

**CITY OF INDEPENDENCE
REGULAR COUNCIL MEETING MINUTES
MARCH 13, 2007 7:00 P.M.
COUNCIL CHAMBERS**

CAUCUS:

Vice Mayor Kurtz called the meeting to order at 5:12 p.m. Present were Mayor Ramos, Council Members Cichocki, Crooks, Grendel, Klepacz and Wisnieski. Absent was Councilman Blaze. Also present were Finance Director Veres, Asst. Law Director Adam Cornett, Engineer Elewski, Police Chief Nicastro, Building Commissioner Opatrny and Executive Assistant White. Others present were Beth Fulton of TranSystems and Builder Frank Rini.

Vice Mayor Kurtz stated, so that Beth Fulton can get home, is there any problem with taking Resolution 2007-43, Solar Testing, out of order? Are there any questions? We previously discussed that they're going to continue with the same terms and conditions of their previous contract. They are the contractor of record for material testing from the East Section of Rockside.

Beth Fulton commented, they've been doing a good job. We're happy with the tech that we've had.

There were no objections noted to passing Resolution 2007-43.

Vice Mayor Kurtz stated, on Second Reading is Ordinances 2007-06, 2007-07, 2007-08, 2007-09, 2007-10, 2007-11, 2007-12 and 2007-14. Most of these are going to be part of the Public Hearing tonight. I'm assuming that unless there is some challenge or interest at the Public Hearing, there is no reason to not implement these.

Mayor Ramos stated, we're going to ask the Asst. Law Director to explain each of them at the Public Hearing.

Asst. Law Director Cornett responded, Commissioner Opatrny will also be there to explain.

Vice Mayor Kurtz stated, so there are either no objections or they'll be discussed at the Public Hearing.

On First Reading is Ordinance 2007-22, compensation for employees of the Rec Department. In Finance Director Veres' comment he says that these rates are being established mainly as a result of the new Ohio minimum wage. My question is, I'm assuming but maybe Charlene Armenti can clarify if these rates are comparable to other communities. Has she done a market test? I noted that a number of the increased rates are outside of the minimum wage range.

Mayor Ramos asked Ron White to locate Human Resources Coordinator Armenti.

Vice Mayor Kurtz stated, we'll just confirm with her that she market tested.

Mayor Ramos added, there were certain exemptions from the minimum wage law.

Councilman Cichocki commented, the existing ordinance is from 2002 which is five years ago.

Vice Mayor Kurtz stated, we'll come back to this when Charlene arrives.

Next is Ordinance 2007-23, amending the zoning code to create a Senior Citizens District. We have to do a Public Hearing on this, correct?

Mayor Ramos asked, doesn't this also have to be referred to Planning?

Councilwoman Wisnieski replied, it says that they recommended it.

Vice Mayor Kurtz replied, I think that was in reference to the previous. . .

Mayor Ramos stated, it's my understanding that this has to be referred over to Planning and then Planning has the Public Hearing.

Asst. Law Director Cornett was asked to confirm the proper procedure for Ordinance 2007-23.

Councilman Cichocki commented, Law Director O'Brien also suggested that we get the input from Jeff Markley. That would be the Mayor's prerogative.

Mayor Ramos responded, Jeff was involved in a similar development in a different community.

Vice Mayor Kurtz responded, if the Mayor doesn't mind, we'll get Jeff involved.

The Clerk of Council indicated that the memo from Law Director O'Brien states that Council shall conduct a Public Hearing before voting on the ordinance. Therefore, the ordinance should be placed on First Reading and a hearing should be scheduled.

Vice Mayor Kurtz asked Asst. Law Director Cornett to confirm whether this has to go to the Planning Commission and whether they have to have a Public Hearing.

I'm confused only because they didn't conduct one specifically for this piece of legislation.

Councilman Cichocki replied, this is the same as the last legislation except references were removed with regard to multi-family housing.

Human Resources Coordinator Armenti entered the Caucus.

Vice Mayor Kurtz asked, with reference to Ordinance 2007-22, is this the HR recommendation after market testing?

Charlene Armenti replied, yes. We did some surveys to make sure that we were in line. We've already expanded some of the people up there already. They're already at that higher rate.

Vice Mayor Kurtz asked, so this involves adjustments to deal with the wage laws but then we also made adjustments for different positions.

Charlene Armenti replied, yes, based on surveys.

Councilwoman Wisnieski asked, when was the last time these were raised?

Charlene Armenti replied, 2002.

Councilman Wisnieski asked, and you're eliminating part-time maintenance?

Charlene Armenti replied, yes.

Mayor Ramos responded, we have part-time park maintenance.

Charlene Armenti replied, we're not eliminating. There's a supervisor that we're eliminating.

Mayor Ramos replied, this indicates that we're doing away with the part-time park maintenance and I don't think that's our intent. I can't hire a part-timer to clean the park?

Several people speaking at once.

Vice Mayor Kurtz stated, how about First Reading and then we'll have a chance to review this?

Councilman Grendel commented, we had a Community Services meeting five years ago and went over all those in detail.

Vice Mayor Kurtz asked, is there any objection to leaving Ordinance 2007-22 on First Reading and getting additional information?

Charlene Armenti replied, Director Kostyack went over the park maintenance portion of this with me. We were already at that rate. A couple of years ago we stopped hiring 15-year olds. The kids weren't paying attention so we hired mostly college kids and were bringing up that rate.

Mayor Ramos replied, I understand that but the problem is that this ordinance does away with the part-time help.

Charlene Armenti replied, part-time supervisors.

Mayor Ramos replied, I don't think our intention was to do away with that.

Councilman Klepacz asked, should this be referred to Community Services?

Vice Mayor Kurtz replied, First Reading and referred to Community Services.

Finance Director Veres responded, the only issue would be if somebody starts before the next Council Meeting and they're currently at a rate lower than minimum wage. If you could make a motion to allow that minimum wage to be bumped up.

Moved by Kurtz, seconded by Grendel, to allow any positions that are currently below minimum wage to be increased to meet the mandates of the new minimum wage law. Council polled: 6 yes/0 no; motion carried.

Mayor Ramos stated, not to confuse things, but there's an exhibit schedule talking about lifeguards and maintenance here but there is no reference in the ordinance.

Several people speaking at once.

It was agreed that revisions would be made to Ordinance 2007-22. It would be placed on First Reading and referred to the Community Services Committee.

Asst. Law Director Cornett stated, regarding Ordinance 2007-23, Council has to hold the Public Hearing. That's based on the Charter. Prior to that, it would be referred to the Planning Commission. The Planning Commission would review it and send it back to Council for the Public Hearing.

Vice Mayor Kurtz commented, there was a memo that came in our packets regarding the April Council Meeting being the week after Easter. Is there any objection to making it the first Wednesday in April, April 4th, the day after Planning Commission?

There were no objections noted.

Councilman Grendel commented, we can always have a Special Council Meeting if something comes up.

Moved by Kurtz, seconded by Grendel, to move the Regular Council Meeting scheduled for Tuesday, April 10th to Wednesday, April 4th at 7:00 p.m. Council polled: 6 yes/0 no; motion carried.

Councilman Klepacz commented, if we have the meeting on April 4th, we can't vote on the senior housing legislation.

The Clerk of Council confirmed the requirement is to post notice for the Public Hearing 30 days before it takes place.

After discussion, it was agreed to set a Public Hearing for Tuesday, April 17th to be followed by a Special Council Meeting.

Vice Mayor Kurtz commented, he doesn't know at this time if he will be available on the 17th. That was his reason for holding the Regular Council Meeting on April 4th.

Further discussion ensued and it was agreed to keep the Public Hearing and Special Council Meeting scheduled for Tuesday, April 17th with the Public Hearing beginning at 5 p.m.

Vice Mayor Kurtz commented, if I'm here, I'll be there.

Moved by Cichocki, seconded by Crooks, to refer Ordinance 2007-23 to the Planning Commission. Council polled: 6 yes/0 no; motion carried.

Vice Mayor Kurtz stated, next on First Reading is Resolution 2007-28, tax advances.

There were no objections noted to passing Resolution 2007-28.

Vice Mayor Kurtz stated next is Resolution 2007-29, hiring Mary Dolansky in an amount not to exceed \$8,500. That was the number within the budget?

Finance Director Veres replied, correct.

There were no objections noted to passing Resolution 2007-29.

Vice Mayor Kurtz stated, Resolution 2007-30, the retention of Elewski & Associates for engineering work related to storm damage. According to Finance Director Veres it fits within the budget. Why the Self Insurance budget?

Finance Director Veres replied, that's where the money was being paid out of for all storm related damage. When we had that reimbursement of over \$90,000 from that grant, it went back into the Self Insurance Fund.

This resolution is for the unpaid amount that went beyond the authorized amount. I think the Mayor and I had reduced the request down to leaving a balance of approximately \$2,000 because we figure the storm was nine months ago. There can't be much more assessment going on.

Mayor Ramos added, there may be some additional work but if there is additional work, we'll have to ask for an increase.

Finance Director Veres added, we were really waiting for a recommendation from Hydrosphere.

Councilwoman Wisnieski asked, I thought we finished Commerce Park Oval last month?

Finance Director Veres replied, I thought we did too. I asked Engineer Elewski if he was done with the Cavs Project and he said yes at the last meeting.

Councilwoman Wisnieski stated, I thought we authorized money that wasn't for the Cavs, didn't we?

Finance Director Veres replied, yes. That was the for the change order to the sanitary.

Mayor Ramos asked Engineer Elewski, is there any storm cleaning being done on Commerce Park Oval?

Engineer Elewski replied, yes.

Mayor Ramos asked, how far are they?

Engineer Elewski replied, they just started this week.

Mayor Ramos asked, is that the money that was approved by Council - \$12,000 plus?

Engineer Elewski replied, yes, \$12,800.

Councilwoman Wisnieski asked, where is Walker Oval?

Engineer Elewski replied, it's a paper street between Old Rockside and Commerce Park Oval.

Councilman Cichocki asked Finance Director Veres to explain the figures. Engineering fees are \$27,500?

Finance Director Veres replied, yes.

Councilman Cichocki continued, so we've already been charged for \$16,533 but we haven't paid that yet?

Finance Director Veres replied, correct.

Councilman Cichocki asked, and that's going to come out of this \$27,500?

Finance Director Veres replied, correct.

Councilman Cichocki asked, and then the \$26,601 paid in 2006 is also for storm damage from the Self Insurance Fund?

Finance Director Veres replied, Carol Stokar is assuming this is going to get passed, so when I said there's about \$2,000 I misspoke. There is about \$1,000 left for work to be performed in anticipation of coordinating with Hydrosphere and their recommendations. Until those recommendations are done the Mayor and I felt that they didn't need to continue working on storm damage until we receive the recommendations. If this is passed, that unpaid balance would bring the total paid to \$26,601.50.

Councilman Cichocki asked, so if this is passed, there will be a balance?

Finance Director Veres replied, the balance available to be billed is about \$1,000.

Mayor Ramos added, Don Elewski's office has an outstanding balance of \$16,500 that needs to be paid for work that he has already done. We only approved \$7,500. Because of the amount of work it went over that he is in excess by \$16,000. By passing this it allows us to pay the \$16,000 that we owe him and then there is going to be an excess of about \$1,000. Eventually, when Hydrosphere makes their recommendations, Don Elewski's office is going to get involved again, and this amount is going to have to increase.

There were no objections noted to passing Resolution 2007-30.

Vice Mayor Kurtz stated, next is Resolution 2007-31 for mapping in an amount not to exceed \$10,000. This is for updating City maps which is a continuous project.

Engineer Elewski replied, right.

Vice Mayor Kurtz asked, is this something that we need in order to bid projects, or what is the benefit to the City?

Engineer Elewski replied, keeping maps current. We have sanitary, storm, roadways, parcel number and those types of things.

Vice Mayor Kurtz asked, all the connections?

Engineer Elewski replied, yes.

Mayor Ramos commented, I would like a copy of those maps to be given to the Building Department.

Engineer Elewski replied, sure.

Councilman Crooks asked, how often are they updated?

Engineer Elewski replied, they should probably be updated every year.

Councilman Crooks asked, they should be, or that's what we typically do right now?

Engineer Elewski replied, yes.

Councilman Cichocki asked, doesn't the county have an agency that prepares maps? I was in Broadview Heights City Hall and they had huge watershed maps. I was curious if the Cuyahoga County Planning Commission could generate this at their expense as opposed to ours.

Engineer Elewski asked, are they correct and up to date?

Councilman Cichocki replied, as far as I know. They were made in the last two or three years.

Engineer Elewski replied, we find that they're behind in their information. They get their information from us.

Several people speaking at once.

Finance Director Veres asked, will it have manhole indications and numbers?

Engineer Elewski replied, it will show manholes but he doesn't know about the numbers.

Finance Director Veres commented, we should have them on DVD.

Mayor Ramos asked Engineer Elewski, can these maps be put on a disk or online?

Engineer Elewski replied, I'm not sure. They're a pretty good size.

Mayor Ramos asked, can someone look into putting these on a disk and what the cost would be?

Engineer Elewski replied, sure.

Commissioner Opatrny commented, the problem is that you really can't modify them from that point. We can scan them though. That's not a problem at all and give them to you in any form.

Mayor Ramos responded, let's say we're going to update it once a year and then we'd have a disk that we can use so that if anyone needs that information for whatever reason, we have it there.

Commissioner Opatrny responded, no problem.

Councilwoman Wisnieski commented, maybe they could be divided into quadrants or sections.

Mayor Ramos added, I don't know what the cost is, but if it's not prohibitive maybe we can do something like that.

Councilman Cichocki stated, the Finance Director goes on to say that the maps should be forwarded to the City upon completion. Is there an issue?

Finance Director Veres replied, yes. We don't have them. We just went through that. We don't have the maps.

Vice Mayor Kurtz replied, all of Engineer Elewski's work is property of the City.

Finance Director Veres replied, it should be, yes.

Vice Mayor Kurtz stated to Engineer Elewski, anything you do for the City is property of the City.

Engineer Elewski replied, right and we give. . .

Vice Mayor Kurtz continued, it's property of the City and you can house it at your facility or you keep it here.

Finance Director Veres commented, it should be kept here.

Vice Mayor Kurtz responded, but he needs it.

Finance Director Veres responded, well then he should make a copy of it.

Engineer Elewski replied, no problem.

Finance Director Veres added, his contract states that all his work is our property.

Vice Mayor Kurtz commented, we took steps years ago to prevent the Slabe & Mackay situation from occurring again. We may not have the hard copies here but it's our files.

Engineer Elewski responded, we have sent Commissioner Opatrny everything we have.

Finance Director Veres commented, it's the recent work we're missing.

Engineer Elewski replied, I'm not sure if we sent the recent stuff.

Finance Director Veres stated, we did an update back in December of 2004 because it was brought to my attention.

There were no objections noted to passing Resolution 2007-31.

Vice Mayor Kurtz stated, next is Resolution 2007-32, the purchase of two AutoPulse systems.

Councilman Grendel stated, originally under capital improvements we authorized one for \$12,000 but the cost has come down. That's why we're getting two for \$18,300. This way all three units will have one.

Councilwoman Wisnieski commented, on the invoice it says two carrying cases but on here it says three.

Finance Director Veres replied, the extension was originally for three. They crossed it out and made it for two – from \$1185 to \$790. We're only paying for two.

Councilman Cichocki commented, if there a question or problem we can ask Chief Nelson at the Council Meeting.

There were no objections noted to passing Resolution 2007-32.

Vice Mayor Kurtz stated, next is Resolution 2007-33, Hydrosphere for an amount not to exceed \$12,500.

Mayor Ramos stated, when we have someone come into the Planning Commission, for example Indexco with a subdivision, we have Hydrosphere to take a look at it. This is just to cover those types of services.

Councilman Grendel asked, this is over and above what we approved in January?

Mayor Ramos replied, yes.

Vice Mayor Kurtz commented, I don't have any problem with Hydrosphere. The jury is out and they're doing some work, but at the January meeting we talked that in order to just going with three, four, five or six projects they present, I was under the impression that in order to maintain some accountability we would authorize initial projects and see how they perform. Once they perform to everyone's satisfaction, then we'd be able to do that process.

What I'm saying is that you already have the authority for each project under \$7,500. Is that not correct?

Mayor Ramos replied, even though I had them look at Indexco, and they charged me \$2,600, I was under the impression that I could not, as the Mayor, authorize \$2,600 here and \$3,000 there and then take it over \$7,500. That was the reason why I requested this. When it accumulated it was over \$7,500.

Vice Mayor Kurtz responded, that being the case, why don't we amend this authorizing you on Planning Commission issues up to \$12,500. I see what you're trying to accomplish.

Mayor Ramos stated, it's \$1,200 here and \$2,000 there. As long as it's under \$7,500 I'm okay, but once it gets in excess of \$7,500 then I can't authorize them to do anything.

Vice Mayor Kurtz stated, what I'm suggesting is that we should authorize for the Planning Commission and then if you need more, you can come back. It's just to make sure that it's for engineering relating to Planning Commission issues. That makes sense and I have no problem with it.

Mayor Ramos replied, I don't have a problem with that.

Vice Mayor Kurtz commented, every issue is Planning Commission. I think we ought to have that in the resolution. That would give the Mayor the authority to do that. If it gets past \$12,500 then come back to Council.

Moved by Grendel, seconded by Cichocki, to amend Resolution 2007-33 to reflect authorizing the Mayor to utilize the services of Hydrosphere relating to Planning Commission issues. Council polled: 6 yes/0 no; motion carried.

Councilman Klepacz stated, someone mentioned to me that they don't go out in the field. Is that true?

Mayor Ramos replied, they were up and down Brookside Road checking on basements. They just e-mailed the report which I'll provide to Council as far as the survey that they conducted and what they're next plan is. When Council approved their contract they asked for a monthly report.

They have been on site. They've also obtained a lot of information from Engineer Elewski's Office. They've also been in the field taking measurements and going to residents' homes along Brookside Road. Some people wanted us there and some didn't. We respect those who didn't.

Councilwoman Wisnieski asked about the surveys.

Mayor Ramos replied, according to their report they received 36 responses. We have a map indicating which houses responded and what their problems were.

Ron White added, that was about half of the homes surveyed.

Mayor Ramos added, I thought that was a pretty poor result, but they thought it was good.

There were no objections noted to passing Resolution 2007-33 as amended.

Vice Mayor Kurtz stated, next is Resolution 2007-34, purchase of a lifting system for the Service Department. We discussed this at budget hearings.

Councilman Grendel responded, we budgeted \$35,000 so we're within budget.

There were no objections noted to passing Resolution 2007-34.

Vice Mayor Kurtz stated, Resolution 2007-35, two copier multifunctional units for \$25,000. These fit within the capital budget.

There were no objections noted to passing Resolution 2007-35.

Vice Mayor Kurtz stated, Resolution 2007-36, the purchase of six Dodge Charger police units.

Councilman Grendel asked, is this the first year we're going with Dodges?

Chief Nicaastro replied, first year.

Vice Mayor Kurtz commented, I won't support this, only because we have all Fords. It has nothing to do with the department. I think that Ford is a substantial employer in the Greater Cleveland area. Is it based on a low bid?

Finance Director Veres replied, State Purchasing.

Vice Mayor Kurtz asked, you can't buy Fords under the State Purchasing Program?

Chief Nicasastro replied, we can. We can buy either Fords or Chryslers.

Vice Mayor Kurtz asked, so it's not based on a monetary issue?

Chief Nicasastro replied, no. Chrysler started with their police package last year. We waited a year to see how they worked out for other cities. We test drove them. We looked at the research. They accelerate quicker. They brake shorter. They have a computerized electronic stability system which Ford doesn't offer, so in that respect it gives us a safety advantage.

Councilman Grendel asked, how many police departments have gone to Chryslers?

Chief Nicasastro replied, I'm not sure. Jim Polack made the phone calls and he's out of town.

Resident Bob Ornas commented, Chrysler unibody compared to a Ford frame.

Chief Nicasastro replied, yes.

Bob Ornas responded, that's a concern – unibody is for strength in pursuit vehicles against a frame body.

Chief Nicasastro responded, the Chrysler gets a five star crash rating.

Councilman Cichocki commented, I have no problem supporting this legislation. It sounds like our Police Department did their research and they're driving them.

Several people speaking at once.

Chief Nicasastro commented, we chose Chrysler because we think it's superior to the Ford in all the parameters that we could rate.

Councilman Grendel asked, what color scheme are we going with?

Chief Nicasastro replied, they have a dark blue. They call it a steel blue. It's pretty much the same tone.

Councilman Crooks asked, how long before we see them?

Chief Nicasastro replied, they're telling us 120 days from the day we order them. The last day to order them is April 20th.

There were no further objections noted to passing Resolution 2007-36.

Vice Mayor Kurtz stated, next is Resolution 2007-37, Adsource Communications for public relations services.

Councilwoman Wisnieski asked, we're only doing a 10-month contract? Don't we usually do a year? I see that it's March 1st through December 31st.

Finance Director Veres replied, we usually do a year.

Vice Mayor Kurtz stated, it has been \$45,000 for the last couple of years for a 12-month period. We should make it \$37,500 for a 10-month period.

Councilwoman Wisnieski asked, why isn't it going to March 1, 2008?

Several people speaking at once.

Vice Mayor Kurtz commented, I have no problem with the \$37,500 because it's for a shorter duration.

Councilwoman Wisnieski asked, why not just do the annual?

Vice Mayor Kurtz stated, I think it makes sense to do it a year but I think they were just adjusting the numbers so they were consistent with the previous years. Don't we bid one of these?

Mayor Ramos replied, we bid the Spotlight and the Community Newsletter.

Councilman Cichocki stated, he notices that they mention the website update. It doesn't look like it updated very regularly.

Ron White replied, there are portions of it that are updated.

Councilman Crooks stated, so in the future it would just be January thru December.

Vice Mayor Kurtz responded, we'd bid it in October or November.

Councilman Grendel stated, this would be \$4,500 a month.

Councilman Cichocki commented, if you look at the last page, they have worked with a budget of \$45,000 for a couple of years. They would like to ask that an increase be considered due to paper cost, vendor cost, duplication expenses and the costs of other services have increased.

Councilman Cichocki stated, I have to have a Community Services Meeting anyway. Do we want to refer it to Community Services?

Councilwoman Wisnieski commented, if we're going to do annual contracts, then we should do the sanitary and storm that way too. The way they run now is the middle of the year.

Several people speaking at once.

Vice Mayor Kurtz commented, right now our Streets runs until July. We don't want to switch contractors in the middle of the construction season.

Engineer Elewski commented, we had a suggestion that we could extend their 2006 contracts until the end of the year.

Vice Mayor Kurtz commented, the maintenance contracts should be annually. Right now we have some that are June and July. The problem is that you're in the middle of the construction season. How are you going to start and stop a project in the middle of July? You want to go through the season at least so you're not changing horses in the middle of the season. Put the maintenance contracts out to bid in October or November of this year.

Engineer Elewski added, it can be done as change orders to the 2006 contracts.

Councilman Cichocki asked, can we do that without a bid?

Vice Mayor Kurtz replied, we did bid.

Councilman Cichocki asked, but under that rationale.

Several people speaking at once.

Engineer Elewski commented, I talked with Greg O'Brien and he said he didn't see any problem with a change order.

Mayor Ramos added, as long as they commit to the same price.

Engineer Elewski responded, two of them have committed to the same price. The third one says there has been an increase in the materials costs for him.

Vice Mayor Kurtz stated, we'll present that to the Law Department if you're successful in getting an agreement.

Resolution 2007-37 will be placed on First Reading and referred to the Community Services Committee.

Next is Resolution 2007-38, Change Order 4 to the 2006 Road Maintenance contract. We talked about this in the Streets Committee. It's time sensitive that before we can sell plots in the new section of the cemetery we need to put the road in.

There were no objections noted to passing Resolution 2007-38.

Councilwoman Wisnieski asked, whose responsibility is the cost of relocating the tanks?

Vice Mayor Kurtz replied, it was negotiated. We have up to \$15,000 as our exposure.

Councilwoman Wisnieski asked, was that part of the purchase agreement?

Vice Mayor Kurtz replied, yes.

Next is Resolution 2007-39, Alpha Properties. This is within the amount that we allocated and authorized the Law Director to negotiate. Are there any objections?

Councilman Cichocki asked, but we're still going to have to amend the budget?

Finance Director Veres replied, there is this issue and two others outstanding. This is an actual number and the other two are still estimates. If they come in at the estimated amount, then we will have to amend the budget.

There were no objections noted to passing Resolution 2007-39.

Vice Mayor Kurtz stated, Resolution 2007-40, confirming the appointment of John Kornick as the City Plans Examiner. He is certified, correct?

Commissioner Opatrny replied, yes.

There were no objections noted to passing Resolution 2007-40.

Vice Mayor Kurtz stated, we have Resolution 2007-41, the retention of Elewski & Associates with regard to road maintenance in the amount of \$10,000. Are there any objections?

There were no objections noted to passing Resolution 2007-41.

Vice Mayor Kurtz stated, next is Resolution 2007-42, Change Order 2 for Elewski & Associates for work on Commerce Park Oval in the amount of \$18,400. This fits within the Cavs TIF budget. Are there any objections?

There were no objections noted to passing Resolution 2007-42.

Vice Mayor Kurtz stated, next is Resolution 2007-44, Health Watch for \$15,000.

There were no objections noted to passing Resolution 2007-44.

Vice Mayor Kurtz stated, next is Resolution 2007-45, authorizing the funds to connect 6728 Ivandale to the main sanitary sewer in an amount not to exceed \$16,150.

Councilman Cichocki commented, I have a problem with this resolution. I don't think that this is an appropriate expenditure of public funds. I know back in 2003 before I was on Council a similar issue came up on Brookside Road where a resident developed a lot that they owned. I think this is different in several respects. When the City first installed the sanitary line on this street this lot was a ravine. It is now a buildable lot. That's why there was no sanitary connections put in.

At this point in time the lot has changed hands a number of times. The market value should have reflected the fact that there was no sanitary tie-in. So at this point in time we have a builder building a house on the lot who paid a discount for the property because it didn't have a sanitary connection. We're going to pay for the sanitary and he's going to sell the house at a profit so we're paying to have the sanitary put in and he's going to realize a profit on this.

This is purely benefiting one lot, one individual and I don't think it's appropriate for the public to spend money on something like this.

Actually, it falls in the Code as a minor subdivision and our Code provides in 1113.02 that the developer is required to provide at his expense to properly develop the lot, including but not limited to sanitary sewers. So, our Code is in direct conflict. It put the onus on the developer, on the builder. We shouldn't be paying for it.

This sets a bad precedent as well. Any lot that is going to be developed in the future which we didn't consider to be buildable and somebody fills in will come into us and say we've done it before. What do we say to them at that point?

I don't think this is good business and a good expenditure of public funds.

Councilwoman Wisnieski commented, I just want to mention that this came from the Utilities Committee. The engineer's office referred this issue to our Committee to review and indicated that a precedent had already been set on Brookside.

Councilwoman Wisnieski asked Engineer Elewski to talk about Brookside and why the Engineer's Office felt. . .

Engineer Elewski replied, it was similar to Brookside. At the time that the sanitary sewer was put in it was deemed that the lot was not buildable. He comes along and wants to build a house on it.

Councilman Cichocki asked, was the Janowski lot filled in or was it in the original condition at the time?

Engineer Elewski replied, they didn't fill the lot in. They did some cutting into the hill for the house.

Councilman Cichocki asked, did Mr. Janowski build that house for himself?

Engineer Elewski replied, yes.

Councilman Cichocki asked, he wasn't a builder?

Engineer Elewski replied, no.

Councilwoman Wisnieski responded, but we still paid for that connection. And if it wasn't a buildable lot, they wouldn't have given it a parcel number.

Councilman Cichocki replied, every piece of property has a Permanent Parcel Number. There is no piece of land that doesn't have a parcel no. That ravine had a parcel number.

Councilwoman Wisnieski responded, the Zoning Board granted variances in order for him to build on that lot. To me, that means a buildable lot.

Councilman Cichocki replied, it was a ravine.

Councilwoman Wisnieski responded, I can only tell you what I have in front of me. I can't tell you whether it was filled in or not. If that's the case, then it was done and shouldn't have been then we have some explaining to do on the part of the City. We need to follow up on those things. But I can tell you right now that it came before me and the Zoning Board has granted the ability to build on the lot.

Councilman Cichocki asked, what does that have to do with the price of rice?

Councilwoman Wisnieski replied, you're saying that it's a ravine.

Councilman Cichocki replied, it was a ravine at the time the sanitary line was put in. That's why there was no connection made. Then years later the ravine was filled in and Ivandale was put in. We're not obligated to put in the sanitary. The statute says it's the developer's responsibility on a minor subdivision. One house is a minor subdivision.

Vice Mayor Kurtz commented, I believe I asked on Janowski at the time why we didn't put in a connection. All those people were building on the side of that hill.

Engineer Elewski replied, not everybody.

Vice Mayor Kurtz commented, I go back to when we sat here and had the same debate. It was understood at that time that we didn't provide a connection and we talked about the future and how we protect the City and we said there are going to be circumstances that are going to be presented as the City matures that we didn't foresee. I think it was the recommendation of the engineer at the time that we provide the connection.

Engineer Elewski replied, it was the same situation on San Fernando where it was assessed and I don't think the people paid for the sanitary sewer.

Vice Mayor Kurtz replied, that's a whole different issue. There were so many other issues there that we couldn't put our arms around any of them.

Engineer Elewski commented, we passed bond issues years ago.

Vice Mayor Kurtz responded, we passed two bond issues so the taxpayers are supposed to pay for all the connections.

Engineer Elewski replied, yes. They've been paying through all these years.

Councilman Cichocki asked, so your position is that anybody that comes along in the future, even a developer for a major subdivision issue we should be paying for the sanitary?

Engineer Elewski replied, legally I don't know how you would separate them.

Councilman Cichocki replied, easy. We say no here. We draw the line. There is no conflict with denying it. There is a conflict with allowing it. If we set a bad precedent, it doesn't mean it's right.

Councilwoman Wisnieski commented, after this issue is addressed I would have no problem reviewing a policy. This is the policy for the future.

Several people speaking at once.

Vice Mayor Kurtz commented, maybe we should say, here is what we're going to do. To anybody that comes in, this is the most we're going to contribute, we're not going to contribute or whatever.

Councilman Cichocki quoted from Council minutes of December 20, 2002. *Vice Mayor Kurtz stated, if anyone comes in with a lot in the future, they have to be able to be tied into it. Councilman Blaze stated, he thinks the argument that was brought up was that they should determine a little more accurately what utilities are available to the site. If they're going to have a more costly tie-in, they need to take that into account regarding the price that they're going to pay. Vice Mayor Kurtz asked, who did their due diligence? If you buy a piece of property, it's your responsibility to check for these things.*

It's like déjà vu all over again. We're going to draw the line and here we're drawing the line again and we're drawing the line again and we're drawing the line again.

Councilman Crooks stated, it says in the third paragraph that the City has determined that the main sewer line should have been constructed to provide for the future tie-in. To me, that speaks like we're obligated to do this. Who determines this?

Vice Mayor Kurtz asked Engineer Elewski, Slabe & Mackay did the engineering for the sanitararies?

Engineer Elewski replied, Slabe & Mackay when I was there.

Vice Mayor Kurtz stated, all I know is we did pass two bond issues in order to supply because we were under a mandate from the state that we shut off our building permits until we provided sanitary sewer connections for everybody in the City.

Councilman Klepacz asked, do we still have the money from those bond issues?

Vice Mayor Kurtz replied, no. We paid off those bond issues, but we still spend money on sanitary sewers. I think the conclusion to what I'm hearing is we ought to come up with a policy. Councilman Cichocki's position is zero for anybody. I think what I'm hearing is it's whatever the contractor's cost is, the range of the policy.

Councilwoman Wisnieski stated, what I'm saying is we set the precedent. If we decide it's going to be zero, then we formalize the policy so every person that comes before the Utilities Committee or Council it's no, this a known policy. Under these circumstances you will not get any relief, or we don't assist on a tie-in. But we don't have a formalized policy. We've set that precedence several times.

Mayor Ramos asked, is this at the end of the street?

Councilman Blaze replied, it was at the time.

Engineer Elewski stated, when we put the sewers in originally on Ivandale we stopped short because the land beyond that was a big piece of land owned by whoever so we stopped short on the existing street. But then I think Troiano came in to develop the rest of that land. He came close to that lot but didn't extend it further because it was unbuildable so he stopped it short.

Vice Mayor Kurtz asked, but he tied into the existing street?

Engineer Elewski replied, but he went the other way.

Mayor Ramos asked, he didn't carry it through and connect with this one? He went the other way?

Engineer Elewski replied, he went the other way because of the way that the land fell.

Vice Mayor Kurtz commented, in all fairness, one position I would look at would be, because these crop up every three or four years . . .

Councilwoman Wisnieski commented, this is the question, along with the policy we could have the engineer's office give us an idea of conditions that we might have to address this again.

Finance Director Veres responded, on the City map when we get it.

Councilman Klepacz stated, I sat on the earlier Committee who I think said that we should establish a policy that should be zero. I totally agree with Councilman Cichocki's statement. I am unfortunately caught in the predicament that I was unaware of some of the information that is available to me now that I was not aware of at that Utilities Committee Meeting. I, unfortunately, did make a vote to pay the \$11,870 for the house on Brookside. I objected to it at the time, but again, I changed my vote at the last moment. I argued at that time that we should at

best share the cost. At the Utilities Committee Meeting I told the developer that unfortunately I made that vote and I did set a precedent at that time. I would make a motion at this meeting.

Moved by Klepacz, to amend Resolution 2007-45 to read, in an amount not to exceed \$12,000.

I agree with the statements that we need to establish a policy and say, this is it. I'm looking at all sorts of lots throughout the community. In no rational way could any of us who are not builders say what lots could be built on. I think this is an issue that is going to come before us frequently.

Motion failed for lack of a second.

Vice Mayor Kurtz stated, I don't have any problem with it either way.

Councilwoman Wisnieski commented, I'm going to make the commitment as the Utilities Chairperson to bring it back. Councilman Klepacz and Councilman Cichocki are on the Committee and we can define a policy and work with the engineer's office to outline circumstances that would fall under that and get that policy in place.

Councilman Cichocki responded, it's very easy to make a policy. We don't pay for these. These are people developing lots who are making money in the process for developing lots. You can buy a piece of bottom land cheap, fill it in and say to the City, now it's buildable. You pay for it and then you turn around and. . .

Councilwoman Wisnieski asked, Janowski will never sell his house? Janowski is going to make some money.

Councilman Cichocki replied, we're all going to make money as long as property. . .

Councilwoman Wisnieski responded, that's what I'm saying.

Councilman Cichocki responded, your logic fails me. He's going to build a house. He's not a resident building a house to live in. He's building a house to make money, and he's going to win twice because we're going to pay for the sanitary connection and he doesn't have to pay and he's going to sell the house for market value and make that money back again. This is profiting one individual here by this legislation which is inappropriate for public funds.

Finance Director Veres commented, back when the City was directed to install sanitary sewers, they were instructed to install them where, to every possible. . .

Councilman Cichocki replied, all current houses. . .

Vice Mayor Kurtz added, and lots. You had to try to anticipate where a house would be because we didn't have 2,700 homes back then.

Engineer Elewski commented, in some cases where the lot was twice the width of a normal lot we'd give them two connections.

Vice Mayor Kurtz added, so there are connections in the City right now that aren't being utilized because it wasn't precise. You tried to guess where a house would be. Years ago we had instances where we put them in and they weren't in the right place.

Finance Director Veres replied, if you're going down Brecksville Road from north to south, you're not going to skip an open lot? You're going to continue the sanitary? Who is to say if that is buildable or not? You're a minor subdivision and they have to tie into the existing sanitary? There has to be something to tie into. This one doesn't have a sanitary line in front of it.

Vice Mayor Kurtz added, they have to extend the sanitary line so they can tie-in. That's the difference. If the sanitary was in front of the house, it would be the contractor's responsibility to tie in.

Councilman Cichocki responded, if you develop a house in the middle of nowhere, you have to create the sanitary.

Several people speaking at once.

Finance Director Veres commented, you have to tie into the main line. You don't have to create your own sanitary supply.

Engineer Elewski stated, if it's a subdivision, the developer pays for it.

Councilman Cichocki stated, this falls in our Code as a minor subdivision.

Finance Director Veres stated, what I'm saying is that the sanitary should have been extended originally, in the first place.

Councilman Klepacz stated, at one time the City was saying where the buildable lots were. Are there tie-ins on the Dalad property on Route 21?

Engineer Elewski replied, there are tie-ins but all of them aren't being used.

Councilman Klepacz asked, what if someone buys any big lot and obtains a lot split and there is only one tie-in? Are we as a City responsible for now hooking up?

Mayor Ramos replied, no. You're talking about two different lines. There's a main line and then there's a tie-in between the property and the main line. In Frank Rini's case, the main line stops short of his lot. The question is, does the City have an obligation to extend the main line to the front of his house and then Frank ties in from the house to the main line? That's the question.

Councilman Grendel asked, so our cost is just to extend the main line along the road?

Several people speaking at once.

Mayor Ramos stated, we didn't pay for the tie-in on Brookside.

Vice Mayor Kurtz stated, we gave them a lateral and they tied into the lateral. There was no lateral there on Brookside. We tied-in to the property line. They took over from the property line. We supplied them a lateral. Our obligation was to supply the lateral. We didn't tie his house in. In this case also, there is not lateral.

Councilman Grendel commented, so he still has to tie in at his own expense.

Vice Mayor Kurtz commented, in theory, we should have put a main line in all the way. We approved the plans.

Several people speaking at once.

Vice Mayor Kurtz asked, what do we want to do?

Councilman Crooks stated, according to this legislation it seems as though the City has determined that we should have done this in the first place and I don't have a problem supporting it as it is. We're extending the main line. I don't think that factoring in what someone may or may not do after the fact should necessarily weigh into our decision making process. Is the City obligated to do this? Yes or no, regardless of whether or not a profit is going to be turned on this. I really think that this lends itself to further study of the open lands in this community because to determine whether a lot is buildable or not is completely subjective by this body, at least at this point. At one point the engineer determined whether lots were buildable or unbuildable. I'd like to see what that is now or if there is an updated map of buildable or unbuildable lots. For us to determine that it was unbuildable I think is subjective and I'm not going to use that rationale to factor into my decisions.

Councilman Grendel, based on the circumstances as explained, I'll support it. The mistake was made back when the new development was put in. They should have continued the main line and hooked up with the old. Then we wouldn't have this problem.

Councilman Klepacz commented, if we keep the amount at \$16,500 I'm voting no.

Moved by Klepacz, to amend Resolution 2007-45 to read, in an amount not to exceed \$12,000.

Vice Mayor Kurtz stated, we need an affirmative vote of 5 to pass.

Councilwoman Wisnieski replied, it would pass but it would have to wait to take effect. It just won't pass on emergency.

Mayor Ramos commented, it's a question of whether or not you suspend the rules. You need five votes to suspend the rules.

Vice Mayor Kurtz added, we can pass it but it won't take affect immediately.

Mayor Ramos stated, the question I had is, I remember discussing this with Tom Walchanowicz. Tom came here and asked us to extend it. At that time we said no. I'm trying to remember why we said no. With all due respect to Frank Rini, what has changed from when Tom Walchanowicz was here making the request and Frank being here? Was it the Janowski issue? Is that the deciding factor? The City said they'd do it for Janowski and now we're going to do it for him, or were there other circumstances. I don't remember. I remember Tom being here and asking for the extension and for some reason we said no. I don't remember why.

Councilwoman Wisnieski responded, unfortunately, I didn't serve on the Utilities Committee. I wasn't the Chairperson nor had I ever served on it. When you read the minutes it's a little different. Then Janowski came up. . . I looked at Janowski but didn't look at Walchanowicz.

Vice Mayor Kurtz stated, with all due respect, I don't have any problem going with \$12,000 if that is going to be the foundation of the policy. We could be any figure. I'd like to go with the \$16,500 but if you asked me to set a policy, then I would say we would cap our policy with the foundation which would be not to exceed \$12,000.

Councilwoman Wisnieski asked, what's that based on then?

Vice Mayor Kurtz replied, it's based on precedent. It was \$11,870 and now we're sitting here with \$16,000. What is the next one going to be? And there will be a next one. With all due respect to Councilman Cichocki, it's one of those things that you can look at each side of the coin. I'd rather set a policy.

Councilwoman Wisnieski stated, the only thing I would say to that is with putting the Janowski number, \$11,870, again, you have to have a policy and a logical number. If we were armed with information that came from the engineer's office saying these are the circumstances of this, this is how many times we may encounter this again, and take a look at those maps and know, then perhaps there would be a more logical approach to the number. But because we set the number with Janowski, that was my only reason for not going with that number. I wasn't sure we had a logical number.

Councilman Cichocki responded, even if you guess at how many of these we'll have in the future, the cost would vary depending on how far you have to extend the sanitary line. The cost to cover one may be \$12,000 where it might be half that for the next one.

Councilwoman Wisnieski asked, are there any legal ramifications with the number? Could someone challenge that?

Councilman Cichocki replied, someone could challenge the passage of this legislation.

Councilwoman Wisnieski replied, that's not what I'm saying. If we put that number in. . .

Asst Law Director Cornett responded, if you could back it up with documentation or a study, but if it's just an arbitrary number of \$12,000 from a specific situation, it varies with each situation (inaudible). That's where you get into trouble.

Vice Mayor Kurtz stated, I think we need a policy. With all due respect, we're going to have these situations and there is no cookie cutter solution to them.

Motion failed for lack of a second.

Vice Mayor Kurtz asked Mayor Ramos, do you have any problem with how we act on this?

Mayor Ramos replied, no. My only question was why we turned down Tom Walchanowicz. I'm not trying to delay the vote, but I think a little historical playback might help the situation by clarifying. Maybe we just said it was his responsibility and then all of a sudden we did it with Janowski.

Councilman Klepacz responded, I was on the Committee back then and I'm almost sure it was because it was a filled in lot and it wasn't buildable to begin with.

Councilman Cichocki asked, how does this impact upon Don Reis and the situation we have with the Dora Extension? He wants to build one house on an existing lot with a permanent parcel number and we have told him it's up to him to provide all the utilities and amenities on the lot – road, sanitary. How does that impact if we grant this one. He comes back and says we've set a precedent.

Vice Mayor Kurtz replied, we didn't put the road in. . .

Councilman Cichocki replied, we're putting the sanitary line in. He could say we should extend the Dora sanitary so he can get sanitary.

Engineer Elewski responded, it's true.

Mayor Ramos replied, I think the difference is that it's not a dedicated street.

Vice Mayor Kurtz replied, that's a good point. You're right. It's a paper street.

Councilman Klepacz stated, we make the policy that we're not doing anything after this one.

Vice Mayor Kurtz asked, I think I heard discussion that we're going to talk about that at Utilities?

Councilwoman Wisnieski replied, I'll call a Utilities Meeting.

Vice Mayor Kurtz stated, the motion died and we're going to go on the floor with 2007-45.

Next is Resolution 2007-46, \$15,000 for Elewski & Associates for Rockside right-of-way and easements. Are there any concerns or issues?

There were no objections noted to passing Resolution 2007-46.

Vice Mayor Kurtz stated, Resolution 2007-47, Elewski & Associates for sanitary sewer maintenance in an amount not to exceed \$11,000.

Finance Director Veres commented, this would be under Fund 420.

There were no objections noted to passing Resolution 2007-47.

COUNCIL MEETING:

Mayor Fred Ramos called the meeting to order at 7:20 p.m. Present were Council Members Cichocki, Crooks, Grendel, Klepacz, Kurtz and Wisnieski. Absent was Councilman Blaze. Also present were Finance Director Veres, Asst. Law Director Cornett, 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:

Resident Fran Burant thanked Council, the Administration and the Service Department for the wonderful job they did with snow removal. Without this program, many of our seniors would be stranded at home.

Fran asked Police Chief Nicastro for extra police details on Brookside due to the excessive amount of speeders. Chief Nicastro responded that he would address the situation.

Fran also commented on the numerous watermain breaks on Brookside recently. The residents are currently without water while they're working on the line.

APPROVAL OF MINUTES:

Moved by Grendel, seconded by Cichocki, to approve the minutes of the February 13, 2007 Regular Council meeting. Council polled: 6 yes/0 no; motion carried.

Moved by Crooks, seconded by Cichocki, to approve the minutes of the February 20, 2007 Joint Council/Planning Commission Work Session. Council polled: 5 yes/0 no/1 abstain (Klepacz); motion carried.

Moved by Cichocki, seconded by Crooks, to approve the minutes of the Special Council meeting of February 27, 2007. Council polled: 4 yes/0 no/2 abstain (Grendel, Wisnieski); motion carried.

MAYOR’S REPORT:

Mayor Ramos reported, the next Regular Council Meeting is scheduled for Easter week so consequently, in order to allow all Council Members to attend, we’ll be moving the Council Meeting to Wednesday, April 4th, the day after Planning Commission. Several members of Council will be spending Easter week on vacation with their families.

Because of the necessity for a Public Hearing that we will be setting with respect to the senior housing ordinance, we are going to be holding a Special Council Meeting on Tuesday, April 17th. The meeting will be preceded by the Public Hearing at 5 p.m. in order to comply with our Charter.

We apologize for any inconvenience this may cause.

On the agenda tonight is the ordinance introducing senior housing zoning. However, this is for single-family homes only. This incorporates a smaller lot size for age 55 and older. We would like to present this to the community to gauge their support, and hopefully down the road look into some type of congregate living. However, at this time we’re going to be approaching it as single-family, owner occupied residences only. This will be the first step in presenting senior housing to the community. We ask for your consideration and support.

OFFICIALS’ REPORTS:

ENGINEER:

Engineer Elewski reported, we are continuing to monitor the gas line on Route 21 to supply the new Cavs’ facility. We are also monitoring the installation of the gas line in the Cascade Creek Subdivision near Sprague Road. We continue to provide inspections for Rockside Road.

FINANCE DIRECTOR:

Finance Director Veres reported that the March RITA collections are in and they are approximately \$7,000 over last March, bringing the quarterly total to almost \$300,000 over the first quarter of 2006.

SERVICE DIRECTOR:

Service Director Snyderburn thanked Fran Burant for her compliments. Senior snowplowing has been done ten times this year. It is a great service thanks to the support of the Mayor and Council. If you have a concern, feel free to call the Service Department.

The Mayor asked that more flower baskets be ordered for Route 21 through the center of town so you will be seeing more flowers in that area this year. We'll be planting trees shortly and cleaning up.

COMMUNITY SERVICES DIRECTOR:

Director Buc stated, I want to thank everyone who helped out with the Tropical Beach Blast, especially the Recreation Department. It was a huge success. We had 1,500 in attendance this year.

We took registrations for our spring programs last week.

We have new furniture in the atrium and it looks very nice.

We've been very busy with room rentals.

RECREATION DIRECTOR:

Director Kostyack reported, we're holding Water Safety classes for instructors for the next four weeks in preparation for our summer programs.

Our golf lessons started at the Civic Center. Next week we're supposed to have baseball games for the high school.

We worked on Ordinance 2007-22 with Finance Director Veres, Human Resources Coordinator Charlene Armenti, April Lemke and Tom Walchanowicz. Some of the changes are due to the minimum wage law. It adjusts for minimum wage and normal yearly pay increases.

TECHNICAL SERVICES DIRECTOR:

Director Avsec reported, we're in the process of doing the office renovation at the Police Department. The project consists of adding an interrogation room, new wallcoverings and carpeting in that area. The carpeting and wallcovering are original from when the building was built. We will be doing the construction of the new office and will contract out the wallcovering and carpet.

The City Hall reception area renovation is in process. The City architect is currently working on the final design and plans should be presented by March 23rd.

BUILDING COMMISSIONER:

Commissioner Opatrny reported, the main floor of the Cavs Practice Facility has been poured. The building is under roof now and is progressing. The anticipated opening is July or August.

The steel has been put up for the Podiatric College addition. They will be putting the roof on that next week.

The Cornerstone of Hope continues to put in foundations. We had some mud issues in the road. I contacted the contractor several times and he's had a street sweeper out there and added additional stone to the temporary roads.

FIRE CHIEF:

Chief Nelson reported, now that spring is fast approaching so is severe weather. I would just like to remind our residents that the City of Independence has partnered with Drug Mart to offer you All Hazard Radios. These radios are available to you at a reduced cost. When you purchase one of these radios from Drug Mart, take your receipt to the Civic Center and you will receive a \$10 reimbursement. It would be the first line of defense during severe weather and will provide you information and notice.

I want to also remind the residents that with spring approaching with the tornado season, our emergency alert sirens are tested the first Saturday of each month at 12 o'clock.

POLICE CHIEF:

Chief Nicastro reported, the Cuyahoga County Prosecutor, William Mason, is hosting a training seminar called Strategies to Combat Predatory Lending and Foreclosure Scams. They would specifically like to provide information to Mayors, City Managers, Law Enforcement, Law Directors, City Prosecutors, Building Inspectors and Economic Development Directors. This has been an ongoing issue in Cleveland and is spreading out to the suburbs so this seminar is timely. One of the issues to be covered is developing local policies to prevent foreclosure and home improvement scams. The Independence Police Department will be attending and all City Officials are also invited.

ECONOMIC DEVELOPMENT DIRECTOR:

Economic Development Director Ron White reported, that the Travelers Insurance Company is moving in approximately 125 employees in their first phase on March 30th. In June they'll be moving another 100 plus employees for a total of almost 250 employees.

There will be another Downtown Redevelopment meeting coming up in April. A series of meetings are scheduled until the end of the year to complete the project and provide a vision master plan for the Council to consider, as well as the Planning Commission.

There are a couple of smaller companies that will be moving in. One is a kidney dialysis center which will be located off of Oak Tree. The planned Royal Manor dialysis center will be a little further down the road before it gets started. This other center will get started in around 50 days or so.

LAW DIRECTOR:

No report.

STANDING COMMITTEE REPORTS:

RULES AND ORDINANCES COMMITTEE – (KLEPACZ):

Councilman Klepacz reported, the Kiwanis Club of Independence successfully completed their 55th Anniversary Pancake Breakfast on Sunday, March 5th. Despite the snow and cold, community members came out and enjoyed a morning of delectable pancakes and sausage as well as social interaction. Members of our local Kiwanis youth groups, the Builders Club and the Key Club, were a vital part of making this a successful event.

Upcoming Kiwanis events are the Easter Egg Hunt at 10:00 a.m. on Saturday, April 7th at Liberty Playground and the Fishing Derby, Saturday, May 5th at Elmwood Lake. All residents of Independence are welcome to participate in these free events.

The Quad Cities Community Emergency Response Team (CERT) is having a training and information meeting, Thursday, April 26th, 2007, at the Independence Middle School from 7-9 p.m. The agenda includes a bird flu update by the county Health Department and discussion of the upcoming mock inoculation exercise. All trained CERT members and the public are invited to attend. CERT members, remember to wear your vests and your identification badges.

The Mine is still closed for maintenance and capital improvements. The new dust collector and the new lime slurry are in the final stages of completion. The Mine expects to open next week so Stone Road residents will see an increase in truck traffic.

On this evening's agenda there are several pieces of legislation from the Rules & Ordinances Committee. All of these have been generated by the Building Department. These ordinances are basically housekeeping issues that deal with fence heights and placements, building on cul-de-sac lots and to bring our codes in line with the Ohio Building Code. They are part of our continuing effort to keep our zoning codes current for the 21st century. Our Charter requires Public Hearings for all zoning changes and they were held before the Council Meeting convened.

Finally, a few words on Ordinance 2007-23 which will establish a senior housing zoning code for the City of Independence. Our City's Charter requires that a Public Hearing be held for any zoning changes and the date for that hearing will be April 17th at 5:00 p.m. Just a few brief comments on this ordinance because Councilman Cichocki will address it in detail in his remarks.

Our function as elected officials is to respond to the legitimate concerns of our citizens and to promote a superior quality of life for all of our citizens. The lack of senior housing in Independence has been an issue since the 1980's. There have been numerous attempts to create a senior zoning code, but each has been defeated at the polls including the proposal in November of 2006, which was endorsed by all seven Council Members and the Mayor. But despite these defeats, a determined group of our residents has continued to campaign for senior housing, and through their efforts they have kept the issue before Council. The major reason for the failure of these ballot issues appears to be the concern of the residents of Independence of permitting multi-family housing here. Councilman Cichocki and I believed if the multi-family provision

was removed, the objections to a senior housing zoning code would be vastly reduced. We agreed that this issue should move forward as quickly as possible and so we initiated this ordinance. Ordinance 2007-23 only permits single-family homes – no multi-family units could be built.

I would like to thank Mayor Ramos and Councilman Grendel for adding their names as co-sponsors and I invite the rest of our Council colleagues to join us as additional sponsors so we can take the next step to making senior housing a reality in Independence.

PUBLIC LANDS AND BUILDINGS – (CROOKS):

Councilman Crooks commented, Councilman Cichocki made a comment in Caucus tonight about what a difference one month makes in terms of the weather. We sat here last month and it was a blizzard outside and thanked the three residents for attending. Tonight it's 70 degrees out and my wife is outside pushing our newborn in the stroller. Thank you to the residents who are in attendance tonight who could have been outside tonight enjoying the first nice evening.

The Public Lands & Buildings Committee met last month to discuss several items and among them was the Mapleshade Cemetery expansion. Jeff Markley presented a design and the Committee Members offered their input and expressed the importance of getting the cemetery in a position to continue taking requests for plots of land. The next step in doing so is configuring a roadway for access to the new section and Resolution 2007-38 is legislation that will finance Phase 1 of this project. It will be paid through TIF reimbursements.

Continued discussion for the cemetery expansion plan will take place at our next meeting which is scheduled for next Tuesday, March 20th at 3:00 p.m. At that meeting we'll also continue discussion of the City Hall Courtyard and interior upgrades.

The Zoning Board of Appeals had a brief meeting last month to discuss Mavis Winkles' request to add additional signage to the property outside the Crown Center on Rockside Road. The matter was tabled until the owners of Mavis Winkles have had a chance to sit down and talk with the owner of the property.

Due to a lack of applicants, there will be no Zoning Board meeting this month which was originally scheduled for this coming Thursday.

The Independence Historical Society will host its Annual Spring Banquet on Thursday, May 10, 2007, at the Civic Center at 6:30 p.m. and will feature guests from the Cleveland Restoration Society. The presentation will include historic homes in Independence. I encourage everyone to attend.

Finally, I had a chance to attend the Independence Local Schools' State of the Schools meeting last Thursday evening. I would like to commend them on their strategic approach they have taken in addressing the current and future needs of the District. I trust that they will now turn that strategic planning element into action. Ideas are a mission statement, vision statement,

defined strategies and tactics are all components of an effectively run organization. I wish them well in their continued pursuits.

COMMUNITY SERVICES – (CICHOCKI):

Councilman Cichocki stated, as to my detailed analysis of a senior residential development district, I don't know how much more detailed I can be than Councilman Klepacz.

Over the last month or so there have been a couple of public displays of dissatisfaction with Council. In particular, I'm talking about a letter from John Nicasro, Sr. in the Sun Newspaper. Essentially the letter said, why isn't Council giving us senior housing? I said to myself, we're doing everything we can. The voters keep voting it down.

I had a conversation a couple of weeks ago with Councilman Klepacz and we were expressing some frustration and then a light bulb went off in my head. I said if people want senior housing, we'll give them everything we can give them. We're not in a position to defy the Charter. We're here to uphold it, but that doesn't mean that we can't have a senior housing overlay district. What is contemplated by Ordinance 2007-23 is that the designated land would be what is known as the Fortlage property which is City owned and is located in the southeast corner of Public Square, and then the property owned by Concordia Church in the back. This ordinance does not contemplate that the City is going to buy that property because we don't own it, but we'll create the district. If some developer comes along and says I'll build houses there, maybe this will be a reality. Again, these are not apartments and these aren't condominiums and these are not cluster housing. These are separate detached houses on smaller lot sizes.

Initially this ordinance needs some cleaning up and discussion by the Planning Commission which will be discussing it at their April 3rd meeting. Aside from the Public Hearing scheduled for 5 p.m. on April 17th, the Mayor is going to have City Planner Jeff Markley look this over and make suggestion and adjustments.

To the seniors I'm saying that this is all we can give you and this is as much as the law allows, but we will create a senior district with this legislation.

Mayor Ramos and Councilman Grendel have joined us as sponsors. As Councilman Klepacz indicated, the rest of Council is welcome to come onboard with this.

I told Tara Quinn of the Sun Newspaper today that I don't want to sit in a Sun candidate interview this fall and they comment on how we're always talking about senior housing but we're not doing anything. Well, we're doing what John Nicasro, Sr. asked us to do. We're going to create an alternative if some developer wants to come along and develop senior housing.

Again, this is a first step that may eventually lead to other types of senior housing.

I would also like to comment tonight on Resolution 2007-45. This is a resolution authorizing an expenditure of public funds to connect the property at 6728 Ivandale Drive to the main sanitary sewer line.

I have some difficulty with this legislation. My difficulty stems from the fact that as far as I see, the issue is whether or not the City can legally expend public funds to construct an extension to a sanitary sewer line to serve an undeveloped lot on Ivandale. The question is whether or not we're expending public funds for a public purpose or a private purpose.

Apparently back in 2003 there was a similar issue that arose when I was not on Council. We extended a sewer for a resident on Brookside. At that time there was some conversation between Council Members as to whether it was appropriate or not to do that, and at this point in time we really don't have a policy regarding this.

The Ivandale lot is a lot that was years ago deemed unbuildable by City Officials. It was a ravine. Since that time that ravine has been filled in and now we have a developer who wants to build a house on that lot and sell it for profit. It is my position if a developer wants to develop his own personal property and sell it for profit, he should pay the cost of that, not the City of Independence.

We have an ordinance in our City that says a single undeveloped lot in the City is classified as a minor subdivision. The developer of both minor and major subdivisions has to follow Ordinance 1113 of our Codified Ordinances relative to construction and improvements. In this regard Codified Ordinance Section 1113.02 requires the developer to provide and install at his expense the improvements required to properly develop the lot, including sanitary sewers.

I think any affirmative vote on this would be contrary to our Codified Ordinances. Like the Charter, I swore to uphold the Codified Ordinances and I cannot in good faith vote for a private use of public funds.

STREETS AND SIDEWALKS COMMITTEE – (KURTZ):

Vice Mayor Kurtz stated, reporting from the Planning Commission, there were only two proposals on the March Agenda.

First, there was a lengthy discussion concerning Indexco's proposed 12-lot subdivision off East Ash. Much of that discussion centered around drain water concerns.

Also, Dalad Group requested and received permission to store clean, hard fill on their property at the north end of Lombardo Center Drive. The fill will be stored for later use on their various projects.

During the Planning Commission Caucus, St. Maron's Church introduced a conceptual drawing for a proposed structure on the former Marycrest site (Brookside), which will have a Public Hearing next month.

Reporting from the Streets & Sidewalks Committee, there were several meetings.

To comply with the Finance Committee's request to prioritize future street projects, I have performed a street-by-street survey of the entire City to assess the condition of our streets. I tried

to identify both short-term repair work, as well as major long-term replacement projects. The Committee discussed and will continue to discuss these projects. At the next Streets & Sidewalks Committee meeting I'll provide a copy for my colleagues' review.

As part of the streets condition review process, the City Engineer and Service Director suggested we wait until spring to determine what damage winter (Mother Nature) has played on our streets.

On March 30, 2007, Bill Mason, our Cuyahoga County Prosecutor is sponsoring a seminar on Cutting Edge Strategies & to Combat Predatory Lending and Foreclosure Scams. This issue reared its ugly head in parts of our community and I applaud the County Prosecutor for his efforts.

Finally, I attended the Independence School District's presentation of its Long-Term Strategic Plan. They have provided me a copy, which I appreciate, for a more detailed review. I look forward to continuing to work very closely with the schools in the coming year, and to continue the City-School partnership.

SAFETY COMMITTEE – (GRENDL):

Councilman Grendel stated, I want to comment on four different pieces of legislation at tonight's meeting.

The first is Ordinance 2007-23. I am very delighted to be a co-sponsor of this legislation. We have to start somewhere. We've exhausted the past two committed efforts on the part of the City and most, if not all, elected officials. Both very outstanding plans I thought had a lot of merits and both were defeated at the polls. You have to start somewhere and I think this is a start. I look forward to working with members of Council and the Mayor in getting a presentable ordinance that we can pass and finally have a start to senior housing. I think once we have in place we'll see that it's an asset. Like any issue, it's not going to be for every citizen, but it can satisfy a certain segment of housing that can be a big benefit to the City.

Resolution 2007-32 is authorizing capital improvement funds for the purchase of two AutoPulse Systems in an amount not to exceed \$18,300. Originally we approved the purchase of one of these units for \$12,000. The cost of the units has considerably come down by \$3,000. This will allow us to purchase two units so that each one of our Rescue Squads will contain this equipment. This is a tremendous system that can save lives. We purchased one unit last year so now we have three.

I also want to make mention of Resolution 2007-36 which is authorizing the purchase of six new police vehicles. For the first time in many years we're purchasing a Chrysler product, 2007 Dodge Chargers. There was a study done by the Police Department on these vehicles. This is the second year that Chrysler has offered these for police vehicles through the State Cooperative Purchasing Program. Our Police Department is satisfied with the results of their study.

Finally, from the Safety Committee there is Resolution 2007-44 which authorized the expenditure not to exceed \$15,000 for the Heath Watch Program for the monitory units. This is

something that we've had since 2000. It has been a tremendous service for our City. My mother and my father-in-law who both live alone have this and we feel more comfortable as children knowing that if they fall or if anything should happen that they have this to provide help. It provides peace of mind for the family too. I'm glad we're continuing this program this year.

We will be holding a Safety Committee meeting in the end of April. Numerous residents have mentioned the deer problem that is ever increasing. This is a very difficult issue but we're going to see what we can do. The deer cause a number of concerns such as traffic wise and property damage. I'd like to have some dialogue on this and see if there is anything we can do.

Tomorrow is our Winter Sports Awards Program. Next month I'll make mention of the honorees.

Mayor Ramos commented, as far as Health Watch it would not be possible without the participation and contribution of the Cleveland Clinic. Our residents contribute \$5 per month, the City contributes \$10 per month and the Cleveland Clinic contributes \$10 per month. We appreciate the assistance of the Cleveland Clinic. We appreciate all of our technical volunteers that go into the homes and install the units. This program would not be possible without the generosity of those involved. Thank you everyone for participating in this worthwhile program.

UTILITIES COMMITTEE – (WISNIESKI):

Councilwoman Wisnieski stated, I would like to ask about the new dialysis center. I remember when I served on the Planning Commission we approved the Royal Manor dialysis center. I believe we talked about Independence residents receiving first preference. I wonder if we can discuss this with the new organization and see if they will do the same since this center will be open before Royal Manor.

Mayor Ramos replied, they have not submitted any formal application yet.

Councilwoman Wisnieski responded, perhaps we can let them know that Royal Manor had agreed to giving first preference to Independence residents and possibly they would be willing to do the same. It was just a thought I had.

I would like to mention Ordinance 2007-23 regarding the senior residential district.

Councilwoman Wisnieski asked Mayor Ramos if he could send a personal notification to Concordia or any other property owners involved to let them know about this before they hear it through the grapevine that this overlay has been placed on their land.

Mayor Ramos replied that he would notify them.

Chairwoman Wisnieski stated, the Utilities Committee met on February 20th to finalize the 2007 project designations for both the sanitary and creek maintenance contracts. We authorized the engineer to complete the projects through these bid contracts.

This should conclude the contract planning process for the Utilities Committee for 2007. We will continue to monitor the progress of these projects and any other emergencies that come before us regarding the contracts.

In addition, the Committee received a 5-year forecast recommendation from the City Engineer's office and will forward it on to the Finance Committee by the end of this week.

I would like to respond to Councilman Cichocki's concerns about Resolution 2007-45. I wasn't serving on the Utilities Committee at the time of the Brookside issue and this is the first time I'm Chairperson.

This situation was brought before me and unfortunately, we, as City Officials, have not put a policy in place to address these types of issues. We have set precedents in the past when the City has paid for these connections. With that, I felt it necessary to address this issue. I would like to bring this issue to the Utilities Committee and develop a finalized policy so when we have to address these situations in the future we'll have some guidelines.

In addition, we'll ask the City Engineer's Office for a synopsis of how many other areas or lots that we may have to address that fall under similar circumstances.

While I can understand the concern, we have to address this particular situation and can't just cut it off at this point without a policy in place or study in place.

From my family to your family, I wish everyone a Blessed Easter.

LEGISLATION:

SECOND READING

ORDINANCE 2007-06 AN ORDINANCE AMENDING SECTION 1363.01 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Cichocki, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Cichocki, seconded by Grendel, to adopt. Council polled: 6 yes/0 no; motion carried.

ORDINANCE 2007-07 AN ORDINANCE AMENDING SECTION 1303.03 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Cichocki, to adopt. Council polled: 6 yes/0 no; motion carried.

ORDINANCE 2007-08 AN ORDINANCE AMENDING SECTION 1111.08(a) OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

Moved by Cichocki, seconded by Wisnieski, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Cichocki, to adopt. Council polled: 6 yes/0 no; motion carried.

ORDINANCE 2007-09 AN ORDINANCE AMENDING SECTION 1143.02 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

Moved by Crooks, seconded by Klepacz, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Crooks, seconded by Cichocki, to adopt. Council polled: 6 yes/0 no; motion carried.

ORDINANCE 2007-10 AN ORDINANCE AMENDING SECTION 1303.02 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

Moved by Crooks, seconded by Klepacz, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Crooks, seconded by Cichocki, to adopt. Council polled: 6 yes/0 no; motion carried.

ORDINANCE 2007-11 AN ORDINANCE AMENDING SECTION 1107.19 OF THE CODIFIED ORDINANCES OF THE CITY OF INDEPENDENCE AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

ORDINANCE 2007-12 AN ORDINANCE AMENDING CHAPTER 1341 OF THE CODIFIED ORDINANCES OF THE CITY OF

INDEPENDENCE REGARDING OHIO ~~BASIC~~ BUILDING
CODE AND DECLARING AN EMERGENCY

Moved by Cichocki, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Cichocki, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

ORDINANCE 2007-14 AN ORDINANCE AMENDING SECTION 1111.04(D) OF THE
CODIFIED ORDINANCES OF THE CITY OF
INDEPENDENCE AND DECLARING AN EMERGENCY

Moved by Crooks, seconded by Grendel, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

FIRST READING

ORDINANCE 2007-22 AN ORDINANCE AMENDING ORDINANCE 2002-23
ESTABLISHING RATES OF COMPENSATION FOR
EMPLOYEES OF THE RECREATION DEPARTMENT AND
DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Ordinance 2007-22 was placed on First Reading and referred to the Community Services Committee without objection.

ORDINANCE 2007-23 AN ORDINANCE AMENDING THE ZONING CODE TO
CREATE A SENIOR CITIZEN RESIDENTIAL
DEVELOPMENT DISTRICT IN A CERTAIN DESIGNATED
AREA OF THE CITY AND DECLARING AN EMERGENCY

Moved by Cichocki, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Discussion: Councilwoman Wisnieski stated, although my name doesn't appear as an introducer on this legislation, I just wanted everyone to know that it's not that I don't support it. It appeared in my packet on Friday without prior notification. I really didn't have a chance to ask questions. This doesn't mean that I don't support it or that I won't support it in the future.

Ordinance 2007-23 was placed on First Reading and Planning Commission.

Moved by Klepacz, seconded by Wisnieski, to set a Public Hearing for Tuesday, April 17th at 5 p.m. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-28 A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO OHIO REVISED CODE SECTIONS 321.23 AND 321.34 AND DECLARING AN EMERGENCY

Moved by Cichocki, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Cichocki, to suspend the rule requiring two separate readings. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Cichocki, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-29 A RESOLUTION AUTHORIZING THE HIRING OF MARY T. DOLANSKY AS AN INDEPENDENT CONTRACTOR ON AN AS NEEDED BASIS FOR PROFESSIONAL DESIGN, LAYOUT, GRAPHICS AND COMPOSITION OF THE COMMUNITY SPOTLIGHT AND PROMOTIONAL LITERATURE IN CONJUNCTION WITH THE COMMUNITY SERVICES DEPARTMENT FOR 2007 AND DECLARING AN EMERGENCY

Moved by Cichocki, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

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

Moved by Crooks, seconded by Grendel, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-30 A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR WORK RELATED TO STORM DAMAGE FOR THE ENTIRE CITY AND DECLARING AN EMERGENCY

Moved by Crooks, seconded by Grendel, to read by title only. Council polled: 6 yes/0 no; motion carried.

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

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-31 A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR UPDATING CITY MAPS AND DECLARING AN EMERGENCY

Moved by Crooks, seconded by Grendel, to read by title only. Council polled: 6 yes/0 no; motion carried.

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

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-32 A RESOLUTION AUTHORIZING PAYMENT FROM THE CITY'S CAPITAL IMPROVEMENTS FUND FOR THE PURCHASE OF TWO (2) AUTOPULSE SYSTEMS FOR THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Cichocki, to suspend the rule requiring two separate readings. Council polled: 6 yes/0 no; motion carried.

Moved by Cichocki, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-33 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HYDROSPHERE ENGINEERING FOR PROFESSIONAL HYDROLOGY ENGINEERING SERVICES FOR THE CITY AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Cichocki, to suspend the rule requiring two separate readings. Council polled: 6 yes/0 no; motion carried.

Moved by Cichocki, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-34 A RESOLUTION AUTHORIZING THE PURCHASE OF A LIFTING SYSTEM FOR THE SERVICE DEPARTMENT THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Crooks, seconded by Cichocki, to suspend the rule requiring two separate readings. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-35 A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) COPIERS/MULTIFUNCTIONAL UNITS FOR THE USE IN THE COMMUNITY SERVICES DEPARTMENT AND THE POLICE DEPARTMENT THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

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

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-36 A RESOLUTION AUTHORIZING THE PURCHASE OF SIX (6) 2007 DODGE CHARGER POLICE VEHICLES FOR THE POLICE DEPARTMENT THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY

Moved by Cichocki, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

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

Moved by Grendel, seconded by Crooks, to adopt.

Discussion: Vice Mayor Kurtz commented, I just want to reiterate what I said in Caucus. I'm a Ford man at heart. I will vote "no" because we have all Fords. This is no reflection on the Police Department.

Council polled: 5 yes/1 no (Kurtz); motion carried.

RESOLUTION 2007-37 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ADSOURCE COMMUNICATIONS, INC. FOR THE 2007 PUBLIC RELATIONS PROFESSIONAL COMMUNICATIONS SERVICES AND DECLARING AN EMERGENCY

Moved by Crooks, seconded by Cichocki, to read by title only. Council polled: 6 yes/0 no; motion carried.

Resolution 2007-37 was placed on First Reading and referred to the Community Services Committee without objection.

RESOLUTION 2007-38 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 TO THE 2006 ROAD MAINTENANCE AND REPAIR CONTRACT BETWEEN THE CITY AND ANTHONY ALLEGA CEMENT CONTRACTOR AND DECLARING AN EMERGENCY

Moved by Crooks, seconded by Grendel, to read by title only. Council polled: 6 yes/0 no; motion carried.

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

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-39 A RESOLUTION ACCEPTING THE TERMS AND CONDITIONS OF AN AGREEMENT WITH ALPHA PROPERTY HOLDINGS LLC (PPN 562-28-002) AND DECLARING AN EMERGENCY

Moved by Crooks, seconded by Cichocki, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 5 yes/0 no/1 abstain (Wisnieski); motion carried.

Moved by Grendel, seconded by Crooks, to adopt.

Discussion: Councilwoman Wisnieski stated, I am abstaining because I work for a company that does business with Alpha Property Holdings.

Council polled: 5 yes/0 no/1 abstain (Wisnieski); motion carried.

RESOLUTION 2007-40 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF JOHN B. KORNICK AS THE CITY PLANS EXAMINER

Moved by Crooks, seconded by Cichocki, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Cichocki, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-41 A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR CONSTRUCTION ENGINEERING AND INSPECTION OF ROAD MAINTENANCE AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Cichocki, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Cichocki, to suspend the rule requiring two separate readings. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-42 A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 TO RESOLUTION NO. 2006-188 FOR THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR STORM/SANITARY WORK ON COMMERCE PARK OVAL RELATING TO THE CAVALIER'S TRAINING FACILITY AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Cichocki, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-43 A RESOLUTION AUTHORIZING THE HIRING OF SOLAR TESTING LABORATORIES, INC. FOR CONSTRUCTION OBSERVATION AND MATERIALS TESTING NECESSARY FOR THE CONSTRUCTION OF ROCKSIDE ROAD CENTRAL SECTION AND DECLARING AN EMERGENCY

Moved by Cichocki, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

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

Moved by Cichocki, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-44 A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$15,000.00 TO HEALTH WATCH, INC. FOR EMERGENCY RESPONSE SYSTEMS AND MONITORY SERVICES AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Cichocki, seconded by Wisnieski, to suspend the rule requiring two separate readings. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Wisnieski, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-45 A RESOLUTION AUTHORIZING FUNDS TO CONNECT THE PROPERTY LOCATED AT 6728 IVANDALE DRIVE, INDEPENDENCE, OHIO TO THE MAIN SANITARY SEWER LINE AND DECLARING AN EMERGENCY

Moved by Wisnieski, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Wisnieski, seconded by Crooks, to suspend the rule requiring two separate readings. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to adopt.

Discussion: Councilman Klepacz commented, I'm placed in a difficult position on this piece of legislation. I agree with both Councilwoman Wisnieski and Councilman Cichocki in their reasoning. Since there is no policy in place, therefore, we should do it, and the precedent has been set in the past when she was not on the Committee. I was on the Committee when that particular precedent was set and I had reservations at the time. The amount involved at the time was \$11,870. I made a motion in Caucus tonight to amend the amount contributed by the City to \$12,000 which was approximately what we spent in 2003. I told the developer involved that because I had made that vote in 2003 I would make the motion to limit the amount that the City pay to the amount I voted for in the past. My motion failed for lack of a second. I make that same motion now.

Moved by Klepacz to amend Resolution 2007-45 to read in an amount not to exceed \$12,000. Motion failed for lack of a second.

Councilman Klepacz stated, seeing as I did not have a second again, and as I told the developer and everyone else, I will not be supporting this resolution tonight.

Councilman Cichocki commented, there has been some talk of precedent and following precedent. The precedent was in 2003. At that time I was not on City Council. I think that continuing a bad precedent is not a good thing. By approving this legislation tonight, we are once again affirming to any developer that comes in that we will bear the cost of extending sanitary sewer lines when this is a matter for a private developer in our City. I think that although the precedent had been set it's a bad precedent and we shouldn't continue it.

Councilman Klepacz responded, I would like to add that in Committee I will definitely support that position when we try to establish a policy.

Council polled: 4 yes/2 no (Cichocki, Klepacz); motion carried.

Resolution 2007-45 was not passed on emergency basis and will not take effect for 30 days.

RESOLUTION 2007-46 A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE ROCKSIDE ROAD RIGHT OF WAY TEMPORARY AND FEE EASEMENTS FOR FRONTAGE ROAD "E" AND DECLARING AN EMERGENCY

Moved Grendel, seconded by Crooks, to read by title only. Council polled: 6 yes/0 no; motion carried.

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

Moved by Crooks, seconded by Cichocki, to adopt. Council polled: 6 yes/0 no; motion carried.

RESOLUTION 2007-47 A RESOLUTION AUTHORIZING THE RETENTION OF ELEWSKI & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE 2006 SANITARY MAINTENANCE AND DECLARING AN EMERGENCY

Moved by Grendel, seconded by Cichocki, to read by title only. Council polled: 6 yes/0 no; motion carried.

Moved by Cichocki, seconded by Grendel, to suspend the rule requiring two separate readings. Council polled: 6 yes/0 no; motion carried.

Moved by Grendel, seconded by Crooks, to adopt. Council polled: 6 yes/0 no; motion carried.

Moved by Crooks, seconded by Cichocki, 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 8:37 p.m.

Susan E. Kurshuk, Clerk of Council
