

**CITY OF INDEPENDENCE  
REGULAR COUNCIL MEETING MINUTES  
JANUARY 9, 2007 7:00 P.M.  
COUNCIL CHAMBERS**

**CAUCUS:**

Vice Mayor Kurtz called the meeting to order at 5:38 p.m. Present were Mayor Ramos, Council Members Blaze, Cichocki, Crooks, Grendel, Klepacz and Wisnieski (arrived 5:44 p.m.). Also present were Finance Director Veres, Law Director O'Brien, Engineer Elewski and Executive Assistant White. Also present was Jeff Skoczen from Elewski & Associates.

Vice Mayor Kurtz stated, first on the agenda is Ordinance 2007-01 regarding grading and landscaping bonds.

Councilman Blaze stated, I asked Law Director O'Brien to draft this up and put this on First Reading and we can call for some type of public hearing or committee meeting to invite those affected residents to participate in some discussion.

I've had some telephone conversations with some people in the City after the legislation was passed in December and they would like an opportunity to give some public input and then we can decide what we want to do from that point.

Vice Mayor Kurtz asked, so First Reading and refer to the Finance Committee?

Councilman Klepacz replied, no. Send it to the Rules & Ordinances Committee.

I would like to hear the public – people who are going to come in and say, oh, you're charging far too much. We liked being subsidized. We've been subsidized for all these years so continue to do so.

I will be drafting legislation to take a look at all of our fee structures and bring them into line with the 21<sup>st</sup> century, seeing as we haven't raised fees for anything since 1991. I think perhaps it's time to look at them. If we want to run our City in a businesslike manner, I think we need to cover our costs and we're not doing so at this time.

Councilman Blaze asked, in all aspects?

Councilman Klepacz replied, I'm going to look at a lot of different things.

I looked at this legislation and the part cleaning up the language was very good.

Councilman Cichocki asked about "new commercial" being crossed out and blanks for the cash bond. Are we going to revisit the amount of the cash bond or are we talking about just removing commercial?

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Councilman Blaze replied, the intent was to revisit the dollar amounts because essentially, everything else in here is generally the same as what it was prior to the passage of Ordinance 2006-30. There was the confusion I had with the version of Ordinance 2006-30 that we adopted in December and the version that was provided to us subsequent to that.

There were no objections noted to referring Ordinance 2007-01 to the Rule & Ordinances Committee.

Vice Mayor Kurtz stated, Ordinance 2007-02, accepting the bid of New Heights for residential tree trimming.

Councilman Klepacz asked, where is Schedule 1? Collins was the third low bidder. There was something about them parking their trucks on City property.

Councilman Crooks responded, the bids were passed out two or three weeks ago. That was included when it was passed out. In exchange for parking his vehicles on City property, he would cover the cost of stump grinding for all City work.

Vice Mayor Kurtz stated, my only thought would be to look at this from the big picture relative to Resolution 2007-03 and Ordinance 2007-02. I'm going to request that we amend Resolution 2007-03 to delete New Heights and change it to Collins. I respect the Administration's position on recommending New Heights and I'm assuming that's because you had a favorable experience with them. I'm assuming that. On the major contract, they would still receive that.

My thought would be that since Collins and New Heights had the same emergency show up time provision of 15 minutes, and the fees are relatively close, that I would like to have two separate contractors and have the ability to go to both of them in the event of an emergency. By having two contracts in place, that would accomplish that goal.

The second bidder was 45 minutes.

Vice Mayor Kurtz stated, I think we can go by the lowest and best bid provision, so there are two things that I'm suggesting. I'm suggesting that we insert the name "Collins" into Resolution 2007-03 and then we have two contractors in place for emergency work.

Councilman Blaze asked, so you want Resolution 2007-03 revised from New Heights to Collins?

Vice Mayor Kurtz replied, right, replace New Heights. So we would give the Residential Tree Trimming contract to New Heights and then we'd give the City contract to Collins. Then we would have both available for emergency applications.

Councilman Crooks asked, so one gets one contract and one gets the other?

Vice Mayor Kurtz replied, right, and they're separate contracts.

Councilman Crooks asked Mayor Ramos, our experience with New Heights has been very good?

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Mayor Ramos replied, yes, and the experience with Collins was very good. Collins was doing it from the inception of the program and they did an outstanding job.

New Heights who has had the contract for the past couple of years, has done an outstanding job as well.

As far as the performance is concerned, both companies are excellent.

Bob Collins never nickel and dimed us. He would do extra work for us and not charge us. Unfortunately, when the bid came out two years ago, he was not the lowest bid by a significant amount. Consequently, we weren't able to renew the contract with Bob Collins. To be honest, I was disappointed because he did a great job.

This might be a way to accommodate both companies.

New Heights had done an outstanding job for us. We get quite a few compliments from the residents. They're very responsive and very polite. They take care of the residents and do everything that they can in order to make the City look good.

Vice Mayor Kurtz asked Mayor Ramos, so you have no objection to revising Resolution 2007-03?

Mayor Ramos replied, no.

Councilman Blaze asked Law Director O'Brien if this was a permitted thing that we can replace one with the other.

Law Director O'Brien replied, for the same reasons that the Vice Mayor stated, sure.

Vice Mayor Kurtz asked, so are there any objections to Ordinance 2007-02 for New Heights?

There were no objections noted.

Vice Mayor Kurtz asked, are there any objections to revising Resolution 2007-03 to insert Collins Tree Service?

There were no objections noted.

Councilman Cichocki asked, how is it going to work if they're parking their trucks? If we accept this, does that mean that he's going to be parking trucks on City grounds again?

Vice Mayor Kurtz replied, that would be a discretionary thing by the Administration, I would assume. If it's a benefit to us and to our advantage then – I think he said he was willing to do that. That's up to the Administration as far as I'm concerned.

Finance Director Veres asked Councilman Cichocki, are you saying New Heights?

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Councilman Cichocki replied, no. I'm asking about Collins. Schedule 1 was that for storing equipment on our property, it says, *for consideration of Collins Tree Service storing equipment on City property, Collins Tree Service will perform stump grinding services on City property for no cost.*

I have a philosophical problem with permitting private enterprises to utilize City property for their storage purposes. I've consistently had a problem with Collins parking in our garage for that purpose.

Vice Mayor Kurtz asked, does he park there now?

Mayor Ramos replied, no.

Councilwoman Wisnieski asked, New Heights does? They park in the Service Garage area.

Mayor Ramos asked, do they park in the garage or just in the area?

Councilwoman Wisnieski replied, she doesn't believe they park in the garage – just on City grounds outside.

Finance Director Veres asked, so now they would both be there?

Mayor Ramos replied, New Heights isn't there.

Finance Director Veres replied, I thought Councilwoman Wisnieski just said that they were.

Councilwoman Wisnieski replied, I've seen them parked there at night.

Mayor Ramos responded, I wasn't aware of that.

Councilwoman Wisnieski commented, that might have been an isolated situation. I don't know.

Councilman Blaze commented, if he was just parking there it would be one thing (inaudible) but since he's always given us that bucket truck to do flags and stuff for that the City does, I thought that was kind of the trade off that the City had going with him.

Councilman Cichocki asked, we have our own bucket truck now, don't we?

Councilman Grendel replied, yes.

Councilman Cichocki commented, I think the Law Director spoke with us about not using private trucks.

Law Director O'Brien replied, yes.

Councilman Cichocki responded, it's up to you, Mayor, if you want to let them park there.

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Mayor Ramos replied, I understand and you've been very consistent throughout time. I don't have any objections to it as long as we get a release saying that we're not responsible for them. They park away. It's really not taking anything away from the City. I think it's a trade off as far as getting a discount on the services. I don't have any objections to it.

Councilman Crooks asked, do we amend this then?

**Moved by Kurtz, seconded by Blaze, to remove New Heights Trees Service from Resolution 2007-03 and replace them with Collins Tree Service. Voice vote: 7 yes/0 no; motion carried.**

Councilman Klepacz stated, going back to Ordinance 2007-02 then. . .

Vice Mayor Kurtz commented, Ordinance 2007-02 is the ordinance for New Heights for the Resident Tree Trimming Program.

Councilman Klepacz asked, so if they are parking on our property, do we get them to grind out stumps for free – New Heights – if New Heights is also parking there. Do they give us a discount for parking?

Councilwoman Wisnieski commented, I would verify that, because it may have been an isolated incident. I saw them as I was coming from the Field House. I don't know.

Mayor Ramos commented, as a practical matter, as long as they don't nickel and dime us for every little thing, and they don't, I think both companies have been providing a great service to the City. They don't charge us for everything that they do. They do extra things for us. They provide the equipment for us and things like that. Basically, it doesn't cost us anything.

There were no objections noted to passing Ordinance 2007-02.

Vice Mayor Kurtz stated, next is Resolution 2007-01, the appointment of William Doyle as the prosecutor.

Mayor Ramos stated, I think I enclosed a copy of Bud's resume. We received a substantial number of applicants. Unfortunately, I knew most of them. I could have probably picked any one of ten and not even missed a beat. It was a very difficult decision. I tried to choose someone who was very much like our good friend, Tom Gill. Once you meet Bud, you'll know why he was selected. If you looked at his resume, he has had a wealth of experience, including investigation of public corruption.

Vice Mayor Kurtz commented, you're correct. The prosecutor's vacancy is big shoes to fill and Bud Doyle is quite capable. It was a good decision.

Mayor Ramos responded, he is going to be here tonight. His reputation as far as his integrity is second to none. That's the kind of person we want.

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Councilman Grendel asked, is he still with University Heights too?

Mayor Ramos replied, he's their city prosecutor.

Councilwoman Wisnieski stated, I would like to mention one thing. A couple of the residents that applied for the prosecutor's position mentioned to me that they did apply and never heard an acknowledgement of their resume or a response to what was going on with the process.

Mayor Ramos replied, I sent everyone a letter.

Councilwoman Wisnieski asked, just recently?

Mayor Ramos replied, yes.

Councilwoman Wisnieski responded, I talked to them as recently as Saturday and they hadn't heard anything.

Mayor Ramos responded, they should be receiving the letter if not today, then tomorrow.

Councilman Blaze asked, was the position advertised?

Mayor Ramos replied, no. It was just known in the community.

Councilman Grendel commented, he's a very good man.

Vice Mayor Kurtz stated, next is Resolution 2007-02, the appointment of Norm Casini. Just by the way of a little housecleaning, it says for a 3-year appointment. I think this is an overlap relative to the old term of mayor and the new term. I suggest that to be consistent with the other appointments by the mayor, both past and present, we change this to one year and then make it a 4-year appointment to run along with the term of mayor.

Law Director O'Brien commented, Codified Ordinance 1309 would have to be amended for that as well.

Vice Mayor Kurtz responded, he's just suggesting that make it consistent with the term of Mayor like the rest of the appointments. It would be more consistent with the 4-year term of mayor.

Councilwoman Wisnieski asked, how do the terms of other members run?

Vice Mayor Kurtz replied, consistent with the mayor's office.

Mayor Ramos responded, I don't know when this provision was enacted, but why did they make it three years? It wouldn't have jived with the mayor's term even back then.

Vice Mayor Kurtz replied, it's not a Charter issue. It's a Codified Ordinance issue.

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Law Director O'Brien replied, right.

Vice Mayor Kurt stated, I'm just suggesting to make the appointment for four years.

Councilwoman Wisnieski asked, so there is no other citizen member?

Vice Mayor Kurtz replied, no. I'm suggesting to make him one year and then go to a four year term to be consistent with the term of the mayor's office.

Councilwoman Wisnieski responded, I don't have any problem doing that.

Councilman Cichocki commented, I don't think that any City Official, be it elected or appointed, should be appearing in front of various boards of the City advocating positions for clients and relatives. I personally found this to be happening recently and it is repugnant and I would hope that someone would talk to our appointed officials about their appearances and make it clear that they should not be appearing in front of boards on behalf of other individuals. They can appear for themselves as residents, but they should not be advocating in front of the boards.

Mayor Ramos responded, point well taken. The situation, and the person that I suspect that you are talking about, was approached by myself as well as the Law Director and instructed that it would present an ethical. . .

Councilman Cichocki added, it creates a bad appearance to the residents when they are up against elected officials or appointed officials.

Mayor Ramos replied, it does. I think at the last meeting he was not a participant and was not active.

Councilman Cichocki responded, thank you.

Vice Mayor Kurtz asked, so what is Council's pleasure on Resolution 2007-02?

Law Director O'Brien replied, it's fine. The law says he can hold that position until his appointment or reappointment. We have to revise 1309 to make that language change to four years.

Vice Mayor Kurtz asked, so why don't we remove this piece of legislation?

Law Director O'Brien replied, okay.

It was agreed to remove Resolution 2007-02 from the agenda. Law Director O'Brien would revise the Codified Ordinance 1309 and place it on the February Council agenda.

Vice Mayor Kurtz added, we'll just change it. He's already appointed so we don't have to do anything and he still fills the spot until you want to replace him.

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Mayor Ramos asked, so we're not going to act on this?

Vice Mayor Kurtz replied, correct.

Next we have Resolution 2007-04 regarding EMS Response Jackets.

Finance Director Veres commented, part of this will be a 2006 purchase order - \$4,600. The rest will be in the 2007 budget.

There were no objections noted to passing Resolution 2007-04.

Vice Mayor Kurtz stated, we have Resolution 2007-05 regarding Elewski & Associates for various engineering services for 2007. Are there any objections?

There were no objections noted to passing Resolution 2007-05.

Vice Mayor Kurtz stated, Resolution 2007-06, the contract with Hydrosphere.

Councilman Crooks stated, I have a couple of questions. What is the plan? This is the first step in the plan to addressing issues? Is that right?

Mayor Ramos replied, they're going to be doing a study on each one of the five areas. They are going to specify or state what needs to be done. It's kind of a "mini plan" on how to address each one of the areas. Then it is up to our engineer to draft up the plans accordingly.

Councilwoman Wisnieski commented, but this contract has only designated three of those areas.

Mayor Ramos replied, yes – the top three that they determined. They'll do the first three and then hopefully within the next 60 days they'll do the other two.

Councilwoman Wisnieski asked, do we have a cost estimate on the other two?

Mayor Ramos replied, I would not expect it to be substantially higher than \$15,000 for each one, if that. It will probably be less than that. Pleasant Valley I would guess to be under \$10,000. Dalebrook will probably be around \$15,000.

Councilman Blaze asked, are you talking about the engineering costs?

Mayor Ramos replied, I'm talking about Hydrosphere to cover the areas.

Councilman Blaze asked, so there will be additional legislation that we'll have to pass for the other areas?

Mayor Ramos replied, eventually.

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Councilwoman Wisnieski commented, I wonder if we should have a map of what areas they're talking about. I don't know how they overlap. I think what the engineer told us was that Brookside was a result of situations that were occurring in Dalebrook. I'm just curious.

Councilman Klepacz stated, there are also flooding issues with upper Brookside.

Mayor Ramos responded, it's not one of the top five areas that we're addressing. We're not saying that this is an exclusive thing. I think that these are the five most problematic areas at this point. We have to start from somewhere.

Councilman Blaze stated, the impetus of a lot of the Brookside Road tributaries that he's been told is somewhere back by Scenicview and Timberlane.

Councilwoman Wisnieski asked, is that included in the Kingscote area?

Councilman Blaze replied, I don't think so. That's a different tributary.

Mayor Ramos stated, from Dale Lytkowski's, that new area, all the way down.

Councilwoman Wisnieski asked, including the backyards of Brettin?

Mayor Ramos replied, they would include that, yes. What I may suggest is that in order to get the process going, I would like to ask Council to pass the legislation regarding these three. I would like to invite both of the doctors to a Utilities Meeting and let them go through the whole process with you. Based upon the information that the engineer's office gave them, we identified five "hot spot" areas. I'm not saying that there aren't other areas that have water problems. There are other water problems in other areas such as Timberlane, Scenicview and in that area.

When you read their report they said it was the amount of water, as well as the number of businesses and/or residents that are affected. Consequently, these are the three largest areas. I'm not saying that these are the only three areas. These are the three largest areas.

I think when Council meets with both of these doctors I think that they'll be very impressed as far as their knowledge of this and their systematic approach to coming up with a master plan for this whole area.

Councilman Crooks asked, do you have a problem if we meet with them first before we pass this?

Mayor Ramos replied, yes. I do. The reason is that I would like to get the process of the first three areas moving because just this past weekend we had problems in the Old Rockside Road area again. Also, I think we received around seven calls. I'd like to get the process going.

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By all means I would like to schedule a meeting so Council can meet with the doctors and talk to them about some of the other issues and some of the other problems, but I'd like to get the process going.

Councilman Crooks replied, I don't think this is a bad idea. I think it's a good first step. But I would like some answers to these specific questions like, how long do they plan to take to receive all this data. It says 12 weeks to get their plans done – 14 weeks for one and 10 for another.

I know we're meeting next week, even if they came a half hour before that, I wouldn't have a problem voting on it that night. I just would feel more comfortable asking them some of the questions I have before we pass this.

Vice Mayor Kurtz asked, will a week make a difference? Do we have a meeting next week?

Councilman Crooks replied, next Tuesday is the Downtown Redevelopment meeting at 5:30.

Councilman Klepacz commented, I wouldn't have any problem passing this and having them get started. I understand that there are questions, but this is pretty clear. I would like to see it started now.

Councilman Crooks replied, I'm not trying to delay it.

Mayor Ramos commented, we can get a ballpark as far as time limits by looking at the number of hours they're going to spending. The entire process is probably going to take between 60 and 90 days.

My concern is that we get this moving as soon as we can because come April and May, we're going to be having some rainfall. We are going to be faced with another water issue. I would like to start on these three main areas. I'm not saying that there isn't other areas that we need to resolve.

I've been talking about Hydrosphere for awhile and I passed out the information on December 12<sup>th</sup>. I realize there was a holiday and people have other commitments and responsibilities, but I think we all agree that we need to do something in these three areas. I don't think there is any debate about that. I think we need to bring in a specialist, someone who can set out a plan for us, because right now all we're doing is sitting back and hoping it doesn't rain.

Vice Mayor Kurtz stated, I thought around six months ago we commissioned the engineer to review the flooding. I thought he was authorized to develop a plan. Have you presented that plan to the Administration?

Engineer Elewski replied, we took all the calls that came in and plotted them on a topographic map to show where they're at. Some of the issues we've covered before in prior years, but that's about as far as we went.

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Vice Mayor Kurtz asked, we're not duplicating services? This is complimentary?

Mayor Ramos replied, Hydrosphere Engineering is being brought onboard to come up with a plan. Then the plan is going to be turned over to Engineer Elewski's office for purposes of doing the engineering, the cost and then drawing up the plans.

Vice Mayor Kurtz asked, so Hydrosphere is doing the concept. Elewski is doing the actual engineering plans and then we'll go through the process to finance.

Mayor Ramos replied, right. It's going to be the engineer's responsibility to say what we need to do, the approximate cost and Council will address whether we want to do it.

Councilwoman Wisnieski asked, Hydrosphere won't do that?

Mayor Ramos replied, all they're doing is the study and telling us what is going to need to be done.

Vice Mayor Kurtz responded, the only thing I think needs to be looked at in concert with their proposal, it's like they give you what might be the best plan but is it financially practical? We need an opportunity, I think, before they conclude and recommend their plan, that we have a chance to interact with them. It serves us no purpose to create an elaborate plan if we can't afford it.

Councilwoman Wisnieski replied, the contract does call for that.

Vice Mayor Kurtz replied, the review, but we're all laymen, they're the specialists, I'm trying to suggest that we need some mechanism to say that we want to buy the right product. We're relying on one entity. If they review it with our engineer, maybe he can tell them if it isn't really something that we need.

I'm supportive of a specialist, somebody who can get the job going, if in concert with the engineer you're saying that this is the best mechanism we have to move it forward.

Mayor Ramos responded, we have to start from somewhere. Hydrosphere, as well as Elewski's office, has been working together for the past several months as far as obtaining and sharing information. We're trying to commission Hydrosphere to come up with a plan and then let Don Elewski engineer the plan and then go from there.

Vice Mayor Kurtz asked, would it be fair then to say then, let's kick these off but then can we just monitor and watch the success of this? The point I'm trying to make is that we have a propensity to start something and then we keep building upon it and building upon because we have more hot spots. We never really took the first one full circle to see what the actual cost was to implement what they proposed. Before we just keep adding additional areas to study, I'd like to see how one works out through the process of interacting with the engineer, if you're happy with them. It doesn't make any difference if we plan 20 projects if it's \$20 million because we've just wasted the money.

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Mayor Ramos replied, that's absolutely right. You're aware of what's going on with Old Rockside. I was just there this past weekend. It is beyond emergency.

Those businesses provide us with \$1 million in taxes and unfortunately, it's a much more complex thing. It has to also do with the Army Corps of Engineers which is talking three to five years down the road. We can't wait for three to five years.

My preference would have been to bring in Hydrosphere to meet with Council. However, the problem was the holidays and everyone's schedule is very busy. I would like to get the process going, authorize the contract and I'll bring in Hydrosphere tomorrow morning to meet with Council. I'll bring in Hydrosphere next week to meet with Council. I feel that once you sit down with these gentlemen, I think you'll have the confidence and the faith that I have in them as far as listening to what the battle plan is. All I want to do is get the process going. I'm trying to address the three biggest areas.

Once again, in Independence every area is a big area. I'm not saying that one area is more important than another. I'm saying that these three areas are where the residents and more businesses are most affected. That's the process.

Vice Mayor Kurtz responded, we have an understanding then that we're not just going to keep piling on different spots for more money without at least watching the complete cycle of one of them to see what we're really up against in the aggregate – between Elewski & Assoc., Hydrosphere and the Administration saying, here is my recommendation, and then I have no problem with it. As long as we have an understanding. . .

Mayor Ramos responded, Hydrosphere is going to be in and out in 60 to 90 days. This is not a 12 or 18 month project. This is 60 or 90 days and they're out.

Vice Mayor Kurtz asked, so we still need Elewski & Assoc. to have the plan that they were commissioned to do? Is that going to compliment?

Mayor Ramos replied, it's going to compliment.

Councilman Blaze commented, I fail to see where there isn't redundancy then if we ask Don Elewski to prepare a plan of our problem areas.

Councilman Cichocki replied, I think we asked Don Elewski to identify the problem areas. Now we're asking these people to identify their recommendations as to how to solve the problems.

Vice Mayor Kurtz stated, then Elewski will do the drawings and then we'll know the financial impact.

Mayor Ramos replied, yes. Hydrosphere does not draw plans. They are not construction engineers. They are consultants. That was part of the reason why Hydrosphere was selected over some of the other engineering firms. If I would have hired another engineering firm, there would have been duplication. We'd have two engineering firms onboard.

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We brought in Hydrosphere who is two professors from Cleveland State that are basically consultants. They were given the information that Don Elewski compiled as far as hot spots and other areas, the number of homes, which homes have sanitary and which homes have storm issues. Based upon this, they identified five hot spot areas based upon that information.

There are other areas such as Timberlane and Scenicview areas that need to be addressed. The Chestnut area needs to be addressed.

I will bring them in whenever I can get the Utilities Committee or Council together. They have expressed a willingness to do so.

Vice Mayor Kurtz responded, it could be at a Workshop or before one of the Downtown meetings.

Councilman Crooks stated, we have one project that's going to be ten weeks, one that's going to be 14 and one that's going to be 12. That's the timeframe they give us to present a draft report for review. I suspect that's reviewed by the Administration and Council, and that's after the data is collected. So there is going to be some kind of a data collection period and then this timeframe kicks into effect. Will they come back after this 60 to 90 day period and present to us their results?

Mayor Ramos replied, yes.

Councilman Crooks asked, what about the people who live on Scenicview, Ranchview and some of the other places that aren't identified as the "hot spots?" What are we to tell them? What gives them hope that their problems are going to be addressed with this?

Mayor Ramos replied, we will address these issues and then we'll move onto the other remaining areas. Unfortunately, as a practical and financial matter, we're not going to be able to resolve everyone's problem in 2007. It's impossible. It's never going to happen.

We're trying to deal with the more serious areas right now. Timberlane and Scenicview area is a serious problem. To anyone with a water issue, it's a serious thing. We've taken some remedial measures and tried to resolve some of the issues. We're still working on it. We've cleaned pipes, done cameras in most of these areas, taken temporary measures in order to minimize any problems. All we've really done are temporary measures. It's not the final solution.

We're going to deal with the Dalebrook area. We're going to deal with the Brookside area, Pleasant Valley area. Then we're going to move on from there. We have to start from somewhere.

Councilman Crooks asked, so those people in those other areas not designated in this plan, will fall into this type of protocol?

Mayor Ramos replied, yes. All we're asking for is passage accepting the contract on the first three areas and then we'll move on from there.

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Councilman Blaze asked Finance Director Veres, the Legislative Review indicates that this amount has not been budgeted for. Are we going to need to amend the budget for this, and if we're going to get to these other areas as well this year, what is your comfort level in proceeding and issuing a contract for this amount of money?

Finance Director Veres replied, as everyone knows, the weather has been pretty kind to us so far. A reallocation from salt or overtime or senior driveways can be done in the future. At the end of 2006 we carried over an open purchase order for salt of \$100,000. That, on top of the \$225,000 that we budgeted for salt in 2007 I think would more than cover this amount. Again, the budget would have to be amended because it's a different fund.

Vice Mayor Kurtz asked, wouldn't this fall under the blanket engineering?

Finance Director Veres replied no. There is engineering in the Drain Water Fund budgeted for, but this specific amount was not allocated.

Vice Mayor Kurtz responded, that may be where you could put it then at some point.

Finance Director Veres replied, right. I think that overall the budget can handle this by just moving money around. It's just moving it around at some point.

Councilwoman Wisnieski asked, as far as resolutions to these situations once they come back with the plans, where do we begin?

Finance Director Veres replied, depending on the cost and prioritization.

Vice Mayor Kurtz asked Mayor Ramos, are they going to present one proposal or several alternatives?

Councilwoman Wisnieski replied, it says that the report will include a list of alternatives looked at and which alternative should be implemented and then present the findings at two meetings to City Officials.

Mayor Ramos stated, just as a side note, I think it's probably wise for them to meet with the Old Rockside people and explain to them the process and explain to them what we're going to be doing and get their input as well. I think it's important that they meet with the people from Brookside, whether that be a town meeting or neighborhood meeting, sit down and hear some of the issues and some of the complaints. I really think this is important that this is done on a team approach.

I appreciate the cost and the expense. I'm not one for throwing money out the window on this. I think all of us are very much aware that this water issue needs to be addressed. It's a hot topic. Every time we talk about doing something in the Planning Commission we talk about the effect of water when putting up a building or taking down a tree.

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This is just a start. I'm not saying that this is the answer. I'm not saying that by June 1<sup>st</sup> everything will be resolved, but we need to systematically address each one of these issues and start with the most serious ones and go down the line.

Councilman Crooks asked, did you say that they're going to meet with residents?

Mayor Ramos replied, only if we ask them to.

Councilman Crooks asked, that's part of this contract?

Mayor Ramos replied, it's part of this contract.

Councilman Crooks replied, I would be in favor of you asking them to do that to provide the residents with a sense of comfort.

Mayor Ramos replied, I think it's important.

Vice Mayor Kurtz commented, the only thing I would suggest in the process is that when you're meeting and you're creating a solution to solve the problem, they're salesmen. They may be ultimately selling an improvement that we can't afford. We have to be cautious.

Mayor Ramos responded, you don't want them to back us into a corner saying that the City can do it, but they're telling the City it's \$500,000.

Vice Mayor Kurtz responded, yes, for one spot. We'll be sitting here with the Old Rockside Road people and the residential people. Once they lock into something, they're going to expect us to do it.

Mayor Ramos responded, once again, I am very anxious to have them meet with Council or to meet with the Utilities Committee and go through the process and fill in the gaps as far as questions you might have.

Vice Mayor Kurtz responded, not to usurp the Utilities Committee but I think Council as a whole. This is an issue that maybe everybody needs to participate in, including the Finance Committee.

Mayor Ramos responded, it's my impression that all of Council is invited to committee meetings anyway.

Law Director O'Brien stated, there are several changes that we would recommend in the contract. I think we should sit down with them, especially about the documents that they're saying they want to retain ownership of. We'd want the originals and they could keep copies.

Vice Mayor Kurtz added, we need to own all the documents. We paid for them.

Councilman Blaze asked, do we want to pass this legislation then?

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Law Director O'Brien replied, I won't let the Mayor sign the legislation. It's subject to my approval as to form. I have to sign it anyway. The Mayor won't sign it until we send them a letter.

Councilwoman Wisnieski responded, they won't start until we sign it anyway, right?

Law Director O'Brien replied, if they do, it's at their own risk. They can work but they're not going to get paid under Ohio law.

Councilman Klepacz asked, so if we pass this, it's subject to your approval etc., etc.?

Law Director O'Brien replied, correct.

Councilman Klepacz commented, the other thing is that it should be specifically stated that if for whatever reason they go over budget it's on their dime. They cannot come back and ask us for more money.

There were no further questions or objections noted to passing Resolution 2007-06.

Vice Mayor Kurtz stated, next is Resolution 2007-07, Elewski & Assoc. for Cavs Facility and utilities inspection in the amount of \$10,000. Are there any objections?

Finance Director Veres replied, it's my understanding that the work is complete.

Engineer Elewski replied, generally speaking, I would say the work is 99% complete. This figure is to cover bills that were submitted in the past and for this month.

Vice Mayor Kurtz asked, it won't exceed \$10,000?

Engineer Elewski replied, right.

Vice Mayor Kurtz stated, next is Resolution 2007-08, \$10,000 for Elewski inspection for utility construction on Rockside. Are there any objections?

Finance Director Veres commented, we'll prepare the proposal based upon the resolution.

There were no objections noted to passing Resolution 2007-08.

Vice Mayor Kurtz stated, next is Resolution 2007-09, \$175,000 for Elewski for Rockside Central construction inspection.

Councilman Crooks asked Engineer Elewski to explain the difference between what Elewski does and TranSystems does.

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Engineer Elewski replied, we're providing the inspectors for the project. TranSystem has the chief inspector on the project. We're working under him on the project. We provide two inspectors full time – one in the evening and one in the daytime.

Finance Director Veres asked, and that's upon their request and they approve your time?

Engineer Elewski replied, right.

Vice Mayor Kurtz asked, so your inspectors actually report to the chief inspector?

Engineer Elewski replied, yes.

There were no objections noted to passing Resolution 2007-09.

Vice Mayor Kurtz stated, we have Resolution 2007-10, \$55,000 for Elewski to complete the final plans for the East/West road.

For future history documentation, can we have maps attached to the resolutions? The map would show what is being worked on so we don't have to guess.

Engineer Elewski replied, okay.

There were no objections noted to passing Resolution 2007-10.

Finance Director Veres asked Law Director O'Brien to begin preparing legislation for the special assessment.

Law Director O'Brien replied, under the development agreement the developer triggers it.

Finance Director Veres asked, can you just prepare the fund then?

Law Director O'Brien responded, I would suggest that we talk to the developer if we're going to start spending money and putting him on notice because this will be rolled into the assessment and he'll have to reimburse. We don't want to have an argument from them.

Vice Mayor Kurtz stated, so until we get that in place, some documentation, there is no real ability for us to assess the project?

Law Director O'Brien replied, correct. That starts the whole ball rolling.

Vice Mayor Kurtz asked, so all we can do is preliminary work?

Finance Director Veres replied, right. I wasn't asking that the assessment to begin. I was asking for the fund to be created so I can track the costs and make sure the costs are going to be assessable.

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Councilman Grendel asked about the status of the nursing home.

Ron White replied, it's continued on the Planning Commission's public hearing.

Law Director O'Brien responded, they're having some soil issues.

Vice Mayor Kurtz commented, they talked about the expansion but never came back to us. I think the ball is in their court. We can't trigger the assessment. They have to trigger it.

Finance Director Veres asked, are these assessable costs?

Law Director O'Brien replied, yes. I just want to make sure that they're on notice that we're spending \$55,000 that they eventually have to pay us.

Vice Mayor Kurtz stated, I would suggest is maybe draft, a concept plan to be submitted to the Planning Commission so they know how far you're going. Also, take the main lane of Oak Tree North and show a preliminary sketch of that so everybody knows. Does the Mayor have any objection to having Elewski prepare that? Then we can discuss it at the Planning Commission – just a sketch of where the proposed East/West road is going to be and how it ties into the north.

Engineer Elewski commented, the sanitary has to be extended beyond that.

Vice Mayor Kurtz responded, it has to go all the way to tie into the main line coming down West Creek. Maybe Don Elewski can bring that to the Planning Commission so everyone is aware that we're planning.

Law Director O'Brien asked, is this for the nursing home?

Engineer Elewski replied, yes. I had a call from the engineer that's doing the site work for them. He wanted to coordinate with us on the road.

Law Director O'Brien asked, is this the entire length?

Engineer Elewski replied, yes.

Vice Mayor Kurtz added, only to a point. You have to do sanitary and follow it to the main line.

Law Director O'Brien responded, I don't think we've spoken to them about doing the entire length.

Engineer Elewski responded, it doesn't make any sense to do part of it.

Law Director O'Brien replied, I agree with you. I'm just saying that I would hate to do plans now and then. . .

Vice Mayor Kurtz responded, present your argument and then just give us update.

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Vice Mayor Kurtz stated, next is Resolution 2007-11, Change Order 1 or \$1,771.00 for additional surveying and mapping for Frontage Road E. Are there any objections?

There were none noted.

Vice Mayor Kurtz stated, we have Resolution 2007-12, hiring of Michael Baker and Elewski for services concerning the Hemlock All Purpose Trail.

Mayor Ramos commented, I would like to refer this to committee. I think we need to sit down and make some decisions concerning this trail. There are other factors that need to be taken into consideration because of the West Creek Preservation and the possibility of obtaining grants. If we could schedule a good Workshop – about an hour and a half, to sit down and go through this. There are a lot of questions. If you can just put it on First Reading and refer it to the Community Services Committee.

Councilman Cichocki responded, I prefer a Workshop. We get greater attendance. We discussed this at the last Community Services Meeting.

There were no objections noted to placing Resolution 2007-12 on First Reading and referring it to the Council Workshop.

Mayor Ramos commented, I want to bring in Michael Baker. I want to bring in the West Creek Preservation. I want to bring in the people who are involved in this process so that we're all on the same page. We have all the questions in front of us so we can make decisions and move forward or backward, whatever the case may be.

Vice Mayor Kurtz stated, next is Resolution 2007-13, the final site plan for Granite.

Councilman Klepacz asked, did the Planning Commission approve this unanimously?

Vice Mayor Kurtz replied, yes. There is the bond for Hillside Road. The repair of Hillside in the vicinity of the proposed subdivision – the south part of the road took a beating when the big flood came. It can be restored to a better condition than what it was. At the Planning Commission I mentioned that we had some problems there already. We ought to repair that, or at least identify that because we're going to have a road bond by the developer for road maintenance and I think we need to get that repaired now because it's going to be unsafe for truck traffic once they move in.

Director Snyderburn replied, I understand what you're saying.

Vice Mayor Kurtz stated, the neighbors were calling about the condition of the ditches in the area.

Director Snyderburn commented, those berms on Hillside will suffer from truck traffic.

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Vice Mayor Kurtz responded, we can alleviate some of that by doing some preventative maintenance by the Service Department, photograph it and then any problems will be the developer's responsibility.

Law Director O'Brien stated, he's going to deposit around \$600,000 so the money is there.

Director Snyderburn responded, we'll look at those berms on Hillside and make some improvements.

Councilman Cichocki commented, you're suggesting we improve them only for them to ruin them or are they already broken.

Vice Mayor Kurtz commented, we have to make some improvements just to stabilize that area. It's a ditch problem. If we don't make that improvement, any pavement problem that's created because the ditches haven't been filled in and repaired, they're going to say it's our problem.

Engineer Elewski responded, we'll take pictures of everything right now.

Vice Mayor Kurtz commented, I'm just trying to create a mechanism so that we're protected and they don't come back and try to make it on our dime instead of their dime. If we don't make that repair, I think they'll say that we made it happen.

Director Snyderburn commented, we're going to have to revisit lower Hillside pavement this summer.

Councilman Cichocki commented, when are they going to start?

Vice Mayor Kurtz replied, they'll probably be building in the spring. There will be a lot of truck traffic.

Councilman Grendel commented, they're going to take the garage down by the end of this month. I think May is when the house is going to be started.

Vice Mayor Kurtz commented, the majority of the work that they have to do is put in a big box culvert.

Engineer Elewski responded, a bridge. They want to start clearing if they can get a clearing permit. We're not going to let them start until everything is fixed.

Vice Mayor Kurtz commented, that was just one of the conditions that we talked about at the Planning Commission, to make sure that we stabilize that area so it's their responsibility beyond that.

Director Snyderburn responded, we'll look at it right away.

Councilwoman Wisnieski asked, they're going to have a homeowners' association?

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Mayor Ramos replied, yes.

Councilwoman Wisnieski asked, they pay dues and do their common areas?

Law Director O'Brien replied, yes. In fact, there is a conservation easement that has been platted and easements have been taken.

Engineer Elewski introduced Jeff Skoczen who works for him and has been handling this particular project and working with their engineer.

Councilman Blaze asked about the point of sale disclosure that potential buyers are going to be required to sign. It's talking about their responsibility for future erosion. Would it also be advisable to add another sentence there referring potential buyers to the section of the code where there is a clause about buying a property that has a watercourse on it and erosion and flooding is likely going to occur and it's their responsibility. I think that's more definitive than just the one sentence.

Law Director O'Brien replied, you can put anything in there that you want. The section that you're talking about, 1102 B is on the deed and on the plat. You can do anything you want as far as point of sale because this is handed to them. If they're interested in buying the property, this is what they're going to get.

Councilman Blaze asked, that clause will be on all 11 deeds?

Law Director O'Brien replied, no. It's not going to be on the deed. It's going to be on the plat.

Councilman Blaze responded, that's my concern. A potential buyer really has to search for it to find it out. I'd rather have it clearly provided for them. We know it because it's on the books but I don't think. . .

Vice Mayor Kurtz asked, how many read their deeds?

Everyone speaking at once.

Law Director O'Brien commented, I can put anything you want on the disclosure.

Everyone speaking at once.

Councilman Blaze stated, I'm saying to add to the clause saying that we have a section. . .

Councilman Cichocki responded, I don't think it's a problem to add that language.

Law Director O'Brien responded, I'll put that section in there.

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Director Snyderburn stated, I have a problem with new subdivisions and trees. Can you put in there that it's the sole responsibility of the developer and the homeowner. These people say we inspected it and they have dead trees and they're going to fall on their house. What is the City going to do?

Law Director O'Brien replied, we can put anything you want.

Councilwoman Wisnieski commented, but they don't fall under the tree ordinance.

Director Snyderburn replied, no, they don't. The new homeowners are saying that we have inspectors that come around and inspect the home. They have so many dead trees and they're going to fall on the house. What are you going to do about it? You inspected it.

Councilman Cichocki commented, we don't inspect trees.

Engineer Elewski commented, when you build a house and clear around the house taking out the trees in and around the house, the trees that are remaining are going to die.

Law Director O'Brien responded, legally, the inspector is not there to inspect for the resident. They're inspecting for the community. The courts have found that they're (inaudible) to the homeowner. I know you can't say that to the homeowner.

Director Snyderburn commented, the trees are dead. They build the house and have an 80 foot high tree that's dead that can fall on the house. They are very demanding that we, as inspectors and the City, let somebody sell them a house with a dead tree. It's going to fall on their house and put them in danger.

We have a provision in the Resident Tree Trimming legislation that you have to reside in residence for a minimum of 5 years before you're eligible for the program.

Law Director O'Brien commented, in our Code regarding trees is any tree 12 inches in diameter or larger they have to mark. They have to mark which ones they're going to remove and which ones they're going to save. That may be beneficial for Carl Opatrny or Don Elewski to see how close they're going to be to the structure.

Director Snyderburn commented, the developer doesn't want to take down trees because it costs him money so he takes as few trees as he can.

Councilman Blaze responded, they'd rather go in and clear cut the whole entire subdivision.

Director Snyderburn responded, go look at all the trees left in the Troiano Subdivision.

Councilman Blaze responded, they can't advertise them as wooded lots if there are no trees.

Director Snyderburn added, the trees have even fallen into the creeks and he has to go and clean them out.

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Councilman Grendel stated, I will be abstaining from this because I have represented Mrs. Savioli in the past.

There were no further questions or any objections noted to passing Resolution 2007-13.

Vice Mayor Kurtz stated, next is Resolution 2007-14, an easement from Hersh Construction. I'm wondering why we didn't get this when we plotted the subdivision.

Engineer Elewski replied, the builder built drains in the back that weren't according to the plan that we had. He never said anything to anybody. It's outside the easement that is there so we had to create a new easement.

Councilman Cichocki asked, why didn't we catch that when they were constructing that or inspecting?

Law Director O'Brien responded, I'm asking that you put this on First Reading. We'd like to make sure the development agreement is defined (inaudible).

Councilman Blaze asked, when it comes back to us will there will be a map of which subplot this is on?

Councilman Cichocki asked, what is the point in inspections if they catch them doing it wrong and they continue to do it and then we have to fix it?

Law Director O'Brien replied, I checked into this today. There were two properties that they sold that Engineer Elewski's office made them move and relocate drains. They put them in the wrong spot and they're not going to work that way, therefore, they need to put them back where they were originally planned.

In this particular property there is a group of trees. If they were to put this drain where it was originally platted, they would have to cut down this row of trees. They're trying to save the trees. Elewski's office has looked at it and are saying they don't agree with the other two drains and they have to be moved because it's not going to work. This drain would work and so therefore, if they get an easement from the City, we'll allow you keep that one.

There were no objections noted to passing Resolution 2007-14.

Vice Mayor Kurtz stated, last on the agenda is Resolution 2007-15, change order 3 to miscellaneous concrete work for Allega.

Part of this was to address the courtyard concrete.

Finance Director Veres replied, \$30,000 of that was captured in 2006.

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Director Snyderburn commented, I still owe you a list of what we did last year. We did extensive concrete work.

The courtyard cost incorporates stamped concrete.

Vice Mayor Kurtz asked, do you have a plan? Public Lands & Buildings would like to approve a plan before you start pouring concrete.

Director Snyderburn replied, the only plan we received is from Casini for over \$200,000. I can remove and replace all of the existing concrete for \$27,000. I want to use stamped concrete in the main walkway. If I stamp everything and made it elaborate, it would be around \$80,000. I want the main section heated. This cost does not include the heating. Tech Service will install the heating so we don't have to salt it. It's going to be hot water. The \$60,000 will include replacing everything, the stamped concrete. . .

Vice Mayor Kurtz responded, we would like to see some type of plan.

Director Snyderburn replied, I don't have them. I would like you to pass this and then I will give you all the information. I will show you what we're going to replace and the texture that we're going to use.

Vice Mayor Kurtz asked, are we going to change the configuration of the courtyard?

Director Snyderburn replied, we're going to take the center box out.

Councilman Blaze asked, why don't we send this to Streets or Public Lands & Buildings and then we can pass it afterward.

Mayor Ramos commented, we're taking out the center box and planting new landscaping.

Vice Mayor Kurtz stated, there may be some other ideas. We might put more utilities in place and bury them now.

Director Snyderburn replied, we are going to do that. We do plan on putting a fountain or something in the center. The cost does not include that.

Everyone speaking at once.

Director Snyderburn stated, I would appreciate it if you would pass the \$15,000. That's for water repairs that we're going to get reimbursed for.

Mayor Ramos commented, if we can just stamp the concrete. We're not going to do anything with respect to the courtyard until the proper committee has discussed it.

Vice Mayor Kurtz asked, are there any objections to passing the \$15,000? We'll amend this to \$15,000.

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**Moved by Grendel, seconded by Blaze, to revise Resolution 2007-15 in the amount of \$15,000. Council polled: 7 yes/0 no; motion carried.**

There were no objections noted to passing Resolution 2007-15 as revised.

**COUNCIL MEETING:**

Mayor Fred Ramos called the meeting to order at 7:10 p.m. Present were Council Members Blaze, Cichocki, Crooks, Grendel, Klepacz, Kurtz and Wisnieski. Also present were Finance Director Veres, Law Director O'Brien, Engineer Elewski, Community Services Director Buc, Technical Services Director Avsec, Service Director Snyderburn, Recreation Director Kostyack, Building Commissioner Opatrny, Fire Chief Nelson and Police Chief Nicastro.

The Pledge of Allegiance followed.

**AUDIENCE PARTICIPATION:**

Mayor Ramos asked resident Dan Sobotka forward to speak.

Mr. Sobotka stated, he just wanted to make a few comments regarding the Twin Creeks development that has been in the process for around a year and a half now. There was a lot of local opposition to it early on and most of the neighbors were opposed to it. A lot of them were elderly residents. As time went on a lot of them kind of went by the wayside.

I knew it would be an uphill battle. I had hoped to change the status quo by attending these meetings and giving my comments. I had hoped to reap some benefit from that. I would recommend that the City be aggressive in trying to protect the green space that is remaining as they are asked to approve developers' requests to eliminate it. I think we need to find benefits beyond strictly financial incentives.

Mayor Ramos responded, I don't know if you've seen the legislation, but the input of you, as well as many of the other residents in that area, was taken into consideration. With the adoption of this subdivision we have nine special conditions addressing some of those concerns as part of the passage. Believe me, your input was taken into consideration and we appreciate it very much. Thank you.

**APPROVAL OF MINUTES:**

**Moved by Grendel, seconded by Blaze, to approve the minutes of the December 5, 2005 Special Council Meeting. Voice vote: 6 yes/0 no/1 abstain (Crooks); motion carried.**

**Moved by Blaze, seconded by Cichocki, to approve the minutes of the Council Workshop of December 5, 2006. Council polled: 5 yes/0 no/2 abstain (Blaze, Crooks); motion carried.**

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**Moved by Grendel, seconded by Cichocki, to approve the minutes of the Public Hearing of December 12, 2006. Council polled: 6 yes/0 no/1 abstain (Blaze); motion carried.**

**Moved by Cichocki, seconded by Blaze, to approve the minutes of the Regular Council meeting of December 12, 2006. Council polled: 7 yes/0 no; motion carried.**

**MAYOR'S REPORT:**

Mayor Ramos stated, this is our first meeting of the New Year. I would like to ask for a moment of silence to ask for a time of prayer and reflection on 2007 and also ask the Lord's guidance and blessings so that we can all lead the City of Independence forward this year.

Due to the untimely death of Tom Gill, our City Prosecutor for many years, the position of City Prosecutor was open. Over the past several months we received approximately 30 to 35 resumes or phone calls from candidates who were interested in the position.

Being a lawyer for over 28 years, it was an extremely difficult thing for me to do because most of these people who applied I have known, not only as lawyers, but also as friends. I probably could have picked any one of 20 of them and I'm sure that they would have served the City of Independence extremely well.

I tried to select a candidate that would be a credit to our City, a candidate that would have the integrity, the fairness and treat the public with the respect that Independence has always shown. That is a very difficult process.

I am happy to announce the appointment of William "Bud" T. Doyle who I have known for 28 years. I wanted to take the time to introduce Bud Doyle and welcome him to Independence. I'm sure he will find our Police Department, as well as our Clerk of Courts and all the employees at City Hall very easy to work with and I feel sure that he will enjoy his tenure here.

There is a very important piece of legislation on the agenda tonight with regard to the hiring of Hydrosphere Engineering, Resolution 2007-06. As many of you recall, on June 22<sup>nd</sup> we had a once in a lifetime flood that affected many of our businesses and homeowners. The hiring of Hydrosphere is the third step in our process of addressing this issue. The initial step was the cleaning and cameraing of the sanitary and storm sewers and the creeks. The second step was done by our City Engineer which was surveys of the homes and businesses that were affected in order to identify the "hot spots" throughout Independence. The third step of hiring Hydrosphere as a consultant is for the purpose of coming up with a master plan to address the storm water issues.

Under this Resolution, Hydrosphere will initially be looking at three areas. There are other areas within the City that we will systematically be addressing however, we will be starting with the most serious of the problem areas.

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I strongly encourage Council to support this Resolution. I think it's a very important step in dealing with this issue and in coming up with a master plan to deal with the storm water drainage issues that we have.

**OFFICIALS' REPORTS:**

**ENGINEER:**

Engineer Elewski reported, we're continuing with the utilities inspection on the Central Section of Rockside Road. We are also monitoring the utilities at the Cavs site, which are basically complete. At Commerce Park Oval there is one section of storm sewer that still needs to be cleaned. Due to the height of the river at this time, we have been unable to get that accomplished. Once begun, it will take about a week to complete.

We are monitoring the work on the Hillside Road storm which connects with Marek's two residences that are going to be built in that area.

**FINANCE DIRECTOR:**

Finance Director Veres thanked the Finance Committee, Council and department heads for their efforts in passing the 2007 Annual Budget. This has been the first time since I've been Finance Director that we have started the year off with an annual budget rather than a temporary budget. It has allowed us to hit the ground running in the Finance Department.

**SERVICE DIRECTOR:**

Service Director Snyderburn reported, we had one and half inches of rain on January 5<sup>th</sup>. The City faired pretty well. We had eleven calls, which included only three basements with immeasurable water and one with around an inch. There was no major flooding. Part of the reason for this is because we've done a good job of cleaning the creeks and storm sewers. Many times the water problem is compounded by old drain tile, infiltration or roofs. There is a cause, there is a reason why you're getting water and we'll help you to determine the cause no matter what the reason is and try to help in getting it repaired.

We're going to be taking care of a lot of little storm issues this summer. I would like to thank my sewer crew. They are very knowledgeable and a great crew.

There is a large logjam in the Cuyahoga River near the Old Rockside bridge. We began cleaning it last Sunday and will continue with the cleaning this Sunday.

We have begun taking down the Christmas decorations.

Fortunately winter has been easy on us this year. We've had very little snow and we hope it remains that way.

**COMMUNITY SERVICES DIRECTOR:**

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Director Buc reported, we're looking forward to our next special event which is the Tropical Beach Blast on February 25<sup>th</sup> between noon and 4 p.m. We're asking for volunteers to help out and looking for non-profit vendors to sell food and drinks. It will be fun for the entire family.

We are back to our regular programming. Rooms are now being booked for 2007.

**RECREATION DIRECTOR:**

Director Kostyack reported, our Learn to Swim Programs will be starting this Saturday. The first and second grade basketball league started last Saturday. There are 43 children enrolled.

**TECHNICAL SERVICES DIRECTOR:**

Director Avsec reported, we have started taking down the holiday lighting. We should be done by the end of the week.

Our Johnson Controls building automation upgrade is 90% complete. The remaining work consists of some programming and hardware installation. This is for City Hall, Fire Department, City Hall Annex and the Outdoor Pool building.

The Liebert Air Conditioning unit that we're installing for the new IT office server room is about 98% complete. We are in the process now of scheduling the actual completion of that, some loose ends to tie up and we'll schedule a date to do the cutover and the new IT office will replace what we currently have at the Police Department to the City Hall Annex.

**BUILDING COMMISSIONER:**

Commissioner Opatrny reported that the structural steel for the Cavs facility is still being set. They're continuing to progress with foundations. They put up temporary signs.

The Ohio College of Podiatric Medicine is in the process of completion of the interior and starting the walls for the auditorium outside.

Fortuna Funeral Home received a conditional occupancy permit today conditional on a couple of items. We expect them to be in business in the next couple of weeks.

The Cornerstone of Hope construction will be starting soon.

The Canadian Standards Association's foundations are being installed on Pleasant Valley.

We are anticipating seeing the demolition permit application for the former Broglio's site.

**FIRE CHIEF:**

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Chief Nelson reported that the American Heart Association has named February as National Heart Month. With that, the firefighters, along with the Community Services Department will be offering a CPR course to residents on February 15<sup>th</sup>. If you're interested, please call Community Services to reserve a spot.

With that in mind, in the beginning of February the Fire Department will be providing information in the Community Newsletter on a monthly basis focusing on projects and programs for the entire family. We call it Independent Living in Independence. We'll provide information on safety issues in the home.

**POLICE CHIEF:**

Chief Nicastro reported that there are some traffic signal issues that we're addressing. The traffic signal at Drug Mart southbound on Route 21 has been a problem. Some people were having trouble distinguishing between the light at Drug Mart and the light at Rockside. The least expensive solution was to place aluminum shields around the light at Drug Mart to try and block out the lights at Rockside. If that doesn't work, we'll try some other options.

Also, going north on Route 21 people coming around the curve are not seeing the traffic signal at the McDonalds/National City driveway. The Mayor has approved that a signal be placed prior to the curve which gives warning of the signal ahead.

The I-77 ramp at Pleasant Valley has been the scene of more than a few accidents and we've had some concerns about the slipperiness. We have convinced ODOT to check it out. They've scheduled some skid tests. They will grind the ramp down if the skid test indicated it's needed.

The Police Department received a grant of \$21,000 to help fund Patrolman McIntyre's DARE salary. We are thankful for that.

We have two retirements in the Police Department. This past month Jason Berger, who we hired from Valley View and has only been with us for about three years, is forced to retire on medical disability. Even though he was only here for a short time, he earned the respect with everyone in the Police Department. We wish him well and will miss him.

Also, Yambo, our German Shepherd K-9 of eight and half years will be retiring at the end of this week. He's ten and a half years old, which is older than most K-9's last in this job. He is the only K-9 of our department that has the distinction of receiving a commendation from the FBI. In working a case with them he found 251 pounds of marijuana on I-77. During his eight and a half years he had numerous other smaller drug finds and assisted us in numerous arrests. Lt. Lenny Mazzola is the handler and according the Ohio Revised Code, when a K-9 retires, he can be purchased by his handler for \$1 and that's what Lt. Mazzola is going to do so Yambo will be able to live out his retirement with Lenny and his family.

**LAW DIRECTOR:**

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Law Director O'Brien stated, I would like to again welcome Mr. Doyle. I have never met him before tonight, but his reputation precedes him.

No report.

**ECONOMIC DEVELOPER:**

Ron White reported, we completed a good portion of a project that the Downtown Task Force has been working on – to produce a preliminary report to the Mayor, Council and the Planning Commission. They have all received a copy.

We have now scheduled some Joint Work Sessions with Council and the Planning Commission. These will occur on January 16<sup>th</sup> between 5:30 p.m. and 7:00 p.m., January 30<sup>th</sup> between 5:30 p.m. and 7:00 p.m. and on February 13<sup>th</sup> between 5:00 p.m. and 6:00 p.m. This will be the beginning of the process of discussing the preliminary report and hopefully coming up with more direction from Council, the Planning Commission and the residents. We hope to have more input from the residents.

**STANDING COMMITTEE REPORTS:**

**FINANCE COMMITTEE – (BLAZE):**

Chairman Blaze stated, the Finance Committee has a number of pieces of legislation on the agenda this evening, most of which are self-explanatory.

The Committee will be scheduling a meeting in the near future to attempt to finalize 2007's capital purchases and major projects for the City.

As we found out this past November, 2007 projects and capital purchases, with their respective estimated costs, exceed the City's estimated amount of available revenue to apply to them. The Committee will be charged with doing its best in allocating the City's financial resources to these projects and capital purchases in the most prudent manner possible.

After that process is completed, through the Mayor's and Finance Director's Offices, I would ask that each department that hasn't done so already, to sit down and determine its capital needs and estimated costs for the next five years. I also ask that the Streets & Sidewalks and Utilities Chairs complete this same process for potential future projects that fall under their respective Committees' responsibility.

With the assistance of the Finance Director, the Finance Committee has already outlined estimated income and expenses for the next five years. In order for the City's Five Year Financial Plan to be able to be used by Council and the Administration as a meaningful and useful roadmap and planning tool for the future, we need to take this next step in determining what major projects need to be done in the City, what major capital items need to be acquired, and what the estimated cost of those projects and capital purchases are.

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I look forward to completing this process during 2007!

**RULES AND ORDINANCES COMMITTEE – (KLEPACZ):**

Councilman Klepacz reported that he would like everyone who worked on the holiday lights on the Square to know that Independence has now made it on the official “List of Lights Destinations.” Bus trips from Brooklyn Heights came through here and were very impressed.

The Mine finally has their slurry system completed. The new dust collector is being completed. However, there has to be extensive electrical work done for the new computer system so the Mine will be closing down on January 27<sup>th</sup> for six weeks.

Now that steps are being taken to address the flooding issues, I’m sure that the Administration will again be working on an alternative truck route to the Mine.

**PUBLIC LANDS AND BUILDINGS – (CROOKS):**

Chairman Crooks reported, the Public Lands & Buildings Committee met last month to discuss the progress of the downtown redevelopment’s relationship with City lands and the future expansion and the plots in Mapleshade Cemetery.

The City Planner, Jeff Markley, provided some renderings of what the next phase of Mapleshade Cemetery could look like, while members of the Committee made several requests, among them, were that the next phase includes upright headstones and more of a resemblance to the original portions of the cemetery. As the Chairman, I would like to see the creation of an overall cemetery plan for the City before we make any significant changes going forward. Apparently there is a long list of people waiting to purchase these plots so I’d like to see the City strike some sort of balance between having the ability to open up the plots as soon as possible for sale while also engaging in the planning process.

We left that meeting asking Mr. Markley to revise his original drawings and we will have another meeting late this month or early in February to continue discussion of the cemetery.

As Council Representative to the Zoning Board of Appeals, I would like to report that it was a relatively quiet month of December, 2006.

You will notice two signs near the entrance to the Cavalier’s practice facility. One is a Cleveland Cavaliers sign and the other sign is representing the various Port Authorities. These are temporary signs that will be up through the completion of the project, which we’re being told now is sometime in August. At that time, the signs will be removed.

**COMMUNITY SERVICES – (CICHOCKI):**

Councilman Cichocki reported, I am pleased to announce that the Cichocki Family started and completed removal of their Christmas decorations and they are neatly stored away.

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I don't always read the Newsletter every month but I chose to read it this month. What jumped out on me is you'll note that the Police Department news section is all about hunting. It begins by telling everybody to remember that there is an ordinance prohibiting hunting. It goes on to say "Hunting Safety Tips, Transporting Firearms, Permission to Hunt, Hunting Licenses and Hunting Safety on the Water" – but, I think the bottom line is, you still can't hunt in Independence!

On a more serious note, most of the elected officials attended the groundbreaking for the Cornerstone of Hope. Mark and Christy Tripodi are two of our residents who lost a young child several years ago and decided to turn their grief into a positive force. I really admire what they're doing right now. I know there have been some issues, but if we keep our eye on the big picture, I think the grief center that they're establishing is somewhat unique and it's a positive attribute for your town. Having gone through a grieving period myself, I think it will be a great addition to our City for people who need help. I would like to congratulate them and wish them well.

Resolution 2007-06 is on the agenda tonight regarding the hiring of Hydrosphere Engineering. This is something we're doing in response to the flooding problem that we had last summer and will hopefully minimize future flooding problems. This piece of legislation addresses three areas, Old Rockside Road, Commerce Park Oval, Kingscote and Brookside/Riverview Roads. These were identified as three of the worst problem areas that need immediate attention. For other residents, particularly those on Pleasant Valley, Dalebrook, Ranchview, and Scenicview areas, we have not forgotten about you. We're trying to address these problems and move forward with the resolutions.

For the first time in the history of Independence, the income tax collections for the last year exceeded \$21 million. I think that is an amazing figure considering the Ohio economy and the Northeast Ohio economy. It's a tribute to our Finance Director and elected officials, both past and present, for their planning so despite a bad economy we're still doing well.

Finally, we have received a copy of the Preliminary Report for the Downtown Master Plan. As Ron White mentioned, we will have some meetings in the near future to review and fine tune it a little bit. I would like to take this opportunity to thank all those residents and members of the Downtown Development Task Force. They committed a lot of time and effort into their report. Thank you.

**STREETS AND SIDEWALKS COMMITTEE – (KURTZ):**

Vice Mayor Kurtz stated, reporting from the January 2<sup>nd</sup> Planning Commission meeting, the Public Hearing on the U-3 Special Use Permit request of St. Maron's Church at 7800 Brookside Road was continued. There was considerable discussion, with numerous questions asked about the intended use, drain water and traffic, to name a few of the issues.

The Public Hearing on the proposed Royal Manor Health Care facility on Lombardo Center Drive and the proposed 37-lot subdivision off Hillside Road, west of Brecksville Road, were postponed until further notice.

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The Duke Realty request for an overlay zoning on a parcel of land off Oak Tree Boulevard and the new marginal road was approved and recommended to City Council for their consideration. At this time I would like to make the following motion:

**Moved by Kurtz, seconded by Blaze, to set a Public Hearing before Council for February 13, 2007, at 6:50 p.m. Council polled: 7 yes/0 no; motion carried.**

The site plan for Twin Creeks, an 11-lot residential subdivision off Hillside Road, east of Brecksville Road, was also approved and recommended to City Council with a number of conditions, and which is on the agenda this evening.

The request of LeBec Homes for a proposed additional lot to the existing Meadows Subdivision on MacKenzie Drive was approved. The lot meets our existing Code without needing any variances.

A Public Hearing was set for the proposal by Indexco Properties for a 12-lot subdivision off East Ash Road.

Reporting from the Streets & Sidewalks Committee:

The continuation of fall-like weather allowed for further progress on several projects, including Rockside Road, the marginal road and the Filip/Archwood Project.

The Streets & Sidewalks Committee will be holding future meetings to review and discuss the current road improvement project list. Our goal is to assess the condition of all streets, develop a master plan for major projects, and prepare a projected budget to complete the master plan. We need a street inventory in order to develop priorities, move forward, and take care of streets.

Finally, I'd like to wish everyone a Happy and Healthy New Year.

**SAFETY COMMITTEE – (GRENDL):**

Councilman Grendel stated, I would like to thank Chief Nicastro for looking into the issue with the Pleasant Valley ramp. There was a letter from a Parma resident about the safety issue with the slipperiness of that ramp. I'm glad to hear that ODOT is getting involved with that. Thank you, John, for following up on that letter.

There is one resolution tonight introduced by the Safety Committee, Resolution 2007-04, regarding the purchase of EMS Response Jackets from Stonewall Uniform. A portion of those will be covered under last's year's budget and the remaining balance out of this year's budget.

I want to wish the best of luck to Mr. Doyle in his tenure as our prosecutor. I know that he will do a wonderful job for the City. We're in good hands.

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I want to commend the Mayor for the new Independence flag at the Gateway corner of Rockside and Route 21. They did a very nice job in the design of the flag.

Girls' Basketball is 7-4. They lost a tough one to East Tech. They had a lead with a minute to go in the game and they lost by 3 or 4 points.

The Boys' Basketball Team is currently 4-5. They came in second place in the Streetsboro Holiday Basketball Tournament. Independence High School beat Fairview High School in the first round in overtime, but lost to Streetsboro in the Championship game. My son, Matt Grendel, made all-tournament team by scoring 39 points and grabbing 36 rebounds in the two games. He's been asking about Councilman Crooks' rebound record. He has that targeted. They are a young team. We have two starting seniors, two juniors and two sophomores. The future bodes well. They're really trying to put it together. With a new coach and new kids involved, they're doing very well.

Happy and Healthy New Year to everyone.

Mayor Ramos commented, for those who might not know, Councilman Grendel is the JV Basketball coach. We tease him a lot about his sports. The Independence Girls' Team did beat Hawken by a substantial score. They didn't print it in the paper but I think it around 61-8.

Councilman Grendel stated, they didn't want to embarrass the Hawken team by printing it in the paper.

**UTILITIES COMMITTEE – (WISNIESKI):**

Happy New Year to everyone!

First and foremost with the New Year, as I reflect on the events of last year, I would like to again thank the residents of Independence for allowing me the opportunity to serve on Independence City Council. It's a privilege and an honor that I do not take lightly or for granted.

The Utilities Committee will meet this month to begin discussion of slated projects for 2007.

Legislation on the agenda tonight being introduced by the Utilities Committee is Resolution 2007-06, authorizing the Mayor to enter into an agreement with Hydrosphere Engineering for professional hydrology engineering services for a comprehensive flooding analysis. This agreement will focus first on three key areas, Brookside Road, Kingscote and Old Rockside Road/Commerce Park Oval. Upon the signing of this written contract, work will begin to draft recommendations in the form of a draft report which will be ready for review in possibly ten to twelve weeks. When these recommendations are completed, the findings will be presented at two public meetings and I will continue to give updates on this accordingly.

Finally, congratulations to Cornerstone of Hope on their groundbreaking. Grief counseling is something that is not talked about until a personal need arises. This is something that all of our residents can benefit from. Again, congratulations and best wishes to the Cornerstone of Hope.

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**LEGISLATION:**

**FIRST READING**

**ORDINANCE 2007-01** AN ORDINANCE AMENDING SECTION 1307.10 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

**Moved by Grendel, seconded by Blaze, to read by title only. Council polled: 7 yes/0 no; motion carried.**

**Ordinance 2007-01 was placed on First Reading and referred to the Rules & Ordinances Committee without objection.**

**ORDINANCE 2007-02** AN ORDINANCE ACCEPTING THE BID OF NEW HEIGHTS TREE SERVICE LLC FOR TREE TRIMMING, REMOVAL, DISPOSAL AND RELATED LABOR AND EQUIPMENT FOR THE RESIDENTIAL TREE TRIMMING AND REMOVAL PROGRAM AS SET FORTH IN CODIFIED ORDINANCE §909.06 AND DECLARING AN EMERGENCY

**Moved by Crooks, seconded by Wisnieski, to read by title only. Council polled: 7 yes/0 no; motion carried.**

**Moved by Grendel, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.**

**Moved by Cichocki, seconded by Blaze, to adopt. Council polled: 7 yes/0 no; motion carried.**

**RESOLUTION 2007-01** A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF WILLIAM T. DOYLE AS THE PROSECUTOR

**Moved by Blaze, seconded by Crooks, to read by title only. Council polled: 7 yes/0 no; motion carried.**

**Moved by Cichocki, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.**

**Moved by Grendel, seconded by Kurtz, to adopt. Council polled: 7 yes/0 no; motion carried.**

**RESOLUTION 2007-02** A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF NORMAN CASINI AS THE APPOINTED

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ARCHITECTURAL BOARD MEMBER TO THE  
ARCHITECTURAL BOARD OF REVIEW

**Resolution 2007-02 was removed from the agenda without objection. Norm Casini will continue serving on the Architectural Board of Review through 2007.**

**RESOLUTION 2007-03** A RESOLUTION ACCEPTING THE BID OF **COLLINS TREE SERVICE** FOR GENERAL CITY TREE TRIMMING, REMOVAL, DISPOSAL AND RELATED LABOR AND EQUIPMENT FOR CITY PROPERTY AND WHICH IS NOT COVERED BY THE RESIDENTIAL TREE TRIMMING AND REMOVAL PROGRAM AND DECLARING AN EMERGENCY

**Moved by Grendel, seconded by Crooks, to read by title only as amended. Council polled: 7 yes/0 no; motion carried.**

**Moved by Crooks, seconded by Cichocki, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.**

**Moved by Klepacz, seconded by Cichocki, to adopt. Council polled: 7 yes/0 no; motion carried.**

**RESOLUTION 2007-04** A RESOLUTION AUTHORIZING THE PURCHASE FROM STONEWALL UNIFORM CORPORATION FOR EMS RESPONSE JACKETS FOR THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY

**Moved by Crooks, seconded by Wisnieski, to read by title only. Council polled: 7 yes/0 no; motion carried.**

**Moved by Grendel, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.**

**Moved by Wisnieski, seconded by Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.**

**RESOLUTION 2007-05** A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR VARIOUS PROFESSIONAL ENGINEERING SERVICES AND DECLARING AN EMERGENCY

**Moved by Crooks, seconded by Cichocki, to read by title only. Council polled: 7 yes/0 no; motion carried.**

**Moved by Crooks, seconded by Cichocki, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.**

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Moved by Grendel, seconded by Cichocki, to adopt. Council polled: 7 yes/0 no; motion carried.

**RESOLUTION 2007-06** A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HYDROSPHERE ENGINEERING FOR PROFESSIONAL HYDROLOGY ENGINEERING SERVICES FOR A COMPREHENSIVE FLOODING ANALYSIS AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 7 yes/0 no; motion carried.

Moved by Blaze, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

Moved by Crooks, seconded by Wisnieski, to adopt. Council polled: 7 yes/0 no; motion carried.

**RESOLUTION 2007-07** A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR CAVALIER'S TRAINING FACILITY SITE AND UTILITIES INSPECTION AND DECLARING AN EMERGENCY

Moved by Crooks, seconded by Blaze, to read by title only. Council polled: 7 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

Moved by Crooks, seconded by Klepacz, to adopt. Council polled: 7 yes/0 no; motion carried.

**RESOLUTION 2007-08** A RESOLUTION AUTHORIZING THE RETENTION OF ELWESKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FRO THE INSPECTION OF UTILITY CONSTRUCTION FOR THE ROCKSIDE ROAD CENTRAL SECTION AND DECLARING AN EMERGENCY

Moved by Blaze, seconded by Crooks, to read by title only. Council polled: 7 yes/0 no; motion carried.

Moved by Klepacz, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

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Moved by Grendel, seconded by Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.

**RESOLUTION 2007-09** A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE INSPECTION OF THE ROCKSIDE ROAD WIDENING PROJECT FOR THE CENTRAL SECTION AND MISCELLANEOUS FRONTAGE ROAD D & E AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 7 yes/0 no; motion carried.

Moved by Crooks, seconded by Blaze, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

Moved by Crooks, seconded by Blaze, to adopt. Council polled: 7 yes/0 no; motion carried.

**RESOLUTION 2007-10** A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE EAST/WEST ROAD IMPROVEMENTS TO COMPLETE THE FINAL PLANS FOR THE ROADWAY AND UTILITIES INCLUDING THE SANITARY SEWER ASSESSMENTS AND DECLARING AN EMERGENCY

Moved by Crooks, seconded by Klepacz, to read by title only. Council polled: 7 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

Moved by Crooks, seconded by Grendel, to adopt. Council polled: 7 yes/0 no; motion carried.

**RESOLUTION 2007-11** A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO RESOLUTION 2006-155 FOR THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE ADDITIONAL SURVEYING AND MAPPING FOR FRONTAGE ROAD “E” AND DECLARING AN EMERGENCY

Moved by Klepacz, seconded by Crooks to read by title only. Council polled: 7 yes/0 no; motion carried.

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Moved by Klepacz, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.

**RESOLUTION 2007-12** A RESOLUTION AUTHORIZING THE HIRING OF MICHAEL BAKER, JR., INC. AND ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL SERVICES TO PERFORM ENVIRONMENTAL SERVICES, INVESTIGATION AND ENGINEERING SERVICES FOR THE ALL PURPOSE HEMLOCK TRAIL AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Cichocki, to read by title only. Council polled: 7 yes/0 no; motion carried.

Resolution 2007-12 was placed on First Reading and referred to the Council Workshop without objection.

**RESOLUTION 2007-13** A RESOLUTION APPROVING THE FINAL SITE PLAN BY GRANITE DEVELOPMENT, LTD. FOR THE SINGLE FAMILY RESIDENTIAL DEVELOPMENT OF 11 LOTS ON PROPERTY NORTH OF HILLSIDE ROAD (PPNS 564-02-002 AND 564-02-011) AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 7 yes/0 no; motion carried.

Moved by Blaze, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 6 yes/0 no/1 abstain (Grendel); motion carried.

Discussion: Councilman Crooks commented, I would just like to say for the record that Mr. Sobotka's letters and e-mails submitted to the Zoning Board did not fall on deaf ears.

Moved by Kurtz, seconded by Blaze, to adopt. Council polled: 6 yes/0 no/1 abstain (Grendel); motion carried.

**RESOLUTION 2007-14** A RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A STORM SEWER FROM HERSH CONSTRUCTION, INC. AND DECLARING AN EMERGENCY

Moved by Cichocki, seconded by Crooks, to read by title only. Council polled: 7 yes/0 no; motion carried.

Resolution 2007-14 was placed on First Reading without objection.

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**RESOLUTION 2007-15**     A RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 TO THE MISCELLANEOUS CONCRETE WORK FOR 2006-2007 CONTRACT BETWEEN THE CITY AND F.P. ALLEGA CONCRETE CONSTRUCTION CORP. AND DECLARING AN EMERGENCY

**Moved by Grendel, seconded by Crooks to read by title only as amended. Council polled: 7 yes/0 no; motion carried.**

**Moved by Cichocki, seconded by Grendel, to suspend the rule requiring two separate readings. Council polled: 7 yes/0 no; motion carried.**

**Moved by Grendel, seconded by Crooks, to adopt. Council polled: 7 yes/0 no; motion carried.**

**Moved by Klepacz, seconded by Crooks, to adjourn the Regular Council Meeting. Council polled: 7 yes/0 no; motion carried.**

There being no further business to discuss, the Regular Council Meeting was adjourned at 8:11 p.m.

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Susan E. Kurshuk, Clerk of Council

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