers without prior approval by City. All flyers will include name and/or logo of City's Parks and Recreation Department and contact/registration information.

Issues and/or Concerns: Instructor will inform City representative as soon as possible and no more than 24 hours after class of any concerning incident or accident, that occurs. Please see Instructor Contract for additional information regarding conditions/arrangements.

Background Checks: City requires that all instructors, volunteers, and anyone involved with instruction of youth or at risk, vulnerable adults provide written documentation from a national background check service once every year.



AURORA
parks & recreation
City of Aurora Parks and Recreation
129 West Pioneer Trail
(330) 562-4333

2023-134

6.

INSTRUCTOR CONTRACT

This contract is entered into by and between the City of Aurora, hereinafter called the "City" and June Lucal hereinafter called the "Instructor", as of this 15 day of December, 2022.

Whereas the City desires to provide recreational instruction in a specialized field and whereas the Instructor has indicated a willingness to undertake the required work in connection therewith and is qualified to provide such instruction, the parties agree as follows:

1. **TERM:** This agreement shall commence on January 1, 2023, through December 31, 2023.
2. **SERVICES PROVIDED:** Subject to the terms and conditions of this Agreement, the City hereby engages the Instructor as an independent contractor to perform the services set forth herein, and the Instructor hereby accepts such engagement. Instructor agrees to perform the services specified in the "Scope of Service" attached as exhibit "A" to this Agreement and incorporated in this Agreement by reference. Said "Scope of Service" may be amended in writing from time to time. Instructor will determine the method, details, and means of performing the services described in the Specified Services section. City may specify only the results desired in regard to the specified services.

3. **CONDITIONS/ARRANGEMENTS:**
Soliciting participants and/or their families for commercial or private purposes by the Instructor is strictly prohibited. The Instructor shall not change, accept, charge or receive compensation of any kind or nature from any person registered in a City class.

The Instructor shall not guarantee enrollment to any participant in any City class.

The Instructor is responsible for obtaining and supplying all materials, supplies and equipment necessary to provide the service. The Instructor shall submit for approval by the Parks and Recreation Staff any cost (uniforms, costumes, refreshments, supplies, etc.) above the initial registration fee before any charges are required of the students. The Instructor is also responsible for the care of all City owned equipment, supplies, and property. City equipment checked out must be returned or payment for replacement will be due. Storage of personal property may be done with permission from the City, at the Instructor's risk, and the Instructor's sole responsibility to replace it should it be stolen or damaged.

The Instructor shall provide the City with a 48-hour request regarding any planned changes in the scheduled activity. If the class does not take place because Instructor is ill; there is a holiday; or other extenuating circumstances, it is to be rescheduled by the Instructor and approved by the City prior to student notification. It shall be the Instructor's responsibility to contact the Parks and Recreation Office at least two hours prior to the scheduled class of any illness or injury that would prohibit them from teaching. Canceled classes shall be made up prior to the end of the session.

The Instructor shall notify the City at the earliest possible time of any accidents to any person or property that occur during the class, and shall submit to the City in writing the City provided Accident Report Form as soon as feasibly possible.

4. **COMPENSATION:** The City agrees to pay the Instructor 80 % of the revenues received or \$_____ per participant or \$_____ flat fee.
5. **INDEPENDENT CONTRACTOR:** The Agreement shall not render the Instructor an employee, partner, agent of, or joint venture with the City for any purpose. The Instructor is and will remain an independent contractor in this relationship with City. The City shall not be responsible for withholding taxes with respect to the Instructor's compensation hereunder. The Instructor shall have no claim against the City hereunder or otherwise for vacation pay, sick leave, retirement benefits, social security, workers' compensation, health or disability benefits, unemployment insurance benefits, or employee benefits of any kind.

2023-134

b.

6. **TERMINATION:** The City and/or the Instructor reserve the right to terminate this contract upon five working days written notice, or upon failure of the Instructor to comply with the terms and intent of the contract. Excessive tardiness, absenteeism, or unreasonable conduct toward participants, spectators, or staff are causes for dismissal.
7. **ASSIGNMENT:** Neither this Agreement nor any duties, obligations or rights under this Agreement may be assigned by Instructor, nor shall Instructor delegate the performance of any of the duties hereunder without the prior written consent of City.
8. **ADVERTISEMENT:** The Instructor shall not duplicate or distribute promotional or informational materials without permission of the City. All duplicated/distributed documents shall contain the name of the City of Aurora or City of Aurora Parks and Recreation.
9. **HOLD HARMLESS:** The City shall not be liable for, and Instructor hereby waives all claims against the City, its officials, commissions, and employees, for loss or damage to Instructor's personal property, or for injury to or death of persons due to theft, fire, flood, burglary, vandalism, or any other cause whatsoever, incurred in connection with the services provided hereunder, except to the extent caused by the City's gross negligence or willful misconduct.
10. **PREVIOUS AGREEMENT:** This Agreement supersedes any and all agreements, both written and oral, between the parties with respect to the rendering of services by Instructor for City, and contains all of the covenants and agreements between the parties with respect to the rendering of these services in any manner whatsoever. Each party acknowledges that no representations, inducements, promises, or agreements, written or oral, have been made by either party, or by anyone acting on behalf of either party, that are not embodied in this Agreement. Any modification of this Agreement will be effective only if it is in a writing signed by the party to be charged.

**CITY OF AURORA
PARKS AND RECREATION**

[Signature]
Staff Signature
12/6/22
Date

INSTRUCTOR

Jane M. Luca
Name (print)
Jane M. Luca
Signature
1200 E. Garfield Rd
Mailing Address
Aurora, OH 44202
City, State, Zip
330,998-1469
Telephone
janeluca@gmail.com
Email Address
[REDACTED]
Social Security #
Dec 28, 2022
Date

LEGISLATIVE ACTION WORKSHEET

1. DEPARTMENT OR SPONSOR: Parks and Recreation

2. EXPLAIN THE ISSUE REQUIRING COUNCIL APPROVAL:

Authorization to pay June Lucal an amount not to exceed \$40,000 through December 31, 2023 for providing community education classes. The actual amount paid will depend on registration for classes offered throughout the year.

3. DATE THIS NEEDS TO BE IN EFFECT (ASAP IS NOT SUFFICIENT): 9/26/2023

4. DATE TO APPEAR ON COMMITTEE OF WHOLE AGENDA: 9/25/2023

5. DATE TO APPEAR ON COUNCIL AGENDA: 9/25/2023

6. READINGS – COUNCIL ACTION ON: ☒ FIRST ☐ SECOND ☐ THIRD

7. DOES LEGISLATION NEED TO INCLUDE AN EMERGENCY CLAUSE? ☒ Yes ☐ No

IF YES, WHY? (TO BE EFFECTIVE UPON PASSAGE BY COUNCIL AND SIGNING BY THE MAYOR)

To pay for 2023 classes.

8. ARE FUNDS NEEDED? ☒ Yes ☐ No

9. IF FUNDS ARE NEEDED, ARE THEY BUDGETED? ☐ Yes ☒ No

10. INDICATE THE BUDGET LINE ITEM/FUND (NAME & NUMBER) FROM WHICH THEY WILL BE TAKEN:

7820-4930 Instructors

11. IF THERE ARE ATTACHMENTS RELATIVE TO THIS ISSUE, PLEASE ATTACH

Instructor contract and scope of services

WORKSHEET PREPARED BY: Laura Holman

APPROVED BY: _____

MAYOR APPROVAL:

Ann M. Brown
9/19/23

Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-135

INTRODUCED BY: Harold Hatridge
SECONDED BY: Scott Wolf

AN ORDINANCE AUTHORIZING PAYMENT TO CONNMACK INC. IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR PROVIDING COMMUNITY EDUCATION CLASSES FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023 APPROPRIATING THE NECESSARY FUNDS FROM THE RECREATION FUND (78) AND DECLARING AN EMERGENCY TO PAY FOR 2023 CLASSES

WHEREAS, the city has an Independent Contractor Agreement with Connmack, Inc. to provide community education services from January 1, 2023 through December 31, 2023; and

WHEREAS, the city desires to pay Connmack, Inc. in an amount not to exceed \$40,000.00 for the 2023 contract; and

WHEREAS, the necessary funds shall be appropriated from the Recreation Fund (78);

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby authorizes payment to Connmack Inc. in an amount not to exceed \$40,000.00 for providing community education classes from January 1, 2023 through December 31, 2023.

Section 2. The necessary funds shall be appropriated from the Recreation Fund (78).

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality, and for the further reason to pay for 2023 classes. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval

of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023

Approved: Sept. 27, 2023

Effective: September 27, 2023

By: Ann Womer Benjamin
Ann Womer Benjamin, Mayor

Attest:

Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero
Dean DePiero, Director of Law

CERTIFICATE OF POSTING

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day of

October, 2023.

Signed this 27 Day of September, 2023.

Marie Lawrie
Clerk of Council
City of Aurora

C.

2023-135

Instructor Contract

Exhibit A

Scope of Services

"City": City of Aurora, Ohio or Aurora Parks and Recreation Department

"Instructor": Mad Science/Crayola

Type of Instruction: Science Experiments, Brixology, Art Classes

Locations and Dates of Service: as listed in program guides. 1/1/2023 - 12/31/2023

Registration: Registration for classes will be made exclusively through City website www.auroraoh.com.

Deadlines: Instructor and City will identify a final registration deadline (3) business days before classes begin.

Rosters: A final roster including contact information will be provided by City via email to Aurora City Schools (2) days before classes are scheduled to begin. Any changes to the roster will also be sent via email. Instructor and City will both be copied on all email correspondence.

Facilities: City will manage all communications regarding classroom space and/or facility usage. Instructor will not directly contact Aurora City Schools regarding questions or concerns related to facilities.

Promotional Materials: City agrees to produce, print, distribute, and display flyers and/or other promotional materials at their discretion. Instructor is not to distribute any flyers without prior approval by City. All flyers will include name and/or logo of City's Parks and Recreation Department and contact/registration information.

Issues and/or Concerns: Instructor will inform City representative as soon as possible and no more than 24 hours after class of any concerning incident or accident, that occurs. Please see Instructor Contract for additional information regarding conditions/arrangements.

Background Checks: City requires that all instructors, volunteers, and anyone involved with instruction of youth or at risk, vulnerable adults provide written documentation from a national background check service once every five years.

C.

2623-135



aurora
parks & recreation

City of Aurora Parks and Recreation
129 West Pioneer Trail
(330) 562-4333

INSTRUCTOR CONTRACT

This contract is entered into by and between the City of Aurora, hereinafter called the "City" and Cravola/Mad Science hereinafter called the "Instructor", as of this 15 day of December, 2022.

Whereas the City desires to provide recreational instruction in a specialized field and whereas the Instructor has indicated a willingness to undertake the required work in connection therewith and is qualified to provide such instruction, the parties agree as follows:

1. **TERM:** This agreement shall commence on January 1, 2023, through December 31, 2023.
2. **SERVICES PROVIDED:** Subject to the terms and conditions of this Agreement, the City hereby engages the Instructor as an independent contractor to perform the services set forth herein, and the Instructor hereby accepts such engagement. Instructor agrees to perform the services specified in the "Scope of Service" attached as exhibit "A" to this Agreement and incorporated in this Agreement by reference. Said "Scope of Service" may be amended in writing from time to time. Instructor will determine the method, details, and means of performing the services described in the Specified Services section. City may specify only the results desired in regard to the specified services.
3. **CONDITIONS/ARRANGEMENTS:**
Soliciting participants and/or their families for commercial or private purposes by the Instructor is strictly prohibited. The Instructor shall not change, accept, charge or receive compensation of any kind or nature from any person registered in a City class.

The Instructor shall not guarantee enrollment to any participant in any City class.

The Instructor is responsible for obtaining and supplying all materials, supplies and equipment necessary to provide the service. The Instructor shall submit for approval by the Parks and Recreation Staff any cost (uniforms, costumes, refreshments, supplies, etc.) above the initial registration fee before any charges are required of the students. The Instructor is also responsible for the care of all City owned equipment, supplies, and property. City equipment checked out must be returned or payment for replacement will be due. Storage of personal property may be done with permission from the City, at the Instructor's risk, and the Instructor's sole responsibility to replace it should it be stolen or damaged.

The Instructor shall provide the City with a 48-hour request regarding any planned changes in the scheduled activity. If the class does not take place because Instructor is ill; there is a holiday; or other extenuating circumstances, it is to be rescheduled by the Instructor and approved by the City prior to student notification. It shall be the Instructors responsibility to contact the Parks and Recreation Office at least two hours prior to the scheduled class of any illness or injury that would prohibit them from teaching. Canceled classes shall be made up prior to the end of the session.

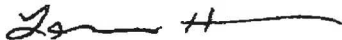
The Instructor shall notify the City at the earliest possible time of any accidents to any person or property that occur during the class, and shall submit to the City in writing the City provided Accident Report Form as soon as feasibly possible.

4. **COMPENSATION:** The City agrees to pay the instructor 80 % of the revenues received or \$_____ per participant or \$_____ flat fee.
5. **INDEPENDENT CONTRACTOR:** The Agreement shall not render the Instructor an employee, partner, agent of, or joint venture with the City for any purpose. The Instructor is and will remain an independent contractor in this relationship with City. The City shall not be responsible for withholding taxes with respect to the Instructor's compensation hereunder. The Instructor shall have no claim against the City hereunder or otherwise for vacation pay, sick leave, retirement benefits, social security, workers' compensation, health or disability benefits, unemployment insurance benefits, or employee benefits of any kind.

2023-135 C.

6. **TERMINATION:** The City and/or the Instructor reserve the right to terminate this contract upon five working days written notice, or upon failure of the Instructor to comply with the terms and intent of the contract. Excessive tardiness, absenteeism, or unreasonable conduct toward participants, spectators, or staff are causes for dismissal.
7. **ASSIGNMENT:** Neither this Agreement nor any duties, obligations or rights under this Agreement may be assigned by Instructor, nor shall Instructor delegate the performance of any of the duties hereunder without the prior written consent of City.
8. **ADVERTISEMENT:** The Instructor shall not duplicate or distribute promotional or informational materials without permission of the City. All duplicated/distributed documents shall contain the name of the City of Aurora or City of Aurora Parks and Recreation.
9. **HOLD HARMLESS:** The City shall not be liable for, and Instructor hereby waives all claims against the City, its officials, commissions, and employees, for loss or damage to Instructor's personal property, or for injury to or death of persons due to theft, fire, flood, burglary, vandalism, or any other cause whatsoever, incurred in connection with the services provided hereunder, except to the extent caused by the City's gross negligence or willful misconduct.
10. **PREVIOUS AGREEMENT:** This Agreement supersedes any and all agreements, both written and oral, between the parties with respect to the rendering of services by Instructor for City, and contains all of the covenants and agreements between the parties with respect to the rendering of these services in any manner whatsoever. Each party acknowledges that no representations, inducements, promises, or agreements, written or oral, have been made by either party, or by anyone acting on behalf of either party, that are not embodied in this Agreement. Any modification of this Agreement will be effective only if it is in a writing signed by the party to be charged.

**CITY OF AURORA
PARKS AND RECREATION**



Staff Signature

12/6/22

Date

INSTRUCTOR

Tammy Smith for Mad Science

Name (print)

Tammy G. Smith

Signature

7000 Wales Ave NW

Mailing Address

North Canton, OH 44720

City, State, Zip

330 498-0033

Telephone

tammy@madscienceneohio.com

Email Address

~~XXXXXXXXXX~~ EIN# 34-1868038

Social Security #

Dec 12, 2022

Date

2023-135

C.

LEGISLATIVE ACTION WORKSHEET1. DEPARTMENT OR SPONSOR: Parks and Recreation

2. EXPLAIN THE ISSUE REQUIRING COUNCIL APPROVAL:

Authorization to pay Connmack Inc. an amount not to exceed \$40,000 through December 31, 2023 for providing community education classes. The actual amount paid will depend on registration for classes offered throughout the year.

3. DATE THIS NEEDS TO BE IN EFFECT (ASAP IS NOT SUFFICIENT): 9/26/20234. DATE TO APPEAR ON COMMITTEE OF WHOLE AGENDA: 9/25/20235. DATE TO APPEAR ON COUNCIL AGENDA: 9/25/20236. READINGS – COUNCIL ACTION ON: ☒ FIRST ☐ SECOND ☐ THIRD7. DOES LEGISLATION NEED TO INCLUDE AN EMERGENCY CLAUSE? ☒ Yes ☐ No

IF YES, WHY? (TO BE EFFECTIVE UPON PASSAGE BY COUNCIL AND SIGNING BY THE MAYOR)

*Adopted
9.25.23*

To pay for 2023 classes.

8. ARE FUNDS NEEDED? ☒ Yes ☐ No9. IF FUNDS ARE NEEDED, ARE THEY BUDGETED? ☐ Yes ☒ No

10. INDICATE THE BUDGET LINE ITEM/FUND (NAME & NUMBER) FROM WHICH THEY WILL BE TAKEN:

7820-4930 Instructors

11. IF THERE ARE ATTACHMENTS RELATIVE TO THIS ISSUE, PLEASE ATTACH

Instructor contract and scope of servicesWORKSHEET PREPARED BY: Laura Holman

APPROVED BY: _____

MAYOR APPROVAL:

Ann Marie Beg
9/19/23

Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-136

INTRODUCED BY: Scott Wolf

SECONDED BY: Drewa Barner

AN ORDINANCE AUTHORIZING PAYMENT TO PROGRESS WITH CHESS IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR PROVIDING COMMUNITY EDUCATION CLASSES FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023 APPROPRIATING THE NECESSARY FUNDS FROM THE RECREATION FUND (78) AND DECLARING AN EMERGENCY TO PAY FOR 2023 CLASSES

WHEREAS, the city has an Independent Contractor Agreement with Progress with Chess to provide community education services from January 1, 2023 through December 31, 2023; and

WHEREAS, the city desires to pay Progress with Chess in an amount not to exceed \$40,000.00 for the 2023 contract; and

WHEREAS, the necessary funds shall be appropriated from the Recreation Fund (78);

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby authorizes payment to Progress with Chess in an amount not to exceed \$40,000.00 for providing community education classes from January 1, 2023 through December 31, 2023.

Section 2. The necessary funds shall be appropriated from the Recreation Fund (78).

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality, and for the further reason to pay for 2023 classes. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval

of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023 Approved: Sept. 27, 2023

Effective: September 27, 2023 By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest:

Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero
Dean DePiero, Director of Law

CERTIFICATE OF POSTING

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day of October, 2023.

Signed this 27 Day of September, 2023.

Marie Lawrie
Clerk of Council
City of Aurora

2023-134

d.

Instructor Contract

Exhibit A

Scope of Services

"City": City of Aurora, Ohio or Aurora Parks and Recreation Department

"Instructor": Michael Joelson

Type of Instruction: Chess

Locations and Dates of Service: Leighton Elementary, 1/1/23 – 12/31/23

Registration: Registration for classes will be made exclusively through City website www.auroraoh.com.

Deadlines: Instructor and City will identify a final registration deadline (3) business days before classes begin.

Rosters: A final roster including contact information will be provided by City via email to Aurora City Schools (2) days before classes are scheduled to begin. Any changes to the roster will also be sent via email. Instructor and City will both be copied on all email correspondence.

Facilities: City will manage all communications regarding classroom space and/or facility usage. Instructor will not directly contact Aurora City Schools regarding questions or concerns related to facilities.

Promotional Materials: City agrees to produce, print, distribute, and display flyers and/or other promotional materials at their discretion. Instructor is not to distribute any flyers without prior approval by City. All flyers will include name and/or logo of City's Parks and Recreation Department and contact/registration information.

Issues and/or Concerns: Instructor will inform City representative as soon as possible and no more than 24 hours after class of any concerning incident or accident, that occurs. Please see Instructor Contract for additional information regarding conditions/arrangements.

Background Checks: City requires that all instructors, volunteers, and anyone involved with instruction of youth or at risk, vulnerable adults provide written documentation from a national background check service once every year.



aurora
parks & recreation

City of Aurora Parks and Recreation
129 West Pioneer Trail
(330) 562-4333

2023-134 d.

INSTRUCTOR CONTRACT

This contract is entered into by and between the City of Aurora, hereinafter called the "City" and Michael Joelson/ Progress with Chess hereinafter called the "Instructor", as of this 15 day of December, 2022.

Whereas the City desires to provide recreational instruction in a specialized field and whereas the Instructor has indicated a willingness to undertake the required work in connection therewith and is qualified to provide such instruction, the parties agree as follows:

1. **TERM:** This agreement shall commence on January 1, 2023, through December 31, 2023.
2. **SERVICES PROVIDED:** Subject to the terms and conditions of this Agreement, the City hereby engages the Instructor as an independent contractor to perform the services set forth herein, and the Instructor hereby accepts such engagement. Instructor agrees to perform the services specified in the "Scope of Service" attached as exhibit "A" to this Agreement and incorporated in this Agreement by reference. Said "Scope of Service" may be amended in writing from time to time. Instructor will determine the method, details, and means of performing the services described in the Specified Services section. City may specify only the results desired in regard to the specified services.

3. **CONDITIONS/ARRANGEMENTS:**

Soliciting participants and/or their families for commercial or private purposes by the Instructor is strictly prohibited. The Instructor shall not change, accept, charge or receive compensation of any kind or nature from any person registered in a City class.

The Instructor shall not guarantee enrollment to any participant in any City class.

The Instructor is responsible for obtaining and supplying all materials, supplies and equipment necessary to provide the service. The Instructor shall submit for approval by the Parks and Recreation Staff any cost (uniforms, costumes, refreshments, supplies, etc.) above the initial registration fee before any charges are required of the students. The Instructor is also responsible for the care of all City owned equipment, supplies, and property. City equipment checked out must be returned or payment for replacement will be due. Storage of personal property may be done with permission from the City, at the Instructor's risk, and the Instructor's sole responsibility to replace it should it be stolen or damaged.

The Instructor shall provide the City with a 48-hour request regarding any planned changes in the scheduled activity. If the class does not take place because Instructor is ill; there is a holiday; or other extenuating circumstances, it is to be rescheduled by the Instructor and approved by the City prior to student notification. It shall be the Instructors responsibility to contact the Parks and Recreation Office at least two hours prior to the scheduled class of any illness or injury that would prohibit them from teaching. Canceled classes shall be made up prior to the end of the session.

The Instructor shall notify the City at the earliest possible time of any accidents to any person or property that occur during the class, and shall submit to the City in writing the City provided Accident Report Form as soon as feasibly possible.


4. **COMPENSATION:** The City agrees to pay the instructor 80 % of the revenues received or \$ _____ per participant or \$ _____ flat fee.
5. **INDEPENDENT CONTRACTOR:** The Agreement shall not render the Instructor an employee, partner, agent of, or joint venture with the City for any purpose. The Instructor is and will remain an independent contractor in this relationship with City. The City shall not be responsible for withholding taxes with respect to the Instructor's compensation hereunder. The Instructor shall have no claim against the City hereunder or otherwise for vacation pay, sick leave, retirement benefits, social security, workers' compensation, health or disability benefits, unemployment insurance benefits, or employee benefits of any kind.

2023-136

d.

6. **TERMINATION:** The City and/or the Instructor reserve the right to terminate this contract upon five working days written notice, or upon failure of the Instructor to comply with the terms and intent of the contract. Excessive tardiness, absenteeism, or unreasonable conduct toward participants, spectators, or staff are causes for dismissal.
7. **ASSIGNMENT:** Neither this Agreement nor any duties, obligations or rights under this Agreement may be assigned by Instructor, nor shall Instructor delegate the performance of any of the duties hereunder without the prior written consent of City.
8. **ADVERTISEMENT:** The Instructor shall not duplicate or distribute promotional or informational materials without permission of the City. All duplicated/distributed documents shall contain the name of the City of Aurora or City of Aurora Parks and Recreation.
9. **HOLD HARMLESS:** The City shall not be liable for, and Instructor hereby waives all claims against the City, its officials, commissions, and employees, for loss or damage to Instructor's personal property, or for injury to or death of persons due to theft, fire, flood, burglary, vandalism, or any other cause whatsoever, incurred in connection with the services provided hereunder, except to the extent caused by the City's gross negligence or willful misconduct.
10. **PREVIOUS AGREEMENT:** This Agreement supersedes any and all agreements, both written and oral, between the parties with respect to the rendering of services by Instructor for City, and contains all of the covenants and agreements between the parties with respect to the rendering of these services in any manner whatsoever. Each party acknowledges that no representations, inducements, promises, or agreements, written or oral, have been made by either party, or by anyone acting on behalf of either party, that are not embodied in this Agreement. Any modification of this Agreement will be effective only if it is in a writing signed by the party to be charged.

**CITY OF AURORA
PARKS AND RECREATION**



Staff Signature

12/6/22

Date

INSTRUCTOR

Progress with Chess, President Michael Joelson

Name (print)



Signature

12200 Fairhill Road STE D230

Mailing Address

Cleveland, OH, 44120

City, State, Zip

(216-) 321-7000

Telephone

mdjoelson@progresswithchess.org

Email Address

Federal Tax ID # 34-1961748

Social Security #

Dec 13, 2022

Date

2023-134

d.

LEGISLATIVE ACTION WORKSHEET

1. DEPARTMENT OR SPONSOR: Parks and Recreation

2. EXPLAIN THE ISSUE REQUIRING COUNCIL APPROVAL:

Authorization to pay Progress with Chess an amount not to exceed \$40,000 through December 31, 2023 for
providing community education classes. The actual amount paid will depend on registration for classes offered
throughout the year.

3. DATE THIS NEEDS TO BE IN EFFECT (ASAP IS NOT SUFFICIENT): 9/26/2023

4. DATE TO APPEAR ON COMMITTEE OF WHOLE AGENDA: 9/25/2023

5. DATE TO APPEAR ON COUNCIL AGENDA: 9/25/2023

6. READINGS – COUNCIL ACTION ON: ☒ FIRST ☐ SECOND ☐ THIRD

7. DOES LEGISLATION NEED TO INCLUDE AN EMERGENCY CLAUSE? ☒ Yes ☐ No

IF YES, WHY? (TO BE EFFECTIVE UPON PASSAGE BY COUNCIL AND SIGNING BY THE MAYOR)

To pay for 2023 classes.

8. ARE FUNDS NEEDED? ☒ Yes ☐ No

9. IF FUNDS ARE NEEDED, ARE THEY BUDGETED? ☐ Yes ☒ No

10. INDICATE THE BUDGET LINE ITEM/FUND (NAME & NUMBER) FROM WHICH THEY WILL BE TAKEN:

7820-4930 Instructors

11. IF THERE ARE ATTACHMENTS RELATIVE TO THIS ISSUE, PLEASE ATTACH

Instructor contract and scope of services

WORKSHEET PREPARED BY: Laura Holman

APPROVED BY: _____

MAYOR APPROVAL:

Ann M. Bennett
9/19/23

THIS FORM ALONG WITH SUPPORTING DOCUMENTS MUST BE SUBMITTED TO
 THE CLERK OF COUNCIL'S OFFICE NO LATER THAN THE WEDNESDAY
 BEFORE THE COMMITTEE OF THE WHOLE MEETING

Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-137

INTRODUCED BY: Harold Hettrich
SECONDED BY: Scott Wolf

AN ORDINANCE ACCEPTING THE QUOTES SUBMITTED BY UNITED MEDICAL RESOURCES (UMR) AS THIRD PARTY ADMINISTRATORS, SUN LIFE FINANCIAL AS MEDICAL STOP LOSS INSURER, AND UNITED HEALTH CARE (UHC) THROUGH USI AS THE BEST QUOTES FOR THE ADMINISTRATION OF A SELF-FUNDED MEDICAL, DENTAL, AND PRESCRIPTION INSURANCE PROGRAM FOR CITY OF AURORA EMPLOYEES FOR THE TIME PERIOD JANUARY 1, 2024 THRU DECEMBER 31, 2024, AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITH THOSE COMPANIES IN THE MAXIMUM AMOUNT OF \$3,346,684.00 FOR THE FISCAL YEAR 2024 BASED UPON SELF-INSURANCE IN THE AMOUNT OF \$85,000.00 PER COVERED INDIVIDUAL WITH A TOTAL EXPECTED ANNUAL COST OF \$2,789,281.00 WITH ANY PRO-RATA CHANGES TO BE REFLECTED ACCORDINGLY, AND DECLARING AN EMERGENCY TO MEET THE SEPTEMBER 30, 2023 DEADLINE

WHEREAS, the city recently solicited quotes for the self-funded medical, dental, and prescription insurance program for City of Aurora employees; and

WHEREAS, it is in the best interests of the city to accept the quotes of United Medical Resources (UMR) as third party administrators, Sun Life Financial as medical stop loss insurer, and United Health Care (UHC) through USI without obtaining bids for this service; and

WHEREAS, City Council wishes to authorize the Mayor to enter into contracts with United Medical Resources (UMR) as third party administrators, Sun Life Financial as medical stop loss insurer, and United Health Care (UHC) through USI for the administration of a self-funded insurance program for City of Aurora employees; and

WHEREAS, the maximum cost of the contracts are \$3,346,684.00, based on self-insurance in the amount of \$85,000.00 per covered individual with a total expected annual cost of \$2,789,281.00 with any pro-rata changes to be reflected accordingly; and

WHEREAS, the total annual cost does not reflect an \$11,000.00 wellness credit from UMR which will be applied upon proof of city-elected employee wellness activities;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council selects the quotes of and authorizes the Mayor to enter into contracts with United Medical Resources (UMR) as third party administrators, Sun Life Financial as medical stop loss insurer, and United Health Care (UHC) through USI for the administration of a self-funded medical insurance program for all City of Aurora employees for the time period January 1, 2024 thru December 31, 2024.

Section 2. The maximum cost of the contracts are \$3,346,684.00, based on self-insurance in the amount of \$85,000.00 per covered individual with a total expected annual cost of \$2,789,281.00 with any pro-rata changes to be reflected accordingly.

Section 3. It is in the best interests of the city to accept the quotes of United Medical Resources (UMR) as third party administrators, Sun Life Financial as medical stop loss insurers, and United Health Care (UHC) through USI without obtaining bids for this service.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. The Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, and safety of this municipality and for the further reason to meet the September 30, 2023 deadline. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor, otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023 Approved: Sept. 27, 2023

Effective: September 27, 2023 By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest: Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by: Dean DePiero
Dean DePiero, Director of Law

CERTIFICATE OF POSTING

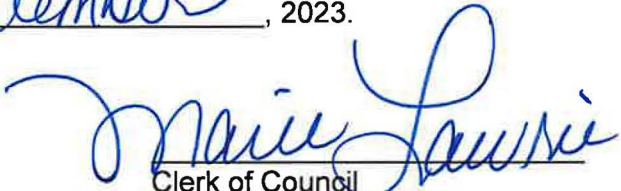
I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day of

October, 2023

Signed this 27 Day of September, 2023.


Clerk of Council
City of Aurora

Stop Loss Contract Terms:

- Current \$85,000 Specific Stop Loss Deductible
- No New Laser
- Renewal Rate Cap
- Firm through 9/30

Fixed Costs:

- Admin and Stop Loss Premiums
- 0% Increase to Admin
- 4.8% Increase to Stop Loss Premiums

Claims Liability:

- Expected Claims
- No Increase to Expected Claims

Total Expected Costs:

- Fixed Costs + Expected Claims
- 1% (\$27k) Overall Expected Increase

2023-137

Stop Loss Outline		Current	Initial Renewal - No Shop		
Third Party Administrator		UMR	UMR		
Network Name(s)		United Healthcare Choice Plus	United Healthcare Choice Plus		
Stop Loss Carrier		SunLife	SunLife		
Pharmacy Benefit Manager (PBM)		Optum Rx	Optum Rx		
Specific Stop Loss (SSL)		\$85,000	\$85,000		
Per Individual or Per Family?		Per Individual	Per Individual		
Laser Liability		\$0	\$0		
Aggregating Specific		\$30,000	\$30,000		
Contract Basis		PAID/12	PAID/12		
Coverages Included		Medical & Rx	Medical & Rx		
Annual Reimbursement Max		Unlimited	Unlimited		
Advanced Specific Funding		Included	Included		
Laser Waiver at Renewal Included?		Included	Included		
Rate Cap at Renewal (Amount)		50%	50%		
Aggregate Stop Loss (ASL)	Corridor:	125%	125%		
Contract Basis		PAID/12	PAID/12		
Coverages Included		Medical, Rx, Dental	Medical, Rx, Dental		
Annual Reimbursement Max		\$1,000,000	\$1,000,000		
Minimum Attachment		\$2,659,176	\$2,637,016		
Rates Firm With		Firm	Firm through 09/30/2023		
Mirrors Plan Document?		Included	Included		
Fixed Costs		Enrollment	Premium	Enrollment	Premium
Administration (PEPM)	Composite	119	\$60.31	119	\$60.31
Annual Administration Costs			\$86,123		\$86,123
Change from Current			\$0		\$0
Percentage Change			0.0%		0.0%
Specific SL Premium (PEPM)	Composite	119	\$380.50	119	\$399.53
Aggregate SL Premium (PEPM)	Composite	119	\$16.12	119	\$16.12
Annual Stop Loss Premium			\$566,377		\$593,546
Change from Current			\$27,169		\$27,169
Percentage Change			4.8%		4.8%
Annual Total Fixed Costs			\$652,499		\$679,668
Change from Current					\$27,169
Percentage Change					4.2%
Claims Liability		Expected	Maximum	Expected	Maximum
Expected / Maximum Claims (PEPM)		\$1,477.32	\$1,846.65	\$1,477.32	\$1,846.65
Annual Expected / Maximum Claims		\$2,109,613	\$2,637,016	\$2,109,613	\$2,637,016
Maximum: Additional AggSpec Liability			\$30,000		\$30,000
Annual Expected / Max Claims Total		\$2,109,613	\$2,667,016	\$2,109,613	\$2,667,016
Change from Current Expected			\$0		\$0
Percentage Change			0.0%		0.0%
Total Cost		Total All Plans		Total All Plans	
Annual Total Expected Costs		\$2,762,112		\$2,789,281	
Change from Current				\$27,169	
Percentage Change				1.0%	
Annual Total Maximum Costs		\$3,319,516		\$3,346,684	
Change from Current				\$27,169	
Percentage Change				0.8%	



City of Aurora
Medical Plan
Administrative Fees
January 1, 2024 Renewal

2023-137

	Current	Initial Renewal - No Shop Offer Year 1 - 2024	Renewal - Year 2 - 2025	Renewal - Year 3 - 2026
Stop Loss Outline				
Third Party Administrator	UMR	UMR	UMR	UMR
Network Name (s)	United Healthcare	United Healthcare	United Healthcare	United Healthcare
Stop Loss Carrier	SunLife	SunLife	SunLife	SunLife
Pharmacy Benefit Manager (PBM)	Optum Rx	Optum Rx	Optum Rx	Optum Rx
Per Employee Per Month Fees				
Medical Administration	\$42.21	\$42.21	\$42.21	\$44.95
Dental Administration	\$4.30	\$4.30	\$4.30	\$4.52
COBRA Administration - includes initial letters for new employees	\$1.10	\$1.10	\$1.10	\$1.10
Stop Loss Interface Fee	Included	Included	Included	Included
PBM Interface Fee	Included	Included	Included	Included
Medical and Pharmacy Integration Fee	\$1.05	\$1.05	\$1.05	\$1.10
Medical Insured Carve Out Coordination Fee	\$0.40	\$0.40	\$0.40	\$0.42
United Healthcare Choice Plus Network Access Fee	Included	Included	Included	Included
Dental Network Access Fee	\$1.25	\$1.25	\$1.25	TBD
Utilization Review / Case Management	\$3.10	\$3.10	\$3.10	\$3.26
Complex Condition Care	\$2.15	\$2.15	\$2.15	\$2.26
Telemedicine (Teladoc)	\$1.25	\$1.25	\$1.25	\$1.25
Nurseline	\$0.50	\$0.50	\$0.50	\$0.53
Broker Consulting Fee	\$30.00	\$30.00	\$30.00	\$30.00
Additional Fees & Revenue Share				
Pharmacy Rebate PEPM Credit	(\$27.00)	(\$27.00)	(\$27.00)	(\$27.00)
Total Cost				
	Total			
Total PEPM Fees	119	\$87.31	\$87.31	\$87.31
Pharmacy Rebate PEPM Credit		(\$27.00)	(\$27.00)	(\$27.00)
Total PEPM Fees After Pharmacy Rebate PEPM Credit		\$60.31	\$60.31	\$60.31
Annual Total				
		\$86,123	\$86,123	
Change from Current			\$0	
Percentage Change			0.0%	
Proposal Enhancements				
	UMR will still use their hybrid model for Pharmacy rebates so that City of Aurora receives the rebate fee credit and the rebates.	UMR will still use their hybrid model for Pharmacy rebates so that City of Aurora receives the rebate fee credit and the rebates.	UMR will still use their hybrid model for Pharmacy rebates so that City of Aurora receives the rebate fee credit and the rebates.	UMR will still use their hybrid model for Pharmacy rebates so that City of Aurora receives the rebate fee credit and the rebates.
	\$10k Wellness Fund	\$11k Wellness Fund	\$11k Wellness Fund	\$11k Wellness Fund

e.)

LEGISLATIVE ACTION WORKSHEET

1. DEPARTMENT OR SPONSOR: Mayor's Department

2. EXPLAIN THE ISSUE REQUIRING COUNCIL APPROVAL:

An Ordinance authorizing the Mayor to enter into a contract with United Medical Resources (UMR) as third party medical claims administrator; Sun Life Financial as medical stop loss insurer; and the United Health Care (UHC) network, as negotiated through the city's benefits broker, USI as the best quotes for the administration of the city's self-funded medical, dental, and prescription insurance program for eligible employees of the City of Aurora, effective January 1, 2024 thru December 31, 2024, in an amount not to exceed \$3,346,684.00 for Fiscal Year 2024, based upon a maximum self-insurance rate in the amount of \$85,000.00 per covered individual, with a total expected annual cost of \$2,789,281.00. The total annual cost does not include an \$11,000.00 wellness credit from UMR, which will be applied upon proof of city-elected employee wellness activities. Total cost includes Health Navigator provided by Sunlife and reflects a nearly flat renewal over 2023 (\$3,319,516.00 vs. \$3,346,684.00 annual maximum cost).

3. DATE THIS NEEDS TO BE IN EFFECT (ASAP IS NOT SUFFICIENT): 9/26/2023

4. DATE TO APPEAR ON COMMITTEE OF WHOLE AGENDA: 9/25/2023

5. DATE TO APPEAR ON COUNCIL AGENDA: 9/25/2023

6. READINGS – COUNCIL ACTION ON: ☒ FIRST ☐ SECOND ☐ THIRD

7. DOES LEGISLATION NEED TO INCLUDE AN EMERGENCY CLAUSE? ☒ Yes ☐ No

IF YES, WHY? (TO BE EFFECTIVE UPON PASSAGE BY COUNCIL AND SIGNING BY THE MAYOR)

To meet Sun Life and UMR's acceptance deadline of 9/30/23.

*adopted
9.25.23*

8. ARE FUNDS NEEDED? ☐ Yes ☒ No

9. IF FUNDS ARE NEEDED, ARE THEY BUDGETED? ☐ Yes ☐ No

10. INDICATE THE BUDGET LINE ITEM/FUND (NAME & NUMBER) FROM WHICH THEY WILL BE TAKEN:

To be included in 2024 budget

11. IF THERE ARE ATTACHMENTS RELATIVE TO THIS ISSUE, PLEASE ATTACH

Please see the attached.

WORKSHEET PREPARED BY: Karen Pope

APPROVED BY: _____

MAYOR APPROVAL: *Ann Womer Pope*

9/19/23

Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-138

INTRODUCED BY: Scott Wolf

SECONDED BY: Brad Dugway

AN ORDINANCE AMENDING ORDINANCE 2023-129 TO INCLUDE THE SEWER FUND (72) AS AN ADDITIONAL FUNDING SOURCE TO APPROPRIATE MONEY FOR THE R2O CONTRACT AND DECLARING AN EMERGENCY IN ORDER TO AVOID A DELAY IN PAYMENT TO THE CONTRACTOR

WHEREAS, Ordinance 2023-129 accepted the proposal of R2O Consulting LLC in the amount of \$150,143.00 for design services for future improvements to the central wastewater treatment plant; and

WHEREAS, the legislation appropriated the necessary funds from the Sewer Capital Fund (73); and

WHEREAS, the Sewer Fund (72) needs to be added as an additional funding source to appropriate money for the R2O contract;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby authorizes amending Ordinance 2023-129 to include the Sewer Fund (72) as an additional funding source to appropriate money for the R2O contract.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality, and for the further reason in order to avoid a delay in payment to the contractor. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023 Approved: Sept. 27, 2023Effective: September 27, 2023 By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest:

Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero
Dean DePiero, Director of Law**CERTIFICATE OF POSTING**

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day ofOctober, 2023.Signed this 27 Day of September, 2023.Marie Lawrie
Clerk of Council
City of Aurora

2023-138

f.

LEGISLATIVE ACTION WORKSHEET1. DEPARTMENT OR SPONSOR: Law Department

2. EXPLAIN THE ISSUE REQUIRING COUNCIL APPROVAL:

Amending Ordinance 2023-129 to include the Sewer Fund (72) as an additional funding source. The Ordinance was approved by Council on September 11, 2023. Fund 72 was inadvertently not included in the previous legislation.

2023-129: R2D Contract
for Design
Services @
Westerly WWTP

3. DATE THIS NEEDS TO BE IN EFFECT (ASAP IS NOT SUFFICIENT): 9/26/2023

4. DATE TO APPEAR ON COMMITTEE OF WHOLE AGENDA: 9/25/2023

5. DATE TO APPEAR ON COUNCIL AGENDA: 9/25/2023

6. READINGS – COUNCIL ACTION ON: ☒ FIRST ☐ SECOND ☐ THIRD7. DOES LEGISLATION NEED TO INCLUDE AN EMERGENCY CLAUSE? ☒ Yes ☐ No

adopted
9.25.23

IF YES, WHY? (TO BE EFFECTIVE UPON PASSAGE BY COUNCIL AND SIGNING BY THE MAYOR)

Fund 72 was inadvertently not included in the previous legislation.

8. ARE FUNDS NEEDED? ☒ Yes ☐ No9. IF FUNDS ARE NEEDED, ARE THEY BUDGETED? ☒ Yes ☐ No

10. INDICATE THE BUDGET LINE ITEM/FUND (NAME & NUMBER) FROM WHICH THEY WILL BE TAKEN:

11. IF THERE ARE ATTACHMENTS RELATIVE TO THIS ISSUE, PLEASE ATTACH

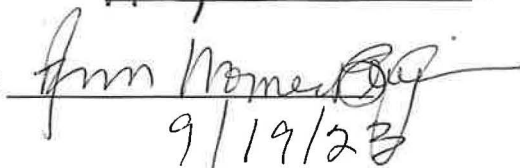
WORKSHEET PREPARED BY:

Ange M. Percies

APPROVED BY:



MAYOR APPROVAL:


9/19/23

Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2023-139

INTRODUCED BY: Scott Wolf

SECONDED BY: Rewa Barner

AN ORDINANCE APPROVING A CHANGE ORDER FROM RONYAK PAVING, INC. IN THE AMOUNT OF \$100,000.00 FOR ADDITIONAL WORK REQUESTED BY THE CITY FOR IMPROVEMENTS TO THE PARKING LOT AT 10 S. CHILlicothe ROAD, TAKING THE NECESSARY FUNDS FROM THE ROAD AND BRIDGE LEVY FUND (36) AND DECLARING AN EMERGENCY TO COMPLETE THE WORK BEFORE THE WINTER SEASON

WHEREAS, Ordinance 2023-110 awarded a bid to Ronyak Paving, Inc. in the amount of \$317,427.08 for roadway improvements on West Pioneer Trail from Bissell Road to West Garfield Road; and

WHEREAS, the city has requested additional work for improvements to the parking lot at 10 S. Chillicothe Road that was not part of the original bid specifications; and

WHEREAS, Ronyak Paving, Inc. provided a change order in the amount of \$100,000.00 above the original contract; and

WHEREAS, the necessary funds shall be taken from the Road and Bridge Levy Fund (36);

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that;

Section 1. City Council hereby approves the change order from Ronyak Paving, Inc. in the amount of \$100,000.00 for additional work requested by the city for improvements to the parking lot at 10 S. Chillicothe Road.

Section 2. The necessary funds shall be taken from the Road and Bridge Levy Fund (36).

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality and for the further reason to process payment for additional work requested by the city. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023 Approved: Sept. 27, 2023

Effective: September 27, 2023 By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest:

Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero
Dean DePiero, Director of Law

CERTIFICATE OF POSTING

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day of

October, 2023.

Signed this 27 Day of September, 2023.

Marie Lawrie
Clerk of Council
City of Aurora

10 S. Chillicothe Road Parking Lot Improvements

2023-139

9.

State Route 82



2023-139

9.

LEGISLATIVE ACTION WORKSHEET1. DEPARTMENT OR SPONSOR: DEPARTMENT OF PUBLIC SERVICES

2. EXPLAIN THE ISSUE REQUIRING COUNCIL APPROVAL:

The Mayor is requesting an ordinance approving a change order to the existing Ronyak Paving, Inc. contract in the amount of \$100,000.00 for additional work requested by the city to make improvements to the parking lot at 10 S. Chillicothe Road.

3. DATE THIS NEEDS TO BE IN EFFECT (ASAP IS NOT SUFFICIENT): 9/26/2023

4. DATE TO APPEAR ON COMMITTEE OF WHOLE AGENDA: 9/25/2023

5. DATE TO APPEAR ON COUNCIL AGENDA: 9/25/2023

6. READINGS – COUNCIL ACTION ON: ☒ FIRST ☐ SECOND ☐ THIRD7. DOES LEGISLATION NEED TO INCLUDE AN EMERGENCY CLAUSE? ☒ Yes ☐ No

IF YES, WHY? (TO BE EFFECTIVE UPON PASSAGE BY COUNCIL AND SIGNING BY THE MAYOR)

To extend the existing contract with Ronyak Paving, Inc. in a timely manner and have work performed while weather is permitting.

8. ARE FUNDS NEEDED? ☒ Yes ☐ No9. IF FUNDS ARE NEEDED, ARE THEY BUDGETED? ☒ Yes ☐ No

10. INDICATE THE BUDGET LINE ITEM/FUND (NAME & NUMBER) FROM WHICH THEY WILL BE TAKEN:

3600-0000-5-7000 Road Paving Program

11. IF THERE ARE ATTACHMENTS RELATIVE TO THIS ISSUE, PLEASE ATTACH

WORKSHEET PREPARED BY: SAMANTHA MCCOYAPPROVED BY: HARRY STARK

MAYOR APPROVAL:

Ann McMeel Bay
9/19/23

THIS FORM ALONG WITH SUPPORTING DOCUMENTS MUST BE SUBMITTED TO
THE CLERK OF COUNCIL'S OFFICE NO LATER THAN THE WEDNESDAY
BEFORE THE COMMITTEE OF THE WHOLE MEETING

*Adopted
9-25-23*

Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

RESOLUTION 2023-140

INTRODUCED BY: Scott Wolf

SECONDED BY: Harold Hatridge

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED FOR RESURFACING WORK TO EAST PIONEER TRAIL FROM PAGE ROAD TO THE CITY OF AURORA'S EASTERN PROPERTY LINE AND DECLARING AN EMERGENCY AS THE GRANT APPLICATION DEADLINE IS OCTOBER 13, 2023

WHEREAS, the State Capital Improvement Program and Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to the public infrastructure; and

WHEREAS, the City of Aurora is planning to make capital improvements to East Pioneer Trail – RAP, including partial depth pavement repair(s) to East Pioneer Trail from Page Road to the City of Aurora's eastern property line; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs;

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby authorizes the Mayor to prepare and submit an application to participate in the Ohio Public Works Commission (OPWC) State Capital Improvement and/or Local Transportation Improvement Program for resurfacing work on West Pioneer Trail from Bissell Road to State Route 82

Section 2. The Mayor and the Director of Public Services are hereby authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality, and for the further reason the application deadline is October 13, 2023. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Resolution shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: September 25, 2023 Approved: Sept. 27, 2023

Effective: September 27, 2023 By: Ann H. Womer Benjamin
Ann Womer Benjamin, Mayor

Attest:

Marie Lawrie
Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero
Dean DePiero, Director of Law

CERTIFICATE OF POSTING

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Resolution was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 6 Day of

October, 2023.

Signed this 27 Day of September, 2023.

Marie Lawrie
Clerk of Council
City of Aurora

AUTHORIZING LEGISLATION

A RESOLUTION AUTHORIZING [INSERT NAME AND / OR TITLE] TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the [Insert Name of Political Subdivision] is planning to make capital improvements to [Insert Project Name], and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT RESOLVED by [Insert Name of Political Subdivision]:

Section 1: The *[Insert Name and/or Title of the individual who signs page 6 of the application]* is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The *[Insert Name and/or Title of the Chief Executive Officer on page 5 of the application]* is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Passed: [Insert Date]

[All Required Signatures Here]

2023-140 n.

LEGISLATIVE ACTION WORKSHEET

1. DEPARTMENT OR SPONSOR: Engineering Department

2. EXPLAIN THE ISSUE REQUIRING COUNCIL APPROVAL:

The Engineering Department submitted a pre-application for the Ohio Public Works Commission (OPWC) Round 38 funding in the spring to perform resurfacing work on East Pioneer Trail from Page Road to the corporate boundary.

This pre-application has received favorable action as an alternate project by the District 7 County Engineer Task Force. The formal application must now be completed and submitted to the District 7 Integrating Committee, which will recommend the project as an alternate for funding to OPWC. A final decision on funding will not be made by OPWC until after July 1, 2024. As part of the formal application, authorizing legislation is required.

3. DATE THIS NEEDS TO BE IN EFFECT (ASAP IS NOT SUFFICIENT): 9/26/2023

4. DATE TO APPEAR ON COMMITTEE OF WHOLE AGENDA: 9/25/2023

5. DATE TO APPEAR ON COUNCIL AGENDA: 9/25/2023

6. READINGS – COUNCIL ACTION ON: ☒ FIRST ☐ SECOND ☐ THIRD

7. DOES LEGISLATION NEED TO INCLUDE AN EMERGENCY CLAUSE? ☒ Yes ☐ No

IF YES, WHY? (TO BE EFFECTIVE UPON PASSAGE BY COUNCIL AND SIGNING BY THE MAYOR)

The formal application deadline is October 13, 2023.

*Adopted
9.25.23*

8. ARE FUNDS NEEDED? ☐ Yes ☒ No

9. IF FUNDS ARE NEEDED, ARE THEY BUDGETED? ☐ Yes ☐ No

10. INDICATE THE BUDGET LINE ITEM/FUND (NAME & NUMBER) FROM WHICH THEY WILL BE TAKEN:

11. IF THERE ARE ATTACHMENTS RELATIVE TO THIS ISSUE, PLEASE ATTACH

OPWC Authorizing Legislation

WORKSHEET PREPARED BY: Sara Cooper

APPROVED BY: Harry Stark

MAYOR APPROVAL:

Ann Marie B...
9/19/23

THIS FORM ALONG WITH SUPPORTING DOCUMENTS MUST BE SUBMITTED TO
THE CLERK OF COUNCIL'S OFFICE NO LATER THAN THE WEDNESDAY
BEFORE THE COMMITTEE OF THE WHOLE MEETING